



HUMBOLDT COUNTY SHERIFF'S OFFICE

826 4TH ST EUREKA, CA 95501 707-445-7251

Case
201405787

XX CONVERTED REPORT

OFFENSES	F/M Offenses 2800.2 VC EVADING PEACE OFFICER W/WANTON DISREGARD OF SAFETY				Date Occurred 12/15/14-12/15/14	Time Occurred 2400 - 2400	Incident #			
					Date Reported 12/16/2014	Time Reported 0652				
	Related Cases									
					Date Printed 11/09/2020	Time Printed 13:31:18	Printed By 0467			
					Latitude 0.000000	Longitude 0.000000				
Location ██████████ Rd, Lazalea Ave, Mckinleyville, CA 95519				Beat	Area	Disposition Cred By Other Means		Dispo Date 02/05/2015		
Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System		Means of Attack (Robbery)				
Victim				Drivers License	Cell Phone		Email			
Residence Address				Notified of Victim Rights	Residence Phone		DOB	Age	Sex	Race
Business Name and Address				Business Phone		Height	Wt	Hair	Eyes	
Assistance Rendered/Victim Disposition				Transporting Agency		Means of Attack (Assaults)				
Description of Injuries				Other Information						
Witness				Drivers License	Cell Phone		Email			
Residence Address				Residence Phone		DOB	Age	Sex	Race	
Business Name and Address				Business Phone		Height	Wt	Hair	Eyes	
██████████				Action Taken BOOKING		Charges				
Residence Address				Residence Phone		DOB	Age	Sex	Race	
Business Name and Address				Business Phone		Height	Wt	Hair	Eyes	
Identifying Features				Cell Phone		Drivers License		Arrest Number		
Aliases									CH	
VEHICLES	Status Damaged XConverted Vehicle Damaged		Vehicle Make and Model		License/State		VIN			
DEPUTIES	Prepared By 1740 - Aponte, Scott		Date 12/16/2014	Assisted By		Approved By XXX - Converted, Deputy		Date 12/16/2014		
	Routed To	Date	Routed To	Date	Notes					

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Witness [REDACTED]	Drivers License [REDACTED]	Cell Phone	Email			
Residence Address [REDACTED]	Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]	
Business Name and Address	Business Phone	Height [REDACTED]	Wt [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	
Witness [REDACTED]	Drivers License	Cell Phone	Email			
Residence Address [REDACTED] Rd, McKinleyv, CA	Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]	
Business Name and Address	Business Phone	Height	Wt	Hair	Eyes	
Mentioned - Other [REDACTED]	Drivers License	Cell Phone	Email			
Residence Address [REDACTED] Rd, McKinleyville, CA 95519	Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]	
Business Name and Address	Business Phone	Height	Wt	Hair	Eyes	
Mentioned - Other [REDACTED]	Drivers License [REDACTED]	Cell Phone	Email			
Residence Address [REDACTED]	Residence Phone	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]	
Business Name and Address	Business Phone	Height [REDACTED]	Wt [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	
Mentioned - Other [REDACTED]	Drivers License	Cell Phone	Email			
Residence Address [REDACTED] Rd, McKinleyville, CA 95519	Residence Phone	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race I	
Business Name and Address	Business Phone	Height	Wt	Hair	Eyes	
Mentioned - Other [REDACTED]	Drivers License	Cell Phone	Email			
Residence Address [REDACTED] Rd, McKinleyville, CA 95519	Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race I	
Business Name and Address	Business Phone	Height	Wt	Hair	Eyes	

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NARRATIVE - SUPPLEMENTAL

201405787

On 12-15-14 at about 2059 hours, Deputy Gagnon and I responded to the area of Azalea and Chapel Hill to assist Deputy Aponte. Dispatch advised us they had recieved reports of shots fired in the area where Deputy Aponte ended the pursuit.

Deputy Gagnon and I reponded Code 3 (lights and sirens) from the Eureka area.

Upon arrival, I stopped near the area of Chapal Hill and Azalea. I observed a City Ambulance leaving the area with a female [redacted] inside. The female had suffered a gunshot wound to her hand. I did not see any law enforcement officer's inside the ambulance with the female. I advsied City Ambulance I would be riding with them to the hospital. I entered the ambulance and was seated behind the female. The female was crying hystericy. I noticed her left hand had a large bandage wrapped around. The female was also covered in broken glass. I asked the female her name and she identified herself as [redacted] (later identified as [redacted])

I was able to hear radio traffic from dispatch regarding the shooting. Dispatch stated a male [redacted] had possibly fled the area from the vehicle and may be in possession of a firearm.

I asked [redacted] if she knew who the male [redacted] was. [redacted] told me she only knew the male as "B." [redacted] described "B" as a white male in his late 20s wearing a black shirt. [redacted] said "B" had the numbers "18" tattooed across his face. I asked [redacted] if "B" was armed. [redacted] said she thought "B" had a small black firearm. I relayed all the information [redacted] told me to dispatch.

Upon arrival at St. Joseph Hospital at 2138 hours, I was informed by medical personel [redacted] may be flown out of the area. I requested the ER staff remove [redacted] clothing and perform a blood draw.

Deputy [redacted] arrived at that time to assist. Deputy [redacted] took photos of [redacted] and collected the clothing and blood draw.

As [redacted] was being treated, a nurse advsied she could see an object inside [redacted] mouth. The nurse then removed two small plastic bags. I took custody of the bags and noticed a black tar like substance in one, and a white [redacted] substance in the other. I believed the substance to be Methamphetamine and Heroin.

I placed the [redacted] Methamphetamine and Heroin next to [redacted] clothing. I then stood by with [redacted] during her treatment at St. Joseph Hospital.

Nothing further at this time.

CONTROLLED DOCUMENT

Prepared By: 1768 WAXLER, BRYAN E

Date: 12/16/2014

Approved By: 1285 WILLIAMS, SAMUEL

Date: 01/07/2015



HUMBOLDT COUNTY SHERIFF'S OFFICE

826 4TH ST EUREKA, CA 95501 707-445-7251

SUPPLEMENT 1 - SUPPLEMENTAL

201405787

On 12/15/14, at about 2130 hours, I was contacted by Sgt. Freese who advised me that Deputy Aponte had been in an officer involved shooting at [REDACTED] [REDACTED] [REDACTED] Road in McKinleyville. Sgt. Freese requested I assist with the investigation. I responded to CID at the Sheriff's Office and met with the CIRT team. Sgt. Freese designated Investigator Franco as the lead investigator and requested I respond to St. Joseph's Hospital, along with Evidence Tech. [REDACTED] and Eureka Police Department's Detective Gordon, to process Deputy Aponte for any potential evidence.

Detective Gordon, E.T. [REDACTED] and myself arrived at St. Joseph's Hospital at about 2335 hours. Deputy Aponte, Deputy Maus and Undersheriff Honsal arrived at the hospital at about 2350 hours. Deputy Aponte consented to a legal blood draw, which was performed on 12/16/14 at 0000 hours. The blood was collected and provided to E.T. [REDACTED]

At about 0008 hours, Detective Gordon and I transported Deputy Aponte and Deputy Maus to the Humboldt Bay Best Western Hotel. E.T. [REDACTED] met us there and began to process Deputy Aponte for potential evidence. Refer to E.T. [REDACTED]'s report for further information.

I later contacted Sgt. Freese who advised me that Deputy Aponte was free to stay at the hotel or return to his residence. Deputy Aponte advised me that he wanted to return to his residence. At about 0200 hours, I dropped Deputy Aponte off at the McKinleyville Substation to retrieve his keys and personal vehicle.

On 12/16/14, at about 0800 hours, the CIRT team met at the briefing room in CID at the Sheriff's Office. Arcata Police Department's Detective Sgt. Dokweiler and I were tasked with canvassing the neighborhood of the incident location for any potential witnesses. Prior to responding to the incident location, I looked up booking photographs for [REDACTED] [REDACTED] which was the name given to deputies by the female that had been shot. The booking photo of [REDACTED] [REDACTED] did not appear to be the same person that had been shot. I looked up booking photos of [REDACTED] [REDACTED] whom the involved vehicle had been registered to and believed that was in fact the person that had been shot. I contacted UC Davis Police Department and spoke with Investigator Joanne Zekany. I advised Investigator Zekany that I believed the involved female who had been airlifted to UC Davis Hospital was in fact [REDACTED] [REDACTED] and not [REDACTED] [REDACTED]. I sent Investigator Zekany the booking photos of [REDACTED] and [REDACTED] and requested she confirm who the female was. I was later contacted by Investigator Zekany who stated it was confirmed that the female was in fact [REDACTED] [REDACTED]. While speaking with Investigator Zekany, I was told [REDACTED] [REDACTED] mother, [REDACTED] was on the phone requesting to speak with me. I spoke with [REDACTED] who stated she was contacted by the hospital and told that [REDACTED] was there. [REDACTED] stated [REDACTED] was sitting right next to her and was very upset because [REDACTED] was using her name. I spoke with [REDACTED] who stated [REDACTED] has been using her name due to [REDACTED] having a warrant out for her arrest. [REDACTED] stated she feared that she was going to get into trouble because of [REDACTED]. I explained to [REDACTED] that we had positively identified the female as being [REDACTED] and not her.

I then responded to Arcata Police Department and met with Sgt. Dokweiler. We listened to the vehicle video/audio recording from Officer O'Donovan's vehicle. Officer O'Donovan responded to the incident

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Prepared By: 1655 TAYLOR, JENNIFER

Date: 12/17/2014

Approved By: 0896 FREESE, DIANA M

Date: 12/23/2014



and video/audio recordings were made. Refer to the video/audio recording for more information.

Sgt. Dokweiler and I then responded to the incident location and met with the residents at [REDACTED] Road. We first met with [REDACTED]. [REDACTED] stated they had heard the shots and his daughter, [REDACTED], had called 911. I asked [REDACTED] if he recalled what time it was when he heard the gunshots. [REDACTED] stated he believed it was around 8:30PM or 9:00PM. I asked [REDACTED] if he had heard any vehicles driving up the road. [REDACTED] stated he had not heard anything, but [REDACTED] had. [REDACTED] stated he had just heard his dog start barking and then he heard what he believed to be "automatic fire." I asked [REDACTED] if the shots he heard were very rapid. [REDACTED] stated yes and added that there were four or five shots. I asked [REDACTED] if he had heard any yelling. [REDACTED] stated no. [REDACTED] stated he had come outside to see what was going on and then became uncomfortable because he did not know what was going on.

We next spoke with [REDACTED] and asked her to tell us what had happened. [REDACTED] stated she had heard someone pulling up in a loud vehicle. [REDACTED] stated she assumed it had been a stranger or visitor of her neighbors because her dog was barking a lot. [REDACTED] stated if it is someone the dog does not know, he will bark. [REDACTED] stated she then heard a noise which was followed by four or five rapid shots being fired from a large weapon. [REDACTED] stated [REDACTED] asked her if the sounds had come from the television and she told him that it had not. [REDACTED] then told [REDACTED] to call 911. [REDACTED] stated a short time later, they heard the sirens. I asked [REDACTED] if she knew what time it was when she first heard the loud car approaching. [REDACTED] stated she was not sure, but then [REDACTED] added that he believed it was around 9:20PM because at 9:30PM he had called his other daughter and told her that he could leave his residence. I asked [REDACTED] if she heard anyone yelling. [REDACTED] indicated no, but stated that she believed she had heard a door slam. I asked [REDACTED] how long had passed between the time she first heard the loud car approaching and when she heard the gunshots. [REDACTED] stated everything happened really quickly. [REDACTED] stated from the beginning till the end, she believed it was about 3 minutes and 50 seconds. I provided [REDACTED] and [REDACTED] with my card and requested they contact me if they had any further information.

The conversation with [REDACTED] and [REDACTED] was digitally recorded. I burned a copy to a CD and booked the CD into evidence. For full and complete details, refer to the audio CD.

Sgt. Dokweiler and I next responded to Central Sandwich in McKinleyville and met with [REDACTED] [REDACTED] [REDACTED] stated he resides at [REDACTED] [REDACTED] [REDACTED] Road. I asked [REDACTED] if he witnessed or heard anything from the incident. [REDACTED] stated no because he had been watching Monday night football. [REDACTED] stated he had not even noticed anything until a neighbor called him and told him to look outside. I confirmed with [REDACTED] that he had not heard any gunshots or vehicles driving up the street. I asked [REDACTED] if he had been home alone. [REDACTED] stated his wife, [REDACTED], was also home, but she had been in the shower. I asked [REDACTED] if he and [REDACTED] had talked about what had happened. [REDACTED] stated yes and added that [REDACTED] stated she had not heard or seen anything. I provided [REDACTED] with my card and requested he contact me if he or [REDACTED] have any further information.

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Prepared By:	Date:	Approved By:	Date:
1655 TAYLOR, JENNIFER	12/17/2014	0896 FREESE, DIANA M	12/23/2014



The conversation with [REDACTED] was digitally recorded. I burned a copy to a CD and booked the CD into evidence. For full and complete details, refer to the audio CD.

