

# Incident Report

## STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0039

### Narrative

actually going up and seeing him. I couldn't really see what he, his facial expressions.

DAI Lacaso: OK.

Officer Rodriguez: Specifically.

DAI Lacaso: And then throughout the, throughout the time when you went and made contact and grabbed his wrist, it sound, you were giving orders to get out.

Officer Rodriguez: Yeah, to get out of the car.

DAI Lacaso: Officer Johnson was. Was the suspect saying anything to you guys during this whole time?

Officer Rodriguez: I don't remember him saying anything. I, I don't remember him saying anything at all. I remember him being quiet. I'm not sure if he had said anything to Officer Johnson prior to that. But when I walked up, I don't remember him saying anything.

DAI Lacaso: OK. And then you said you used your left arm to grab his left below his wrist. Or above his wrist.

Officer Rodriguez: Above his wrist, yeah.

DAI Lacaso: So he, if I'm understanding this right. He must have jerked it, pulled it away from you and then used that same left arm to shut the door?

Officer Rodriguez: Yeah. Exactly.

DAI Lacaso: OK. OK. I don't think I have anything else.

Detective Dewing: Is there anything that we haven't asked you that stands out to you in regards to something that you saw or that you smelled or that you heard that seems significant that maybe we're not touching on?

Officer Rodriguez: No, not that I can think of.

Detective Dewing: OK. Think that's it.

Attorney Davis: I had a couple quick clarifying questions. When Officer Johnson fired his weapon, was the vehicle still proceeding towards you guys?

Officer Rodriguez: Yeah, like it was proceeding in a direction to where we were standing.

Attorney Davis: And you were still concerned at that time that he would strike you?

Officer Rodriguez: Like, absolutely. Absolutely.

Attorney Davis: OK. That, that's all I have.

DAI Lacaso: OK?

Detective Dewing: OK. We're good.

DAI Lacaso: Thank you.

Attorney Davis: Thank you.

DAI Lacaso: Get out of here.

Attorney Davis: You can head upstairs and change out.

Officer Rodriguez: Alright, sounds good.

Attorney Davis: You did a good job (unintelligible 20.06.03).

Officer Rodriguez: I apologize for being a little nervous.

Report Officer  
2571/DEWING, LAUREN RENEE

Printed At  
02/03/2020 10:55

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0039

## Narrative

Attorney Davis: You're fine.

DAI Lacaso: Understand. It's just warm in here.

Detective Dewing: It is.

(Detective Dewing, DAI Lacaso, Officer Rodriguez and Attorney Davis leave the room at 20.06.19)

(Disk ends at 20.06.53)

*(End of Statement)*

### INVESTIGATION (continued):

At the completion of the interview, we all exited the interview room.

The maps shown to Officer Rodriguez and a copy of his interview were booked into the SPD Property Room under property tag #B122980.

### ATTACHMENTS :

None

### EVIDENCE :

Google Maps shown to Officer Rodriguez  
DVD-R with interview of Officer Rodriguez

### DISPOSITION :

Refer to Original

Report Officer  
2571/DEWING, LAUREN RENEE

Printed At  
02/03/2020 10:55

# Incident Report STOCKTON POLICE DEPARTMENT

**17-13946**Supplement No  
**0040****22 E WEBER ST.  
STOCKTON, CA 95202****(209) 937-8495**Reported Date  
**04/27/2017**  
Rpt/Incident Typ  
**245**  
Member#  
**WESTDAL, MICHAEL**

## Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
<b>STOCKTON POLICE DEPARTMENT</b>	<b>17-13946</b>	<b>0040</b>	<b>04/27/2017</b>	<b>04:15</b>
CAD Call No	Status	Rpt/Incident Typ		
<b>171060493</b>	<b>EIT REPORT TO FOLLOW</b>	<b>ASSAULT WITH A DEADLY WEAPON</b>		
Location				City
<b>S FILBERT ST/E WASHINGTON ST</b>				<b>Stockton</b>
ZIP Code	Rep Dist	District	Sector	From Date
<b>95205</b>	<b>0202</b>	<b>PA</b>	<b>PN</b>	<b>04/16/2017</b>
From Time				
<b>13:03</b>				
Member#				
<b>8241/WESTDAL, MICHAEL</b>				
Assignment			Entered By	
<b>Field Evidence Section-4th Watch Phase 2</b>			<b>8241</b>	
Assignment			RMS Transfer	Prop Trans Stat
<b>Field Evidence Section-4th Watch Phase 2</b>			<b>Successful</b>	<b>Successful</b>
Approving Officer	Approval Date	Approval Time		
<b>2459</b>	<b>04/27/2017</b>	<b>08:50:43</b>		

## Summary Narrative

I (SR ET M. Westdal 8241) collected buccal/cheek swabs from suspect Edgar Montoya 11-19-90 and booked them into the property section.

## Modus Operandi

Physical Evidence	Crime Code(s)
<b>DNA EVIDENCE (ORAL SWAB)</b>	<b>Assaults</b>

## Narrative

### NOTIFICATION :

On 4-25-17 I (Sr ET M. Westdal 8241) was dispatched to 22 E. Market St (SPD) to collect buccal/cheek dna swabs at the request of Ofc. L. TALAMANTES 2076. I arrived at 1945 hours.

### INVESTIGATION :

Upon arrival, I collected buccal/cheek swabs from Suspect Edgar MONTOYA 11-19-1990. I collected the swabs using two swabs simultaneously.

At 2010 hours, I changed location to 22 E. Weber Av (Evidence Identification Section). Upon arrival at 2012 hours, I secured the swabs into an (EIS) holding locker to dry.

On 4-27-17 at approx. 0300 hours, I checked out the swabs from an (EIS) locker and booked them on property record B123156 and secured them into a property section freezer.

### EVIDENCE :

(Buccal Swabs)

Collected from Suspect Edgar MONTOYA 11-19-90.

Report Officer  
**8241/WESTDAL, MICHAEL**Printed At  
**02/03/2020 10:56**

# Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0041



22 E WEBER ST.  
STOCKTON, CA 95202  
  
(209) 937-8495

Reported Date  
04/27/2017  
Rpt/Incident Typ  
245  
Member#  
RASH, KELSEY

## Administrative Information

Agency <b>STOCKTON POLICE DEPARTMENT</b>	DR <b>17-13946</b>	Supplement No <b>0041</b>	Reported Date <b>04/27/2017</b>	Reported Time <b>08:25</b>
CAD Call No <b>171060493</b>	Status <b>EIT REPORT TO FOLLOW</b>	Rpt/Incident Typ <b>ASSAULT WITH A DEADLY WEAPON</b>		
Location <b>S FILBERT ST/E WASHINGTON ST</b>				City <b>Stockton</b>
ZIP Code <b>95205</b>	Rep Dist <b>0191</b>	District <b>PA</b>	Sector <b>PN</b>	From Date <b>04/16/2017</b>
Member# <b>2564/RASH, KELSEY</b>		Assignment <b>Field Evidence Section</b>		Entered By <b>2564</b>
Assignment <b>Field Evidence Section</b>		RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>2459</b>
Approval Date <b>04/27/2017</b>		Approval Time <b>08:51:01</b>		

## Summary Narrative

ATTN: DETECTIVE L. DEWING #2571

I (ET K.RASH #2564) booked swab evidence

## Modus Operandi

Physical Evidence <b>DNA EVIDENCE (OTHER THAN ORAL SWAB)</b>	Crime Code(s) <b>Assaults</b>
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## Narrative

### NOTIFICATION :

On 4/27/2017 I (ET K.RASH #2564) arrived at 22 E Weber Ave (Evidence Identification Section) to book previously secured evidence.

I arrived at 0800 hours.

### INVESTIGATION :

Upon arrival I removed previously secured swab evidence, to include two(2) swabs for possible DNA from the exterior of an ammo magazine and two(2) water blanks, from evidence locker #42.

I packaged and booked the evidence onto property record B123161.

I cleared at 0825 hours.

### EVIDENCE :

(Physical Evidence)

I turned in the following physical evidence to the Property Section on property record B123161:

Item 1: Two(2) swabs for possible DNA from the exterior of black ammo magazine loaded with (17) rounds, found in red cooler in top southeast cabinet of closet of Room D: North Room(ITEM 1, B123003)

Item 2: Two(2) swabs of water blanks from Lot#15D16

Report Officer <b>2564/RASH, KELSEY</b>	Printed At <b>02/03/2020 10:56</b>
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# Incident Report

## STOCKTON POLICE DEPARTMENT



22 E WEBER ST.  
STOCKTON, CA 95202

(209) 937-8495

17-13946

Supplement No  
0042

Reported Date  
05/02/2017  
Rpt/Incident Typ  
245  
Member#  
DEWING, LAUREN RENEE

### Administrative Information

Agency <b>STOCKTON POLICE DEPARTMENT</b>		DR <b>17-13946</b>	Supplement No <b>0042</b>	Reported Date <b>05/02/2017</b>	Reported Time <b>15:23</b>
CAD Call No <b>171060493</b>	Status <b>ARREST</b>	Rpt/Incident Typ <b>ASSAULT WITH A DEADLY WEAPON</b>			
Location <b>S FILBERT ST/E WASHINGTON ST</b>					City <b>Stockton</b>
ZIP Code <b>95205</b>	Rep Dist <b>0191</b>	District <b>PA</b>	Sector <b>PN</b>	From Date <b>04/16/2017</b>	From Time <b>13:03</b>
Member# <b>2571/DEWING, LAUREN RENEE</b>			Assignment <b>ROBBERY PHASE 1</b>	Entered By <b>2571</b>	
Assignment <b>ROBBERY PHASE 1</b>		RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>1240</b>	Approval Date <b>05/02/2017</b>
Approval Time <b>16:29:03</b>					
# Offenses <b>1</b>	Offense <b>PC245 (A) (1)</b>	Description <b>FORCE OR ADW NOT FIR</b>		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses <b>2</b>	Offense <b>PC245 (C)</b>	Description <b>ADW NOT A FIREARM PO</b>		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses <b>3</b>	Offense <b>PC69</b>	Description <b>OBSTRUCT/RESIST EXEC</b>		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses <b>4</b>	Offense <b>PC594 (B) (1) FEL</b>	Description <b>VANDALISM (\$400 OR M</b>		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses <b>5</b>	Offense <b>PC29800 (A) (1)</b>	Description <b>EX-FELON WITH A FIRE</b>		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses <b>6</b>	Offense <b>PC32310</b>	Description <b>POSS/MFG/SELL LRG CA</b>		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses <b>7</b>	Offense <b>PC273 5(A)</b>	Description <b>INFLECT CORP INJURY</b>		Complaint Type	
NIBRS				[A_C]	[MOE]
# Offenses <b>8</b>	Offense <b>PC236</b>	Description <b>FALSE IMPRISONMENT W</b>		Complaint Type	
NIBRS				[A_C]	[MOE]

### Summary Narrative

Formal arrest report and booking of (ARR) Edgar Montoya

Report Officer <b>2571/DEWING, LAUREN RENEE</b>	Printed At <b>02/03/2020 10:56</b>
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# Incident Report

## STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0042

### ARRESTED 1: MONTOYA, EDGAR

Involvement <b>ARRESTED</b>	Invl No <b>1</b>	Type <b>Individual</b>						
Name <b>MONTOYA, EDGAR</b>							MNI <b>941651</b>	
Race <b>Hispanic/Mexican/Latin</b>	Sex <b>Male</b>	DOB <b>11/19/1990</b>	Age <b>26</b>	Juvenile? <b>No</b>	Height <b>5'10"</b>	Weight <b>175#</b>	Hair Color <b>Black</b>	Eye Color <b>Brown</b>
PRN <b>3218960</b>								
Type <b>Home</b>	Address <b>[REDACTED]</b>							
City <b>SAN JOAQUIN C</b>	State <b>CALIFORNIA</b>	ZIP Code <b>95205</b>	Date <b>05/02/2017</b>					
Type <b>Operator License</b>	ID No <b>D8325542</b>	OLS <b>CALIFORNIA</b>						
Mark Type <b>TATTOO</b>	Mark Code <b>CHEST</b>							
Description <b>cursive writing</b>								
Mark Type <b>TATTOO</b>	Mark Code <b>LEFT CHEEK</b>							
Description <b>four dots</b>								
Mark Type <b>TATTOO</b>	Mark Code <b>RIGHT CHEEK</b>							
Description <b>one dot</b>								
Mark Type <b>TATTOO</b>	Mark Code <b>LEFT HAND</b>							
Description <b>G</b>								
Mark Type <b>TATTOO</b>	Mark Code <b>LEFT SHOULDER</b>							
Description <b>priscilla</b>								
Involvement <b>Arrested</b>	Arrest Type <b>Arrested</b>	Arrest Date <b>04/16/2017</b>	Arrest Time <b>13:15:00</b>	Book Date <b>04/25/2017</b>	Book Time <b>20:43:00</b>	Status <b>Booked</b>	Dispo <b>FELONY</b>	
Arrest Location <b>S FILBERT ST/E WASHINGTON ST</b>							City <b>Stockton</b>	
Fingerprt Taken? <b>Yes</b>	Mug? <b>Yes</b>	Place of Birth <b>CALIFORNIA</b>						
Charge <b>PC245 (C)</b>	Counts <b>2</b>	Level <b>F</b>	Charge Literal <b>ADW NOT A FIREARM PO</b>					
Charge <b>PC273 5 (A)</b>	Level <b>F</b>	Charge Literal <b>INFLECT CORP INJURY</b>						
Charge <b>PC245 (A) (1)</b>	Level <b>F</b>	Charge Literal <b>FORCE OR ADW NOT FIR</b>						
Charge <b>PC29800 (A) (1)</b>	Level <b>F</b>	Charge Literal <b>EX-FELON WITH A FIRE</b>						
Charge <b>PC236</b>	Level <b>F</b>	Charge Literal <b>FALSE IMPRISONMENT W</b>						
Charge <b>PC69</b>	Level <b>F</b>	Charge Literal <b>OBSTRUCT/RESIST EXEC</b>						
Charge <b>PC32310</b>	Level <b>F</b>	Charge Literal <b>POSS/MFG/SELL LRG CA</b>						
Charge <b>PC594 (B) (1) FEL</b>	Counts <b>2</b>	Level <b>F</b>	Charge Literal <b>VANDALISM (\$400 OR M</b>					

### Modus Operandi

Crime Code(s)  
**Assaults**

### Narrative

#### NOTIFICATION:

On Sunday 04/16/2017, (ARR) Edgar Montoya was arrested for the listed charges following an officer involved

Report Officer  
**2571/DEWING, LAUREN RENEE**

Printed At  
**02/03/2020 10:56**

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**STOCKTON POLICE DEPARTMENT**

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Supplement No  
**0042**

**Narrative**

shooting. Due to Montoya sustaining injuries, he was transported to UC Davis Medical Center for treatment.

On 04/25/2017, Montoya was discharged from the hospital. I (Detective Dewing/I-12) requested transporting unit Officer Talamantes coordinate collecting buccal/cheek DNA swabs from Montoya pursuant to being charged with multiple felonies.

Officer Talamantes advised Montoya would then be transported to and booked into San Joaquin County Jail.

Refer to a prior supplemental report for Montoya's statement.

Report Officer  
**2571/DEWING, LAUREN RENEE**

Printed At  
**02/03/2020 10:56**

# Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0043



22 E WEBER ST.  
STOCKTON, CA 95202

(209) 937-8495

Reported Date  
05/08/2017  
Rpt/Incident Typ  
245  
Member#  
DONOVAN, ANDREW

## Administrative Information

Agency <b>STOCKTON POLICE DEPARTMENT</b>		DR <b>17-13946</b>	Supplement No <b>0043</b>	Reported Date <b>05/08/2017</b>	Reported Time <b>13:26</b>
CAD Call No <b>171060493</b>	Status <b>RTF INVESTIGATIONS</b>	Rpt/Incident Typ <b>ASSAULT WITH A DEADLY WEAPON</b>			
Location <b>S FILBERT ST/E WASHINGTON ST</b>					City <b>Stockton</b>
ZIP Code <b>95205</b>	Rep Dist <b>0191</b>	District <b>PA</b>	Sector <b>PN</b>	From Date <b>04/16/2017</b>	From Time <b>13:03</b>
Member# <b>2331/DONOVAN, ANDREW</b>			Assignment <b>ROBBERY PHASE 1</b>	Entered By <b>2331</b>	
Assignment <b>ROBBERY PHASE 1</b>	RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>1293</b>	Approval Date <b>05/10/2017</b>	
Approval Time <b>16:31:32</b>					

## Summary Narrative

Statement of VIC

## Modus Operandi

Crime Code(s)  
**Assaults**

## Narrative

### NOTIFICATION :

I (Detective Donovan/I14) along with Team #2 conducted the following interview.

### INVESTIGATION :

On Sunday 04/16/17, Team #2 was assigned to conduct the following interview of VIC. We conducted the interview at the SEB in interview room #3 where VIC told us the following in summary.

### STATEMENT OF (VIC) :

(Disk starts at 17.51.53)

(Detective Donovan and VIC enter the room at 17.53.38)

Detective Donovan: Alright.

DAI Novetzke: Do you want to go, take care of, go use the restroom right now?

VIC: Yeah. Are you guys going to talk to me right now? Or?

Detective Donovan: It will be a couple minutes.

VIC: Oh, then I'll go to the restroom now.

Detective Donovan: OK.

(Detective Donovan and VIC leaves the room at 17.53.54)

Officer: Just follow me this way, please.

(VIC enters the room at 17.56.02)

Detective Donovan: I'll be back in a couple minutes. OK?

Report Officer <b>2331/DONOVAN, ANDREW</b>	Printed At <b>02/03/2020 10:56</b>
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### Narrative

VIC: OK.

Detective Donovan: Thank you.

VIC: Mm hmm.

(Door shuts at 17.56.05)

(Detective Donovan and DAI Novetzke enter the room at 18.43.13)

Detective Donovan: Hi VIC. I'm Andrew Donovan. I'm a detective here at Stockton Police Department. This is my partner here.

DAI Novetzke: Hi, my name is Tim Novetzke. I'm an investigator with the DA's office.

Detective Donovan: So, we want to talk to you about today. Do you need to take any breaks or anything let us know. If you need to get a drink or go to the bathroom. Say so we can stop any time. Need a snack or something. We got some snacks we can get you.

VIC: I'm not even hungry.

Detective Donovan: OK.

VIC: To be honest.

Detective Donovan: OK. You're OK right now?

VIC: Yeah.

Detective Donovan: OK. I appreciate you coming down here and talking to us. I basically wanted to start off with some real basic information. I know you probably gave this information out twenty times already. But, trying to make sure I have it all right for my, my records. So it's VIC, right?

VIC: Yeah.

Detective Donovan: [REDACTED]?

VIC: Yeah. [REDACTED].

Detective Donovan: And your last name?

VIC: It's [REDACTED]

Detective Donovan: VIC.

VIC: Yeah.

Detective Donovan: And what's your birthday?

VIC: [REDACTED].

DAI Novetzke: Do you have a middle name VIC?

VIC: No.

DAI Novetzke: OK.

Detective Donovan: What is your current phone number?

VIC: It's [REDACTED].

Detective Donovan: And then what is a good address for you?

VIC: I have a PO Box. I have a mailing address. Cause right now I was staying with him.

Report Officer  
2331/DONOVAN, ANDREW

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# Incident Report

## STOCKTON POLICE DEPARTMENT

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### Narrative

Detective Donovan: OK.

VIC: But I'm not going to be staying with him no more. So it's not going to be a good address.

Detective Donovan: What was that address?

VIC: [REDACTED], here in Stockton.

Detective Donovan: You know the zip code there?

VIC: Maybe it's 9-5.

Detective Donovan: 2-0

VIC: 2-0-5, I'm not sure.

Detective Donovan: If you don't know that's not a big deal.

VIC: No.

Detective Donovan: What's your, what's your PO Box?

VIC: [REDACTED].

Detective Donovan: Do you know the zip code there?

VIC: Yeah, it's [REDACTED].

Detective Donovan: Is that where you're from is Manteca?

VIC: Yeah, because I was living with my mom in Manteca. But then she had to turn in her apartment so we moved into Stockton.

Detective Donovan: OK. Are you going to be staying there with your mom again?

VIC: Well right now my mom is staying with us.

Detective Donovan: OK.

VIC: Cause she didn't have the apartment but, we're going to be looking for a place.

Detective Donovan: OK. Do you have another phone number just in case this number doesn't work? That we can reach you at?

VIC: Yeah, because I don't even have my phone. Everything's inside the truck.

Detective Donovan: Oh is it?

VIC: Yeah.

Detective Donovan: OK.

VIC: I don't know if I can.

Detective Donovan: I'll try, I'll try on making sure we get your phone for you. OK?

VIC: Also I have another question, cause I know the officer told me to ask the detective. That's you guys right?

Detective Donovan: Mm hmm.

VIC: So, how is it going to work for the vehicle? Because that's the only vehicle I have to transport my kids to school.

Report Officer  
2331/DONOVAN, ANDREW

Printed At  
02/03/2020 10:56

# Incident Report

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Supplement No  
0043

### Narrative

Detective Donovan: OK.

VIC: And he was driving it.

Detective Donovan: OK. I'll try, I'll try and work that out for you. By the end of, by the end of today. And see if we can get it released to you all. I'll try and work that out for you. OK?

VIC: I would appreciate that.

Detective Donovan: You said that's your only, your only vehicle?

VIC: That's my only vehicle.

Detective Donovan: OK. Yeah, I'll try to work that out for you. OK?

VIC: OK.

Detective Donovan: I don't have an answer for you yet, but I'll try and get one. OK?

VIC: OK.

Detective Donovan: So you did have an alternate phone number?

VIC: I have my mom's.

Detective Donovan: OK. What's that number?

VIC: It's [REDACTED].

Detective Donovan: Alright.

DAI Novetzke: What's your mom's name?

VIC: [REDACTED].

Detective Donovan: How many kids do you have?

VIC: I have two.

Detective Donovan: How old are they?

VIC: Nine and five.

Detective Donovan: Are they with Edgar?

VIC: No.

Detective Donovan: No? OK.

VIC: No. No kids with him.

Detective Donovan: No kids at all with him? OK.

VIC: With him, no.

Detective Donovan: What's your nine year old's first name?

VIC: [REDACTED].

Detective Donovan: [REDACTED]?

VIC: Mm hmm.

Detective Donovan: What about your five year old?

Report Officer  
2331/DONOVAN, ANDREW

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02/03/2020 10:56

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VIC: [REDACTED].

Detective Donovan: And are they?

VIC: I also have a step-daughter.

Detective Donovan: OK.

VIC: Which is Edgar's.

Detective Donovan: That's his daughter?

VIC: His daughter only.

Detective Donovan: What's her name?

VIC: I don't know if that matters. [REDACTED] [REDACTED] [REDACTED] [REDACTED] Double [REDACTED].

Detective Donovan: [REDACTED]?

VIC: Yeah, [REDACTED].

Detective Donovan: Do you know what her birthday is?

VIC: Her birthday is [REDACTED], she's four years old.

Detective Donovan: OK.

VIC: [REDACTED]. Twenty something.

DAI Novetzke: Just forgot to turn on the recorder here.

Detective Donovan: So is [REDACTED] and [REDACTED], are they somewhere safe right now?

VIC: Yeah, they're with my mom.

Detective Donovan: They're with your mom? OK. And where's your mom at right now?

VIC: Well she was at the house, but when I called her and told her what had happened I told her to just grab the kids and go to my aunt's house.

Detective Donovan: OK. Do you know your aunt's address? That I need to get that. Is that somewhere you might be like?

VIC: No, because I don't know. I have so many aunt's I don't know which aunt.

Detective Donovan: OK. No big deal.

VIC: She won't.

Detective Donovan: How long have you and Edgar been together for?

VIC: Almost a year.

Detective Donovan: Almost a year? And his name is Edgar Montoya right?

VIC: Yes.

Detective Donovan: Do you happen to know his birthday?

VIC: November 19, 1990.

Detective Donovan: You guys been together for almost a year?

Report Officer  
2331/DONOVAN, ANDREW

Printed At  
02/03/2020 10:56



# Incident Report

## STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0043

### Narrative

VIC: Almost. In June. May, June it will be a year.

Detective Donovan: How long have you guys lived together for there on [REDACTED]?

VIC: On [REDACTED]? That was recently because we just barely got the house. So maybe two months maybe.

Detective Donovan: Did you guys live together prior to that somewhere else?

VIC: Yeah, he stayed at my mom's house.

Detective Donovan: OK. How long did he stay there with, with you and your mom for?

VIC: Mm, that was for at least eight, nine months. A couple months.

Detective Donovan: OK.

DAI Novetzke: That was in Manteca?

VIC: Yeah, Manteca.

Detective Donovan: Do you know that, what that address was?

VIC: It's [REDACTED]. And it was apartment [REDACTED]. That's in Manteca.

Detective Donovan: OK. So can you take us just through your day today or something. Like what time you got up and go from there. Like what happened basically. Time you woke up this morning till what brings you here?

VIC: Yeah, I mean I can tell you parts. Because most of it like, I'll forget and then it comes back.

Detective Donovan: OK.

VIC: So in the morning woke up. Not sure what time. But we were already, there was tension. I'm not sure why but we started arguing. But it was just verbal. Nothing happened. We went to the store. We got the kids candy because it's Easter. And then we bought some groceries. We came back home. We were going to go to the bank because he had to use twenty dollars from his debit card. And they were going to the car payment. And then it was going to overdraft. So we had my mom, ask my mom to let us borrow money. So that's the reason why we were going to the bank.

Detective Donovan: OK.

VIC: And we were going to the bank, but we never made it to the bank. Because then we started arguing. Cause when we took out, off from the house. Well before that we went to put gas in his sister's car. And then we came back, dropped off his sister car because it wasn't really running good. So we picked up my truck. And then we were going to go to the bank. And then the stop sign when he made that left turn. He started like burning rubber. And I told him, 'Don't do that. Don't do that in my truck. Because you're going to cause an accident.' And it's two wheel so I've had an accident in that truck before. So I already know how it's, it moves. And he started like getting mad. He's like, oh, blah, blah, blah. This and that. We just argued. And then we still took off and I told him, 'You know what? Take me back to the house.' And he's like, 'No I'm not going to take you back. No we're going to go do what we had to do.' Which was go take the money out and put it in his bank account. I said, 'No, I'm not going to do that no more. I'm not going to give you the twenty dollars.' I'm like, 'You, you're going to eat at the house too, so why do I have to give you the twenty dollars when I bought all the groceries?' And he's saying, 'Oh that's my house.' This and this and that. We started arguing. And then that's when he started, he got mad because he started saying, 'Oh when I first met you, you didn't have a job.' This and this and that. And I told him, well I was like, 'Well, you were basically walking when I met you too.' And I don't know if he got mad, that's when he hit me. And then we just started hitting.

(Disk ends at 16.51.53)

(Disk starts at 18.51.53)

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VIC: But we were already on top of. We were already on the freeway. On the freeway and I tried to honk. To like get other people's attention on the freeway. And he still kept driving. Kept punching me. Kept hitting me. So what I did, I took off my seatbelt and I just tried to kick him so he can stay away from my face. But that didn't really work because his arms were still swinging at me. And I did kick him a couple times. And after that, honestly I don't know what exit he got off of. Because my head was down the whole time. I don't know what exit he got off of. But it had to be somewhere close to the area where the incident happened. Because I walked around the block. I managed to get off of the truck. While he was still hitting me and he was

grabbing me telling me not to get off. Not to off. And I told him, 'No.' Kept telling him to stop the car so I can get off. He wouldn't do it. I opened the car. The door, the car was still going so I was kind of thinking about if I should jump off or not. And I didn't. So I closed the door but closed it. He came to a stop sign. And then that's when I managed to open the door and he grabbed me. Not wanting to let me go. And he still punch me more times. In my face. And I don't know if he got my back because when I turned around to try to open the door. I know he hit me a couple more times. I felt it. I don't know where. I just, cause you know when everything happens so fast. So when I opened the door I managed to get out and I just ran. And that's when he did the U-turn and came basically chasing me. And when I came on that block. I think it was Washington?

Detective Donovan: Yes

VIC: That's when there was people, neighbors around. And I asked them if they can help me. And they just basically ignored me. And he was laughing about it. And when I asked this other lady if she can let me borrow her phone. They just drove off. And finally this other lady was nice enough to let me use her phone. And that's when I called my mom and I told her what had happened. And I told her to grab the kids and leave the house. And she said, 'Well if he hit you, I'm going to call the cops.' And I said, 'No, don't even worry about it. I already called the police.' And then he disappeared. He had left. And he came back. And the neighbor from the house, the house I was trying to hide on the curve of the street behind his truck. I don't know if he was maybe leaving or something. And he saw me there. And he actually helped me because when he came, Edgar came driving back towards the stop sign towards Filbert Street. He was saying, 'Oh I'm sorry. Let's go home. Everything's going to be alright. We don't have to do this.' And I told, I got mad. So I told him, 'No.' To leave me alone. I don't want to go with him nowhere no more. And that's when the police officer came. I called the police. And then they came. And then Edgar was already, he had got inside the truck. When the police officer made that right turn. I think it's a right turn. Onto Washington. And Filbert and I went like this. (Points finger) That, that was him. Because he was about to take off. And then the police officer blocked him. So he crashed into the police officer. And then he put, I guess he put the reverse because he went, I saw the truck go back. And it hit the car that was in the back. Of him. And then he went to the front. And he hit the police officer's car. And then after that I don't know if he went back again or what happened. Because I ducked down. Because I heard fire shots. Shooting towards the truck. So, and then I head down from there. After I don't know, a lot of things happened. The police officers were trying to get him. When I got back up to see what was going on. Cause there was a car blocking the view. I just seen him on the floor laying down in front of the truck. Like I just seen his feet on the street. And his head facing that way where the grass is. And they were, he was already in custody.

Detective Donovan: Had him in custody?

VIC: Well I don't know if he, he's in custody or not? But he was handcuffed.

Detective Donovan: OK.

VIC: Like he was already like that. But I think the ambulance took him. I'm not sure.

Detective Donovan: OK.

VIC: Cause then I was speaking to the officer inside the residence house. Inside the garage. So I didn't see when he left or when they put him in the ambulance. Or anything like that.

Detective Donovan: And then ultimately it sounds like you got transported by an ambulance?

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VIC: Yes, the ambulance took to me to the, I don't know what the hospital's called.

Detective Donovan: Is it Dameron?

VIC: Yeah.

Detective Donovan: OK.

VIC: It's probably Dam, to that one. And then I was just there. They checked me. Did x-rays. The normal procedures that they do. And then somebody came. I guess an investigator or something. They took pictures.

Detective Donovan: OK.

VIC: After the pictures, yeah I was just speaking to the officer again. He waited there for me and we came here.

Detective Donovan: OK. Was it the blonde officer with the short hair?

VIC: Yeah, that one that came with.

Detective Donovan: OK. OK. I just want to kind of back up and go a little bit. A little bit slower.

VIC: OK.

Detective Donovan: I know it's hard for you.

VIC: Yeah, cause everything happened so fast. You know.

Detective Donovan: I understand. Like I said if you need a break, just let us know. That's no problem. OK? So you went and got gas in your sister's car.

VIC: His sister's.

Detective Donovan: His sister's car. I'm sorry. And then you went and dropped that car back off at home.

VIC: Yes, at home.

Detective Donovan: And you guys got your.

VIC: My truck.

Detective Donovan: Your Durango.

VIC: Uh huh.

Detective Donovan: And then from there you, you're going to the bank?

VIC: Yeah, we were going to Bank of America.

Detective Donovan: Which.

VIC: No, actually Wells Fargo. I'm sorry. Wells Fargo.

Detective Donovan: Which bank, which branch were you going to go to, Wells Fargo.

VIC: The one on El Dorado I guess.

Detective Donovan: OK.

VIC: It's the one right there by, cause that's the main one we go to. I don't know if there's another bank or not.

Detective Donovan: Do you know at what point you guys got on the freeway? What, what onramp it was?

VIC: I don't know if it was Golden Gate. Honestly I don't remember because we were already arguing and like everything that was already going on. Cause we, he literally like hit when we jumped on the freeway.

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Detective Donovan: OK.

VIC: So we're not even on the, actually we're barely hopping on. You know what I mean? Like merging into.

Detective Donovan: That's when he started hitting you?

VIC: Yeah. And then we got on the, we crossed town. I know that. Cause I managed put my head back up and I saw that. We were crossing town and then after that I don't know. I don't know where we exited.

Detective Donovan: OK.

DAI Novetzke: So were you on 99 then?

VIC: I think it was 99.

Detective Donovan: When you guys are on the freeway, how many times do you think he hit you?

VIC: Oh it was a lot. We were, it was going back and forth.

Detective Donovan: OK. Did he have anything in his hands? Or was it like his fist? Or was it?

VIC: It was his fist.

Detective Donovan: OK. Is his fist like closed?

VIC: His fist was closed. Because I kept telling him to stop already. And I try to kick him so he can stop or like move away from me.

Detective Donovan: Mm hmm.

VIC: And he felt, made him do it even more.

Detective Donovan: OK. Do you know, do you remember if it was his right hand or left hand?

VIC: It was his, it had to be this one. Cause he's driving. (Lifts up right hand) I don't know.

Detective Donovan: OK. You don't know. That's fine. You don't have to.

VIC: I didn't even see the first hit coming out on him. So I don't know which one he used.

Detective Donovan: OK. You say he hit you a lot? How many do you think that is? Like more then three? Or?

VIC: Oh definitely more then three.

Detective Donovan: OK. Like more than ten? I mean do you?

VIC: About ten maybe?

Detective Donovan: OK.

VIC: If, if that.

Detective Donovan: OK.

VIC: If not more.

Detective Donovan: And it was in your face and?

VIC: Cause I was in the freeway and still on the street when I was trying to get off the car.

Detective Donovan: OK.

VIC: So, it had to be more than that.

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Detective Donovan: OK. And you said at one point, grabbed your arm? When you were trying to get out of the car?

VIC: Yeah. If you can see, he grabbed me right here.

Detective Donovan: Did they take photographs of that as well?

VIC: Yeah. They took a picture of this in the process because he tried to keep pulling me inside. So I wouldn't get off.

Detective Donovan: OK. And that's when you guys stopped, or got off the freeway?

VIC: Yeah, we were already off the freeway.

Detective Donovan: OK. And what about your inner arm here. Is where you grabbed it like earlier? That's where you grabbed it, I don't know if that was where he grabbed you at.

VIC: No, he just grabbed my arm.

Detective Donovan: OK.

VIC: Yeah. I mean I don't know. I haven't checked if I have anything else.

Detective Donovan: And they. But they came and took photographs of everything else? OK.

VIC: Yeah. They took pictures of this and that. And like that.

Detective Donovan: OK.

VIC: My face.

Detective Donovan: Is there injuries on your back as well too?

VIC: I don't know because she took pictures and it was kind of painful.

Detective Donovan: OK.

VIC: Like my upper back.

Detective Donovan: Did the hospital say what it, what injuries you had? Like as far as any broken bones or anything?

VIC: No, they took x-rays of my jaw. They just said there was no fracture.

Detective Donovan: OK. What about your teeth? He mess up any of your teeth or?

VIC: No.

Detective Donovan: OK.

VIC: Mm mmm. It was just my lip more then.

Detective Donovan: OK. So you guys got off the freeway somewhere on, you're not quite sure where.

VIC: I'm not quite sure where. But I'm pretty sure it has to be somewhere around Filbert. Because that's the area where we were at.

Detective Donovan: OK.

VIC: And I know there's an exit right there.

Detective Donovan: So as soon you guys get off the freeway at what point do you try and get out of the car?

VIC: I don't know. Because I was, so this one. This is Filbert.

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Detective Donovan: I have a map here just hold on.

VIC: OK.

Detective Donovan: I don't know if it will help you or not, but.

VIC: Cause I'm not very familiar with that area, but.

Detective Donovan: Alright, so here's Filbert.

VIC: We were right here, right? I think it was right here.

Detective Donovan: This is where, yeah this is where you guys ended up at.

VIC: Yeah. OK, so. I walked all this block and I got off right here. This is where I got off.

Detective Donovan: So you got out of the car over here?

VIC: Yeah, somewhere in this stop sign. Because there was a dead end.

Detective Donovan: OK.

VIC: There's a dead end and I walked, I ran this. Unless it was this street. Is this a street too?

Detective Donovan: Yeah.

VIC: OK, yeah because I only went. I don't know. We're all the way up to the dead end. So if the dead end is right here. Then we came all the way up here. But I know I walked, I ran this way to the street.

Detective Donovan: Actually this is, this is going to be an alley. I'll thought my partner printed out bigger pictures. I'm sorry.

VIC: It's OK.

Detective Donovan: So here's Filbert.

VIC: Mm hmm.

Detective Donovan: And here is Washington.

VIC: Washington. Yeah, so, this is a dead end right? Yeah, there's like a stop sign right here. It'll be somewhere right here. Cause if this is not a street.

Detective Donovan: So he.

VIC: And I know I ran to the corner.

Detective Donovan: So.

VIC: And I got off and I ran. This way towards this street.

Detective Donovan: Did he just get off of the freeway? Off the crosstown freeway and just start driving, driving around? Or?

VIC: I guess he did. I don't know. We were, he was punching me the whole time. Grabbing my hair. And putting it in the middle console. And then he held my hand on his stomach. So I wouldn't try to get out I guess. I don't know. So obviously I don't know. I just know when I put my head up and he came to this stop. That, that's when I managed to try to find a way to get out.

Detective Donovan: OK. And at that point you, so you made several attempts to get out. But he wouldn't let you?

VIC: He wouldn't let me get out.

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Detective Donovan: He'd grab your arm?

VIC: Yes.

Detective Donovan: And finally at the stop sign here you were able to jump out?

VIC: Yeah, because I told him, 'OK, I'm going to stay in the car. Which I'm not going to get out.'

Detective Donovan: OK.

VIC: And because he believed me, or I don't know. But he let go. And as soon as he let go, that's when I opened the door and I kicked him. And I jumped out.

Detective Donovan: And is that when you said you felt it like, him punching you somewhere on your back? Or hitting you somewhere?

VIC: That was before. Yeah.

Detective Donovan: OK.

VIC: Before I told him OK, I'm going to. Because the first time I tried to get off. He was still trying to hit me and he pulled my hair down. So that's when I got scared and I was like, 'You know what? OK, I'm going to stay in the car with you.' Just so he can stop hitting me already. And then as soon as he did that. I opened the door and I.

Detective Donovan: OK. So, you think it was right around here?