Sgt. Dokweiler and I responded back to the incident location. Investigator Franco requested I have DOJ photograph Deputy Aponte's patrol rifle that was stored in his vehicle and count the ammunition in the weapon. DOJ photographed the patrol rifle and then District Attorney Investigator Kirkpatrick and I counted the ammunition. There was no round in the chamber and 25 rounds were in the magazine. There was no shotgun in the vehicle.

Any further information will be added via supplemental.

NFA

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Prepared By:

1655 TAYLOR, JENNIFER

Date:

12/17/2014

Approved By:

0896 FREESE, DIANA M

Date:

12/23/2014



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SUPPLEMENT 2 - 2ND OFFICER ON SCENE STATEMENT

201405787

On 12-15-14, at about 2101 hrs., I heard Deputy S Aponte check a license plate on the radio. I heard Dispatch provide the return and they said the vehicle returned to [REDACTED] [REDACTED] I had heard less than a week prior that [REDACTED] [REDACTED] was wanted and Dispatch confirmed she was wanted. I heard Deputy S. Aponte initiate a traffic stop and I notified Dispatch that I was en route from Highway 101 and Sunset Blvd in Arcata. I then heard Deputy S. Aponte say the vehicle was failing to yield at the intersection of Azalea Ave. and Chapel Hill Rd.

Just before I arrived in the area I heard Deputy S. Aponte on the radio, in a strained voice, asking for medical. I arrived in the area and began looking for Deputy S. Aponte's patrol vehicle. A few seconds later I heard Deputy S. Aponte ask for Medical again and his voice was still stressed. I searched northbound on Azalea to Cochran Rd. but I was unable to locate the vehicles. Dispatch then notified me that a resident who lived on Chapel Hill had called in and reported gunshots. I returned to Chapel Hill Rd., and began to search that area. I located Deputy S. Aponte's patrol vehicle at the end of the road and I could see the headlights shining on a minivan type vehicle in the driveway at the end of the road.

I exited my marked patrol vehicle and I could see Deputy S. Aponte with his pistol drawn and pointing at the minivan. I could see a woman who was sitting in the driver's seat of the minivan and she was holding her hands up. I could see blood on her arms and as I approached I drew my own service pistol and asked Deputy S. Aponte if there was anyone else in the car and he said he had not cleared it yet. I approached the vehicle from the front on the passenger side and could see into the front passenger seat, and the back seat area that was filled with what appeared to be clothing and other miscellaneous items. I didn't see any weapons or people but I could see the woman had blood on both of her arms, the seat area, and driver's side door were covered in blood.

I tried to open the passenger side front door but it was locked, so I yelled at her to unlock the door but she appeared to be in state of mild panic. I then circled back around to Deputy S. Aponte's side and let him know I was going to approach the driver's side door and I placed my pistol back into the holster and put latex gloves on my hands. As I approached the driver's side door I realized I wouldn't be able to open the door because the minivan was too close to another parked vehicle. I yelled at the woman in the driver's seat, through a broken out window, to unlock the passenger side door and she told me it was already unlocked. I circled back around and opened the passenger side front door. Apparently she had unlocked the door between the time I tried it and had circled around to the driver's side. I told her to come out of the passenger door and I grabbed her arm and pulled her out. I noticed when I pulled her out that the center console appeared to lean towards me when she came across it. She was able to get out and stand on her feet. I still had a hold of her right arm and she was slinging her left arm around and blood was flying off of her left hand. I controlled her movements and made her face the minivan while I placed her right hand into my handcuffs. I then grabbed her left hand and she was exhibiting signs of pain and verbally telling me her hand hurt. I brought it back to put it into the handcuffs when I could see that her left hand had two holes in it. There was a hole just behind the knuckle of the small finger on the back of the palm. The second hole was between the forefinger and the thumb near the webbing of the thumb.

The woman was quickly searched for weapons and I removed the handcuffs from her right wrist. She was being compliant at the time and the blood flow had to be controlled. An Officer from Arcata Police Department had arrived on scene just after my arrival and I asked him to get me a first aid kit with some gauze in it. We bandaged the hand and by about the third application of gauze it appeared the bleeding had slowed, although it was still seeping through. As I finished wrapping the hand the ambulance crew arrived and I briefed them on what I had done. The ambulance crew then removed her from the scene and Sgt. J. Braud had someone respond to the hospital with the ambulance to monitor the woman.

I remained at the location with Deputy S. Aponte for the remainder of his time there, his time to the hospital, and to a room until he was released by the investigators.

Nothing further

CONTROLLED DOCUMENT

Prepared By: 1270 MAUS, BRYAN	Date: 12/17/2014	Approved By: 1285 WILLIAMS, SAMUEL	Date: 01/07/2015
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HUMBOLDT COUNTY SHERIFF'S OFFICE

826 4TH ST EUREKA, CA 95501 707-445-7251

SUPPLEMENT 3 - SUPPLEMENTAL

201405787

On 12/15/2014, at approximately 2021 hrs, I responded to Mad River Community Hospital with Sgt. Braud, Undersheriff Honsal, and Cpl. McCall for an agency assist with Arcata Mad River Ambulance. My portable radio had poor reception inside the Hospital building, however at about 2105 hrs, I heard a "code 33" being broadcast. I stepped toward the doorway to attempt to get better reception, and I believed I heard "shots fired" come across my radio. I informed Sgt. Braud of what I heard, and he checked with dispatch to confirm. Dispatch confirmed that they were receiving reports of shots fired from the location of Deputy Aponte's traffic stop. Cpl. McCall and I departed from the Hospital and responded to the area of [REDACTED] Road "code 3" utilizing my emergency lights and siren.

Upon arrival, I observed a dark colored Dodge SUV that appeared to be backed into two vehicles at the end of the driveway. Behind the Dodge SUV was a residence. The vehicle was facing out of the driveway, in the direction of Deputy Aponte's patrol vehicle. On the ground, near the front passenger side door of the SUV, I observed Deputy Maus attending to a female [REDACTED] who appeared to be bleeding. I observed Deputy Aponte standing on the left side of the driveway with his handgun drawn. Deputy Aponte appeared to be focused in the direction of a ravine toward the rear of the residence. Deputy Aponte informed us that he saw a male [REDACTED] flee down into the ravine in that direction.

At this time, Sgt. Ireland arrived on scene. Sgt. Ireland requested that Cpl. McCall and I assist him in checking the perimeter of the residence for [REDACTED]. A search of the exterior of the residence revealed no [REDACTED]. Sgt. Ireland requested Cpl. McCall and I advance to the edge of the ravine where the [REDACTED] was last seen, and hold cover. Cpl. McCall and I went near where the [REDACTED] was last seen, and held cover from behind what appeared to be an El Camino car with a [REDACTED] enclosed trailer attached to it. We held this position until K-9 Officer Soeth from Fortuna PD and K-9 Officer O'Donovan from Arcata PD arrived on scene. While holding cover, Cpl. McCall advised me that he observed a black baseball style hat about 5 feet away from the back bumper of the vehicle, toward the ravine (West of the vehicle.) I observed the hat, which appeared to me to be clean and dry, with the ground underneath being wet and covered in leaves.

Once Officers Soeth and O'Donovan arrived, they came to our location along with Sgt. Braud and Sgt. Ireland. We informed the Officers and Deputies of the hat we located. We arranged a search team, and Officers Soeth and O'Donovan had the K-9 attempt to gain a scent from the hat. Once the K-9 picked up a scent, we and proceeded down the embankment with the K-9 leading. Near the bottom of the embankment, we followed the K-9 to the left (South) and continued for a short distance until we observed what appeared to be a flashlight shining in our direction from somewhere farther down the ravine. Coming from the direction of the flashlight, I heard a male [REDACTED] speaking, however I could not understand what he was saying. We began giving the [REDACTED] verbal commands to raise his hands and not to move. We illuminated the [REDACTED] with our flashlights and proceeded toward him. As we approached, I observed the [REDACTED] to be lying next to a large tree. The [REDACTED] was on the right (West) side of the tree as we approached. The [REDACTED] appeared to me as if he was lying on his back or right side, with both arms stretched upward toward the sky. In one hand, the [REDACTED] was holding a light. The [REDACTED] appeared to be dressed in dark clothing.

Running down the center of the bottom of the ravine we were searching was a barbed wire fence. We were searching from the [REDACTED] (East) side of the fence, and the [REDACTED] was located on the West side of the fence next to the large tree. We crossed the fence to be on the same side as the [REDACTED]. The [REDACTED] was placed in handcuffs and handed off to me. I performed a high risk pat search of the [REDACTED] and I did not locate any obvious weapons. I am unsure of who the Officer or Deputy was that handcuffed the [REDACTED] or who the Officer or Deputy was that relinquished control of the [REDACTED] to me.

We asked the [REDACTED] later identified as [REDACTED] if there was anyone else that was in the vehicle who had fled. [REDACTED] said that he was not sure, and that he thought there was 3-4 more people in the vehicle. We asked who the people were, and he said he did not know, and stated he had just gotten into the vehicle. We asked if the other [REDACTED] were male or female, and he again said he did not know, and said there were both males and females inside the vehicle.

Cpl. McCall and I walked [REDACTED] up the embankment to my patrol vehicle. The embankment was very steep, and covered in a thick underbrush. The ground was made of a slippery mud or clay. I attempted to maintain good control of [REDACTED] however at one point, he slipped in the mud and I was unable to catch him in prior to him falling. [REDACTED] fell downward from a standing position to a seated position. I assisted [REDACTED] back to his feet, and continued to my vehicle. Once at the vehicle, I conducted a more thorough pat search of [REDACTED] for weapons. In [REDACTED] left front pocket, I felt what appeared to be a pocket knife. I reached into the pocket, and located a [REDACTED] colored folding utility knife. I did not locate any other items on [REDACTED] person. I observed [REDACTED] to be wearing a pair of [REDACTED] jean style pants, a black t-shirt, with a black jacket. I placed [REDACTED] in the back seat of my patrol vehicle and asked him once more how many [REDACTED] were in the vehicle at the time of the incident. [REDACTED] said again that there were 3-4 people, and he was unsure of the number of male [REDACTED] and female [REDACTED].

At this time, I learned that a Crime Scene Log had not yet been created for this incident. I began to complete a Crime Scene Log, and I entered everyone's information who I had known to be on scene. I informed several Officers and Deputies that a Crime Scene Log was started, and where it would be located at. From that point forth, I continued to maintain control of the log.

I was informed that Deputy Gagnon would be taking possession of [REDACTED] and transporting him to CID for an interview. I assisted Deputy Gagnon in removing [REDACTED] from the back seat of my patrol vehicle, and walking [REDACTED] to Deputy Gagnon's vehicle. Deputy Gagnon switched handcuffs, and performed another search of [REDACTED]. We placed [REDACTED] in the back seat of Deputy Gagnon's patrol vehicle.

CONTROLLED DOCUMENT

Prepared By:	Date:	Approved By:	Date:
2005 DEL BIAGGIO, DUSTIN	12/20/2014	1397 BRAUD, JUSTIN	12/21/2014



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SUPPLEMENT 3 - SUPPLEMENTAL

201405787

I returned to my patrol vehicle and continued updating my Crime Scene Log. Lt. Miller informed Cpl. McCall and I that all other Officers and Deputies that were involved in the search and contact team were going to be released, and he requested we remain on scene until CID arrived so we could show them where [REDACTED] was located. Cpl. McCall and I remained at our vehicle where we had a clear view of the incident location overnight. Deputy Walker also arrived on scene to assist with scene security throughout the night.

On 12/16/2014, at about 0600 hrs, Deputy Walker departed the scene, and Deputy Diemer arrived on scene as a replacement for Deputy Walker. At an unknown time after sunrise, Deputy Diemer, Cpl. McCall and I were walking near the driver's side of Deputy Maus' patrol vehicle, which was left on scene, parked directly behind Deputy Aponte's patrol vehicle. Cpl. McCall located a silver shell casing, which appeared to be similar to the ones located around the incident scene. This casing was what I estimated to be about 2-3 feet directly left (South) from the Left Front wheel of Deputy Maus' patrol vehicle. Upon closer examination, it appeared to have been dirty, and somewhat dented on the side. I placed a paper marker over the casing, and checked the surrounding area for any additional evidence, which I did not locate.

At about 1000 hrs, DOJ, CID and Evidence Tech [REDACTED] arrived on scene. We informed Detective Franco of the casing that we located near Deputy Maus' patrol vehicle. DOJ and Evidence Tech [REDACTED] requested that we take them down the ravine to show them where [REDACTED] was located. We proceeded down the [REDACTED] and showed them the location [REDACTED] was located at. I described how [REDACTED] was positioned, as well as how we approached him. Cpl. McCall and I pointed out a digital scale, and a head lamp that were located near [REDACTED] location.

We returned to the main incident location, and Detective Franco released Cpl. McCall and I from the scene. I asked Detective Franco if she would like to take possession of the Crime Scene Log that I had created, and she told me to take back to the Sheriff's Office and book it into Sheriff's Evidence.

Cpl. McCall and I returned to the Sheriff's Office main station. I booked the Crime Scene Log, and the folding utility knife that was located on [REDACTED] into Sheriff's Evidence.

Attachments: Evidence Property Report

Nothing further.