VIC: I think it's right around there. Yeah.

Detective Donovan: So you opened the door and you, you jump out?

VIC: Yeah, I got off the truck. And I went straight. So it had to be straight this way and as soon as I hit that corner. I turned into the street.

Detective Donovan: So you made a left?

VIC: Yeah.

Detective Donovan: OK. And you started kind of running?

VIC: Yeah, I kind of started running right here. Because I seen the truck do a U-turn and I didn't see nobody here. But then I saw some people right here. So that's when I started kind of walking. I asked them for help. But, nothing. Nothing happened with them.

Detective Donovan: OK.

VIC: They just kind of like ignored and minded their own business. Like, kept doing what they were doing outside in the car.

Detective Donovan: So you're up here. Kind of trying to talk to these people asking them for help and where is he at this time?

VIC: At this time when I'm asking these people for help, he had already droven. He's right here in front. Telling me to get in the car. Stop causing a scene. To get inside the car with him. That the people are not going to help me. And the people are right there listening to him as well.

Detective Donovan: Now is he saying this from inside the car?

VIC: Inside the car.

Detective Donovan: Are the windows down? VIC: The window's down.

Detective Donovan: OK. Which side is he talking to you? On the driver's side window? Passenger's side?

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VIC: In the driver's side.

Detective Donovan: OK. The driver's side?

VIC: The driver's side.

Detective Donovan: And at any point when you're right here does he get out of the car?

VIC: He did get off the car. To try to tell me to get back in the car. But I told him to just get back in the car and leave. Because I was not going to go in the car with him.

Detective Donovan: OK. And so what happened from there?

VIC: From there he still kept, I kept walking. And then another SUV truck came. He's still right here, but he got inside the truck. And he drove a little bit. But he's still right there. And when I asked the people like this, cause they had the windows up if they can let me use their phone. Like they just drove off a little bit more and that's when he like, 'Ha ha, ain't nobody is going to help you. Nobody's going to help you.' So that's when I kind of got upset. And more mad, because I was like, what the hell? Like, if that was somebody else, I would have helped them.

Detective Donovan: Right. Can I get you to (unintelligible 19.05.33) right here like with an X. Like where.

VIC: Yeah.

Detective Donovan: Just put an X I guess about where you.

VIC: Yeah, about there. Because.

Detective Donovan: So you don't, you're not a hundred percent sure though. But you think it was right there.

VIC: Yeah, because there's a stop sign right there and I think it was a dead end.

Detective Donovan: OK.

VIC: Yeah, I think you can only turn left or right.

Detective Donovan: And then you ran back and you come, you said he was right around here?

VIC: Yeah.

Detective Donovan: You should mark that.

VIC: Draw a circle or something?

Detective Donovan: Yeah, that'd be fine.

VIC: OK.

Detective Donovan: That's where you initially tried to ask people for help and he pulled up?

VIC: Yes.

Detective Donovan: In the car?

VIC: Yes.

Detective Donovan: In the truck.

VIC: And then all the way down over here. I kept walking and this lady somewhere right here. Can I write on it, or no?

Detective Donovan: Yeah, it's fine.

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VIC: Somewhere right here was standing on the side. And I don't know if, this other lady was getting inside the car. That's when I asked her if I can use her phone to call my mom.

Detective Donovan: OK.

VIC: And she let me use her phone. And then, since he saw me. He had left. He had took off.

Detective Donovan: He gone and.

VIC: Yeah.

Detective Donovan: This way.

VIC: Yeah. I guess he took off. He took off that way. But then when he came back, I seen him coming from over here. And that's when I had already called. And I was on the phone with dispatch when he got off the phone. And I told him that he was following me.

Detective Donovan: OK.

VIC: Yeah, I told him that he was following me just in case he like tried to hit me again when I was on the phone with dispatch. And he got the truck somewhere over here parked. When he followed me all the over here.

Detective Donovan: So he, so he got out of the truck and started following on foot.

VIC: Yeah. Yeah, he went on foot. Since he seen that I didn't get on the truck. He went on foot.

Detective Donovan: Did you still have this lady's phone?

VIC: Yeah, I still had her phone.

Detective Donovan: And were you kind of walking away like trying.

VIC: Yeah, walking towards the stop sign.

Detective Donovan: OK. When you first got her phone did you call your mom or did you call the police?

VIC: I called my mom first.

Detective Donovan: OK. And then after that you hung up with her and called the police?

VIC: And then I called the police.

Detective Donovan: OK. And then he's out of the car at this point?

VIC: Yeah, when I'm talking to dispatch. When I called 9-1-1, and the whole time I was talking to my mom. He was inside the car.

Detective Donovan: OK.

VIC: But when I called dispatch, that's when I guess, I don't know if he heard me talking to dispatch. And telling him, telling them I wanted to file a police report. That's when he got off the car. So I just took off walking.

Detective Donovan: So when you were on the phone, on with this lady's phone. Was he able to see you?

VIC: Yes.

Detective Donovan: And he was just sitting in the truck at that time though?

VIC: Mm hmm.

Detective Donovan: OK. Where as, were his windows down? Do you know?

VIC: It's cause the windows were down.

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Detective Donovan: OK.

VIC: Yeah, the windows were down, cause, it's cause he would take off and he would come back.

Detective Donovan: Was he saying anything when you're on the phone?

VIC: He just kept telling me, 'Come on. Let's go. Let's go. Everything be alright.' Same thing always, same.

Detective Donovan: So you're on the phone here. And you start walking and he gets out of the car and starts following you.

VIC: Yes.

Detective Donovan: And then what? What happens from there?

VIC: And then from there I tell him that I already called the police. So for him to just leave me alone or talk off. Or do whatever he has to do. But just to leave me alone. That the police is on it's way. And then that's when the lady. I don't know he took off. He took off. And then the lady came. I returned the phone. And when I returned the phone, the lady came back walking this way. But I was already over here. And then I looked on the streets to see if I would see the car again coming. And I seen it coming from over here. And he came, and it was like this. And I hid. That's when I hid. When I seen it coming. That's when I hid behind this, I think it's a Ford Ranger.

Detective Donovan: OK.

VIC: Right here outside this person's house. I was like, maybe if I hide down and sit down on the curb he'll just pass by. Won't even see me. But then that's whenever he does see me and the guy came from this house. He's like, 'Oh are you OK? Is everything OK?' And I'm like, 'Yeah. I'm sorry. You know I'm right here by your vehicle. I'm just trying to, you know not let him see me.' He's like, 'OK, well you know come over here. You OK?' Like try to comfort me. Make me feel better and that's when he got off and I told the guy, I was like, 'Don't let him, don't let him take me with him.'

Detective Donovan: So he'd got out of the truck at this point?

VIC: He got out of the truck. Yeah.

Detective Donovan: OK.

VIC: He's like, 'Come on, let's go.' And I kept telling him, 'No. No. I don't want to go with you.' And then after that, I guess he finally got it. Like after five minutes maybe. And then he got back in the truck. And then that's when the police officer came from right here and he parked right here.

Detective Donovan: OK. When he got back in the truck. Was there anyone over here on the side, the passenger side of the truck talking to him still?

VIC: No.

Detective Donovan: No one? OK.

VIC: No. Cause we were by the, we were on the sidewalk. Me and the guy that lives here.

Detective Donovan: OK.

VIC: I don't know who he is. But the guy that lives here.

Detective Donovan: Was he saying anything, out, out the passenger side to you guys? Right before the police got there? Once he got back in the truck?

VIC: No, he was on his phone I think.

Detective Donovan: OK.

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VIC: Yeah, because he, he was on the phone I think with my son.

Detective Donovan: OK.

VIC: Yeah.

Detective Donovan: So.

VIC: Cause he tried giving me the phone. He's like, 'Here, let's just go back home. Adrian's calling you.' But I don't know if he called Adrian or Adrian called him.'

Detective Donovan: OK. So he gets back in the truck. You're out here with that guy from this house?

VIC: Yeah, I'm right here in the driveway.

Detective Donovan: OK, and then what, what happens from there?

VIC: So, once he got back in the car within a few seconds the police officer came, arrived. And he came in. But he didn't, he hadn't block, blocked the white truck yet. Until, cause Edgar was going to kind of take off a little bit. And then I went like this. To show him that it was him. And then that's when the police officer kind of parked in a little bit more. And then Edgar took off and crashed the cop car. And then went reverse. Hit the car that was in the back. Went to the front. I'm thinking he hit the police car again. And then from there I was like, oh my God, and I just got down. And I heard fire shots. Gun shots.

Detective Donovan: OK.

VIC: I think it was like two or three. I'm not sure. Everything happened so fast.

Detective Donovan: Heard two or three. OK. So, Edgar is back in the car.

VIC: Mm hmm.

Detective Donovan: You and the resident from this house are standing outside here. You see the police car show up.

VIC: Mm hmm.

Detective Donovan: And he, he start, Edgar kind of looks like he's going to take off you said?

VIC: Yeah, like he was going to take off already.

Detective Donovan: So you point.

VIC: So it was like at the same time when he was going to take off. And the police officer came in.

Detective Donovan: Mm hmm.

VIC: But, but he was like barely going to put it in. And I went like that. And they kind of covered him. And, and that's when I guess he, I don't know what happened. But he just stepped on the gas and.

Detective Donovan: OK. Did the police officers see you?

VIC: Yes.

Detective Donovan: Did you guys make eye contact?

VIC: Yeah, we did eye contact.

Detective Donovan: OK.

DAI Novetzke: Which one? Was it the driver of the police car?

VIC: I was looking mainly at the passenger officer.

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DAI Novetzke: OK.

VIC: To be honest, yeah.

Detective Donovan: So they?

VIC: I don't know who was driving.

Detective Donovan: So they, you point, what, what are the police doing at this point? Once you point they, they, you said they pull up and then they.

VIC: They pulled up and got off the car.

Detective Donovan: Did they both get out of the car?

VIC: No, you know what? I don't know if they got off the car right there.

Detective Donovan: OK.

VIC: I think they do. As soon as they crashed. OK, so the white truck went. Crashed the police officer. Came back, crashed the green car. And I'm thinking that's when the police officers came out. I don't know. Because I ducked down.

Detective Donovan: Did you see the police ever at any point get out of their car?

VIC: I just see multiple police officers, yeah get out the car. I mean off that car? Yeah. There was two.

Detective Donovan: OK. OK. So you saw those two. Where did those two go?

VIC: They kind of ran, like got on this side. Cause there was more police officers two that came over here. So they kind of like all huddle. And try to get him to stop the vehicle or get out of the car or whatever. I don't know because I was stuck down by the fence.

Detective Donovan: OK. I'm just, I'm just asking you, tell me what you remember.

VIC: Yeah.

Detective Donovan: What you saw. That's all. So.

VIC: Mm hmm.

Detective Donovan: So the, so the police pulled up. White truck's here. You said both, did you see both police, both the doors of the police car open or?

VIC: To be honest, I don't know. I just seen them off the car.

Detective Donovan: You saw them both out of the car?

VIC: Yeah.

Detective Donovan: OK.

VIC: Yeah.

Detective Donovan: And at that point did you hear them, the, the police saying anything?

VIC: I don't know. There was a lot of yelling.

Detective Donovan: OK. Was Edgar yelling at all that you heard?

VIC: No I heard mainly the police officers.

Detective Donovan: Could you tell what they were yelling?

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VIC: I think they were telling him to get off the car? I don't know. I just heard yelling.

Detective Donovan: OK. You don't remember what their words were at all? Like their.

VIC: To be honest, no.

Detective Donovan: OK.

VIC: Not a hundred percent on what.

Detective Donovan: OK.

VIC: They said.

Detective Donovan: So you said, OK. So the police show up. Edgar puts it in drive. Drives forward?

VIC: I mean, I don't know if he puts it on drive, but I mean I seen the car go.

Detective Donovan: OK. You seen him go forward?

VIC: Yeah. Yeah, go forward.

Detective Donovan: OK.

VIC: And then I seen it go backwards. And then I seen him go forward again.

D OK. And then, did you hear anything when you saw it go backwards or forwards? Like he hit anything?

VIC: Yeah.

Detective Donovan: OK. Could you tell what he hit?

VIC: Well when the back doors, a car, he hit.

Detective Donovan: OK. And you said that, you described as a green car? Is that what you said?

VIC: I think it was a green car.

Detective Donovan: OK. Do you know what kind of car it was at all?

VIC: No, because I'm paying attention to all that.

Detective Donovan: OK, that's fine. But you think it was green?

VIC: I think it was green.

Detective Donovan: OK. And then he comes forward and hits the police car?

VIC: Yeah.

Detective Donovan: OK.

VIC: But it's at a different angle now. Cause he, cause he's blocked. So he's at a different angle trying to, like come out. Through the street. You know what I mean?

Detective Donovan: OK.

VIC: So it wasn't at the same spot. The same.

Detective Donovan: OK. So then you hear two to three gunshots?

VIC: About.

Detective Donovan: And then.

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VIC: But I'm out, I'm on the floor already when I hear that.

Detective Donovan: OK, so you're not looking. You're not looking over there?

VIC: As soon as I hear the, no you know what? I'm lying. When I heard the gunshot, the neighbor. He grabbed me.

Detective Donovan: The guy from the house?

VIC: Yeah.

Detective Donovan: OK.

VIC: He grabbed me on my back. Like that. He said, 'Let's go this way.' So we went in, in between the, I think there's a trashcan and the car. And that's when we went to the, back by the garage by the side fence.

Detective Donovan: OK.

VIC: Yeah, that's what happened.

Detective Donovan: Do you know what that guy's name is? That you?

VIC: I don't know him. I don't know nobody there.

Detective Donovan: Can you describe him? Like what he looked like?

VIC: Oh my God, I'm sorry. No.

Detective Donovan: OK. That's fine.

VIC: Because there was a couple of them that came out of the house. I know one of them had glasses. They were older.

Detective Donovan: Do you know which one, was the one with the glasses that grabbed you? And told you.

VIC: No, no, no.

Detective Donovan: OK.

VIC: I think he came out later on.

Detective Donovan: OK.

VIC: The one that helped me out, I don't know if he had glasses on or not. But he was older. Maybe in his mid 50's. Late 40's.

Detective Donovan: OK. So he, he grabs you and you guys go back to the garage?

VIC: Yeah, we go, not inside the garage. But we go into like, between the car and maybe like a trash bin and something right there. And we go in. It's like very there, right there. So he grabbed me. Like that and we went walking towards the back. Where the garage is at. But there's a.

Detective Donovan: Have this map, it's a little bit closer. Will that helps?

VIC: This is the house? This is a corner house, right?

Detective Donovan: So this is, this is Filbert here. And then this is Washington. And this, this is Filbert here. And then this is Washington. And then yeah, this would be (unintelligible 19.17.11).

VIC: Yeah, this is the house. Yeah. This is the house. There's like a, we're right here. Or right here. Is this a cycle?

Detective Donovan: Yeah.

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VIC: OK, we're right here. And he, and there's a car parked right here. And when that happened, he grabbed my shoulders. And we came squished in between here, to this section right here. And there's like a fence right here.

Detective Donovan: Did you guys go back there?

VIC: No we just stayed outside.

Detective Donovan: OK.

VIC: Cause I don't know who they were. So I didn't want to go inside the house neither.

Detective Donovan: Right. Right. Can you just mark for me where you were standing, and then where you did. For a second mark an X where you were standing and then like just a circle or something. There you go.

VIC: Like that.

Detective Donovan: So once you got back here, then what happened from there?

VIC: Then there was just chaos going on still over there. I wasn't really trying to look.

Detective Donovan: OK.

VIC: But then, after a while, cause I don't know how time, like a nervous breakdown or anxiety attack or what. But I couldn't take control of myself. I was just sitting down, like this. And then after a while I got up and that's when I seen Edgar laying down on the floor.

Detective Donovan: OK.

VIC: And his feet were hanging on the street. And they kept telling him to get his hand out of his stomach. I don't know why.

Detective Donovan: OK.

VIC: And then, yeah after that I don't know. I got back down. I got back down and the next time when I got back up I didn't see where he went. He wasn't there no more.

Detective Donovan: OK.

VIC: But I know the ambulance went there because I saw the bed going towards him.

Detective Donovan: Towards Edgar?

VIC: Edgar, yeah.

Detective Donovan: OK.

VIC: So I don't know if he got shot or he got injured or what happened during that whole thing.

Detective Donovan: OK. Does it, does Edgar have any weapons?

VIC: Not that I know of.

Detective Donovan: Not that you know of?

VIC: No.

Detective Donovan: Is he on probation or parole do you know of?

VIC: I think he just finished probation actually.

Detective Donovan: Probation?

VIC: Mm hmm.

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Detective Donovan: You never seen him with any like, knives or guns or anything like that?

VIC: No, to be honest, no.

Detective Donovan: OK. Do you know if he, does he use drugs at all?

VIC: No, I don't think so.

Detective Donovan: Not that you know of?

VIC: No.

Detective Donovan: OK. What about like weed?

VIC: Maybe to go to sleep.

Detective Donovan: OK.

VIC: Sometimes.

Detective Donovan: OK. But he, anything besides that?

VIC: No, not that I seen him.

Detective Donovan: OK. Do you know if today he did any drugs? Of any kind?

VIC: I don't know. I know he was drinking.

Detective Donovan: OK. He's drinking like this morning? Or?

VIC: Not in the morning, morning. But like when we went to go get the, before we went to go get the Easter egg candy.

Detective Donovan: OK. What, what was he drinking?

VIC: I don't know if it was Hennessey or E & J.

Detective Donovan: OK. How much, how much do you think it was that he was drinking? Like, for, that's a bad question. So how, how, for how long was he drinking for? From about? What time of day do you think till the time this happened?

VIC: I don't know. Honestly I just think he took like a couple shots.

Detective Donovan: OK.

VIC: Maybe two, three shots.

Detective Donovan: Either Hennessey or E & J?

VIC: Yeah, yeah.

Detective Donovan: OK. Did he do that at the house or in the car? Or?

VIC: You know what? He didn't do it at the house. And he, I saw him. No, you know he didn't drink one in the car.

Detective Donovan: OK.

VIC: Cause, that's when we left and everything happened. Cause he started taking off fast.

Detective Donovan: Do you know if he was, like intoxicated at all from?

VIC: He looked normal. I mean he didn't look drunk.

Detective Donovan: OK. Was it normal for him to drive that way? Like, you say he was squealing the tires?

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VIC: No, but I think he did that because he got mad.

Detective Donovan: OK. How many times do you think you tried to get out of the car? When he grabbed you and wouldn't let you go. About how many times do you think that happened?

VIC: Mm, there was one on the freeway. Mm, when we got off the freeway. Maybe like three times.

Detective Donovan: You say he would grab you by the arm every time? And what would he say when he grabbed your arm?

VIC: Just to not get off. So I don't cause a scene.

Detective Donovan: Did he, did he threaten you at all when he'd grab you as well?

VIC: No, he just told me not to get off.

Detective Donovan: Don't get off?

VIC: To, to not cause a scene. But I told him that was his fault for doing this to my face.

Detective Donovan: Right. At what point you said, at one point he grabbed you by the hair?

VIC: Oh yeah.

Detective Donovan: And like held you in the car by your hairs? So you couldn't, what's that.

VIC: I think that was maybe when we were, getting off the freeway or something. Because that's the part I didn't see. Where we got off and.

Detective Donovan: That was.

VIC: And how we landed in that stop sign. Like and that, in that street.

Detective Donovan: Oh.

VIC: Cause my head was down.

Detective Donovan: He got down (unintelligible 19.22.19).

VIC: Yeah.

Detective Donovan: OK. Now.

VIC: So it probably had to be like, before we got off the freeway. Until maybe, maybe I managed to come back up. And then he pulled me back down. Cause he pulled me down twice.

Detective Donovan: By your hair?

VIC: By my hair.

Detective Donovan: What did he say when he grabbed you by the hair?

VIC: He was just, honestly talking a lot of shit. Saying that I was a bitch and a lot of stuff. I don't even want to.

Detective Donovan: When he was grabbing you by the hair, was it to stop you from getting out of the car?

VIC: He was telling me that I wasn't going to go nowhere. To not get off.

Detective Donovan: That you weren't going to go anywhere?

VIC: Yeah, he said not to get off. Cause then it'd cause a scene. Said, 'No you're not getting off.' And I kept telling him, 'Let me get off. Let me get off.' He's like, 'No you're not getting off.'

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Detective Donovan: How many times do you think you told, to let you get off.

VIC: Oh, I told him to let me get off, and to take me back home. Since back there. By the house.

Detective Donovan: OK.

VIC: But he said, 'No, we're going to take care of what we got to take care of.'

Detective Donovan: And just.

VIC: We'll just, we'll go to the bank and take out the twenty dollars.

Detective Donovan: OK.

VIC: But I told him, no that I wasn't going to go take out no money and give him anything.

Detective Donovan: I imagine it made him more angry?

VIC: I guess that made him more angry.

Detective Donovan: OK. Did, is there any other times where he's been physically abusive to you?

VIC: You know, to be honest, yes. There's, it's happened more than once. But this is the first time I get the police involved.

Detective Donovan: OK.

VIC: Because the other times I tell him not to do it again or else I'm going to get them involved. He didn't believe me this time. So I had to do what I have to do. I'm sorry, I mean I don't want to be labeled as nothing.

Detective Donovan: You don't want to have to live your life like in fear either though.

VIC: Then I don't want to be, yeah I don't want to.

Detective Donovan: So, how, how many times? Prior to this do you think there was?

VIC: Mm, at least two more times where I've had bruises on my face.

Detective Donovan: What about any times where there wasn't any bruises, where he still hit you.

VIC: I mean, we'll argue and he'll just like push me. And that's it.

Detective Donovan: OK.

VIC: And we'll keep arguing. But then I kind of leave. Or he'll leave.

Detective Donovan: How many of those incidences do you think there were?

VIC: Or he'd throw like a lighter at me. Like, I think it was yesterday he threw a lighter at me. But nothing physical. Like nothing other then that happened. It didn't escalate.

Detective Donovan: OK.

VIC: Like, like this.

Detective Donovan: What about like pushing you? How many times do you think that happened?

VIC: I think a couple times. More like only five when we argue.

Detective Donovan: OK.

VIC: We haven't argued in a little bit. But have been already a couple weeks.

Detective Donovan: Do you know, you said when you woke up this morning there was already tension. Do you

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know?

VIC: Yeah, I could feel the tension already.

Detective Donovan: Do you know what that was from?

VIC: Honestly I don't know. I don't know if maybe he just woke up in a bad mood.

Detective Donovan: Does, does he work at all?

VIC: No, he's not working right now. He's unemployed.

Detective Donovan: He's unemployed? Does he go to school or anything?

VIC: No.

Detective Donovan: What about you? Do you work right now?

VIC: No, I'm not working right now.

Detective Donovan: Do you go to school or anything?

VIC: No.

Detective Donovan: OK.

VIC: Because he's so controlling.

Detective Donovan: OK. That he won't let you go to school or work?

VIC: I had to quit my job. Yeah.

Detective Donovan: Why, why's that?

VIC: Because he was too jealous. So I had to quit my job.

Detective Donovan: Where, where did you work at?

VIC: I used to work at [REDACTED]. That was back in October. And I had to quit.

Detective Donovan: Did he tell you, you had to quit?

VIC: Yeah, basically. Told me I wasn't going to go work there no more.

Detective Donovan: Did you ever.

VIC: And to not cause an argument, and not be fighting. I just quit.

Detective Donovan: Did you ever go to work with bruises when you worked at [REDACTED]?

VIC: (Yes)

Detective Donovan: Did anyone there see them?

VIC: My supervisor.

Detective Donovan: How long ago? That was back in October?

VIC: I think that was back in, that was when I quit. So it had to be probably September.

Detective Donovan: Did you tell your supervisor what the bruises were from?

VIC: No, I just told him that we had, we had went to the bar and we got into a bar fight.

Detective Donovan: OK. Who, who.

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VIC: But he didn't buy it.

Detective Donovan: He didn't buy that? Who was your supervisor there?

VIC: It was multiple. It was [REDACTED]. And [REDACTED]. He was like the main one. He's the one that really didn't buy it.

Detective Donovan: OK. And he doesn't work at all right now? You said?

VIC: No. And that's the [REDACTED]

Detective Donovan: How long had you worked there for?

VIC: Mm, I had worked there before. And then I quit. And then I went back. I was working there for maybe two months?

Detective Donovan: For two months? And then how long have you lived with your, how long have you lived with Edgar and your mom? Is it the entire time? Because it sounds like, you live.

VIC: Oh no, my mom was, cause my mom had the apartment.

Detective Donovan: In Manteca?

VIC: Yeah, Manteca. And to be honest Edgar needed an address to live. So I welcomed him, welcomed him in the house. And my parents like, you know at first they weren't really OK with that. But he moved into the apartment with my parents. And then finally we managed to save up money and we got this house. The [REDACTED].

Detective Donovan: OK.

VIC: And that was just me and him. And then recently in April, at the end of March. Beginning of April, my mom had to turn in the apartment. So that's barely when she came with us.

Detective Donovan: OK. So, the better part of the amount of time you lived with Edgar you also lived with your mom? So like mostly?

VIC: Yeah.

Detective Donovan: I mean there's been a couple times where you haven't, but.

VIC: Yeah.

Detective Donovan: Has your mom ever seen your bruises from Edgar?

VIC: Honestly, yes.

Detective Donovan: What'd she say? Did she know that they're from him or?

VIC: Yeah, she got mad and she wanted to call the police already. But I would tell her not to do it.

Detective Donovan: OK.

VIC: So just don't even get involved because then me and him were going to be happy. And then, like you know five minutes later. And then the next thing she's the one that's going to end up looking bad. But then, I probably should have listened to her.

Detective Donovan: What is [REDACTED], where's [REDACTED] at? What's the cross street at [REDACTED]?

VIC: Maybe it's [REDACTED]? [REDACTED]?

Detective Donovan: OK.

VIC: Yeah.

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Detective Donovan: OK, so that's why he would get on. OK, that makes more sense.

VIC: Yeah, because he made the left on the stop sign. But then he drove like different. He didn't get on that freeway.

Detective Donovan: You think he went all the way down to Golden Gate?

VIC: Yeah, we drove all the way down to.

Detective Donovan: OK. What, what store did you go to this morning?

VIC: This morning we went to K-Mart. And the Family Dollar. On Mariposa.

Detective Donovan: What, what gas station did you guys go to?

VIC: We went to the, I think it's the AM-PM? On, you know you get on, on Arch Road?

Detective Donovan: Mm hmm.

VIC: Coming from Manteca?

Detective Donovan: (Yes)

VIC: And you make a right. And there's on the left side there's like Starbucks and Burger King and the AM-PM? On the left side?

Detective Donovan: Yeah.

VIC: We went to that one.

Detective Donovan: OK.

VIC: And then from there we went to the 7-Eleven across the street. Because we were going to put air in the tire.

Detective Donovan: And this is in his sister's car?

VIC: Yeah, still.

Detective Donovan: OK.

VIC: Yeah, so we went there first and then the 7-Eleven. Eat there and back to the house. To drop it off.

Detective Donovan: What kind of car is his sister's car?

VIC: Honestly I don't know. It's just gray.

Detective Donovan: OK.

VIC: Sedan.

Detective Donovan: Two door or four door?

VIC: It's a four door.

Detective Donovan: When you guys went this morning, was it, and you went to K-Mart, Family Dollar and the gas stations. Was it just you and him? Or were your kids with you also?

VIC: No, it was just me and him.

Detective Donovan: OK.

VIC: Mm hmm. Both K-Mart and Wal-Mart we went in the white truck and the gas station we just went in the, his sister's car.

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Detective Donovan: OK. Does his sister live with you guys too?

VIC: No.

Detective Donovan: OK. He holds onto her car for her?

VIC: No, she actually just left it there last night.

Detective Donovan: OK.

VIC: Yeah.

Detective Donovan: When you, when you called the police at first. You gave them a license plate number from your Dodge.

VIC: Yes.

Detective Donovan: From your Durango.

VIC: Yeah.

Detective Donovan: Do you have that memorized or were you reading it at the time?

VIC: Well I kind of have it memorized it, but I need, to kind of paper. And I wrote it down just because there was so much going on. I didn't want to forget the numbers. So.

Detective Donovan: OK.

VIC: Yeah.

Detective Donovan: So what, at what point you were walking you wrote it down or?

VIC: Yeah, I'm at the point where I was walking, I looked at the truck. And I just kept saying it out loud.

Detective Donovan: OK.

VIC: And that's when he kept leaving and coming back, and coming back. And then finally when he came back that's when I called the police. But I had already wrote it down. Just in case when I kept saying it in my head.

Detective Donovan: And were you able, when you called the police were you able to see the license plate and recite it from that or were you doing it from your memory?

VIC: No, I was doing it.

Detective Donovan: Or from the paper, OK.

VIC: From the paper, yeah. Cause I wrote X and an L thinking it has an X.

Detective Donovan: OK. And I see that, I think one of our officers already called the judge.

VIC: Yeah.

Detective Donovan: And is able to approve an emergency protective order for you?

VIC: Yeah, he said he was going to do a restraining order. If that was fine. I told him yes.

Detective Donovan: OK. Can I see that really fast? See if there's anything else I can do with that. On my end of it.

VIC: Yeah, it's just good until he said, till Friday.

Detective Donovan: OK.

DAI Novetzke: While he's looking at that, are you guys married at all?

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VIC: No.

DAI Novetzke: OK. Cause earlier you mentioned that his daughter was your step-daughter?

VIC: Yeah, I consider her my step-daughter because I've been raising her since she came back from Arizona.

DAI Novetzke: And how long, that was, been almost a year?

VIC: She came back, she came back in November.

DAI Novetzke: Oh.

VIC: But I've known her before.

DAI Novetzke: OK. So you guys aren't married.

VIC: No we're not married.

DAI Novetzke: Or you were engaged to be married?

VIC: No.

DAI Novetzke: OK. And you don't have any kids together?

VIC: No.

DAI Novetzke: OK.

VIC: I mean he just asked me to marry him, but I think it's just bullshit.

Detective Donovan: OK. It's already been dated.

VIC: Mm hmm.

Detective Donovan: Can you give us a couple minutes and we'll be right back in here?

VIC: Yeah.

Detective Donovan: Show you some more paper work real quick? I'll get you a drink or something to eat or anything?

VIC: No.

Detective Donovan: I don't have food, but I like candybars.

VIC: No, I'm OK because my jaw kind of.

Detective Donovan: OK.

VIC: Yeah.

Detective Donovan: OK. Give us a couple minutes and we'll be right back. OK?

VIC: OK.

(Detective Donovan and DAI Novetzke leave the room at 19.34.41)

(Disk ends at 19.51.53)

(Disk starts at 19.51.54)

(Detective Donovan and DAI Novetzke enter the room at 19.51.57)

Detective Donovan: Hi, alright miss. Thank you for your, being so patient. You need to take a break or anything?

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02/03/2020 10:56

# Incident Report

## STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0043

### Narrative

You got to go to the bathroom or anything? Alright. We'll start with the same map. And I just kind of want to go, go through one more time in a little more detail. Of, I know you were. You might want to move your bottle real quick.

VIC: I'm sorry.

Detective Donovan: OK. I know that you said that you were out here. The truck's basically right here. Well actually I'd like you to mark where the truck was. And then you said, that the police car came around the corner. And kind of parked.

VIC: Yeah, kind of.

Detective Donovan: Walking and so I'd like you to mark on this map if you don't mind. Just kind of draw, you know like a rectangle like your truck would be. Around where it would be.

VIC: OK. It was before the stop sign. So I'm thinking it had to be somewhere right here. Cause he wasn't exactly on the stop sign.

Detective Donovan: And that's where he was trying to, kind of talk to you? Talk to you?

VIC: Yeah. I guess it was more back. Cause there was a, a truck right here parked. The one I was trying to hide under.

Detective Donovan: The Ford Ranger?

VIC: I mean behind. Yeah.

Detective Donovan: OK.

VIC: It was a little Ford Ranger or something. So truck would be right there. But it looked closer when the cop came. The police officer came. From right here.

Detective Donovan: OK.

VIC: And he made this turn. Like this. The cars looked a little bit closer.

Detective Donovan: OK. This obviously won't be to scale. So.

VIC: Yeah.

Detective Donovan: It's whatever you remember. I mean if it's not exact, it's fine.

VIC: OK. So the car came this way.

Detective Donovan: And you said at this point you made eye contact with, you think it was the passenger?

VIC: The passenger yeah.

Detective Donovan: So there is.

VIC: Cause I know I didn't look at the driver.

Detective Donovan: OK. And there's two police officers in the car?

VIC: Yeah.

Detective Donovan: That you know of at least?

VIC: Yeah.

Detective Donovan: OK.

DAI Novetzke: And you knew they were police because?

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VIC: They were in a police car.

DAI Novetzke: OK, so is it a marked?

VIC: Yeah.

DAI Novetzke: Black and white. OK.

VIC: Yeah. And then after that, that's when it went just a little bit more. Like barely anything.

Detective Donovan: Mm hmm.

VIC: And then, boom. Like crashed. And came back, there was another car back here.

Detective Donovan: And at some point you saw a, the police officers get out of the car? You, you didn't see you said, but you said they were ultimately out of the car.

VIC: Yeah. They were out of the car, yeah. I think once they hid this way. I don't, I don't, to be honest. I know when they hit the car. Let me think.

Detective Donovan: OK.

VIC: Cause I'm not sure if they got off and they were trying to come towards him. And then they seen him, go forward and that's when they ran back in the car or they came out. I'm sorry. There's so much that happened.

Detective Donovan: No, it's fine.

VIC: I'm not.

Detective Donovan: So let's, so let's do this. So. You're back here on the sidewalk. He's in the, in the Durango.

VIC: Mm hmm.

Detective Donovan: In the driver's seat. You see the police car. It's a marked black and white unit, pull up.

VIC: Mm hmm.

Detective Donovan: And then, do you see, before anything happens with him, do you see the police where they end up going? Or the police officers end up going?

VIC: You know what? I think they did get off before he crashed them.

Detective Donovan: You think they got off? OK.

VIC: Yeah. I think.

Detective Donovan: Do you know where they went to?

VIC: I think they were going towards him.

Detective Donovan: Towards him?

VIC: I think, yeah.

Detective Donovan: OK.

VIC: But then that's when he pushed the gas. And hit the car.

DAI Novetzke: So were the officers near the car when they, when he hit the gas and hit the car?

VIC: Cause I'm thinking, I'm thinking they got off. And I'm thinking they were coming towards him. Unless I'm mistaken and they didn't get off the car. I'm not sure.

DAI Novetzke: I don't want you to guess. I want, you know. I mean.

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VIC: Right. It's just I have both, both pictures in my head right now.

DAI Novetzke: OK. Well don't guess. Just, you know do the best you can and recall what happened. And I know it was, it happened so fast it was really traumatic. You remember exactly where you were standing when it happened? What you?

VIC: I was still right here in the sidewalk. I was off the street.

DAI Novetzke: Right, right, right around that X is?

VIC: Yeah.

DAI Novetzke: OK.

VIC: In the driveway. When that happened. And.

DAI Novetzke: Did you ever see the officers in danger when he was, when Edgar was either moving the car forward or backwards?

VIC: Mm, well they kind of spread out. To be honest.

DAI Novetzke: OK. Do you remember.

VIC: To the back.

DAI Novetzke: So they were going towards the back of the car?

VIC: Yeah, not back towards me. Not towards where I was at. And not this side of the road. We're over here. Cause I know, I think the truck landed over here. Or something. Cause it wasn't exactly right here no more. Went like that. I saw clearly when he hit the back. Cause seen the car moving. I was like, 'Oh my God. He's going to hit that car.' And it hit the car behind him. And then he moved forward again, but he was like somewhere over here now. So I don't know. Honestly I don't know if it was the same police car or there was another police car. Because he was blocked.

DAI Novetzke: And then at some point you saw Edgar out of the car. Did you see anybody pull him out of the car? Did he get out on his own?

VIC: I didn't see all that. Because all I saw, like I said, I was kneeling down. Covering my face. And when I got up, all I seen was his shoes on. But his feet were on the curve towards the street. And his head was like this. It was like something right here. I want to say maybe. His head and his feet were just, just this part of the feet were on the side of the road. From right here.

Detective Donovan: OK.

VIC: Down, and the rest was on the sidewalk, the grass. But I didn't seen, I just seen the officer. Doing something back here to him. I don't know what. But, that was it. I didn't see.

DAI Novetzke: Were they handcuffing him? Or?

VIC: I think he was already in handcuffs. Like the handcuffs. I think, cause I think he was like this. When he was on the floor.

DAI Novetzke: Did you hear? Giving commands or?

VIC: I, I seen his hands. The officer?

DAI Novetzke: Yeah, did you hear the officers giving him (unintelligible 19.59.03).

VIC: I kept hearing. I kept hearing them say, 'Get your hand out of your stomach. Take your hand out of your stomach.' So I don't know, maybe he was laying down on top of his hand. Or what. Because I didn't see him.

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DAI Novetzke: Have you ever seen Edgar with a gun before?

VIC: I just heard.

DAI Novetzke: Or anything like that?

VIC: No.

DAI Novetzke: OK.

Detective Donovan: Alright. What, what were you thinking when you saw this happen?

VIC: What I was thinking?

Detective Donovan: (Yes)

VIC: I should have never called the police.

Detective Donovan: Why's that?

VIC: Because we could have avoid all of that. The crashing. And everything. I should have just called my mom and had her pick me up.

Detective Donovan: What do you mean avoid all of the crashing?

VIC: Well yeah. I was like, the accidents that happened right here. The crashing into that, the police officer. The crashing into the car back there. And me then having to go to the hospital. And him.

DAI Novetzke: Are you blaming yourself for happened?

VIC: I mean, no, I'm not. I mean I'm just thinking like, I don't want to blame myself because I know I didn't choose.

DAI Novetzke: Right.

VIC: You know the actions stand.

DAI Novetzke: This, this is not, this is not your fault.

VIC: I know, but. I don't know. I was just thinking, 'Oh my God. This is happening.' How did it get to this point?

DAI Novetzke: Has Edgar had prior run ins with police before?

VIC: Since he's been with me? No.

DAI Novetzke: OK.

VIC: I don't, priors, I'm pretty sure he's had priors. But since he's been with me, no.

DAI Novetzke: OK. Cause it sounds like in the past you've threatened to call the police, but.

VIC: But I've never called.

DAI Novetzke: But you haven't, you haven't had to do that.

VIC: No.

DAI Novetzke: Was that enough to get him to simmer down or something.