CONTROLLED DOCUMENT

Prepared By: 2005 DEL BIAGGIO, DUSTIN	Date: 12/20/2014	Approved By: 1397 BRAUD, JUSTIN	Date: 12/21/2014
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826 4TH ST EUREKA, CA 95501 707-445-7251

SUPPLEMENT 4 - SUPPLEMENTAL REPORT

201405787

On the evening of 12/15/14, I was working as a patrol Sergeant for the Humboldt County Sheriff's Office (HCSO). I was wearing a distinctively marked uniform, and was driving a marked patrol vehicle.

At approximately 2105 hours, I was at Mad River Community Hospital (MRCH) with Under Sheriff (US) Honsal (A2), Corporal (Cpl.) McCall (L77), and Deputy Del Biaggio (Q24) on an unrelated matter. At that time we overheard radio traffic indicating that there had possibly been shots fired on a traffic stop on Chapel Hill Rd. in the area of the county known as McKinleyville. Cpl. McCall, Deputy Del Biaggio, and I responded Code 3 with overhead lights and sirens activated. I heard that numerous other units were also responding code three to that location. While en route we were updated with a possible incident address [REDACTED] Road, and Deputy Aponte (Q27) confirmed that shots had been fired. Emergency Medical Services (EMS) had also been dispatched to stage near the incident location.

See attached Call For Service (CFS) printout (#121514-124) for further details.

It should be noted that the following is a summary of my actions during this investigation, to the best of my recollection:

While still en route to the scene, I heard Deputy Maus (Q56), Sgt. Ireland (X10), Cpl. McCall, and Deputy Del Biaggio advising that they were out at the incident location.

Within a couple minutes, I arrived in the area and drove past several fire engines and an ambulance that were just turning on to Chapel Hill Rd. from Azalea Dr. I drove west on Chapel Hill Rd., and parked my patrol vehicle behind several other patrol vehicles that were already parked blocking the one lane roadway. The roadway at that location, is paved, and runs in a generally East/West direction.

I walked up past the row of parked patrol vehicles, and into the driveway of the last house on Chapel Hill Rd. I saw that the residence was marked [REDACTED] on a pillar type post at the driveway entrance. I entered the property with my firearm drawn, as the most recent information broadcast indicated there were possibly armed [REDACTED] outstanding.

When I entered the driveway, I observed three vehicles parked in close proximity to one another. One of those vehicles was a dark colored Dodge Durango, which was backed against the other two vehicles, and facing towards the driveway entrance in a generally east facing direction. It should be noted that none of the vehicles parked within the driveway [REDACTED] Rd. were patrol vehicles.

When I approached the vehicles, I observed Deputy Maus and Arcata Police Department (APD) Officer O'Donovan, rendering first aid to a female [REDACTED] who was sitting on the ground near the rear passenger side door of the SUV type vehicle. The female [REDACTED] was covered in blood, and was screaming in pain. I could not see what the nature of her injury was. EMS personnel entered the driveway around this same time, and began assisting in the rendering of aid to the female.

I also observed that Deputy Aponte was standing near a fourth vehicle which was parked on the south side of the driveway. Deputy Aponte was holding cover with his sidearm towards an open field type area to the west which led to a wooded area. I approached Deputy Aponte to determine if he was injured. Deputy Aponte had mud/dirt splattered across his face and uniform, but told me he was okay. I asked Deputy Aponte to provide me with a summary of how many [REDACTED] were outstanding, where they were last seen, and if they were armed. I asked for this public safety statement from Deputy Aponte, so we could safely secure the scene and apprehend any outstanding [REDACTED]. Deputy Aponte told me that he was not sure how many outstanding [REDACTED] there were. Deputy Aponte told me he had only seen one male flee into the woods at the west end of the property. Deputy Aponte told me that he did fire his duty weapon. Deputy Aponte said the male [REDACTED] who fled was wearing a dark shirt. Deputy Aponte was able to provide little other information.

I radioed dispatch, requesting the HCSO Duty Commander and HCSO Criminal Investigations Division (CID) Supervisor be notified. I also requested that the Critical Incident Response Team (CIRT) be activated. I provided dispatch with the most current information regarding the outstanding [REDACTED] and requested that any citizens who phoned in were to be told to shelter in place.

At this time I was approached by Sgt. Ireland, who told me what had occurred prior to my arrival. The following is a summary of what he relayed to me:

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Prepared By: 1397 BRAUD, JUSTIN	Date: 12/20/2014	Approved By: 0896 FREESE, DIANA M	Date: 02/04/2015
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SUPPLEMENT 4 - SUPPLEMENTAL REPORT

- He arrived on scene about the same time as Cpl. McCall and Deputy Del Biaggio. They learned of the possible outstanding [REDACTED] and their last known location.
- Cpl. McCall, Deputy Del Biaggio, and he conducted a perimeter check of the residence and outbuildings on the property. No one was located.
- He directed Cpl. McCall and Deputy Del Biaggio to stage at the [REDACTED] last known location near the gully as a contact/arrest team.
- A ball cap, which appeared to have been dropped by a [REDACTED] was on the ground near where Cpl. McCall and Deputy Del Biaggio were staged.
- He contacted the occupants of the residence, and requested they shelter in place until further notification was provided.

I asked Sgt. Ireland if he felt there was any possibility that any outstanding [REDACTED] could have entered the residence to avoid apprehension. Sgt. Ireland admittedly did not know. I requested that Sgt. Ireland take one or two Deputies to contact the occupants of the house, and request to do a walkthrough of the residence so we could consider it secured. Sgt. Ireland responded to complete the task.

Around this time EMT's were escorting the injured female off the property to the waiting ambulance. I requested Deputy [REDACTED] (Q57) respond with the ambulance to the hospital.

I was then approached by Deputy Maus, and it was decided that he would take Deputy Aponte back to sit with him in his vehicle away from the incident location.

Coordinating with dispatch via radio, and referencing a Google Map of the area, I established the following exterior and interior perimeter assignments in attempts to apprehend any outstanding [REDACTED] and to secure the scene for further investigation:

- Deputy Gagnon (Q55) was staged at the intersection of [REDACTED] Rd. and Azalea Dr., to restrict entry into the crime scene.
- I requested that Azalea Dr., between Sutter Rd. and Northbank Rd., be completely blocked off. I was told that the California Highway Patrol (CHP) two officers blocking the road. One was staged at the intersection of Sutter Rd. and Azalea Dr., while the other was staged at the intersection of Azalea Dr. and Northbank Rd.
- Deputy Hicks (Q63) was staged at the bottom of Birch St.
- Deputy Nilsen (Q80) was staged at the intersection of Birch St. and Hewitt St.
- Deputies Filippini (Q76) and Walker (Q73) were staged at the intersection of Northbank Rd. and Jensen Rd.
- Sgt. Taylor (X8) responded to rove around the outer perimeter locations.
- I requested Deputies be staged at the intersection of Terra Vista and Southwood. Deputies responded there, but I don't recall who it was, and it is not listed in the CFS.

I radioed dispatch requesting the availability of a K9 unit response from APD, Eureka Police Department (EPD) or Fortuna

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SUPPLEMENT 4 - SUPPLEMENTAL REPORT

201405787

Police Department (FOPD). I was told that inquiries would be made.

During this time, I also made arrangements with dispatch, for what units would stay clear from the operation to handle incoming calls for service.

Sgt. Ireland returned to me, advising that the occupants of the residence allowed them to conduct a walkthrough, and no one other than the occupants was located inside. Sgt. Ireland told me that the occupants were again told to shelter in place.

During this time, FOPD K9 Officer Soeth, EPD K9 Officer LaFrance, Deputy B. Taylor, and Sgt. Fridley arrived at the incident location (not necessarily at the same time or in that order).

At this time, having a fairly good interior and exterior perimeter in place, I started putting together a plan to have a contact/arrest team start a search of the gully with a K9 handler. It was decided that Sgt. Ireland, APD Officer O'Donovan, FOPD Officer Soeth, and I would move up to where Cpl. McCall and Deputy Del Biaggio were staged to give announcement and begin a search. Sgt. Fridley and Deputy B. Taylor agreed to standby and secure the scene at the incident location, which at this time, was the temporary command post. Due to pending calls for service, EPD Officer LaFrance had to clear from the scene.

Sgt. Ireland, APD Officer O'Donovan, FOPD Officer Soeth, and I moved over to where Cpl. McCall and Deputy Del Biaggio were staged. We conducted a field briefing on how our search for the [REDACTED] would be conducted. Assignments were given at the briefing. Once the plan was established, and everyone was clear on what their assignment was, announcements were made, and FOPD Officer Soeth led the team into the gully west of the property.

As we began our descent to the bottom of the gully, I observed what appeared to be a flashlight shining in our direction from somewhere to the south. Coming from the direction of the flashlight, I could hear a male [REDACTED] talking, however, I could not understand what he was saying. I began giving the [REDACTED] verbal commands to raise his hands and not to move. The team illuminated the [REDACTED] with flashlights and proceeded toward him. As we approached, I observed the [REDACTED] was lying next to a large tree. The [REDACTED] appeared to me as if he was lying on his back or right side, with both arms stretched upward toward the sky. In one hand, the [REDACTED] was holding a light. The [REDACTED] appeared to be dressed in dark clothing.

The team moved forward, and the [REDACTED] was detained in handcuffs without incident. When asked if there were other outstanding persons, the [REDACTED] gave vague answers that he didn't know or wasn't sure. Cpl. McCall and Deputy Del Biaggio were tasked with escorting the [REDACTED] back to the incident location.

Meanwhile, Sgt. Ireland, APD Officer O'Donovan, FOPD Officer Soeth, and I continued our search of the gully and surrounding greenbelt, but failed to locate any additional persons. At the conclusion of our search, we returned to the incident location.

At approximately 2250 hours, Lt. Miller (A6) arrived on scene and announced that he was taking over incident command. He established the command post as his patrol vehicle, which was parked about midway down Chapel Hill Rd. toward Azalea Dr. I briefed Lt. Miller with all details of the situation known to me, and the scene was turned over to him. A short time later, I was told to clear from the scene and go off duty. I took no further action.

Any additional information will be added as a supplemental report.

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Prepared By: 1397 BRAUD, JUSTIN	Date: 12/20/2014	Approved By: 0896 FREESE, DIANA M	Date: 02/04/2015
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SUPPLEMENT 5 - SUPPLEMENTAL

201405787

On 12/15/14, I was working uniformed patrol in a marked HCSO patrol vehicle with my trainee, Deputy D. Del Biaggio. At about 2105 hours we were at Mad River Community Hospital with Sgt. Braud on an unrelated detail. At that time we overheard radio traffic indicating there had possibly been shots fired in the area of a traffic stop on [REDACTED] Rd. in the McKinleyville area. Deputy Del Biaggio and I responded Code 3 per Sgt. Braud. While en route we were updated with possible incident address of [REDACTED] Road, and Deputy Aponte confirmed shots had been fired.

Upon our arrival Deputy Del Biaggio parked our patrol vehicle on the roadway behind three to four other patrol vehicles already parked on the one lane roadway, which ran in a generally E/W direction at this location. We approached the entrance to the residence driveway on foot, at which time I noted the residence to be marked with [REDACTED] on a pillar type post at the driveway entrance. We approached with our firearms drawn as the most recent information broadcast indicated there were possibly armed [REDACTED] outstanding.

As we approached the front driveway area of the residence I observed three vehicles parked in close proximity to one another. One of these vehicles was a dark colored SUV, which was backed against the other two vehicles, and facing towards the residence driveway entrance in a generally east facing direction. It should be noted that none of the vehicles parked on the property side of the entrance to [REDACTED] Rd. were patrol vehicles. As we approached the vehicles I observed Deputy Maus and another officer, later identified as Arcata P.D. Officer O'Donovan, rendering first aid to a female [REDACTED] who was sitting on the ground near the rear passenger side door of the SUV type vehicle. At that time I observed Deputy Aponte standing near a fourth vehicle which was parked on the south side of the residence driveway just inside (west) of the driveway entrance pillars of the residence. Deputy Aponte was holding cover with his sidearm towards an open field type area to the west which led to a wooded area.

Deputy Del Biaggio and I approached Deputy Aponte. I confirmed he was not injured and I inquired about the last known location and number of any outstanding [REDACTED] Deputy Aponte indicated that a male [REDACTED] had fled through the open field type area to the west and was last seen near the wooded area. About this time Sgt. Ireland, who had arrived on scene almost simultaneous to Deputy Del Biaggio and I, approached our location. Deputy Del Biaggio and I maintained lethal cover towards the area to the west until we were directed to assist Sgt. Ireland with checking the exterior perimeter of the residence moments later. No [REDACTED] or other [REDACTED] were located during that time.

Shortly after conducting the perimeter search of the residence, Sgt. Ireland, Deputy Del Biaggio, and myself made our way to the west side of the open field area to near where the wooded gully area was. Along the west side of the open portion of the property was located two outbuildings, and a vehicle with a tow behind trailer. The vehicle and trailer were parked facing a generally north/south direction. We checked the area around the vehicle, and around that time I noted a black and red baseball cap laying on the ground on west side of the vehicle near the edge of the gully embankment. The hat was within a few feet of the back right (passenger) side of the vehicle. The hat appeared as if hat been recently left as it appeared dry despite periodic rain showers that had been occurring that evening. I advised Sgt. Ireland of the location of the hat which was later passed along to investigative and evidence personnel.

At Sgt. Ireland's direction, Deputy Del Biaggio and I maintained a position of cover near the vehicle to secure that portion of the open yard area. We continued to do so until relieved by other deputies at which time we were assigned as part of a search team. Along with Fortuna P.D. Officer Soeth, his K-9, Officer O'Donovan, Sgt. Ireland, and Sgt. Braud we then entered the gully area to conduct a search for any [REDACTED] As we approached the edge of the gully someone noted a light visible in the creek bed area of the gully south of our location. Sgt. Braud began verbal communication with the [REDACTED] who identified himself as [REDACTED] Our search team then proceeded south through the gully where [REDACTED] was located laying next to a tree stump near the creek bed. [REDACTED] was detained in handcuffs behind his back. Deputy Del Biaggio and I were then tasked with returning [REDACTED] to the patrol vehicles after he was questioned briefly.

Deputy Del Biaggio and I escorted [REDACTED] out of the gully and to our patrol vehicle. This was made difficult due to the terrain being steep, wet, covered in grass and underbrush, and comprised of a fairly loose mud. At one point [REDACTED] slipped, landing on his buttocks area. We ensured [REDACTED] was not injured and continued to the patrol vehicles. Upon arrival at our vehicle Deputy Del Biaggio conducted a pat search of [REDACTED] locating a utility style knife in one of his pockets. At this time I made a visual inspection of [REDACTED] noting no obvious wounds or injuries. I inquired with [REDACTED] as to if he was injured or needed any medical attention. [REDACTED] stated he was not injured and required no medical attention. [REDACTED] was then placed in our patrol vehicle. I then briefly spoke with Lt. Miller who was in the process of assuming incident command. Per Lt. Miller, Deputy Del Biaggio and I remained near our vehicle with [REDACTED] At that time, and within about five minutes of his being placed in our car, I activated my department issued digital audio recorder and placed it in the rear window deck area of our patrol vehicle.

At about 2300 hours [REDACTED] was transferred to the custody of Deputy Gagnon for transport per Lt. Miller. Several minutes after [REDACTED] was removed from our vehicle I remembered my audio recorder was still running and at that time I stopped the recording. Around this time Deputy Del Biaggio was tasked with starting and keeping a crime scene log. Deputy Del Biaggio and I remained on scene near the residence driveway throughout the night to provide scene security and make necessary log entries.

Shortly after daybreak Deputy Del Biaggio and I were walking in the roadway area near the front left (driver's side) of Deputy Maus' patrol vehicle. It should be noted Deputy Maus' patrol vehicle was parked immediately behind Deputy Aponte's patrol vehicle, both of which were facing a generally west direction. At that time I noticed an aluminum colored shell casing laying on the gravel roadway near the driver's door/front quarter panel area of Deputy Maus' vehicle. I noted the shell casing appeared consistent in color and size

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Prepared By:	Date:	Approved By:	Date:
1039 MCCALL, JOSHUA E	12/20/2014	1397 BRAUD, JUSTIN	12/21/2014



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SUPPLEMENT 5 - SUPPLEMENTAL

201405787

with several casings that had been marked as evidence near the three vehicles mentioned above. Upon inspecting the casing more closely I observed it appeared to have dirt or mud on it, but appeared to have not been in the elements for long. I observed the opened end of the casing appeared slightly deformed as if it had possibly been stepped on and caught in a boot resulting in it being transferred to its' current location from somewhere else. The casing was not touched or moved in any way, and Deputy Del Biaggio marked it's location for evidentiary purposes with a paper marker.

Shortly after 1000 hours Detective Franco arrived on scene along with other investigative personnel. I briefed Detective Franco regarding our knowledge of the area in the gully where [REDACTED] had been located and detained. At her direction we then showed DOJ Crime Scene personnel the area where [REDACTED] had been located, in addition to other items of possible evidentiary value which were located nearby. After doing so, and at about 1045 hours, we were advised we could clear the scene. At that time it was requested by Detective Franco that we book the crime scene log and utility knife into evidence. We then responded to the HCSO Main Station where Deputy Del Biaggio booked those items.

At the time of this report I did not have my digital audio recorder in my possession. In the coming shifts I will transfer the audio file to a DVD to be booked into evidence. At such time this is completed I will complete a supplemental report.

Nothing further.

This report is for supplemental purposes.

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Prepared By:

1039 MCCALL, JOSHUA E

[REDACTED] 12/20/2014

Approved By:

1397 BRAUD, JUSTIN

Date:

12/21/2014



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SUPPLEMENT 6 - EVIDENCE COLLECTION/SCENE DOCUMENTATION

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On 12/15/14 at 2200hrs I received a call from Sgt. Freese to respond to HCSO CID for a briefing with the CIRT to assist with an officer involved shooting incident. After the briefing I accompanied Investigator Turner from HCSO and Detective Gordon from EPD to St. Joseph's Hospital in Eureka where we were to meet Deputy Scott Aponte. We were to escort Deputy Aponte to a motel room where we would photograph him and collect his clothing and gear for potential evidence. We arrived at the hospital at approx. 2335hrs; Deputy Aponte had not yet arrived. The female [REDACTED] from the incident, whom had not yet been identified, was in the hospital awaiting transport to another hospital. I took photographs of the injury to her hand as well as a picture of her face to help identify her. It was later determined the female [REDACTED] was [REDACTED] [REDACTED]

Deputy Aponte arrived at the hospital at approx. 2350hrs, accompanied by Undersheriff Honsal and Deputy Maus. I photographed Deputy Aponte documenting the condition of his clothing and equipment. Deputy Aponte consented to a blood draw at 12/16/14 at 0000hrs. After the nurse drew the blood, Investigator Turner sealed the envelope and I took possession of the blood.

Deputy Aponte was then transported to Humboldt Bay Best Western Hotel by Investigator Turner, Detective Gordon, and Deputy Maus, where I met with them. A change of clothing was brought to the hotel room by [REDACTED] [REDACTED] for Deputy Aponte, at which point we began to process him. I photographed Deputy Aponte from the front, both profiles, and the rear as he removed his uniform. Pictures were also taken of the palms and backs of his hands. Detective Gordon assisted with placing each item in a separate bag as they were removed. All items were kept in the pockets of clothing and everything was kept on the duty belt except for Deputy Aponte's private keys and firearm. Deputy Aponte kept his private keys. The condition of the firearm was photographed and then rendered safe by Detective Gordon. The magazine was removed and 1 round from the chamber. The gun, magazine and single round from the chamber were all packaged separately. Detective Gordon and I then returned to HCSO to begin booking in the evidence, while Investigator Turner stayed with Deputy Aponte.

Upon arriving back at HCSO we were instructed to process the male [REDACTED] from this incident for evidence. He had been apprehended earlier. We locked the evidence collected from Deputy Aponte in my office and headed to CID to process the [REDACTED] in the interview room. The [REDACTED] was photographed from the front, both profiles and the rear. Pictures were taken of the palms and backs of his hands. Close up photos of his face from the front and profiles were taken. His clothing was removed and placed into paper bags. Detective Gordon and I then returned to my office with the [REDACTED] clothing and proceeded to book in the evidence from Deputy Aponte and the [REDACTED]. Each item was individually photographed and then sealed into an evidence bag. The items in all pockets were removed and photographed, and then packaged in separate smaller bags before being placed in a bigger bag with the clothing that they were removed from. Detective Franco and Sgt. Freese also assisted with the entry into FileOnq and the sealing of the bags with evidence tape. See evidence report for a complete list of items, including misc. items removed from pockets and all items on duty belt. Deputy Aponte's cell phone was powered off prior to being booked in. All photographs were burned onto a DVD and entered into evidence.

On 12/16/14 at 0800hrs there was a meeting in HCSO CID to assign tasks for scene documentation and

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Prepared By: 2015 [REDACTED] ANDREW	Date: 12/22/2014	Approved By: 0896 FREESE, DIANA M	Date: 01/15/2015
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evidence collection, as well as other tasks relating to the incident. I was assigned to use the Nikon total station to document the scene. Criminalists [redacted] and [redacted] from CDOJ would be photographing and collecting all evidence. At approx. 0950hrs I arrived on scene at [redacted] Rd, McKinleyville, CA. I was assisted by Tim Jones from EPD and Jeramie Bowen from the CHP. After an initial walkthrough of the scene, it was determined that we could best view and measure all points of the scene from the driveway in between the house and the [redacted] Toyota Matrix parked on the edge of the driveway. After setting up the total station we began to measure points along the driveway. I was running the total station while Tim and Jeramie held the prisms for me to target off of. While taking the measurement for point number 12 the battery on the total station died. We replaced the battery, and reset the total station starting from point number 12. This caused our numbering to be off by one when compared to the notes we were taking about the location of each point. After marking the driveway we marked the locations of all the vehicles by measuring a point for each tire. Following the cars, we began to measure the locations of all the evidence that had been numbered by CDOJ. When beginning to mark the evidence we relabeled the first point of evidence as #101 in the total station. When the points were downloaded for mapping in EdgeFX point #101 was determined to actually be point #98. This caused us to adjust all our points above 100 down by three in our notes to match up with the numbers in EdgeFX. After the locations of evidence were measured, we measured the locations and widths of the tire skid marks and burnouts left in the roadway. Once this was complete we double checked that we had captured all the relevant features and evidence from the scene and then packed up. I returned to HCSO to download the data from the total station to my computer for mapping in EdgeFX v. 6.8.0.35. After the download was complete I received an error code stating the file could not be opened. The original file was still saved to the total stations memory. I emailed technical support for EdgeFX to see if they could assist with the issue.

On 12/17/14 I received a reply from technical support; they suggested I open the file in Notepad and remove the line which may be causing the issue. I followed their advice and deleted the following line: *F1,12,6.000,15.664,0.0000,83.0048,11:23:30. I had determined that this was the point we had taken first, after the battery had died. After uploading the file back to EdgeFX without this line, the file opened up and worked fine. The data points we measured were now in EdgeFx and did not have any further problems. Over the next several days I used the points to create a diagram of the scene. Copies of this diagram will be attached to this report.

On 12/30/2014 while showing the diagrams from EdgeFX to Detective Franco we noticed a discrepancy in the number of rounds counted in Aponte's gun and the number of shell casings that I had marked in the diagram. The diagram appeared to have one too many casings. Sgt. Freese and I recounted the rounds from the magazine removed from Aponte's weapon to try and see if there had been a mistake in the round count or if a mistake had been made marking the number of casings on scene. The round count came back the same, 1 round from the chamber and 7 rounds in the magazine. After talking with the Criminalists from CDOJ who collected the evidence from the scene, we came to the conclusion that point 104 and point 105 in EdgeFX were duplicate points marking the same shell casing. This was corrected in the diagrams.

On 12/31/2014 at 0830hrs I met with Detective Franco and Criminalists [redacted] and [redacted] from CDOJ at Humboldt Towing located at 101 H st. Eureka, CA 95501. I was assisting with the processing of the [redacted]

Prepared By:	Date:	Approved By:	Date:
2015 [redacted] ANDREW	12/22/2014	0896 FREESE, DIANA M	01/15/2015



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SUPPLEMENT 6 - EVIDENCE COLLECTION/SCENE DOCUMENTATION

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Dodge Durango SLT CA plate [REDACTED]. Detective Franco served a warrant for the vehicle and [REDACTED] and [REDACTED] began to process the vehicle. I photographed the exterior of the vehicle from all angles. Midrange and close up photos were taken of the bullet holes and minor damage to the vehicle. Photos were taken of some indicia found in the vehicle including an Anthem BlueCross member ID for [REDACTED] [REDACTED] DMV registration and Western United Insurance paperwork were also photographed, they were both for [REDACTED] [REDACTED]. Rods were used to determine trajectories of bullets holes found in the vehicle. Several photos were taken of these rods in place. Spent rounds were collected as evidence. The photos I took were burned to a DVD and booked into evidence, a copy was also made for Detective Franco. CDOJ retained all evidence, see their report for details about evidence collected and trajectory measurements.

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Prepared By:

2015 [REDACTED] ANDREW

Date:

12/22/2014

Approved By:

0896 FREESE, DIANA M

Date:

01/15/2015



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SUPPLEMENT 7 - SUPPLEMENTAL REPORT

201405787

On 12-22-14 at 1100 hrs. I met with [REDACTED], [REDACTED] with her search dog at [REDACTED] Rd. Detective Franco had requested I search for any possible hidden evidence left at the location in the wooded gulch where one of the [REDACTED] was found.

We searched the gulch area, above and below were the [REDACTED] was found, with the air scent dog. There were no alerts for any type evidence from the dog.

NFA

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Prepared By:
0521 REYNOLDS, ROY J

Date:
01/05/2015

Approved By:
1285 WILLIAMS, SAMUEL [REDACTED]
01/07/2015



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SUPPLEMENT 8 - SUPPLEMENTAL REPORT

201405787

On December 15, 2014 at approximately 2130 hrs., I received a call at my residence from the Humboldt County Sheriff's Office dispatch center. They advised there had been an officer involved shooting and requested I contact Sergeant Freese. I phone Sergeant Freese who advised a briefing was going to occur at the Humboldt County Sheriff's Office Detective Bureau for the Critical Incident Response Team a.k.a. CIRT.