VIC: Yeah, to come to, to calm down.

DAI Novetzke: Yeah.

VIC: But then I think of so many times me saying, he probably thought I wasn't going to be serious. Cause I tell him, if you hit me one more time I'm really going to call the police. And I always tell him that. And he probably

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### Narrative

thinks I'm just, oh she's just saying that. And she's not going to call. But this time I don't know, I felt like this was the right thing to do. But then at the same time, kind of regret it. I don't know. I just. So much.

DAI Novetzke: Keep in mind Edgar was the one that made these decisions today. Just out of curiosity I mean, seeing what you saw there today. You think the police could have done anything differently? Or do you think they were basically you know, (unintelligible 20.02.17).

VIC: Maybe they didn't have to shoot. Because the car was already blocked. So the car was not going to take off nowhere.

DAI Novetzke: OK.

VIC: I think that's the only thing that they probably didn't have to do. Because there was so many of them. And it's just Edgar. And the vehicle that they probably could have handled it. I don't know what's the protocol. But, I didn't, I didn't see an escape for him to leave.

DAI Novetzke: Maybe. Right.

VIC: Because he was blocked.

DAI Novetzke: With him already crashing into the car once.

VIC: I feel like the gun shots. Yeah.

DAI Novetzke: And crashing into the second car behind him. You think maybe the officers were fearing for their lives?

VIC: I mean, yeah. I mean at, at that point. Yes. Because I know I was fearing for my life too.

DAI Novetzke: OK.

VIC: So I understand that part. But when I look at it the other side. Like the other view. There was just so many people outside that, that gunfire could have shot any one.

DAI Novetzke: OK.

Detective Donovan: You said you were fearing for your life? Do you mean from Edgar?

VIC: Yeah, at first. Before I got off the car.

Detective Donovan: OK.

VIC: Cause he was just hitting me like if I was a guy. Like, he didn't have to hit me like that.

Detective Donovan: Right.

DAI Novetzke: So, just curious. How did you guys meet?

VIC: We met through an app. A dating app.

DAI Novetzke: Which one?

VIC: POF.

DAI Novetzke: OK. Is that a thing to start out OK at first?

VIC: Everything was fine. Everything was fine. And I don't know.

DAI Novetzke: How long did you guys date before you moved in together?

VIC: Mm, probably like, it wasn't that long. Honestly think that was the number one mistake.

DAI Novetzke: So how long was it like after the first date or?

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VIC: No. Like two months. Three months with him.

DAI Novetzke: And then he moved in with you and your mom in Manteca. Right?

VIC: Moved in. Yeah. It was probably like two, three month.

DAI Novetzke: So the first fight you guys had was it before you guys moved in? Or was that after you guys moved in?

VIC: It was after. Yeah, he had barely moved in like a couple months. And the first fight we had, the first fight, that incident happened in the car as well. And that was the first time he put his hands on me.

DAI Novetzke: And now did you get bruised during that incident?

VIC: Yeah. I have two black eyes.

DAI Novetzke: Did Manteca PD ever get called out to the house?

VIC: No, because that happened here in Stockton on that street. The same street that we live on.

DAI Novetzke: OK. On the [REDACTED], [REDACTED]?

VIC: Mm hmm.

DAI Novetzke: Oh. So did you guys ever have any incidents in Manteca where Manteca police showed up, or?

VIC: No there's never been any police involved.

DAI Novetzke: Alright.

VIC: Because we just argue. And then we'll fight. And then, either later on that day or at night we'll just talk about it. And then it's like nothing happens. But then, when this happens, when it gets physical. Then I, the next day like, right now, I wouldn't have called you guys. There probably would have still been tension between us.

DAI Novetzke: OK.

Detective Donovan: When you, when you called your mom and told her to take the kids and leave the house. What was your thought? What were you worried about?

VIC: I was, I was thinking that he was really going to take off when I told him to just leave me alone. And leave. That he was going to go to the house.

Detective Donovan: What.

VIC: But I didn't want my mom to be there. And my mom to tell him something and then him try to do something.

Detective Donovan: Has he done that in the past to your mom or your children?

VIC: No. He's, no. He's never has. But cause of what I seen, and what he did to me. That's what I, a lot of things were crossing my mind.

Detective Donovan: OK.

VIC: To be honest. I just didn't want my mom to be right there.

Detective Donovan: OK.

DAI Novetzke: One time you had mentioned going back into your story. Mentioned that he had [REDACTED] on the phone. Was he?

VIC: Yeah.

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DAI Novetzke: Do you think he was trying to use [REDACTED] to lure you back into the car?

VIC: I think, yeah. Yeah, because after he told me, 'Here it's [REDACTED]. Get the phone. Get the phone.' I kept telling him, 'No. No.' Before he told me it was [REDACTED]. He told me to grab the phone. To grab the phone. And I told him no. Because I thought he just wanted me to get closer to the vehicle, cause he was still in the car. And then once, that's when he said, 'Oh it's your mom and [REDACTED].' And he showed me the phone, it said, [REDACTED]. So I grabbed the phone and I started talking to [REDACTED]. But it was actually my mom. And then that's when I told her to again to just leave. She's like, 'No I'm going to stay right here.' I said, 'No, grab the kids and leave.' And that's when he's like, 'Oh give me back my phone.' And I gave him back his phone. And that's when he got in the car and the police officer came.

DAI Novetzke: And your phone was still in the truck then?

VIC: Yeah, well I don't know if my phone's in the truck or if it fell out. Or what. But I don't have my phone. So I'm pretty sure it's in the truck.

Detective Donovan: Has it gotten to the point before where you've told your mom to take your kids and get out of the house?

VIC: No, this is the first time.

Detective Donovan: OK.

VIC: That I tell her that.

Detective Donovan: So you said that, today he is doing two or three shots of E & J or Hennessey? You weren't sure?

VIC: Yeah, I'm not sure what, what it is. Because the bulkier bottles look the same. They're both brown and.

Detective Donovan: OK. Did you drink at all today?

VIC: No.

Detective Donovan: Do you do drugs at all?

VIC: No, to be honest. I smoke. But at night. To go to sleep. Or to eat. Because I have a hard time eating.

Detective Donovan: OK.

VIC: But that's it. But other than that, no.

Detective Donovan: Besides weed, you don't do any prescription pills or?

VIC: No, nothing like that.

Detective Donovan: OK. As far as you know, Edgar doesn't either?

VIC: No, he doesn't either.

Detective Donovan: OK, he just drinks and smokes weed?

VIC: Mm hmm.

Detective Donovan: Before I forget can I get you sign both pieces saying that I showed you this? There's the report number. Try and sign on the bottom. Just wherever. Your signature and the date today. It's the sixteenth.

VIC: Sorry. The sixteenth?

Detective Donovan: Yes, ma'am. Thank you.

DAI Novetzke: Is there anything about today's incident that you think is important for us to know that we haven't

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ask you about?

VIC: Mm. No, I think I told you everything that happened today. What I could remember. To the best of my knowledge, that's all.

DAI Novetzke: And you've been truthful the entire time? Correct?

VIC: Yes, sir.

DAI Novetzke: Alright.

Detective Donovan: Any questions for us at all?

VIC: No.

Detective Donovan: OK.

VIC: I don't think so. I mean, I don't know. This is the first time I have to go through this process. I don't know.

Detective Donovan: So, getting the truck. We're not going to be able to get it back to you today. But what I can do is try and make sure that we get done with it as soon as possible. I'm hoping by, for the middle of this week we can have it back to you.

VIC: OK.

Detective Donovan: So that number I'll call. I guess I'll call your mom's number.

VIC: Yeah. Just in case.

Detective Donovan: Can coordinate you pick it up.

VIC: OK.

Detective Donovan: So, if your phone's in there, hopefully get that back to you then too.

VIC: OK. Is there any way they can check if my phone is in there? And maybe I can get just get my phone back?

Detective Donovan: We can check with them, we won't be able to check for a couple hours though.

VIC: Oh, OK.

Detective Donovan: Alright?

VIC: OK. Cause I have all my contacts there. I can at least try to.

Detective Donovan: OK.

VIC: Move around and see what I can do.

Detective Donovan: We can check, we won't be able to check yet though, so. What, where are you going to go to from here?

VIC: Back to the house.

Detective Donovan: On [REDACTED]?

VIC: Cause he won't be coming now, right?

Detective Donovan: OK. Not, not today no.

VIC: Not today?

Detective Donovan: Not for, no.

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VIC: OK.

DAI Novetzke: He's got the emergency protective order too that, once he's served he, he's got to stay away.

VIC: Yeah, but his sister lives on the same street. So I don't want to be sleeping and then he comes.

DAI Novetzke: Well, I don't think he's going to be coming home at least tonight or the next couple of days.

VIC: OK.

Detective Donovan: You need to follow up on this though. And go to the court house and crank it up for a permanent copy.

VIC: OK.

Detective Donovan: OK?

DAI Novetzke: This is, that's only good for five business days. So.

VIC: Mm hmm.

DAI Novetzke: So, make sure that you get, if you're done with Edgar and you want a permanent restraining order, you need to go down to the court house and file for one.

VIC: Yeah, I think I am. Because if I go back it's just going to get worse.

DAI Novetzke: I agree with that.

VIC: It's going to get worse.

Detective Donovan: Here's this number that he, Officer Konoske gave you, has Victim Witness. Go and call them. You call this number and they can set up how, what's the best, quickest way to get through with all the, the restraining order and all that stuff too. OK?

VIC: OK. So I'll call them tomorrow.

Detective Donovan: Yeah, call them tomorrow morning. That way you can start the, start the process.

VIC: OK. And then just wait on you to what? Do you have a business card? OK.

Detective Donovan: Yeah, I'll, I'll give you a business card. I'll give it to you right now.

DAI Novetzke: And in case you hear or remember anything else.

VIC: OK. Thank you. OK.

Detective Donovan: Now if you think of anything else, just call us and we can call you right back. (unintelligible 20.11.59)

VIC: OK. Is that it?

Detective Donovan: Yeah.

VIC: Do you know which officer is going to take me home?

Detective Donovan: I think it should be the same one who's trying. He might have someone else do it. But I'm going to find out right now.

VIC: OK.

Detective Donovan: So just sit tight real quick. Two or three minutes.

VIC: (Unintelligible 20.12.13).

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Detective Donovan: Yeah.

VIC: OK. Thank you. Can I ask you just one more thing?

Detective Donovan: Yeah, sure.

VIC: I don't know if you guys will be able to answer or no. Is Edgar OK?

DAI Novetzke: I don't know if we can answer that right now. Cause we don't honestly know. I know that he had to go to the hospital. But, I don't know what his condition is.

VIC: But did he get shot?

DAI Novetzke: I can't tell you that.

VIC: OK. Is it because of this?

DAI Novetzke: No, it's just the investigations ongoing. So, they don't want to compromise the investigation.

VIC: OK.

Detective Donovan: Do you have any other questions we might be able to answer?

VIC: No, that's it. I'm just worried. I just want to make sure he's OK.

Detective Donovan: OK. Just sit tight real quick. OK?

VIC: OK.

(Detective Donovan and DAI Novetzke leave the room at 20.13.21)

(Detective Donovan enters the room at 20.34.00)

Detective Donovan: Hi VIC. They're going to take you to wherever it is that you'd like to go. It's the [REDACTED] address?

VIC: Yeah.

Detective Donovan: It's that? OK. They can take you wherever you need to go. OK?

VIC: OK. Thank you.

Detective Donovan: You have my card if you think of anything else. Feel free to call me. OK?

VIC: OK. So should I just wait for your call maybe tomorrow? To see if my phone came up or how long the phone?

Detective Donovan: Yes, I can call you and let you know if your phone is there or not. I don't know if I'll be able to give it back to you tomorrow. But as soon as I can I'll make sure you get that back too. OK?

VIC: OK. Thank you. I really appreciate that.

Detective Donovan: Alright. Alright. It's no problem.

VIC: Thank you.

Detective Donovan: Alright.

(Detective Donovan and VIC leave the room at 20.34.34)

(Disk ends at 20.35.30)

**(End of Statement)**

### ATTACHMENTS :

None

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**Narrative**

**EVIDENCE :**

None

**DISPOSITION :**

Refer to original.

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# Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0044



22 E WEBER ST.  
STOCKTON, CA 95202  
  
(209) 937-8495

Reported Date  
05/08/2017  
Rpt/Incident Typ  
245  
Member#  
DONOVAN, ANDREW

## Administrative Information

Agency <b>STOCKTON POLICE DEPARTMENT</b>	DR <b>17-13946</b>	Supplement No <b>0044</b>	Reported Date <b>05/08/2017</b>	Reported Time <b>16:46</b>
CAD Call No <b>171060493</b>	Status <b>REPORT TO FOLLOW</b>	Rpt/Incident Typ <b>ASSAULT WITH A DEADLY WEAPON</b>		
Location <b>S FILBERT ST/E WASHINGTON ST</b>				City <b>Stockton</b>
ZIP Code <b>95205</b>	Rep Dist <b>0191</b>	District <b>PA</b>	Sector <b>PN</b>	From Date <b>04/16/2017</b>
Member# <b>2331/DONOVAN, ANDREW</b>		Assignment <b>ROBBERY PHASE 1</b>		Entered By <b>2331</b>
Assignment <b>ROBBERY PHASE 1</b>	RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	Approving Officer <b>1293</b>	Approval Date <b>05/09/2017</b>
Approval Time <b>15:46:34</b>				

## Summary Narrative

Statement of VIC-Sergio Arzola

## Modus Operandi

Crime Code(s)  
**Assaults**

## Narrative

### NOTIFICATION :

I (Detective Donovan/I14) along with Team #2 conducted the following interview.

### INVESTIGATION :

On Sunday 04/16/17, Team #2 was assigned to conduct the following interview of VIC- [REDACTED] conducted the interview at the SEB in interview room #2 where [REDACTED] told us the following in summary.

**[REDACTED] was Spanish speaking so the following was translated from Officer GaricaRangel.**

### STATEMENT OF (VIC) [REDACTED] :

(Disk starts at 15.25.18)

(Door opens at 15.25.49)

Officer: (Speaking Spanish)

[REDACTED] [REDACTED]: (Speaking Spanish)

Officer: (Speaking Spanish)

[REDACTED] [REDACTED]: OK.

Officer: (Speaking Spanish)

[REDACTED] [REDACTED]: OK.

Officer: (Speaking Spanish) OK? (Speaking Spanish)

[REDACTED] [REDACTED]: OK. (Speaking Spanish)

Detective Donovan: Tell him it's going to be a little while and I apologize for the time. And if he needs anything

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just let us know.

Officer: OK. (Speaking Spanish)

██████: (Yes)

Officer: OK?

██████: OK. Thank you.

Detective Donovan: Water or whatever.

Officer: (Speaking Spanish)

Detective Donovan: OK?

██████: OK. (Speaking Spanish)

Detective Donovan: Thank you.

(Door closes at 15.26.25)

(Door opens at 15.45.43)

Officer: (Speaking Spanish)

██████: (Speaking Spanish)

Officer: (Speaking Spanish)

██████: No.

Officer: (Speaking Spanish)

██████: Mm hmm.

Officer: OK. He was the only one in the car. OK. (Speaking Spanish) OK?

██████: OK. Thank you.

Officer: (Speaking Spanish)

██████: (Speaking Spanish)

Officer: (Speaking Spanish) OK. (Speaking Spanish)

(Door closes at 15.46.02)

(Disk ends at 16.25.18)

(Disk starts at 16.25.18)

(Door opens at 16.31.44)

Officer: (Speaking Spanish)

██████: (Speaking Spanish)

Officer: (Speaking Spanish) OK.

██████: (Speaking Spanish)

Officer: No. (Speaking Spanish)

██████: Oh.

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## Narrative

Officer: (Speaking Spanish) OK?

██████████: OK.

(Door closes at 16.32.01)

(Door opens at 16.33.42)

Officer: (Speaking Spanish)

██████████: OK.

Officer: (Speaking Spanish)

██████████: (Speaking Spanish)

Officer: (Speaking Spanish)

(Door closes at 16.34.01)

██████████: (Dialing phone 17.01.27) (Speaking Spanish) OK, bye.

(Door opens at 17.11.56)

Officer: (Speaking Spanish)

██████████: (Speaking Spanish)

Officer: (Speaking Spanish) OK?

██████████: OK. (Speaking Spanish)

(Door closes at 17.12.08)

(Disk ends at 17.25.18)

(Disk starts at 17.25.18)

(Detective Donovan, DAI Novetzke and CII Officer GarciaRangel enter the room at 17.56.43)

CII Officer GarciaRangel: (Speaking Spanish)

██████████: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

██████████: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish) Stockton. OK?

██████████: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish) OK? (Speaking Spanish)

██████████: Mm hmm.

CII Officer GarciaRangel: (Speaking Spanish)

██████████: OK.

CII Officer GarciaRangel: (Speaking Spanish)

██████████: (Speaking Spanish)

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### Narrative

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: OK.

CII Officer GarciaRangel: OK?

Detective Donovan: I just want to say I really appreciate you coming down here. And I know it's not a fun thing have to come down here and stay for a couple hours. But I really appreciate it.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish) OK?

[REDACTED]: OK.

Detective Donovan: Can we start off with.

DAI Novetzke: Let me get the recorder going.

Detective Donovan: OK.

CII Officer GarciaRangel: (Speaking Spanish) records.

[REDACTED]: OK.

CII Officer GarciaRangel: OK?

[REDACTED]: OK.

Detective Donovan: Want to start off with all your information like what was your name and birthday, and all that. I just want to make sure I have it all right.

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: [REDACTED]?

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: [REDACTED]?

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Mm hmm.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. So [REDACTED]. [REDACTED]. Date of birth is going to be [REDACTED].  
(Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: OK.

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### Narrative

DAI Novetzke: He said [REDACTED]? [REDACTED]?

CII Officer GarciaRangel: Yes.

DAI Novetzke: Alright.

Detective Donovan: And do we have his right phone number? The [REDACTED] number?

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish) He's going to look it up in his phone alright.

Detective Donovan: OK.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: [REDACTED]

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: [REDACTED]

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: [REDACTED]. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mmm.

CII Officer GarciaRangel: (Speaking Spanish) He's not sure the house.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: So it's in between [REDACTED] and [REDACTED]. He's not sure the numbers of his residence. (Speaking Spanish)

[REDACTED]: Mm (Speaking Spanish).

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: So it's [REDACTED] black or brown. (Speaking Spanish)

[REDACTED]: No.

CII Officer GarciaRangel: No tattoos. (Speaking Spanish)

[REDACTED]: No.

CII Officer GarciaRangel: OK. No scars.

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### Narrative

Detective Donovan: So if you can basically tell us where you came from today. And kind of just your whole version of what you saw. When you're out there.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mm hmm. (Speaking Spanish)

CII Officer GarciaRangel: OK.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Mm.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish) So he was on Filbert on his way to Auto Zone. He was behind the vehicle waiting for it to turn. When the officers got there they turned on the lights. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: The officers came in with lights and sirens. They parked in front of the, the vehicle.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. So, (Speaking Spanish).

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said the officers got out. They tried talking to the guy.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Shortly after the officers were talking to the, the gentleman. He hit the gas, struck the patrol. Not realizing that he couldn't get out. He doesn't think that the guy saw him and drove right back. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He says the vehicle, he says the vehicle struck his vehicle. And then the vehicle accelerated forward. And he heard gunshots. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Said he heard about three to four gunshots. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He says that his vehicle was disabled and it was barely able to move so he shifted, moved it to the side. Right next to the tree. And he got out and took cover. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

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### Narrative

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: No.