Upon arrival I briefed with HCSO Sergeant Freese, HCSO Detective Jen Turner, HCSO Evidence Tech [REDACTED] Chief DA investigator Wayne Cox, DA Investigator Marvin Kirkpatrick, EPD Sergeant Bill Nova, EPD Detective Todd Wilcox, EPD Detective John Gordon, and APD Sergeant Dokweiler. We learned from Undersheriff Honsel, Deputy Aponte had been involved in a traffic enforcement incident where he fired several rounds from his firearm, striking and injuring a female [REDACTED] in the hand. The female have been transported to St. Joseph's Hospital and was expected to be flown to another hospital for a higher level of care. Undersheriff Honsel had learned from Deputy Aponte that the female had been inside the vehicle. One to two other [REDACTED] could possibly have fled from the vehicle during the incident. Deputy Aponte stated he had fired his firearm at the vehicle. Undersheriff Honsel was transporting Deputy Aponte to St. Joseph's Hospital. While we were conducting our briefing, we learned the deputies on scene had located a male [REDACTED] hiding in a gully behind the incident location. The male [REDACTED] was identified as [REDACTED] a parolee at large. [REDACTED] was arrested on an outstanding parole violation warrant and transported to the Humboldt County Sheriff's Office. It was determined EPD Detective Gordon, HCSO Detective Turner and Evidence Tech [REDACTED] were assigned to contact Deputy Aponte to gather evidence from his person. Refer to their attached reports.

APD Sergeant Dokweiler and EPD Senior Detective Wilcox responded to St. Joseph's Hospital and attempted to identify and interview the female [REDACTED] Refer to their attached reports.

EPD Sergeant Nova and Chief DA investigator Cox responded to the scene of the incident located at [REDACTED] Rd. in McKinleyville California. Chief Investigator Cox was going to contact the CHP for assistance in processing the scene.

DA Investigator Kirkpatrick and I remained at the Humboldt County Sheriff's Office to interview [REDACTED] While waiting to interview [REDACTED] DA investigator Kirkpatrick called

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Prepared By: 1076 FRANCO, CHERYL R	Date: 01/07/2015	Approved By: 0896 FREESE, DIANA M	Date: 03/31/2015
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California State Parole Office and confirmed his parole warrant.

HCSO Sergeant Freese made arrangements for the scene located at [REDACTED] Rd. to be secured until the morning hours, where at such time, it could be processed for evidence during daylight hours. She made arrangements with DOJ to collect evidence at the scene.

On December 15, 2014 at approximately 2354 hrs., DA Investigator Kirkpatrick and I interviewed [REDACTED] in the CID interview room. The interview was recorded to a DVD, which was later booked into evidence. The following is a summary of his statement.

I read [REDACTED] the Miranda warning and asked him if he understood his rights. [REDACTED] stated, "yeah." I asked [REDACTED] if he was from Humboldt County and he stated he had been here on three previous occasions. He stated he used to attend a "program" here. [REDACTED] then asked if he can get a lawyer as he was trying not to talk. [REDACTED] continued speaking stating he only had a warrant and had evaded the cops. [REDACTED] continued rambling, stating he may have jumped out of the car, he didn't know how many people were in the car, but maybe there were three people in the car. I told [REDACTED] I understood that he didn't want to speak with me and that he wanted his attorney. I asked if I could recap what he stated. I told [REDACTED] I understood that he had absconded from parole and came up to Humboldt County. Tonight he was a passenger in a vehicle that may have been involved in evading the police, that may have had three people in it. I explained to [REDACTED] there would be evidence tech coming to process him, by collecting his clothing as evidence. Then he would be escorted over to the jail. The interview was concluded.

EPD Senior Detective Wilcox and Arcata Sergeant Dokweiler returned from the hospital. They stated they were unable to interview the female from the vehicle due to her being heavy sedated. They photographed her injuries which consisted of a gunshot wound to her left hand. The hospital had the female identified as [REDACTED] although it was unclear how she had been identified and/or if she was properly identified. Refer to Senior Detective Wilcox's attached supplemental report.

EPD Senior Detective Wilcox, Sergeant Dokweiler, DA Investigator Kirkpatrick and I then responded to [REDACTED] Rd., McKinleyville. We attempted to contact the witnesses inside the residence, but it

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1076 FRANCO, CHERYL R	01/07/2015	0896 FREESE, DIANA M	03/31/2015



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SUPPLEMENT 8 - SUPPLEMENTAL REPORT

201405787

appeared they were sleeping. It was determined we would leave the scene secure, returning in the morning for witness statements. It should be noted Sergeant Dokweiler photograph the scene, taking special note of blood on the ground and side of the [REDACTED] vehicle.

On December 16, 2014 in the morning hours, the CIRT team met at the Humboldt County Sheriff's Detective Bureau along with DOJ and CHP Officer Jeramie Bowen. It was determined that Detective Turner and Sergeant Dokweiler would respond to Arcata Police Department to review possible footage obtained by the Arcata Officer who arrived to back up Deputy Aponte. Once done Sergeant Dokweiler and Detective Turner would respond to [REDACTED] Chappell [REDACTED] Rd. to aid in the canvas of the neighborhood. It should be noted Detective Turner contacted Davis Medical Center and learned that the female had been positively identified as [REDACTED] [REDACTED]. Refer to their supplemental reports.

CHP Officer Bowen, Evidence Tech [REDACTED] [REDACTED] DOJ Criminalist [REDACTED] [REDACTED] and [REDACTED] [REDACTED] were tasked with processing the scene. Refer to their supplemental reports. It should also be noted that EPD Traffic Officer Tim Jones arrived at the scene to assist with the application of the Total Station evidence mapping. Refer to their supplemental reports.

DA Investigator Kirkpatrick and I went to [REDACTED] [REDACTED] [REDACTED] Rd., McKinleyville and spoke with the occupants. I first spoke with [REDACTED] at 1023 hrs. the interview was recorded to a CD which was later booked into evidence. The following is a summary of his statement.

[REDACTED] explained that he and his wife [REDACTED] [REDACTED] live at the main residence along with two of their children. [REDACTED] stated his uncle [REDACTED] lived in the attached mother-in-law unit. [REDACTED] explained his portion of the residence faced the driveway entrance.

I asked if he could tell me what happened the evening before. [REDACTED] stated on December 15, 2014 around 2032 to 2100 hrs., he was in the kitchen looking out the window. [REDACTED] stated he saw the [REDACTED] Dodge Durango driving very fast down his driveway towards his residence, with the lights on. The police car was following the [REDACTED] Dodge Durango. [REDACTED] saw red lights on the police car but did not hear any sirens. [REDACTED] stated at that time both cars were near the gated entrance to his driveway. [REDACTED] ran over to his uncle side of the residence and told his uncle that something was going to

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happen. [REDACTED] ran back over to his side of the house, to the back bedroom where his wife was laying down with their son. [REDACTED] said at that point he heard at least six gunshots being fired. [REDACTED] remembered the gunshots seem to be in two separate groups and described it as "pop pop pop... .. Pop pop pop." [REDACTED] said his wife ran out of their house through the front door. [REDACTED] said he followed her. [REDACTED] said she ran alongside the house to their Dodge Caliber. [REDACTED] wasn't sure but thought his wife asked the deputy to ask the female driving the Dodge Durango to move her vehicle. [REDACTED] stated he saw that the deputy had his gun drawn and he was instructing the female driver to get out of the Dodge Durango. [REDACTED] stated the female told the deputy she could not get out of the car because she was bleeding too much. [REDACTED] said the deputy requested they return inside their house, which they did. [REDACTED] stated that the [REDACTED] vehicle hit his and his uncle's vehicle when it came to a stop. [REDACTED] clearly saw the female [REDACTED] sitting in the driver seat of the Dodge Durango. [REDACTED] did not remember any doors being open in the [REDACTED] vehicle, nor did he see any other occupants in the Dodge Durango. DA Investigator Kirkpatrick asked [REDACTED] if he knew where the Deputy was standing. [REDACTED] was not sure but believes the deputy was outside his vehicle, and front of his vehicle, offset to the North side of his vehicle.

I asked [REDACTED] if he could remember the [REDACTED] saying anything. [REDACTED] said he only remembered her screaming. I asked [REDACTED] if he recognize the deputy due to his car, uniform and the lights on a vehicle, [REDACTED] agreed. Our interview was concluded.

On December 16, 2014 at 1048 hrs., DA Investigator Kirkpatrick and I interviewed [REDACTED] Uncle, [REDACTED]. The interview was recorded to a CD which was later booked into evidence. The following is a summary of his statement.

[REDACTED] stated he and his wife, [REDACTED], live in the mother-in-law unit of the residence. Last night [REDACTED] was working at her caregiver job. I asked [REDACTED] what he witnessed. [REDACTED] stated [REDACTED] came running into his kitchen stating, "something big is gonna happen, outside there's a cop chasing someone." [REDACTED] then ran back into his residence. [REDACTED] stated he jumped up and looked out the edge of a curtain. Previously he had heard a vehicle go racing by. But he looked out he saw the vehicle coming back towards the residence at a high rate of speed. In fact [REDACTED] was unsure the vehicle was going to be able to turn onto the driveway or continue forward into his house. [REDACTED] witnessed the vehicle turn on the driveway and go up on the left hand side embankment in an effort to get around the parked

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sheriff's vehicle. [REDACTED] said the vehicle was quickly thrown into reverse and accelerated at a high rate of speed, backing into his Maverick and [REDACTED] Dodge Caliber. During the backing, [REDACTED] heard a sequence of shots being fired. [REDACTED] stated when he heard the gunshots he dropped to the floor. He felt like he heard the shots around the same time that he heard the collision. [REDACTED] felt that he heard 4 to 5 shots being fired from a smaller caliber gun. Then he heard an additional three or four shot that were from a larger caliber gun.

I asked [REDACTED] if it appeared that the [REDACTED] vehicle had driven down past his house and around the circle drive. [REDACTED] stated the [REDACTED] vehicle appeared to have driven down the right-hand side of the circle drive, coming back up on the left-hand side. I asked [REDACTED] if he saw where the deputy was standing when the [REDACTED] vehicle was backing up. [REDACTED] said he has no recollection of where the deputy had been standing. Although he knew that he had exited his vehicle. I asked [REDACTED] if he ever saw anybody flee from the vehicle, he did not. [REDACTED] remembers the deputy ordering commands to the female driver. He remembers the female driver yelling something back about blood. [REDACTED] stated he remembered the female drivers left arm out the driver's door window, with blood dripping off of it. I asked [REDACTED] if he heard any yelling or screaming before the shots were fired, and he said no. [REDACTED] said he stayed and watched until other officers arrived and advise them to remain inside the house. I asked [REDACTED] if he recognize the deputy as a deputy. [REDACTED] said absolutely, he saw that he was wearing a uniform and driving a patrol vehicle. I asked [REDACTED] if he ever saw anybody flee from the vehicle, and he did not. [REDACTED] did say that he felt like it took the [REDACTED] a little too long to drive around the circle drive. He never heard the car stop or doors opening and closing, but he thinks it's possible that someone exited the vehicle.

I asked [REDACTED] if he ever heard the engine of the [REDACTED] vehicle revving. [REDACTED] stated as the [REDACTED] vehicle drove by the house it appeared to be slowing, but as it rounded of the lower corner of the circle drive he could hear the car revving and rocks flying. [REDACTED] said his first thought was that the car was going to end up on his front porch. [REDACTED] didn't think they were going to be able to turn onto the driveway. But the [REDACTED] vehicle did and [REDACTED] realized they were trying to drive around the cop car. [REDACTED] saw the vehicle come to a skidding stop, where it slammed into reverse, accelerated backwards, crashing into the park cars. [REDACTED] heard the shots as the car was backing up. Our interview was concluded.

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On December 16, 2014 at 1121 hrs., DA investigator Kirkpatrick and I interviewed [REDACTED] [REDACTED]. The interview was recorded to a CD was later booked into evidence. The following is a summary of her statement.

[REDACTED] stated on December 15, 2014, during the evening hours she was lying down in her son's bedroom, trying to get him to sleep. [REDACTED] said she was dozing off when her husband came in stating, there were a bunch of cops in the yard, there had been a shooting, and that their dog had ran off. [REDACTED] said in her half asleep state she jumped up and ran outside to check on her dog. She went out the front door and ran out to the back of her Dodge Cavalir. [REDACTED] said she realized the [REDACTED] vehicle was parked very close to her vehicle. She asked the officer to tell the female to move her car away from hers', as she still wasn't thinking clearly yet. [REDACTED] said she didn't have on her glasses and didn't realize that the officer had pulled his gun and was talking to the female [REDACTED] in the [REDACTED] vehicle. [REDACTED] realize the officer was yelling at the female to exit the vehicle. The female [REDACTED] kept yelling that she couldn't do it because she was bleeding. [REDACTED] said she then realized that she probably shouldn't be outside. [REDACTED] said she went back inside and hung out with her kids in her daughter's room. I asked [REDACTED] if she could remember where the deputy was standing. [REDACTED] stated he was probably 10 feet away from the [REDACTED] vehicle canton off of the driver side of the vehicle. [REDACTED] did not see a gun in the deputy's hands but said his hands were up in such a way as to indicate he was holding something out in front of them. I asked [REDACTED] where she saw the female [REDACTED] sitting. [REDACTED] said the female was sitting in the driver seat of the vehicle. Our interview was concluded.

On December 16, 2014 at 1220 hrs., DA investigator Kirkpatrick and I met with Deputy Moss at his residence. We conducted a round count and inspection of his duty weapon. His weapon was fully loaded with one of the chamber, accompanied by two full magazines. I asked Deputy Moss if he had been at range recently. Deputy Maus said he attended range of December 15, 2014 from approximately 1700 hrs. to just before 2100 hrs. Deputy Moss stated he left range and was traveling north to his beat area, when he responded to backup Deputy Aponte. Our interview was concluded.

On December 17, 2014 at approximately 1400 hrs., APD Sergeant Dokweiler and EPD Senior Detective Wilcox interviewed Deputy Aponte. Refer to APD Sergeant Dokweiler's supplemental report.

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On December 24, 2014, DA Investigator Kirkpatrick wrote a search warrant for the [REDACTED] Dodge Durango registered to [REDACTED] [REDACTED]. The warrant was reviewed and signed by the Hon. Judge Feeney. On January 31, 2014 at approximately 0830 hrs., I served the warrant on the vehicle which was located at Humboldt Towing in Eureka. DOJ Criminalist [REDACTED] [REDACTED] and [REDACTED] [REDACTED] and Evidence Tech [REDACTED] [REDACTED] processed the vehicle and collected evidence. DOJ collected six bullets/fragments and one reference sample of glass. The search of the vehicle was concluded at approximately 1200 hrs. A copy of the search warrant and inventory was left inside the vehicle. It should be noted a copy of [REDACTED] driver's license, Social Security card and Yurok tribe member card were found inside the vehicle. Also located was her vehicle registration and proof of insurance. I took a copy of the aforementioned items and return the originals to the vehicle. Refer to DOJ's report for trajectory of the shots fired and evidence seized.

December 31, 2014, I received two CDs for the dispatch center concerning radio traffic for this incident. I booked both CDs into evidence.

On January 7, 2015, I returned the search warrant. It was assigned search warrant #1400460. It is attached to this report.

On January 7, 2015, I learned from Detective Zekany from UC Davis Police Department, that [REDACTED] [REDACTED] had been released from the hospital. UC Davis Police Department was unable to arrest [REDACTED] on her warrants before she was released. I telephoned [REDACTED] mother, [REDACTED] who stated she has not heard from her daughter. [REDACTED] she would check with family members and put a message out for [REDACTED] to telephone me if she was located.

On January 20, 2015, the CIRT team members met to discuss the case. Present was HCSO Detective Turner, HCSO Evidence Tech [REDACTED] Chief DA Investigator Wayne Cox, DA Investigator Marvin Kirkpatrick, EPD Senior Detective Todd Wilcox, APD Sergeant Todd Dokweiler, and DOJ Criminalist [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. Evidence and statements were presented and it was decided to wait on a final recommendation until DOJ's official report was completed. A special discussion was the shot placement on the [REDACTED] vehicle.

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Based on several investigators training and experience it was noted that Deputy Aponte's shots to the side of the vehicle were consistent with this incident. It was also discussed how in human nature it takes moments to realize a threat, process a reaction for that threat, react to the threat i.e. fire your weapon, process that the threat is no longer present, then take action to cease fire. Although this process takes mere seconds or less, it explains the shot placement on the vehicle as it accelerated quickly past Deputy Aponte.

On March 24, 2015, I received the final reports from DOJ. The evidence report shows that all shots fired were consistent with the incident. An e-mail was sent to all CIRT member's with a copy of the report for their review. Based on the totality of the investigation it appears Deputy Aponte was justified in firing his weapon. Additionally it had previously been determined that Deputy Aponte had not violated any policy or procedures.

Refer to the D.A.'s Office for review and possible action.

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Prepared By: 1076 FRANCO, CHERYL R	Date: 01/07/2015	Approved By: 0896 FREESE, DIANA M	Date: 03/31/2015
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SUPPLEMENT 9 - SUPPLEMENTAL REPORT

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On 4-7-15, I learned that [redacted] was in custody on her outstanding warrants. Around 0915 hrs. Detective Turner and I interviewed [redacted] in the CID interview room. The interview was recorded and the DVD was later booked into evidence. The following is a summary of her statement.

[redacted] identified herself and stated she was living in Hoopa. I read [redacted] the Miranda Warning and asked her if she understood her rights. [redacted] stated, "Yeah." I told [redacted] I wanted to speak with her concerning the incident where she was shot. [redacted] said she had been traveling in her vehicle along with [redacted] whom she had just met, and her babies daddy, [redacted] [redacted] said she was sitting in the rear seat and [redacted] was driving. [redacted] was in the front passenger seat. She has know [redacted] since she was fifteen years old, about 10 years. [redacted] remembered the Deputy following them as they drove to McKinleyville. She remembered them pulling over in a driveway. [redacted] said she kept telling [redacted] to just pull over. [redacted] agreed with me when I asked if they turned onto a road behind Azalea Park. [redacted] said she remembered driving down a driveway and the Deputy's car being near the gate to the driveway with his lights on. [redacted] said [redacted] drove to the end of the driveway. [redacted] jumped out of the car. [redacted] said [redacted] threatened to hurt her unless she took his place behind the wheel of the car. [redacted] said she got in the drivers seat of the vehicle, but was unsure how she effected the change in position. [redacted] said [redacted] went to the rear of the vehicle, but could not describe how or where he came to rest in the vehicle. [redacted] said [redacted] threatened to hurt her if she didn't drive away. [redacted] said she didn't know the driveway was a circle drive but remembered driving back to the top of the property near the Deputies vehicle. [redacted] said she came to a complete stop and placed the vehicle in park. She then yelled to the deputy, asking him if he was going to come over to the vehicle. [redacted] said the deputy then shot 6-9 shots at her vehicle. She said the deputy was standing in the front of her vehicle. She put her hand up to protect her face and that was when she got shot in the hand. [redacted] stated the deputy yelled for her to exit the vehicle, but she was unable to as her hand was shot. Additional officer's arrived and helped her out of the vehicle.

[redacted] stated she had been using methamphetamine, resulting in her being up for approximately 2 days. She also admitted to using heroin and methamphetamine just prior to this incident. [redacted] stated her account of the incident was cloudy. [redacted] said she felt threatened by [redacted] [redacted] said the only reason she was in the drivers seat of the vehicle was because [redacted] threatened to hurt her unless she drove. [redacted] was uncertain when [redacted] fled the vehicle, but assumed it was during the shooting.

I showed [redacted] a Google map of the property where the incident took place. I drew a box on the lower driveway area where she said [redacted] took off running. I asked [redacted] if she ever saw the deputy down a the bottom of the circle drive, when [redacted] ran away on foot. [redacted] said she never saw the deputy. I drew a box where [redacted] said she parked the car and an "X" for where she said the deputy was standing when he shot at her car. I also wrote "cop car" where she said the deputies car was parked. This map is attached to this report, as well as booked into evidence.

I explained what the evidence and witness statements suggested happened. [redacted] said she did not remember driving up and partially around the deputy vehicle. She did not remember backing up and crashing into two vehicles, nor did she remember seeing a deputy. She did remember giving her sister's name, but said she didn't give a false name to avoid being arrested on her warrants. [redacted] said she knew she was wanted but had the mentality that when your caught, your caught. She doesn't believe in running, but will not turn herself into the courts either.

[redacted] stated she has a hard time moving her left index finger due to being shot. Although she had surgery she didn't go to her last follow up appointment. [redacted] said she is sorry the incident ever took place. She also added that she would have never been driving if [redacted] hadn't threatened her. [redacted] said she and [redacted] have since talked about the incident and [redacted] said he would take the charge for her. I explained it didn't really work that way. I told [redacted] I would be forwarding a report concerning her statement to the D.A.'s Office.

I attempted to telephone [redacted] via a cell phone number provided by [redacted]. No one ever answered the cell phone and the mailbox to the number was full. [redacted] did advise that when she was arrested, [redacted] feld out a rear window at the residence. I called the HCCF and requested if [redacted] is arrested on his warrants that I be contacted so I could interview him concerning this case.

Refer to the D.A.'s Office for review and possible action.

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Prepared By:	Date:	Approved By:	Date:
1076 FRANCO, CHERYL R	04/07/2015	0896 FREESE, DIANA M	04/08/2015



ARCATA POLICE DEPARTMENT

736 F ST ARCATA, CA 95521 707-822-2428

Case 14-4337

OUTSIDE AGENCY ASSIST REPORT

OFFENSES	Offenses Information Only	Description Informational Only	Fel/Misd	Date Occurred 12/15/2014	Time Occurred 2108	Incident # 1412150068		
				Date Reported 12/15/2014	Time Reported 2108			
	Related Cases							
				Date Printed 12/23/2014	Time Printed 15:34:21	Printed By 465		
				Latitude 0.000000	Longitude 0.000000			
Location [REDACTED]			Beat N	Area	Disposition Information Only		Dispo Date 12/15/2014	
Location Type Street/Highway/Alley	Location of Entry	Method of Entry	Point of Entry		Alarm System	Means of Attack (Robbery)		
Victim			Drivers License	Cell Phone		Email		
Residence Address			Notified of Victim Rights	Residence Phone		DOB	Age Sex Race	
Business Name and Address			Business Phone		Height	Wt	Hair Eyes	
Assistance Rendered/Victim Disposition			Transporting Agency		Means of Attack (Assaults)			
Description of Injuries			Other Information					
CONTACTED	[REDACTED]			Drivers License	Cell Phone		Email	
	[REDACTED]			[REDACTED]		DOB	Age Sex Race F	
	Business Name and Address			Business Phone		Height	Wt Hair Eyes	
Suspect Name				Action Taken		Charges		
Residence Address			Residence Phone		DOB	Age Sex Race		
Business Name and Address			Business Phone		Height	Wt Hair Eyes		
Identifying Features			Cell Phone		Drivers License		Arrest Number	
Aliases								
VEHICLES	Status Damaged		Vehicle Make and Model [REDACTED] Dodge Durango		License/State [REDACTED]		Vehicle Type Passenger Car/Station Wagon	
OFFICERS	Prepared By 596 - Odonovan, Matthew		Date 12/16/2014	Assisted By 465 - Dokweiler, Todd		Approved By 465 - Dokweiler, Todd		Date 12/23/2014
	Routed To HCSO		Date 12/23/2014	Routed To	Date	Notes		

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ARCATA POLICE DEPARTMENT

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OUTSIDE AGENCY ASSIST REPORT

Case
14-4337

DRIVER



DRIVER





ARCATA POLICE DEPARTMENT

736 F ST ARCATA, CA 95521 707-822-2428
OUTSIDE AGENCY ASSIST REPORT - PROPERTY

14-4337

ID No.	Status/Disposition	Property Description	Value	Val Recovered	
1	Evidence	465-1 - 1 Cd - CD Containing photos of [REDACTED] and Scene			
2	Evidence	465-2 - 1 Dvd - DVD interview with involved deputy			
3	Evidence	465-3 - 1 Drawings - drawings of scene by involved officer			
4	Evidence	465-4 - 1 Drawing - drawing of scene by Deputy Aponte			
5	Evidence	465-5 - 1 Cd - CD of MAV video unit 313			

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ARCATA POLICE DEPARTMENT

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14-4337

NARRATIVE

On December 15, 2014 at about 2108 hours, I responded to the area of Chappell Hill Rd in McKinleyville to assist a deputy with the Humboldt County Sheriff's Office that was attempting to conduct a traffic stop on a vehicle. While in route, I was notified over the radio that there was a possibly shots fired.

Upon arrival, I assisted deputies in rendering first aid to a [REDACTED] of a gunshot wound to the hand. The [REDACTED] was later transported by ambulance to a hospital.

I was informed by a deputy that a female and male fled from the vehicle prior to my arrival. Fortuna Police K9 Unit arrived on scene to assist in searching for the outstanding [REDACTED] I assisted deputies and the Fortuna Police K9 Unit in searching for the outstanding [REDACTED] in the wooded area to the rear of the residence [REDACTED] A male [REDACTED] was later located in the wooded area and was detained in handcuffs without incident.

A CD containing my Mobile Audio and Video footage was booked into Evidence.

DISPOSITION: CLOSED

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Prepared By:

596 ODOVONAN, MATTHEW

Date:

12/16/2014

Approved By:

465 DOKWEILER, TODD

Date:

12/23/2014



ARCATA POLICE DEPARTMENT

736 F ST ARCATA, CA 95521 707-822-2428
SUPPLEMENT 1 - Interview with Involved Deputy

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On December 15th, 2014, at approximately 2130 hrs, I received a call at my residence from the Arcata Police Department (APD) Communications Center advising an officer involved shooting had occurred and requesting I respond to the Humboldt County Sheriff's Office (HCSO) Criminal Investigations Division (CID) for a Critical Incident Response Team (CIRT) briefing.