CII Officer GarciaRangel: He said after that a lot more patrol vehicles showed up. But he didn't see what was going on. He was in fear that he might get struck if he looked out.

Detective Donovan: Where was the, where were you taking cover at?

CII Officer GarciaRangel: He said he was taking cover behind a tree.

Detective Donovan: Oh.

CII Officer GarciaRangel: He said he moved the park, he parked the car to the side.

[REDACTED]: That driveway on the.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said pretty much where he was. Where the vehicle collided with him. He kind of just shifted to the left and went to that residence. (Speaking Spanish)

[REDACTED]: No. (Speaking Spanish)

CII Officer GarciaRangel: He says he doesn't recognize or remember the address of the, the residence that he pulled in front of. Says it was surely, it was pretty much right next to where the collide, the collision occurred. That's where he jumped out and took cover behind a tree.

Detective Donovan: And is. Oh.

DAI Novetzke: Can you describe the vehicle that the officers were contacting at and the one that hit you?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: It's possibly a Tahoe, white SUV. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He says that's pretty much all he remembers from the vehicle.

Detective Donovan: You said that you were waiting behind the vehicle to turn? He was waiting to make a turn?

CII Officer GarciaRangel: (Speaking Spanish)

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### Narrative

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: So, your vehicle is coming to a stop.

[REDACTED]: (Speaking Spanish) Nobody, no, (Speaking Spanish).

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. So he says that when he, the vehicle was a couple feet behind the stop sign. He was approximately ten feet behind that vehicle. And he was waiting there because the, the person in the vehicle was talking to somebody on the side. (Speaking Spanish)

[REDACTED]: No.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. OK.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Basically the, the vehicle was a couple feet behind the stop sign. He was talking to somebody. He was approximately ten feet behind that vehicle. And the subject he was talking to was still in the same area when patrol, the unit pulled up to make contact.

DAI Novetzke: Is that a male or female that he was talking to?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish) It was a male. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He's saying he believes it was a male. He wasn't able to get a good description on him because it was just the angle that he was at.

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### Narrative

DAI Novetzke: So was it just a normal conversation? Were they arguing?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said it appeared normal. He said they were just chit chatting. And then he was going to move on.

Detective Donovan: Was the, was the male on the driver's side on the sidewalk? Or was he on the, in the street?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish) He said he was on the passenger side. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He say he was on the street.

Detective Donovan: On the passenger side of the car was standing in the street?

CII Officer GarciaRangel: Yes.

Detective Donovan: OK.

DAI Novetzke: Was he right next to the vehicle?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said yes. Right next to the vehicle. Very close to the door.

Detective Donovan: Do you know where that guy went after the police got there?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said shortly after everything happened, he doesn't know where the guy went. Because he took cover, he wasn't viewing the incident anymore.

DAI Novetzke: Could you describe the person that was standing at the side? Height? Weight?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (No)

CII Officer GarciaRangel: (Speaking Spanish)

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### Narrative

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. He's saying from the angle he was at, he wasn't able to get a good description on him. He can't really give a height, weight.

DAI Novetzke: OK. So if you could give a percentage, how, what, what's the percentage on it was a male versus it could have been a female or?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He's eighty percent, he's sure that it was a male.

Detective Donovan: Did he, he said he heard three to four gunshots. Did he see who fired the gunshots?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: No.

CII Officer GarciaRangel: He didn't see who fired the shots. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. So I asked him if he heard anything, any commands. He said he had his window rolled up, but based on the hand gestures and hand movements that he was, he said that the officer was telling the driver to stop and to get out. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Yes)

CII Officer GarciaRangel: Yeah, this is all based on hand gestures.

Detective Donovan: I know it might be a silly question, but how do you know they were the police? Like how did they know they were the police.

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK, he's saying that he recognized their patrol unit. And when they got out they were

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### Narrative

wearing uniforms. (Speaking Spanish)

[REDACTED]: OK.

CII Officer GarciaRangel: (Speaking Spanish) I was just telling him that hey, just you know what you saw, we're not trying to ask you questions to test your IQ or anything like that.

Detective Donovan: At first you said you were driving on Filbert on your way to Auto Zone. Where were you coming from?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said he was coming from his residence.

Detective Donovan: OK. Anything else?

DAI Novetzke: Did you see anybody else outside standing around when it happened?

CII Officer GarciaRangel: When what happened to who?

DAI Novetzke: When the car, when the incident happened did, and you were taking cover behind the tree. Did you see anybody else outside standing in the yard or anything?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: No.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (No)

CII Officer GarciaRangel: He says he doesn't remember.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said after the whole incident is when a lot of people started coming out of their houses. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Yeah.

DAI Novetzke: Is there anything that you think is important that we haven't asked yet about this incident today?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

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**Narrative**

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. So when the officers made contact with the driver, he's about twenty feet away from them. So that's how he was able to recognize. (Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: So that's how he was able to recognize the uniform.

DAI Novetzke: Did you receive any injuries as a result of the, of the white SUV hitting your car?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He's saying that because he saw that he struck that patrol vehicle. That he braced himself. He took good position in his seat. He held onto the steering wheel and held his brake. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

DAI Novetzke: So you said your foot was on the brake?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish) Yes his foot was on the brake. He said he saw the vehicle coming. He honked at him telling him, let him know that he was back there. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK.

DAI Novetzke: Were you in fear for your safety?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. He said he wasn't sure what his feelings were at the time. He said that he just kind of braced on.

DAI Novetzke: OK.

CII Officer GarciaRangel: Because shortly after the shots were fired, that's when he, when he became afraid. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

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### Narrative

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said everything happened so fast, that he, he was not sure if he experienced fear. During the collision.

DAI Novetzke: And you're not sore or injured now?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He says he feels good right now. He's not injured.

DAI Novetzke: How bad was your car damaged?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He says he believes the vehicles door.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He says the major damage to the vehicle. He's not sure, but, but the vehicle might be totaled.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said that his family. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said that his daughter showed up and asked him how nothing happened to him and just looking at the vehicle. How he walked out without any injuries or anything.

DAI Novetzke: Do you know if your car has air bags?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said his vehicle does have air bags but they were not out.

DAI Novetzke: They didn't deploy?

CII Officer GarciaRangel: They did not deploy.

DAI Novetzke: OK.

Detective Donovan: When you first got there and you're about ten feet behind him. How long do you think you were waiting before the police showed up?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said approximately thirty minutes to a minute. I'm sorry, thirty seconds to a minute.

Detective Donovan: OK.

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### Narrative

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mm hmm.

DAI Novetzke: And then in that thirty seconds to a minute, the police arrived?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Yes.

DAI Novetzke: OK. When the police first arrived, how many officer do, did you see?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said the first patrol vehicle had two officers.

DAI Novetzke: OK. Can you tell us, what those two officers did or where they were at?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: Mm hmm. (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK, he said that the driver went on the other side to the passenger side of the SUV.

DAI Novetzke: OK.

CII Officer GarciaRangel: And he lost sight of him. At that point. He said the passenger was the one that made contact at the driver's side.

DAI Novetzke: OK. You live on [REDACTED] just a few blocks down from where this incident occurred? Correct?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: So, (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK, so. So. [REDACTED].

(Disk ends at 18.25.18)

(Disk starts at 18.25.19)

CII Officer GarciaRangel: [REDACTED]. (Speaking Spanish)

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### Narrative

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: So he says that it's about, his house is about three or four houses from the stop sign.

DAI Novetzke: From where this incident occurred?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He's saying from the stop sign behind him.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Said, I'm asking him if I show him a map, are you going to show me.

DAI Novetzke: OK. We have, I think a map.

CII Officer GarciaRangel: I'm going to pull it out of my phone and see if it's.

DAI Novetzke: OK. I have a map here too if you want to take a look.

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: OK.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: And, (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

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### Narrative

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: He said it's four houses west of the stop sign on F Street off of Washington.

DAI Novetzke: How long have you lived there?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Approximately two years.

DAI Novetzke: So have you ever seen that white SUV in the neighborhood before?

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He doesn't recall.

DAI Novetzke: OK.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said he goes to work early. Approximately three o'clock in the morning and gets home late. So.

DAI Novetzke: OK. Get that back from you. I can't think of anything else.

CII Officer GarciaRangel: Can't think of anything else either. (Speaking Spanish)

[REDACTED]: No.

CII Officer GarciaRangel: No? OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. So, OK. I was asking him if there was any vehicles behind him. And if he doesn't recall seeing anybody outside before he stopped.

Detective Donovan: Cortez, the officer that brought him here is going to drive him home.

CII Officer GarciaRangel: Mm hmm.

Detective Donovan: If he could get, give him his address. The actual numbers when he gets home. And then we can have someone call you when your car can be picked up. I don't know if he wants to try and pick it up, instead of it getting towed.

CII Officer GarciaRangel: The car is.

Detective Donovan: And turn it over to him. And he can do what he wants from there? But it's going to be several hours still at the scene.

Report Officer  
2331/DONOVAN, ANDREW

Printed At  
02/03/2020 10:56

# Incident Report

## STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0044

### Narrative

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Mm hmm.

CII Officer GarciaRangel: (Speaking Spanish) OK?

[REDACTED]: OK.

CII Officer GarciaRangel: (Speaking Spanish) OK?

[REDACTED]: OK.

CII Officer GarciaRangel: (Speaking Spanish) He said that the vehicle could be released on scene.

Detective Donovan: As soon, as soon as they're done with the scene. Yeah, it can be released back, back to him.

CII Officer GarciaRangel: OK.

DAI Novetzke: He said it was disabled, right? So it's not drivable?

CII Officer GarciaRangel: Yeah. OK, so.

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: OK.

CII Officer GarciaRangel: OK? (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: He said that, I guess one of the officers told him they would tow it not at his expense. I don't know who said that, but. Do I just tell him that, I'm giving the report and you can give it to insurance?

Detective Donovan: Yeah.

CII Officer GarciaRangel: Make an insurance claim?

Detective Donovan: Yeah, he can do that. If that's what he wants to do. That's fine.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: OK. (Speaking Spanish) All he needs is his tool box out of the vehicle. And it can be towed.

Report Officer  
2331/DONOVAN, ANDREW

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# Incident Report

## STOCKTON POLICE DEPARTMENT

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### Narrative

[REDACTED]: (Speaking Spanish)

DAI Novetzke: So does he want a phone call before it's towed then?

CII Officer GarciaRangel: Yes.

Detective Donovan: OK. We'll, we'll coordinate that.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: Oh, OK.

CII Officer GarciaRangel: (Speaking Spanish)

Detective Donovan: Just make sure he answers, just in case.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Yes)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: OK.

CII Officer GarciaRangel: OK? Gentlemen, anything else?

Detective Donovan: Mm mmm.

CII Officer GarciaRangel: (Speaking Spanish)

Detective Donovan: Thank you.

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: Thank you sir. (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

CII Officer GarciaRangel: (Speaking Spanish)

[REDACTED]: OK. (Speaking Spanish)

(Detective Donovan, DAI Novetzke and CII Officer GarciaRangel leave the room at 18.34.04)

(Door opens at 18.35.50)

Officer: Let's go.

[REDACTED]: (Speaking Spanish)

Officer: (Speaking Spanish)

[REDACTED]: (Speaking Spanish)

[REDACTED] leaves the room at 18.35.55)

(Disk ends at 18.36.22)

**(End of Statement)**

Report Officer  
2331/DONOVAN, ANDREW

Printed At  
02/03/2020 10:56

**Incident Report**  
**STOCKTON POLICE DEPARTMENT**

**17-13946**

Supplement No  
**0044**

**Narrative**

**ATTACHMENTS :**

None

**EVIDENCE :**

None

**DISPOSITION :**

Refer to original.

Report Officer  
**2331/DONOVAN, ANDREW**

Printed At  
**02/03/2020 10:56**

# Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0045



22 E WEBER ST.  
STOCKTON, CA 95202  
  
(209) 937-8495

Reported Date  
05/15/2017  
Rpt/Incident Typ  
245  
Member#  
MOHAMMED, IRSHAD

## Administrative Information

Agency <b>STOCKTON POLICE DEPARTMENT</b>		DR <b>17-13946</b>	Supplement No <b>0045</b>	Reported Date <b>05/15/2017</b>	Reported Time <b>15:11</b>
CAD Call No <b>171060493</b>	Status <b>RTF INVESTIGATIONS</b>	Rpt/Incident Typ <b>ASSAULT WITH A DEADLY WEAPON</b>			
Location <b>S FILBERT ST/E WASHINGTON ST</b>					City <b>Stockton</b>
ZIP Code <b>95205</b>	Rep Dist <b>0191</b>	District <b>PA</b>	Sector <b>PN</b>	From Date <b>04/16/2017</b>	From Time <b>13:03</b>
Member# <b>2131/MOHAMMED, IRSHAD</b>			Assignment <b>CHILD ABUSE/SEXUAL ASSAULT PHASE 2</b>		
Entered By <b>2131</b>	Assignment <b>CHILD ABUSE/SEXUAL ASSAULT PHASE 2</b>			RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>
Approving Officer <b>1240</b>	Approval Date <b>06/01/2017</b>		Approval Time <b>09:28:37</b>		

## Summary Narrative

### SUPPLEMENTAL REPORT

## Modus Operandi

Crime Code(s)  
**Assaults**

## Narrative

### NOTIFICATION:

On 04/16/2017, at about 1330 hours, I was advised of an officer involved shooting. I responded to the SEB from home.

### INVESTIGATION:

Prior to the briefing, I met with DOJ Technicians Meagan Gallagher, James Hamiel, and Anthony Sutter. They provided me with a DOJ report number of CV 17-2795. At about 1411 hours, we along with FET Mitchell conducted the firearm exchange with Officer R Johnson III (#1327). Also present was his attorney and SPOA Representative J Afanasiev. The exchange took place on the ground floor of the SEB in the sally port area.

Officer Johnson was photographed by both FET and DOJ. He was wearing his Class B uniform with visible Stockton PD patches. He was wearing a nylon duty belt and had two magazines on the left side of his hip. His holster hung slightly below the duty belt and was about hip level as opposed to waist level. In addition to his firearm and magazines, he had an ASP, keys, radio and pepper spray. He had a shoulder mic from his radio. There were no visible marks or injuries.

His magazines were inspected and both were filled to max capacity with 12 rounds in each. His firearm was a Sig Sauer P226, serial number U832085. It had a mounted flashlight. There was visible powder residue about the barrel. There was one round in the camber and 8 rounds in the magazine.

After his firearm was collected, I provided Ofc. Johnson with his loaner firearm and he signed the form acknowledging receipt of that weapon. I turned that form over to Sgt. Smith upon completion of the gun exchange at about 1424 hours.

The briefing was conducted at about 1730 hours. I was assigned to assist Detective Porta on Team 3 with processing the scene. Team 3 included Ofc. Mauldin from CII and DAI investigator Paine. Refer to his supplemental regarding the scene report.

While onscene, I was requested to attempt to contact residents at [REDACTED] as a report mentioned the

Report Officer <b>2131/MOHAMMED, IRSHAD</b>	Printed At <b>02/03/2020 10:56</b>
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# Incident Report

## STOCKTON POLICE DEPARTMENT

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0045

### Narrative

garage door was opened. I couldn't find a location matching that address. The residence at [REDACTED] didn't have a garage door and I didn't receive any answer when I knocked on the door.

After the processing of the scene was completed, I drove Officer Johnson and Rodriguez' patrol car back to the SPD lot. I removed their personal property from the vehicle and left them in the secondary sergeant's office.

On 04/18/2017, I authored a search warrant for the Dodge Durango that was towed by Technique Towing. The warrant was granted by the Honorable Judge Elizabeth Humphreys. Officer Porta, Officer Wright, DAI Paine and I went to Technique Tow to process the vehicle. Refer to Det. Porta's report for further information.

Detective Dewing authored a search warrant for [REDACTED], [REDACTED] and Edgar's residence. We executed the warrant on 04/20/2017. I was assigned to be the finder during the search. The finder's responsibility is to document the search as well as the items seized pursuant to the warrant. The search team consisted of Sgt. Smith, Det. Dewing, Det. Porta, DAI K. Locaso, and Ofc. Wright (CII). FET K. Rash, 2L21, responded for evidence collection and documentation via photographs.

The residence was a single story family residence. There were two bedrooms, a single living room, a kitchen/dining area and attached laundry room. There also was an attic that was accessible via the main hallway area. The rooms were labeled A-G for easier identification and overalls of the location were taken prior to searching.

Nothing was collected from room "A", the living room, but a Green Bay Packers hat was photographed that was on a speaker on the west side of the living room entertainment center. Within the entertainment center was a book about Aztecs, which was also photographed.

In room "D", the north bedroom, there was a red and black cooler found on the top shelf of the closet on the east half. Inside the cooler was a white sock that contained 22 .223 rounds. Also inside of the cooler was a box of 9mm luger bullets, Federal ammunition brand and labeled range target practice. There were 11 bullets inside of the box. In addition, there was a black extended capacity magazine that contained at minimal 17 rounds. The bullets weren't removed and counted at this time as FET was going to process the magazine, thus manipulation of the item was kept to a reasonable minimum. There was also a digital scale at the bottom of this cooler. The sock containing the bullets, the box of ammunition and magazine were all collected by FET Rash.

It was noted that while going through the closet, it appeared that items on the west half of the closet was primarily male clothing and clothing on the east side was primarily female. Red was a prominent color in regards to the male clothing and hats in the closet. Photographs were taken of the closet to document. There was also a large carbon fiber backpack that had indicia for Edgar. There was also some indicia with Edgar's name in the plastic bins on the west side of the room which were documented via photograph.

In room "E", the west bedroom, there was a gray colored shoebox located in the bedroom closet. In that box was some marijuana in four separate packages, paper work for [REDACTED], additional bags for packaging and a fixed blade "claw" type weapon. The weapon was collected by FET Rash.

In room "F", the bathroom, the victim's medical bracelet from the hospital from the night of the incident was located. It was simply photographed.

Exit photographs were taken of the residence. The victim was given a copy of the affidavit, the search warrant notification and copy of the property receipt by placing them on the dining room table in her presence. While we were searching the residence, the victim was notified of the search warrant I wrote covering the Durango by Det. Donovan. That warrant included language authorizing the search of her cellular phone that was recovered therein.

### ATTACHMENTS

None

### EVIDENCE

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**STOCKTON POLICE DEPARTMENT**

**17-13946**

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**0045**

**Narrative**

None

**DISPOSITION**

Open.