As the Arcata Police Department's representative member of the CIRT, I responded directly there and arrived at approximately 2200 hrs. The CIRT convened in the CID briefing room and Detective Sergeant Diana Freese provided the details of the incident known at that time. She advised the CIRT members an HCSO deputy had attempted a traffic stop on a vehicle he suspected was occupied by a felony warrant [REDACTED]. The vehicle failed to yield and ultimately turned onto Chapel Hill Rd in McKinleyville. Upon reaching the dead end of Chapel Hill Rd, shots were fired by the deputy. One of the shots fired by the deputy struck an unidentified female occupant of the vehicle in the left hand. A male occupant of the vehicle had fled on foot and had been taken into custody after discovery by a police K-9 unit. The identity of the male had not yet been determined. Details were limited at this time.

Detective Sergeant Freese made investigative assignments at that time. Myself and Eureka Police Department (EPD) Detective Todd Wilcox were assigned to go to St. Joseph's Hospital and attempt to obtain a statement from the female [REDACTED]. We were also tasked with collecting the female's clothing and any other evidence that might be at the hospital with her.

Detective Wilcox and I preceded to the St. Joseph's Hospital Emergency Room. Hospital staff directed us to the room where the female was receiving treatment. HCSO Deputies Allen and Waxler were posted outside the treatment room. I spoke to the attending physician, [REDACTED] who advised me the female's wounds were not life threatening; however, the injury was serious and the treatment plan was to fly her to the University of California at Davis Medical Center for reconstructive surgery on her hand. [REDACTED] advised me the patient had been heavily sedated and in combination with her intoxication by means of various street drugs, she would not be able to provide an intelligible statement.

Detective Wilcox began the process of collecting the female's clothing and personal affects. I watched as he placed various articles of clothing in brown paper bags for later processing (refer to Detective Wilcox's report). I next took digital photographs of the female in an attempt to document the presence and absence of injuries. These photos were later booked into evidence under this case number at the Arcata Police Department. I did not note any significant injuries aside from the gunshot wound to her left hand. Her hand was heavily bandaged and I was not able to document the injuries that resulted from the gunshot wound. HCSO Deputy Greg Allen informed me he had taken digital photos of the injuries prior to treatment and bandaging. He indicated he would provide these photos to HCSO Lead Detective Cheryl Franco.

While at St. Joseph's Hospital medical staff advised me they had recovered a small bundle of suspected [REDACTED] from inside the female's mouth. This suspected [REDACTED] was turned over to EPD Detective Wilcox

Prepared By:	Date:	Approved By:	Date:
465 DOKWEILER, TODD	12/22/2014	465 DOKWEILER, TODD	12/23/2014



ARCATA POLICE DEPARTMENT

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SUPPLEMENT 1 - Interview with Involved Deputy

i4-4337

(refer to det. Wilcox's report for details and disposition).

Upon the conclusion of our investigation at St. Josephs' Hospital, we responded to the scene of the shooting [REDACTED]

After my arrival on Chapel Hill Rd, I contacted HCSO Detective Franco. We walked the property and viewed the involved vehicles and what evidence had been noted. I attempted to photographically document the scene and vehicles as they appeared at that time. There was a significant amount of blood evidence on and around the involved vehicle, a [REDACTED] Dodge Durango SUV, registered to [REDACTED]. There was a collective concern much of the blood evidence would be lost due to the impending rain. It was decided the most prudent course of action would be to secure the scene and return the next morning in the daylight to process the remaining evidence.

Detective Wilcox and I attempted to contact the residents living at [REDACTED] to obtain a statement as to what they witnessed. Our knocks on the residence's front door went unanswered. We surmised the residents had gone to bed and the decision was made to contact them the next morning.

Investigators left the scene at approximately 0100 hrs, on 12/16/2014. A briefing was scheduled for that morning at HCSO CID at 0700 hrs.

The CIRT reconvened at approximately 0730 hrs, on 12/16/2014, in the HCSO CID. It was decided the California Department of Justice would assume the responsibility of forensically processing the scene and vehicles at [REDACTED]. I was assigned to conduct the involved officer interview, assisted by EPD Detective Wilcox. The time for this interview had not been determined. For that day I was assigned to assist HCSO Detective Jennifer Turner with a neighborhood canvas for any potential witnesses (refer to Detective Turner's report).

Prior to responding back to the Chapel Hill neighborhood, I became aware of the mobile audio video (MAV) recording captured on Arcata Police Department unit 313's in-car video system. Upon hearing the incident and the subsequent request for assistance, APD Officer Mathew O'Donovan, responded to Chapel Hill in unit 313 to assist. His body worn microphone captured audio and some video of the scene. Detective Turner and I responded to the APD and viewed the video. Captured in the video is the female occupant stating her name as [REDACTED]. She indicates she does not know the other two occupants of the vehicle. She describes the male driver as being armed with a gun and she also describes a second female occupant. In essence, she claims she was just picked up by the two occupants and is essentially an uninvolved bystander. The information she told the initial officers seems to be for the purpose of relieving herself of any criminal conduct. A CD containing the MAV was later booked into evidence at APD.

Before the end of the day on 12/16/2014, I was contacted by HCSO Detective Sergeant Freese and advised the interview of the involved officer, Deputy Aponte, was scheduled for Wednesday,

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465 DOKWEILER, TODD	12/22/2014	465 DOKWEILER, TODD	12/23/2014



ARCATA POLICE DEPARTMENT

736 F ST ARCATA, CA 95521 707-822-2428
SUPPLEMENT 1 - Interview with Involved Deputy

12/17/2014 at 1400 hrs, at the HCSO CID. We scheduled an investigators briefing to occur just prior to the interview for the purposes of updating the team on what information we had gleaned to that point.

At the conclusion of the briefing on 12/17/2014, Detective Wilcox and I then proceeded to the HCSO interview room located in CID. Detective Franco readied the audio visual equipment to audio and video record the interview. DVD's of the interview were later booked into evidence at the APD.

HCSO Deputy Aponte entered the interview room accompanied by his legal counsel, [REDACTED] and [REDACTED] attorneys from the law firm [REDACTED]. Introductions were made and the interview was begun at 1350 hrs.

The following is a summary of the interview with Deputy Scott Aponte:

I began the interview by confirming with Deputy Aponte that he was at the interview to provide a voluntary statement in regards to the incident that occurred on 12/15/2014 and that he was represented by the his counsel. He confirmed he was.

I next asked Deputy Aponte to tell me what had happened beginning from the time he woke up that day, continuing through his day up to and including the incident. Deputy Aponte began by clarifying he was currently assigned to a watch that began at 1400 hrs, and ended at 0200 hrs. He indicated he had gotten off the previous morning (12/15/2014) at 0200 and had immediately gone to bed. He awoke around 0700 hrs, that same morning in order to take his children to school and daycare. After doing so he returned home and went back to bed. He slept until around 1000 hrs. He sat around the house and ate breakfast/lunch and eventually headed into work around 1545 hrs.

He drove to the McKinleyville station where he donned his duty gear, checked his messages and attended to various clerical duties. When he had completed those tasks, he proceeded to the Blue Lake station where he met with HCSO Deputy Olivera. Because this was his Friday and Deputy Olivera's Monday, he briefed her as to the goings on of the week up to that point. He left the Blue Lake station around 1800 hrs, to pick up his dinner. He then drove to his residence and had his meal break, clearing for duty at around 1900 hrs. He then drove to Starbucks and got a cup of coffee before heading back to his beat area in Blue Lake. He patrolled around the city and at around 2030 hrs, he drove through the Blue Lake Casino parking lot checking for suspicious or stolen vehicles. He then proceeded northeast on Chartin Rd to the round-a-bout at the intersection of Chartin Rd, Chartin Way, and Blue Lake Blvd. He continued through the round-a-bout onto Chartin Way.

Deputy Aponte stated there is a house on Chartin Way that he knows, from past law enforcement contacts, is a gathering place for probationers, parolees, and other engaging in nefarious activity. He made the decision to drive past the residence and see who might be there. As he turned onto Chartin Way, he observed a [REDACTED] Dodge Durango SUV backing into the roadway from in front of the house. He stopped his patrol car in the northbound lane of Chartin Way to allow the vehicle to enter the roadway.

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The driver turned southbound toward his patrol car, but rather than entering the southbound lane, the driver continued along the east shoulder passing him on the right. The passenger side of the Durango passed along the passenger side of his patrol car. Deputy Aponte stated he could clearly see a male driving and a female in the passenger seat. Deputy Aponte lost site of the vehicle as it entered the round-a-bout and he continued on Chartin Way.

Feeling the driving was "weird" he decided to continue on around Chartin Way and back onto Blue Lake Blvd with the intention of catching up with the vehicle. He was unsure of which direction the vehicle might have gone after he lost sight of it; however, he reasoned it was most probable they would be heading toward "town" via westbound 299. He entered westbound 299 and reacquired the vehicle near the Essex Lane.

Upon catching up with the vehicle he requested a registration check via HCSO communication. While doing this, the vehicle abruptly exited westbound highway 299 onto westbound North Bank Rd. Deputy Aponte followed the vehicle onto North Bank Rd and observed the driver immediately turn into the first residential driveway on the south side of North Bank Rd. Deputy Aponte stated he did not have time to slow or follow the vehicle safely, so he continued on North Bank Rd until he reached Hunts Lane, where he pulled off to await the registration return from communications. He "blacked out" his vehicle and sat waiting to see if the vehicle pulled back out and continued past. While he waited he was advised by communications the vehicle returned registered to [REDACTED] While Deputy Aponte stated he did not recall having personal law enforcement contacts with [REDACTED] he immediately recognized the name from a recent EPD "Most Wanted" poster where [REDACTED] was featured as having a felony warrant. He confirmed the warrant with communications and was told there was still currently an outstanding felony arrest warrant for [REDACTED]

In the minute or two while this transpired, he observed headlights coming toward him and he watched as the same [REDACTED] Durango passed him and continued west on North Bank Rd. He pulled out behind the Durango with his stated intention being to follow until a back up unit arrived at which time he would conduct an investigative stop. As he followed, the vehicle turned from North Bank Rd onto northbound Azalea Ave. The driver accelerated to around 35 MPH, before slowing suddenly and abruptly turning onto westbound Chapel Hill Rd. It was at that time Deputy Aponte decided to initiate a traffic stop on the vehicle. He was unfamiliar with Chapel Hill Rd and thought if he could make a traffic stop near Azalea Ave there would be a higher likelihood of his backup unit being able to locate him.

He followed the vehicle as it accelerated up Chapel Hill Rd. (Chapel Hill Road is a one lane asphalt paved, uphill roadway, bordered by residential driveways on either side) He advised communications the vehicle was continuing and about halfway up the road he tapped his siren. The vehicle continued to accelerate up to what Deputy Aponte estimated was approximately 35 MPH. As he reached the residence at [REDACTED] he believed that it was the dead end of the roadway. He stopped his

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patrol car at the gate to the residence at [REDACTED] got out and drew his firearm with the intentions of giving commands once the Durango stopped. To Deputy Aponte's surprise, the Durango continued around a loop driveway, where it came to a stop at the far side of the circular driveway. The driver of the vehicle jumped out and ran to the far side (passenger side) of the vehicle and disappeared over the bank. Deputy Aponte ran from his patrol car, across the lawn to the passenger side of the vehicle with his weapon still drawn. Realizing the driver had fled into the woods; he turned his attention to the passenger and ordered her to show her hands while he held her at gun point. The passenger quickly looked at Deputy Aponte, then slid over to the driver's seat of the Durango. He stated, while it was not actually his intention to do so, he commanded the female to "stop or I'll shoot!" hoping it would cause her to comply. The female instead, put the Durango into drive and rapidly accelerated, spraying mud and debris on Deputy Aponte. As the vehicle speed across the lawn and driveway, Deputy Aponte gave chase on foot, while continuing to command the driver to stop the vehicle. The driver continued toward Deputy Aponte's patrol car and it appeared to him she was attempting to drive around his patrol car on the passenger side. There was an embankment that prohibited the Durango from passing and causing it to come to a sudden stop. Deputy Aponte stopped approximately twenty feet behind the now stopped Durango with his firearm drawn while he continued to order the driver to stop and show her hands.

Deputy Aponte's position put him standing near two parked vehicles at the front entrance to the residence at [REDACTED]. He saw the reverse lights illuminate on the Durango and he saw the vehicle begin to move toward him. He could hear the engine was accelerating and the bumper of the vehicle was coming directly at him. Deputy Aponte stated he felt if he fled to his right he would certainly be struck by the vehicle. He began to move toward his left to get out of the way of the vehicle. When the Durango's bumper was approximately two feet away from him, fearing for his life, he began firing his weapon directly into the driver's compartment. He continued to fire as he moved to his left. The Durango struck the parked car where he had been standing. Deputy Aponte stated he had stopped firing by the time the collision occurred. He continued to order the driver to show her hands. She complied and informed him she was hurt. He advised her he was summoning help and to continue to keep her hands up. Deputy Aponte maintained his position until back up officers, HCSO Deputy Moss and APD Officer O'Donovan, arrived a few moments later. One of the residents of the house came out, and Deputy Aponte advised him a shooting had occurred and sent him back inside. Deputy Aponte was adamant that the driver saw him behind her. He was yelling commands and was standing in an area that he felt was clearly visible. He stated it was his belief she was purposely trying to run him over. Once Deputy Moss and Officer O'Donovan arrived they assisted the driver out of the car. They immediately begin administering first aid to the injury on her left hand.