Report Officer  
**2131/MOHAMMED, IRSHAD**

Printed At  
**02/03/2020 10:56**



# Incident Report STOCKTON POLICE DEPARTMENT

**17-13946**Supplement No  
**0046****22 E WEBER ST.  
STOCKTON, CA 95202****(209) 937-8495**Reported Date  
**06/13/2017**  
Rpt/Incident Typ  
**245**  
Member#  
**PORTA, LOUIS****Administrative Information**

Agency <b>STOCKTON POLICE DEPARTMENT</b>		DR <b>17-13946</b>	Supplement No <b>0046</b>	Reported Date <b>06/13/2017</b>	Reported Time <b>19:07</b>
CAD Call No <b>171060493</b>	Status <b>RTF INVESTIGATIONS</b>	Rpt/Incident Typ <b>ASSAULT WITH A DEADLY WEAPON</b>			
Location <b>S FILBERT ST/E WASHINGTON ST</b>					City <b>Stockton</b>
ZIP Code <b>95205</b>	Rep Dist <b>0191</b>	District <b>PA</b>	Sector <b>PN</b>	From Date <b>04/16/2017</b>	From Time <b>13:03</b>
Member# <b>2320/PORTA, LOUIS</b>			Assignment <b>BEAR CREEK FIRST WATCH PHASE TWO</b>		
Entered By <b>2320</b>	Assignment <b>BEAR CREEK FIRST WATCH PHASE TWO</b>		RMS Transfer <b>Successful</b>	Prop Trans Stat <b>Successful</b>	
Approving Officer <b>1293</b>		Approval Date <b>06/22/2017</b>	Approval Time <b>12:38:22</b>		

**Summary Narrative****SCENE REPORT****WITNESS 1:**

Involvement <b>WITNESS</b>	Invl No <b>1</b>
-------------------------------	---------------------

[REDACTED]

**WITNESS 2:**

Involvement <b>WITNESS</b>	Invl No <b>2</b>
-------------------------------	---------------------

[REDACTED]

**WITNESS 3:**

Involvement <b>WITNESS</b>	Invl No <b>3</b>
-------------------------------	---------------------

[REDACTED]

Report Officer  
**2320/PORTA, LOUIS**Printed At  
**02/03/2020 10:56**

# Incident Report

## STOCKTON POLICE DEPARTMENT

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0046

Type

### Modus Operandi

Crime Code(s)

Assaults

### Narrative

#### NOTIFICATION:

On 4/16/17 at about 1330 hours I, Detective Porta (I-23) was contacted at home regarding an Officer involved shooting that occurred in the area of Filbert Street and Washington Street. I was requested to respond to the Stewart Eberhardt Building (SEB). I responded from home and arrived at the SEB at approximately 1445 hours.

#### INVESTIGATION:

*(It should be noted that any measurements listed within the following report are used merely as a means of estimation in order to better describe observations made. For more exact measurements and distances refer to the scene sketch)*

Prior to the briefing I conducted follow up on the case based upon the call history and a summary of the incident given to me by Sergeant C. Smith (I-2). Initial information provided to me from Sergeant Smith was that Officers R. Johnson and B. Rodriguez (2D25) responded to the area of South Filbert Street and East Washington Street for a report of a possible family disturbance in progress. Shortly after arrival, Officer Johnson discharged his firearm after the male half involved struck a patrol car and a citizen's vehicle with his own.

Per the call history a female, later identified as VIC, advised her boyfriend hit her and was following her in a white Dodge Durango with a license plate of [REDACTED]. The female advised that she had to borrow a stranger's phone and was yelling for the male to get away from her. Officers Johnson and Rodriguez arrived at approximately 1309 hours and advised of shots fired at approximately 1311 hours. Per the call history I learned that the potential suspect was Edgar Montoya 11/19/90.

Prior to briefing I called Manteca Police Department as the Durango involved was registered to [REDACTED] in Manteca, CA. Manteca PD Records had no prior calls regarding VIC at [REDACTED]. Montoya, however, had a prior application for a Domestic Violence restraining order filed against him in 2014 from another female [REDACTED]. There were no prior records or calls for service involving the white Dodge Durango [REDACTED] or involving Montoya and VIC.

I then assisted in gathering a list of potential witnesses. I spoke with Officer Cortes (2A43) who had responded to the incident as it happened and spoke with several witnesses. Cortez advised me that there was one occupant of the Nissan who was struck by Montoya's vehicle, [REDACTED], who was transported to the SEB. Cortes also spoke to [REDACTED] at the scene who was at the corner of Filbert Street and Washington Street when the incident took place. Cortez further spoke to [REDACTED] who was parked on the street visiting friends during the incident. Refer to Cortes' report for further details on his investigation.

#### BRIEFING:

I attended a briefing that occurred at approximately 1730 hours. The briefing included members from the District Attorney's office, Department of Justice, and other members of the Stockton Police Department. I was assigned to team 3 whose primary responsibility was the documentation of the crime scene. Other members assigned to team 3 were as follows; DAI investigator Robert Paine and CII officer Cooper Mauldin. DOJ investigators Meagan Gallagher, James Hamiel and Anthony Sutter also assisted in the investigation. Detective Mohammed assisted me in the investigation as well, refer to his supplemental report for details.

The briefing was led by Lieutenant Doberneck who advised that the call was initiated at approximately 1305 hours and Officers Johnson and Rodriguez went on scene at approximately 1309 hours. They then aired that they were rammed at approximately 1310 hours. Shots were fired and the suspect was ultimately found to be conscious and talking. The suspect was transported to UC Davis Hospital with a gunshot wound to the head. The victim was

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transported to Dameron Hospital.

During the briefing I viewed Officer Johnson's body camera footage. During the video I saw that Officer Johnson was seated in the passenger seat of the patrol car as they arrived. Upon arrival, Officer Johnson approached the passenger side of a white Dodge Durango. Officer Johnson appeared to give orders to the occupant of the vehicle and also speak to his partner. The apparent sole occupant in the driver's seat of the Durango did not exit the vehicle. Instead the vehicle drove forward, colliding with Officer Johnson and Rodriguez's patrol vehicle. The Durango then went into reverse colliding with a vehicle stopped in the street behind the Durango. The Durango then drove forward again, ultimately colliding with the same patrol car again. While the vehicle drove forward the second time, Officer Johnson discharged his firearm four times.

After briefing I responded to the scene and arrived at approximately 1806 hours.

### WEATHER:

The weather upon arriving at the scene was approximately 55 degrees Fahrenheit according to Accuweather. It was overcast and rainy conditions. The rain would fluctuate from none to a light drizzle to heavy throughout the investigation. The street was wet upon my arrival as it had been raining throughout the day. Due to the rainy conditions, the Dodge Durango was later towed from the scene prior to any searching or processing.

### PERIMETER:

The perimeter was blocked off at East Market Street and South Filbert Street to the north. The southern edge of the perimeter was located at Lafayette Street and Filbert Street. The eastern edge of the crime scene was naturally blocked by the wrought iron gate running along the west side of the apartment complex (Village East Apartments). The western edge of the crime scene ran north/south across East Washington Street approximately five houses west of Filbert Street.

The crime scene perimeter was made very large in order to control traffic more efficiently. The inner area of the perimeter surrounded the immediate area of the intersection of Filbert Street and Washington Street. The inner area was not delineated or marked by crime scene tape, however the pertinent area of the scene was located within a small area near the north west corner of the intersection.

There were numerous vehicles parked along the eastern sidewalk of Filbert Street in between Market Street and Lafayette Street that were not involved in or effected by the incident. Those vehicles will not be included in this scene report. The vehicles (both city and civilian) and evidence located at the intersection of Filbert Street and Washington Street and east along Washington Street will be documented. No items of evidentiary value or pertinence were located outside of the mentioned area.

I entered the crimes scene from the north at the intersection of East Market Street and South Filbert Street. The crime scene tape was connected to the wrought iron fencing surrounding 111 South Filbert Street at the south west corner of Filbert and Market Streets. The tape stretched east across Filbert Street, bypassing city light pole #1878E. The tape was attached to a "No Left Turn" sign in the middle of Filbert Street. The tape continued across Filbert to the east side walk and connected to the black wrought iron fencing along the west side of the apartment complex which encompasses 104 S Filbert Street. Marked Stockton Police Department unit 4019 was parked at the northern perimeter and under Control of (2M60) Keener.

Officer Blakeslee was parked in his marked police vehicle (City vehicle number 4112 with CA plate #1498352) and was manning the crime scene log. I signed in with Officer Blakeslee at 1807 hours. Officer Blakeslee also manned the eastern edge of the perimeter.

The southern crime scene tape ran across Filbert Street, parallel to the northern curb line of Lafayette Street. The crime scene tape was attached on the east to a black wrought iron gate along the west side of the apartment complex which encompasses 242 S Filbert Street. The tape was attached at the north east corner of the intersection just south of Stockton city light pole #10971 with "400" written underneath. The tape ran west across Filbert Street to the North West corner of the intersection of Filbert and Lafayette. The tape was attached to a black wrought iron gate located to the south east of 2495 and 2497 E Lafayette Street. Marked City Community Service Officer vehicle 3617 manned by CSO Bale (2C11) was parked along the southern perimeter of the crime

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2320/PORTA, LOUIS

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scene.

The crime scene tape on west side ran north across Washington Street in between residences 2464 E Washington Street (South) and in front of 2459 E Washington Street (North). The south end of the tape was attached to a chain link fence in front of 2464. The north end of the tape was attached to a tree, south of 2459 and then from the tree it was attached to the front yard fence in front of 2459. CSO vehicle 3616 was parked along the west perimeter and was manned by (3C9) CSO Buell.

#### LIGHTING:

The closest street light (#795 with "400" written below) to the scene was located at the south west corner of Washington Street and Filbert Streets. Upon arriving at the scene there were no street lights or house lights on. As the incident occurred during early afternoon hours, street lights would not have been a factor.

#### VEHICLES:

**Filbert Street:** (City vehicles or vehicles assisting with investigation but not directly involved in incident)

The Stockton Police Department Mobile Command Unit was non operative at the time of this investigation. The Stockton Fire Department Hazardous Materials Response Team vehicle (City vehicle 5505, CA plate # 1425866) was deployed and parked north of Washington Street on Filbert Street. The purpose of the vehicle was to mainly provide shelter during the rain.

FET Rash had originally responded to the scene and conducted a preliminary photo/video documentation of the scene. FET Rash was securing from the scene shortly after I arrived. Her city vehicle number was 4152. FET Adams arrived at approximately the same time I arrived on scene in city vehicle 4155. FET Adams' vehicle was parked north of the Fire Command Unit on Filbert Street.

DOJ had a mobile crime scene unit (CA plate 1229261) which was also parked on Filbert Street, north of Washington Street.

Stockton Police Department marked Police Unit 4039 was parked to the east of the HAZMAT vehicle, facing south bound.

Stockton Police Department Marked police Unit 4112 (CA plate #1498352) was parked facing southbound.

Stockton Fire Engine #12 was parked in the street facing north south of Washington on Filbert Street (City vehicle 5475, CA plate #1416168).

Stockton Police Department marked police unit # 4116 (CA plate 1498355) was found parked facing south west with the rear trunk hatch open near the north west corner of Filbert and Washington Street. 4116 was parked east of and parallel to Stockton Police Department unit 4115 (describe below).

**Washington Street:** (City vehicles or vehicles assisting with investigation but not directly involved in incident).

Stockton Police Department marked police unit # 3892 (CA plate #1380590) was parked facing east bound in Washington Street, north of 2472 East Washington Street.

#### **2498 East Washington Street:**

Red 2013 Mercedes C250 parked facing south east in the front yard bearing California license plate # [REDACTED] YRMD:13 MAKE:MERZ BTM :CP VIN [REDACTED] R/O [REDACTED] in the front yard of 2498 East Washington Street on the grass.

Red 1997 Ford Mustang parked facing south bound on the west side of the driveway bearing California license plate # [REDACTED] (LIC: [REDACTED] YRMD:97 MAKE:FORD BTM :CP VIN [REDACTED] R/O [REDACTED]).

Blue 1996 Pontiac Grand Am bearing California license plate # [REDACTED] (LIC: [REDACTED] YRMD:96

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### Narrative

MAKE:PONT BTM :4D VIN : [REDACTED] R/O [REDACTED]  
[REDACTED] was parked facing east bound along the south curb line of Washington Street near the south west corner of Washington Street and Filbert Street.

Gray 1997 Ford Ranger pickup truck bearing California license plate # [REDACTED] (LIC# [REDACTED] YRMD:97  
MAKE:FORD BTM :PK VIN : [REDACTED] R/O [REDACTED]  
[REDACTED] was parked diagonally facing west bound along the south curb line of Washington Street west of the driveway of 2498.

**2486 East Washington Street:** No cars in driveway.

White colored 1995 GMC Traveler Van bearing California license plate [REDACTED] (LIC# [REDACTED] YRMD:95  
MAKE:GMC BTM :VC VIN : [REDACTED] R/O [REDACTED]  
[REDACTED] was parked facing eastbound along the south curb line of Washington Street in front of 2486.

**2480 East Washington Street:** No cars in driveway or in street directly in front.

**2472 East Washington Street:**

Tan 2005 Ford F-150 bearing California license plate [REDACTED] (LIC# [REDACTED] YRMD:05 MAKE:FORD BTM :PK VIN : [REDACTED] R/O [REDACTED]  
[REDACTED] was parked facing east bound along the south curb line of Washington Street. The vehicle was parked along the sidewalk in between 2480 and 2472.

White 2016 Ford F-150 bearing California license plate [REDACTED] (LIC# [REDACTED] YRMD:16 MAKE:FORD BTM :PK VIN : [REDACTED]  
[REDACTED] was parked facing east bound along the south curb line of Washington Street in front of 2472.

Gold colored Ford sedan bearing California license plate # 6HJX125 (LIC# [REDACTED] YRMD:09 MAKE:FORD BTM :4D VIN : [REDACTED]  
[REDACTED] was parked facing northbound on the east side of the driveway of 2472.

**2464 East Washington Street:** No vehicles parked in driveway or in front of residence.

**2459 East Washington Street:**

Two cars were parked in the driveway but the driveway ran up too far north to see the license plates of the vehicles. There was a red Toyota older model pickup truck and a green colored unknown make van or SUV.

**2473 East Washington Street:** No cars parked in the driveway or on the street in front of the residence.

**2477 East Washington Street:**

Gray colored Chevrolet Spark bearing California license plate [REDACTED] (LIC# [REDACTED] YRMD:14  
MAKE:CHEV BTM :4H VIN : [REDACTED] R/O [REDACTED]  
[REDACTED] was parked facing north bound on the west side of the driveway.

There was what appeared to be a broken wooden cabinet or possibly a record player lying in the gutter in front of 2477.

**2485 East Washington Street:**

Silver 2011 Nissan Altima bearing California license plate [REDACTED] (LIC# [REDACTED] YRMD:11 MAKE:NISS BTM :4D VIN : [REDACTED] R/O [REDACTED]  
[REDACTED] was parked facing west bound along the north curb line of Washington Street, south of 2485.

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# Incident Report

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### Narrative

White Chevrolet Silverado pickup bearing Texas license plate [REDACTED] (No record) was parked on the north end of the driveway.

Yellow colored 1968 Chevrolet pickup bearing California license plate [REDACTED] YRMD:68

MAKE:CHEV BTM :PK VIN [REDACTED] R/O [REDACTED]  
[REDACTED] was parked facing west bound along the north curb line of Washington Street approximately 6 to 8 feet west of the rear of the Dodge. The yellow truck had what appeared to be miscellaneous car parts and debris in the bed.

### Victim vehicle:

Gray 2009 Nissan Sentra bearing California license plate [REDACTED] YRMD:09 MAKE:NIS BTM :SD VIN : [REDACTED] R/O [REDACTED]  
[REDACTED] was parked facing north bound across the sidewalk, partially in the street and partially pulled into the driveway of 2485 East Washington Street.

### Suspect Vehicle:

White 2005 Dodge Durango SLT with 5.7 Hemi magnum bearing California license plate [REDACTED]  
[REDACTED] was stopped facing north east near the north west corner of Filbert Street and Washington Street. Later found to have been driven by ARR: Edgar Montoya.

### Stockton Police Department marked units contacting the suspect vehicle:

Stockton Police Department marked police unit # 4115 (CA plate #1498352) was found facing south west at the north west corner of Filbert Street and Washington Street. The front passenger side of the police unit's push bumper was against the front bumper of the Dodge. The police unit's tires were straddling the edge of the curb along the corner on the passenger side.

Stockton Police Department marked police unit # 3877 Ford Crown Victoria (CA plate #1380598) was parked facing south west across Washington Street at the intersection with Filbert Street. The rear passenger side bumper appeared to be pushed up against the rear passenger side tire and rear passenger side door of the Dodge.

### SCENE:

Upon initially walking through the crime scene I observed that Filbert Street is a wide two lane street running north/south which opens up to both residential and commercial areas. Filbert Street is controlled by a traffic light at the intersection with Market Street to the north and Lafayette Street to the south. Washington Street is a narrow two lane residential street running east/west. The intersection of Washington Street and Filbert Street is controlled by a stop sign located at the south west corner of the intersection.

123 South Filbert Street is the residence located at the north west corner of intersection. The residence was surrounded by a white wrought iron fence along the perimeter to the south and the east. The residence is situated along the northern end of the property. There is a large amount of grass and yard space to the south which butts up to the northern curb line of Washington Street.

At the north west corner of the intersection of Filbert and Washington Streets I observed SPD unit 4115 facing south west with the passenger side tires slightly on the curb. The front passenger side of the front push bumper of SPD unit 4115 (Ford SUV model) appeared to be in contact with the middle area of the front bumper of the White Dodge Durango. Unit 4115 was logged in to (2D23) Officers Serna and Adams.

SPD unit 4116 was parked facing south west and located east of SPD unit 4115. Unit 4116 was almost parallel to Unit 4115. The rear hatch of Unit 4116 was open upon my arrival. Unit 4116 was logged into (2D33) Officers McPherson and Twigg.

SPD unit # 3877 (Ford Crown Victoria) was parked facing south west and stretching across Washington Street

Report Officer  
2320/PORTA, LOUIS

Printed At  
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# Incident Report

## STOCKTON POLICE DEPARTMENT

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0046

### Narrative

just west of the west curb line of Filbert Street. The rear passenger side bumper of unit 3877 was in contact with the rear passenger side door and rear passenger side tire of the Dodge. Unit 3877 was running upon my arrival and both the headlights and taillights were on. There appeared to be white scratch marks which could have possibly been paint transfer along the passenger side of the front bumper. The passenger side of the front push bumper also appeared to have been bent inward. The passenger side of the rear bumper of unit 3877 appeared to be dented inwards where it was in contact with the Dodge. Unit 3877 was logged into (2D25) Officers Johnson and Rodriguez. Inside the cab of unit 3877 was Rifle #13 secured in the gunlock.

The engine of the Dodge was running. I could see that the driver's side door of the vehicle was open, along with the trunk hatch. Inside of the rear hatch there were two Kicker subwoofers in a speaker box. There was also a leather cd type case sitting in the rear cargo area. The front bumper on the driver's side near the fog light appeared to have a small crack and possibly black paint transfer. The front passenger side of the bumper also had what appeared to be black smudges or possible paint transfer along the passenger side of the front bumper and along the front passenger side fender. A section of the front passenger side wheel appeared to be missing or cracked. I also observed what appeared to be small black horizontal linear scratches on the rear side of the front passenger side tire fender. The rear passenger side bumper appeared to have been cracked. There was what appeared to be a black rubber type cover which ran along the top rear bumper. On the passenger side of the bumper above where it was cracked, there were several gray colored pieces of what appeared to paint chips (Later labeled with placard "5"). The paint chips appeared to match the color of the gray colored Nissan (CA plate [REDACTED]) located west of where the Dodge was located. The center of the rear bumper also appeared to have a small amount of damage or a crack.

The driver's side of the Dodge had what appeared to be 4 separate bullet strikes. The bullet strikes were later designated letters by DOJ (Refer to DOJ report for more details on bullet strikes and trajectories). The driver's side door had two separate strikes, the first of which was just below the window frame in the center of the door (Later designated as A1). The window was rolled up approximately 6 inches and it appeared to be cracked. On the interior of the driver's side door panel there was a hole in the approximate area of the hole on the outer portion of the door. As you looked across the passenger compartment to the passenger side, near the "B" pillar there appeared to be a mark on the front passenger's seatbelt which appeared to be consistent with a bullet strike (A2). The driver's side exterior door handle was broken and chipped off in a round shape (B). The frame of the door handle where it met up to the door had a hole which appeared to bend the metal beneath the handle inward. There did not appear to be an exit hole in the interior of the door panel that met up with the exterior hole.

The area where the driver's door and the rear driver's side door meet on the "B" pillar of the vehicle appeared to have been struck (C). Approximately 6 inches above the bottom of the window frame there appeared to be freshly uncovered metal where the paint had chipped away. The metal on the door frame appeared to be warped along with an area on the driver's side door. It initially appeared to me that a bullet had struck the edge of the driver's side door, bending the door frame, but never penetrated through the door. There were also what appeared to be white paint chips along the ground beneath the door. The rear driver's side passenger window was broken. There was a circular hole which appeared to be consistent with a bullet strike along with a larger, more triangular section of glass broken away as well (D).

Standing near the open door of the Dodge and looking into the passenger compartment I could see what appeared to be broken, tinted glass along the driver's side floorboard and running board. The front driver's and passenger's side windows of the Dodge were not tinted. The rear passenger side windows and rear hatch window were tinted. The radio and internal temperature control panel appeared to have been separated from the rest of the dash. There was also what appeared to be blood on the driver's seat and the driver's seat belt receptor.

West from the Dodge, along the north side walk of Washington Street there was a small tree. Located just west of the tree along the north curb line was a yellow colored older model Chevrolet pickup.

There was another tree located further west along the north sidewalk of Washington Street near where the properties of 123 South Filbert Street and 2485 East Washington Street meet. Approximately 6 feet south of the north curb line of Washington Street, near where the aforementioned tree was located along the sidewalk, there

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was a silver colored casing located in the street. Four casings were ultimately located in the street. This northernmost casing was labeled with Placard "1".

Approximately 5 feet to the south east of the first casing, another silver casing was located. This casing was labeled with placard "2". A third casing was located approximately 4 feet to the south west of the second casing. This third casing was labeled with placard "3". The fourth casing was located approximately 15 feet to the south east of the third casing. The fourth casing was located north of 2498 East Washington Street in the street. The fourth casing was labeled with placard "4". All casings located were found to be "FEDERAL 40 S&W". All casings were located in the street and originally marked by responding officers with SPD paper report cards. Due to the weather the cards became wet and soggy. Additionally, there was what appeared to be some sort of soggy tissue type paper and a plastic wrapper located in the street in the same vicinity as the first casing labeled. It should be noted that the placards do not indicate the order the casings were found, they are used to document the evidence with more efficiency and organization.

There was a Silver 2009 Nissan Sentra bearing California license plate [REDACTED] parked partially in the driveway of 2485 East Washington Street. The rear end of the vehicle up to almost the driver's side door remained in the street while the front end of the vehicle was on the sidewalk and in the driveway of 2485. The front end of the vehicle had what appeared to be significant damage. The hood was bent forming a sort of "U" shape. The front bumper was dented inward and appeared to have partially separated and hung lower on the driver's side. The headlights were out of alignment and the front fenders near the headlights appeared to be bent out of shape. The driver's side fender appeared to have been pushed up against the front driver's side tire. The front plastic grill appeared to be missing the front emblem and trim. The radiator also appeared to have been pushed inward and dented.

Located in the street to the south of where the Nissan was parked was what appeared to be vehicle debris. There were to be several small black plastic screw type pieces which are commonly used to attach vehicle trim pieces and fascia together. There was also what appeared to be silver colored front grill trim pieces and clear lens pieces laying in the street.

Due to the weather it was decided that the Dodge would be towed and processed after it was stored inside. Upon reversing Unit 4115, which had originally been in contact with the Dodge, the Dodge crept forward. It was found that the Dodge had still been in drive while it was running. After moving the vehicles apart, there were scratches located on the front push bumper of unit 4115 where it had contacted the front bumper of the Dodge. There were also what appeared to be smudge marks amongst the dirt and dust on the front bumper of the Dodge where the push bumper had been in contact with it. After moving Unit 3877 away from the Dodge it was evident that there was white paint transfer on the rear passenger side bumper and the bumper was dented.

When the Dodge moved forward after backing Unit 4115 away, it revealed the gutter near where the front driver's side tire of the Dodge had originally been. Located in the gutter was a copper jacket of an expended bullet. The copper jacket was labeled with placard "6". FET Adams photographed and later collected all the evidence from the scene. Refer to FET Adams supplemental report for further details.

The Dodge was towed away from the scene by Technique Towing and stored inside. Officer Roberson followed the vehicle and ensured that it was towed and stored appropriately.

I secured from the scene at approximately 2200 hours after advising that the perimeter could be broken down. I took over the crime from Officer Blakeslee.

### INVESTIGATION CONTINUED:

Upon conducting a canvass for video in the area I located a camera on the front of [REDACTED]. I made contact at that residence and met with [REDACTED]. [REDACTED] showed us video of his surveillance system in which it appeared to have partially captured the incident. We advised [REDACTED] that we would have to come back at a later date to collect the video.

On 4/18/17 I responded to Technique Towing at 704 East Hazelton Street along with Detective Mohammed, DAI Paine and CII Officer Wright. FET Broussard met with us at approximately 1135 hours and we made contact at

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technique towing in order to search the vehicle. The search of the Dodge was conducted after Detective Mohammed secured a search warrant which was signed by the Honorable Judge Humphreys on 4/18/17.

The rear driver side passenger window had more glass missing than it originally did on scene. FET Broussard took overall photographs of the vehicle inside of the ware house prior to our search. Inside of the front passenger doorway along the floor near the running board there was what appeared to be a red substance. This was later determined to be residue from flaming hot Cheetos after I located an empty bag of Cheetos near the rear of the front passenger's seat.

Located on the passenger side floorboard was what appeared to be an expended bullet. There was a black and brown colored plastic toy gun located under the driver's seat. The gun was visible as I opened the rear driver's side door and looked at the floorboard. There was dark colored broken glass all about the floor of the rear passenger area. The center console had a cup holder on the back which was accessible to the second row of seats (There were three rows of seats inside of the Durango). Inside of the cup holder was a green cup. There was what appeared to be a large pool of coagulated, dark blood along the floor near the rear of the center console and on and around the green cup.

The front radio/temperature control panel was loose and separated from the rest of the dash. This was the same position it was in on scene. The panel easily pulled away from the dash revealing a large cavity beneath the radio inside of the dash. The panel slides into place amongst the dash with a series of "clips" and that meet up to rectangular shaped holes in the dash. The holes and clips appeared to be very worn down and scratched and did not lock into place. Once the panel was pulled away it revealed what appeared to be a black colored extended pistol magazine attached to a silver colored semi-automatic handgun. The barrel of the handgun was pointed towards the passenger side of the vehicle with the grip closest to the driver's side. After removing the handgun from the center console it was rendered safe by Detective Mohammed. The handgun was found to be a silver colored Taurus PT 92 AFS semi-automatic with black grips. The magazine was loaded with 29, 9 mm Luger rounds and one 9 mm Luger round was located inside of the chamber. The serial number of the firearm, was TVG28266 and found to have no record.

One black LG cellular smart phone was located underneath the passenger seat by Detective Mohammed.

The third row of seats had what appeared to be a car seat and a booster seat for children and possible camping style chairs in red bags.

In the front center pocket area in front of the center console was a black bag. Inside if the black bag was half empty bottle of E&J Brandy (Not collected).

We located several pieces of indicia for [REDACTED] with an address of [REDACTED], [REDACTED] inside of the glove box.

While removing the screws from the driver side door panel and attempting to remove the panel I noticed a silver colored apparent expended bullet fragment on the ground below the door. I then noticed what appeared to be a silver colored fragment on the driver's running board. After removing the driver side door panel I observed what appeared to be a copper colored expended bullet inside of the door well. The interior plastic of the door panel did not appear to be punctured. I removed three large screws behind the door handle and two smaller screws at the base of the interior door panel.

FET Broussard took swabs of apparent blood located on the rear floorboard behind the center console, on the driver's seatbelt receptor and from the steering wheel. The keys for the vehicle were in the ignition on a black Raiders lanyard. In addition to the car key there were several other keys.

A copy of the search warrant was left inside of the vehicle along with a property receipt for the items taken. All evidence located within the vehicle was collected and booked by FET. Broussard, refer to her supplemental for further details.

I made arrangements with [REDACTED] wife, [REDACTED], to respond to the house with DAI Paine and CII

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Officer Wright on 4/18/17. Detective Mohammed also assisted in attempting to copy the video to a flash drive. After originally copying the video we responded back to the SEB but found that the video did not copy correctly and would not play.

On 4/18/17 we also responded to [REDACTED] in order to copy possible video/audio from a camera in front of the residence. [REDACTED] is approximately 5 houses west of Filbert Street along the south side of Washington Street. We contacted [REDACTED] who allowed us access to his Bunker Hill Security system. The system had printed on it "H.264 8 CH Digital Video Recorder" and was hooked up to a "Symphonic" TV screen. Detective Mohammed copied possible video files from the system covering the approximate time of the incident.

The system showed the correct date (4/18/17) but showed a time of "01:59" at 1334 hours (Estimated to be approximately 25 minutes fast). Upon later review there was nothing captured by the camera, the footage only shows the driveway of [REDACTED]. At approximately 01:22 hours and shortly after I could hear faint voices, possibly a male and a female, and they sound like they are loud, but from a distance. There is also what sounds like possible lawn equipment in the background at the same time the voices are speaking. The camera had an audio function which upon listening, I could hear at approximately 01:24:30 hours on camera time, the sound of an engine revving. At approximately 01:24:57 and 01:25:11 I could hear what sounded like a female's voice yelling "Fuck you" followed by an unknown phrase ending with "Right". Again at 01:25:57 approximately I could hear the female's voice again saying something like "Get the fuck out of here". Around 01:28 you can hear dogs barking and what sounds like faint voices in the background. At approximately 1:30:11, I could hear what sounded like a female's voice saying "What" and a very loud sound that resembled tires screeching. Nothing is captured on the actual screen during these times however. At approximately 01:35:40 hours you can hear the sound of tires screeching and loud pops which could have possibly been gunshots. The recording was later booked into evidence.

I made further arrangements with [REDACTED] to go back to her house on 4/25/17 at approximately 1500 hours with DAI Paine and CII Officer GarciaRangel. We collected the video surveillance unit after [REDACTED] signed a consent form (Booked under this DR). We responded back to the SEB where Detective Estrada assisted in copying the video.

The video surveillance unit was found to be "Q-SEE" system and showed a time of 1710 hours at 1644 hours (Approximately 26 minutes difference). Channels #1 and #2 were recorded from 1300 hours to 1400 hours. In the video the Dodge shows up at approximately 1330 hours and is seen reversing and driving west along Washington Street. A short time later a Hispanic female is observed walking east along Washington Street followed by a Hispanic male with long hair in a ponytail. After walking after the female the male runs back west out of the camera view. The white Dodge can then be seen driving east along Washington Street towards the intersection with Filbert Street.

There appears to be some interaction with another person near Filbert Street. You can see a police car arrive a short time later and then the Dodge is seen driving forward, reversing and then driving forward again before stopping.

After downloading the video I returned the surveillance system to [REDACTED] on 4/25/17. A copy of the video surveillance was booked under property tag #B123163.

Upon review of the crime scene log I contacted Stockton Fire Department's dispatch and found that MEDIC #103 had originally responded and taken VIC to Dameron. Medic #29 arrived on scene and transported Montoya. Stockton Fire units Battalion 1, Engine 3 and Engine 12 all responded to the scene. Engine 12 assisted in bringing the HAZMAT unit (Hazmat 3). The in and out times of all the listed people were listed on the log and booked into evidence under this report number.

**PLACARDS:** (All booked under property tag #B122905).

1-silver colored casing "FEDERAL 40 S&W".

2-silver colored casing "FEDERAL 40 S&W".

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3-silver colored casing "FEDERAL 40 S&W".  
4-silver colored casing "FEDERAL 40 S&W".  
5-Gray colored apparent paint chips.  
6-Copper jacket.

**ATTACHMENTS:**

Crime scene log booked under property tag #B122973.  
Consent form signed by [REDACTED] booked under property tag #B124268.  
Recording from [REDACTED] booked under Property tag #B124268.

**DISPOSITION:**

Refer to Original.

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# Incident Report STOCKTON POLICE DEPARTMENT

**17-13946**Supplement No  
**0047****22 E WEBER ST.****STOCKTON, CA 95202****(209) 937-8495**

Reported Date

**06/28/2017**

Rpt/Incident Typ

**245**

Member#

**WAGNER, MARILYN ANICETA**

## Administrative Information

Agency	STOCKTON POLICE DEPARTMENT	DR	17-13946	Supplement No	0047	Reported Date	06/28/2017	Reported Time	11:54		
CAD Call No	171060493	Status	REPORT TO FOLLOW	Rpt/Incident Typ	ASSAULT WITH A DEADLY WEAPON						
Location	S FILBERT ST/E WASHINGTON ST							City	Stockton		
ZIP Code	95205	Rep Dist	0191	District	PA	Sector	PN	From Date	04/16/2017	From Time	13:03
Member#	1323/WAGNER, MARILYN ANICETA										
Assignment	FIELD SERVICE PARK SECOND WATCH PHASE 1							Entered By	1323		
Assignment	FIELD SERVICE PARK SECOND WATCH PHASE 1							RMS Transfer	Successful	Prop Trans Stat	Successful
Approving Officer	1052	Approval Date	06/28/2017		Approval Time	14:33:36					

## Modus Operandi

Crime Code(s)

**Assaults**

## Narrative

### NOTIFICATION :

I (CSO Wagner, Lobby1) responded to the Department of Justice (DOJ), 1306 Hughes LN, Ripon CA, on 06-28-17 at 0841 Hrs, from SPD, to pick up the processed evidence related to this case. I arrived on scene, at 0913 Hrs.

### INVESTIGATION :

I contacted Property Controller J. Pope, at the DOJ lab. She gave me one sealed small box with DOJ Label Marked "CV-17-002795 SUB #: B122953-1TF PDSTOC 1713946" and marked in pen as containing CV-17-2795 Item B122953-ITF Test fires from Item B122953-1 TAURUS PT 92 AFS (SN:TVG28266) 3T1-3T3 WIN 9 MM LUGER 115 GRAIN FMJ.

I was also given a sealed envelope with DOJ label marked "CV-17-002795 SUB #: 04 PDSTOC 1713946" and marked in pen as containing CV-17-2795 DVD2: Archival DVD - C10 data Tru Views, FARO files, diagrams, related to this case. I transported the sealed envelope and the sealed small box to the Property room of Stockton Police Department, located at 22 E Weber AV and booked items into evidence.

I also returned a pre-booked sealed evidence gun box containing a fire arm.

### ATTACHMENTS :

Copy of Physical Evidence Submission Form.

### EVIDENCE :

The sealed envelope containing Test fire components and the DVD was booked into evidence on Property card #B124612 Item #1 and Item #2.

Report Officer

**1323/WAGNER, MARILYN ANICETA**

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# Incident Report STOCKTON POLICE DEPARTMENT

17-13946

Supplement No  
0048



22 E WEBER ST.

STOCKTON, CA 95202

(209) 937-8495

Reported Date  
12/18/2017  
Rpt/Incident Typ  
245  
Member#  
BLACK

## Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
STOCKTON POLICE DEPARTMENT	17-13946	0048	12/18/2017	10:00
CAD Call No	Status	Rpt/Incident Typ		
171060493	REPORT TO FOLLOW	ASSAULT WITH A DEADLY WEAPON		
Location				City
S FILBERT ST/E WASHINGTON ST				Stockton
ZIP Code	Rep Dist	District	Sector	From Date
95205	0191	PA	PN	04/16/2017
From Time				
13:03				
Member#				
1127/BLACK				
Assignment	Entered By			
FIELD SERVICE LAKEVIEW FIRST WATCH PHASE 2	1127			
Assignment	RMS Transfer	Prop Trans Stat		
FIELD SERVICE LAKEVIEW FIRST WATCH PHASE 2	Successful	Successful		
Approving Officer	Approval Date	Approval Time		
2083	12/18/2017	12:51:22		

## Modus Operandi

Crime Code(s)  
Assaults

## Narrative

### NOTIFICATION :

On 121817 at 1001 hrs I, Ofc Black, was assigned to book dispatch audio and/or 9-1-1 tapes and CD's, from this case. I received the copies from telecommunications staff member Mickey Adams. I booked the below listed items on the listed property card.

### EVIDENCE :

- (1) CD of radio traffic from listed case - Booked on PC#B128872
- (1) printout of Call History (CH) - Booked on PC#B128872

### DISPOSITION :

Matter of record

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# Incident Report STOCKTON POLICE DEPARTMENT

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**0049****22 E WEBER ST.****STOCKTON, CA 95202****(209) 937-8495**

Reported Date

**09/19/2018**

Rpt/Incident Typ

**245**

Member#

**DEWING, LAUREN RENEE**

## Administrative Information

Agency	DR	Supplement No	Reported Date	Reported Time
<b>STOCKTON POLICE DEPARTMENT</b>	<b>17-13946</b>	<b>0049</b>	<b>09/19/2018</b>	<b>15:57</b>
CAD Call No	Status	Rpt/Incident Typ		
<b>171060493</b>	<b>RTF INVESTIGATIONS</b>	<b>ASSAULT WITH A DEADLY WEAPON</b>		
Location				City
<b>S FILBERT ST/E WASHINGTON ST</b>				<b>Stockton</b>
ZIP Code	Rep Dist	District	Sector	From Date
<b>95205</b>	<b>0191</b>	<b>PA</b>	<b>PN</b>	<b>04/16/2017</b>
From Time				
<b>13:03</b>				
Member#	Assignment			Entered By
<b>2571/DEWING, LAUREN RENEE</b>	<b>HOMICIDE UNIT PHASE 2</b>			<b>2571</b>
Assignment	RMS Transfer	Prop Trans Stat	Approving Officer	
<b>HOMICIDE UNIT PHASE 2</b>	<b>Successful</b>	<b>Successful</b>	<b>1293</b>	
Approval Date	Approval Time			
<b>09/20/2018</b>	<b>07:39:14</b>			

## Summary Narrative

Receipt of Disposition Letter from DA's Office

## Modus Operandi

Crime Code(s)

**Assaults**

## Narrative

### NOTIFICATION :

On September 19th, 2018, I received an email from Robbery Homicide Sergeant (Sgt.) C. Smith. The emailed included the Disposition Letter for Officer R. Johnson. The lettered was authored by Deputy District Attorney, R. Price.

### INVESTIGATION :

In summary, the letter stated that Officer Johnson's use of lethal force was determined to have been justified. The letter further stated that suspect Edgar Montoya plead guilty to Penal Code section 245C, assault upon Officer Johnson with a vehicle, and Penal Code section 29800, felon in possession of a gun, on January 30, 2018. Suspect Montoya was sentenced to six (6) years State Prison at 80%.

### ATTACHMENTS :

Disposition letter

### EVIDENCE :

None

### DISPOSITION :

Closed

Report Officer  
**2571/DEWING, LAUREN RENEE**Printed At  
**02/03/2020 10:56**