In follow up questioning Deputy Aponte described the distance between he and the female passenger at the back of the driveway as just a few a feet. He further stated his commands to her at that point were

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SUPPLEMENT 1 - Interview with Involved Deputy

clear and she ultimately did the opposite of what she was being instructed to do and sped away.

Deputy Aponte also stated he felt sure the female driver who was ultimately identified as [REDACTED], was the same person he saw in the passenger seat of the Durango on Chartin Way. Additionally, he stated the male, later identified as [REDACTED] was the driver of the Durango when it passed him on Chartin Way and the driver he saw flee from the Durango on Chapel Hill. He stated he did not know [REDACTED] or [REDACTED] from any previous law enforcement contacts.

Deputy Aponte said he felt certain [REDACTED] knew he was a Deputy Sheriff, his hat has "Sheriff" written across the front and he was in full uniform.

Deputy Aponte clarified when he initiated the traffic stop on the Durango as it turned from Azalea Ave onto Chapel Hill Rd, he activated his overhead emergency lights by placing the selector switch to position 3, which turns all overhead lights on.

Deputy Aponte stated in his mind he was initiating the original traffic stop based on the felony warrant information on the registered owner of the vehicle, combined with his observations of the passenger he had seen as the Durango passed his patrol car and her resemblance to the photo he had seen of [REDACTED]

Deputy Aponte stated he did not have a clear recollection as to whether [REDACTED] identified herself to him as [REDACTED] but he remembered the name [REDACTED] being mentioned.

Based on Deputy Aponte's statement, it was clear to me that he genuinely believed the driver of the Durango was aware of him standing behind the vehicle at the moment she decided to rapidly accelerate toward him. His description of the events leave no doubt he felt it was her intention to run him over with her vehicle, and in his mind, the best course of action to stop her vehicle was to fire into the drivers area of the vehicle.

DISPOSITION: CLOSED

CONTROLLED DOCUMENT- DO NOT DUPLICATE

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465 DOKWEILER, TODD	12/22/2014	465 DOKWEILER, TODD	12/23/2014

Registration of Forensic Phlebotomies

Reg Field #	Demographics	
1.	Patient Name	Scott Aponte
2.	Patient Sex	Male
3.	Patient Birthdate	[REDACTED]
4.	Patient Soc. Sec. #	[REDACTED]
5.	Outpatient Category	Policy Agency (CIRCLE ONE) CHP Fortuna PD EPD Arcata PD <u>HSO</u> Other
6.	Type of draw	(CIRCLE ONE) Drunk Driving <u>Other</u> OIS
	Date and Time of Collection	12:00 AM 12/12/14
	Collected by (Tech) (Please Print)	[REDACTED]
	Officer Identification	Name <u>J. Turner</u> Badge # <u>11655</u>

Share/Lab/Registration of Forensic Phlebotomies.doc

BLOOD TEST REQUEST BY PEACE OFFICER

The undersigned, a duly authorized peace officer of (name of law enforcement agency) HCSO, hereby requests that a blood sample be obtained from (name of person being tested) Scott Aponte

I certify that I have probable cause to believe that the sample obtained will provide evidence that the person being tested was driving a motor vehicle in violation of Vehicle Code Section 23140, 23152 or 23153.

Date: 12/12/14 Time: 12:00 AM AM/PM
Signature: [Signature]
(peace officer)

CASE NUMBER: 3614

EUREKA POLICE DEPARTMENT PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

PAGE 1
OF 1

ASSOCIATED CASE: 2014 - 05787

- PROPERTY CODES *178
- S - STOLEN
- R - RECOVERED FOR RETURN
- RA - RECOVERED (FOR OTHER AGENCY)
- RE - RECOVERED EVIDENCE
- F - FOUND
- D - DAMAGED
- L - LOST
- E - EVIDENCE
- K - SAFEKEEPING
- C - CONTRABAND FOR DISPOSAL

DATE STORED <u>12 16 14</u>	TIME STORED	DATE OF INCIDENT <u>12 15 14</u>	CRIME <u>D.I.S.</u>				
(VICTIM) LAST NAME	FIRST	MIDDLE	ADDRESS	PHONE	DOB		
(FINDER) LAST NAME	FIRST	MIDDLE	ADDRESS	PHONE	DOB		
LOCATION PROPERTY WAS FOUND / INCIDENT OCCURED (LOCATION TYPE 3*)							

- ADULT ARREST
- JUVENILE ARREST
- SEARCH WARRANT # _____
- PROPERTY CLAIMED BY FINDER
- FIELD PROPERTY RECEIPT PROVIDED

PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

CODE	ITEM NO.	ARTICLE	BRAND/MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE	ENTERED NCIC	LAB WORK	STORAGE LOCATION	DISPOSITION
E	TW1	CLOTHING		1 pr	BLACK SHOES & WHT SOCKS W/RED STAINS						
E	TW2	CLOTHING		1	S.S. T SHIRT, BLK W/WHT GRAPHIC W/RED STAINS						
E	TW3	CLOTHING		1	BPA, BLK W/DARK PINK DECORATION						
E	TW4	MISC		1	BLANKET, HOSPITAL, WHT W/RED STAINS						
E	TW5	CLOTHING		1	PANTS, BLK/PINK CHECK W/RED STAINS						
E	TW6	BIO		1	BLOOD DRAW [REDACTED]						
E	TW7	CONTROLLED SUBST.		1	BLK MATERIAL, 1.9 GW						
E	TW8	CONTROLLED SUBST.		1	WHT MATERIAL, 1.1 GW						
E	TW9	MISC		1	HOSPITAL SPECIMEN JAR, (1) \$10 BILL, (1) WHT METAL RING + 3 "STONES"						
E	TW10	JEWELRY		3	NECKLACE (1) YELLOW METAL 'ANCHOR' (1) WHT METAL 'HERSHEY KISS' (1) WHT METAL						

PROPERTY / EVIDENCE ASSOCIATED TO

ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED
<u>TW1-10</u>		[REDACTED]						<u>RECEIPT</u>
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED

REQUEST FOR LAB EXAMINATION

ITEMS NO.	PURPOSE OF EXAMINATION	<input type="checkbox"/> YES PRESUMPTIVE TEST COMPLETED	DATE	BY	AGENCY DELIVERED TO	DATE	DELIVERED BY



BOOKING OFFICER <u>WILCOX</u>	IBM NO. <u>P459</u>	REPORT DATE <u>121614</u>	SUPERVISOR REVIEW	IBM NO.	REPORT DATE
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201405787

CASE NUMBER: 201405787

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

PROPERTY/EVIDENCE LISTING

BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 129495	1	Turner, Jennifer- 1655 Recovery Address: HCSO Recovery Location:	Audio/Video Media INTERVIEWS WITH 

201405787

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #

Physical Evidence Submission Form
(Instructions for use of form located on reverse side.)

INFORMATION AND REPORT SECURITY	ROUTINE <input checked="" type="checkbox"/>	AGENCY ONLY <input type="checkbox"/>	AGENT ONLY <input type="checkbox"/>
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SUBMITTING AGENCY: Humboldt County Sheriffs Office		AGENCY CASE NO: 201405787			
COUNTY OF PROSECUTION: Humboldt		RELATED AGENCIES/CASE NUMBER(S):			
OFFENSE(S): OIS		DATE OF INCIDENT: 12/16/14	DATE NEEDED: When Poss		
REASON: Investigation					
INVESTIGATING OFFICER: Cheryl Franco		PHONE: 707-445-7251	FAX: 707-445-7298		
INVESTIGATING OFFICER - EMAIL ADDRESS:					
S, V, OTHER, OFFICER	SUBJECTS			DATE OF BIRTH	CII # (LATENTS AND DNA)
	Last name	First Name	MI		
	[REDACTED]				

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
1	129449	Glock 22, 40 caliber, Serial [REDACTED]	Test Fire & Ballistics, Retain Casings

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
1/21	[REDACTED]	[REDACTED]	1/8/15

PLEASE SUBMIT A POLICE REPORT OR ATTACH A SEPARATE SHEET WITH A SUMMARY OF THE CASE FOR CRIMINALISTICS CASES
*BFS LABORATORIES SHALL DECIDE THE SPECIFIC METHOD OF ANALYSIS

201405787

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-001892

Physical Evidence Submission Form
(Instructions for use of form located on reverse side.)

INFORMATION AND REPORT SECURITY ROUTINE AGENCY ONLY AGENT ONLY

SUBMITTING AGENCY: Humboldt County SO AGENCY CASE NO : 2014-05787

COUNTY OF PROSECUTION: Humboldt RELATED AGENCIES/CASE NUMBER(S) :

OFFENSE(S): OIS DATE OF INCIDENT: 12/15/14 DATE NEEDED: REASON:

INVESTIGATING OFFICER: Det. C. Franco PHONE: FAX:

INVESTIGATING OFFICER - EMAIL ADDRESS: cfranco@co.humboldt.ca.us

S, V, OTHER, OFFICER	SUBJECTS			DATE OF BIRTH	CII # (LATENTS AND DNA)
	Last name	First Name	MI		
	[REDACTED]				
<input type="radio"/>	Aponte				
<input type="radio"/>	Moss				

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
1	DOJ17	CD with 144 scene photographs, 6 merged scene photographs, and 2 scene diagrams	
2			
3			
4			
5			
6			
7			
8			
9			

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
DOJ17	Lab generated	[REDACTED]	12/30/2014
DOJ17	DOJ to HCSO	[REDACTED]	1/15/15

PLEASE SUBMIT A POLICE REPORT OR ATTACH A SEPARATE SHEET WITH A SUMMARY OF THE CASE FOR CRIMINALISTICS CASES
*BFS LABORATORIES SHALL DECIDE THE SPECIFIC METHOD OF ANALYSIS

REQUESTING AGENCY CASE NO.
2014-05787

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
EUREKA REGIONAL CRIMINALISTICS LABORATORY
1011 West Wabash Ave. Eureka, CA 95501-2121
Phone No. (707) 445-6682 FAX No. (707) 445-6688

BFS CASE NUMBER
EU-14-001892-0001

ATTN: Detective C. Franco
Humboldt County Sheriff's Office
826 Fourth Street
Eureka, CA 95501

COPIES: CHP Humboldt

FIELD INVESTIGATION REPORT

OFFENSE: OFFICER-INVOLVED SHOOTING

OFFICER: DEPUTY APONTE, DEPUTY MOSS

OFFENSE DATE: DECEMBER 15, 2014

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.

Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures.

BACKGROUND

On the morning of December 16, 2014, I received information from Assistant Laboratory Director (ALD) [REDACTED] that the Humboldt County Sheriff's Office (HCSO) had made a request for assistance in processing the scene of an officer-involved shooting in McKinleyville, California. Criminalist [REDACTED] and I responded to the scene after attending a briefing at the HCSO the same morning. Background information, collected from multiple sources throughout the day, consists of the following:

On December 15, 2014, at about 9:00 p.m., Humboldt County Sheriff Deputy Aponte attempted a traffic stop on a vehicle on Azalea Rd. near Chapel Hill Road, McKinleyville. The vehicle initially failed to stop and continued to drive in the [REDACTED] block of Chapel Hill Road. The [REDACTED] vehicle pulled into a private driveway at [REDACTED] Chapel Hill Road with Deputy Aponte following. The [REDACTED] vehicle attempted to drive back out of the driveway, towards Deputy Aponte's location, at which time shots were fired by Deputy Aponte. During the [REDACTED] attempt to evade the deputy, the [REDACTED] vehicle struck two parked vehicles in the driveway. [REDACTED] believed to be the driver, received a hand injury and was transported to a hospital for treatment. A male [REDACTED] fled from the vehicle and ran into a wooded area. A search of the area for the male [REDACTED] was conducted utilizing multiple agencies. After several hours of searching, [REDACTED] was located in a wooded area adjacent to [REDACTED] Chapel Hill Road.

FIELD ACTIVITIES

I arrived at the scene with Criminalist [REDACTED] at approximately 0920 hours on December 16, 2014. The end of the driveway was blocked by a HCSO patrol vehicle, limiting access to the rest of the driveway and residence. Deputy Aponte's and Deputy Moss's patrol vehicles were parked in the driveway just outside the gate to [REDACTED] Chapel Hill Road. HCSO deputies were present, as were residents of [REDACTED] Chapel Road. The residents remained indoors or were escorted through the scene when they entered or left the residence. Criminalist [REDACTED] and I photographed, sketched, measured, and collected evidence items from the scene. Criminalist [REDACTED] and I departed the scene at approximately 1435 hours on December 16, 2014.

Overview of [REDACTED] Chapel Hill Road

[REDACTED] is the last residence on Chapel Hill Road. The circular driveway has a single gated point of access. The gate was found open on our arrival. The driveway is to the south of the residence, and an open field slopes slightly downhill along the south side of the driveway. A tree-lined gully with a creek runs along the west side of the property.

A HCSO patrol vehicle, number [REDACTED], was facing the residence from outside of the gated portion of the property. A second HCSO patrol vehicle, number [REDACTED] was parked behind the first patrol vehicle and was also facing the residence. A Kia Sedona and a Toyota Matrix XR were parked along the south edge of the driveway. A Dodge Caliber and a Ford Maverick were parked on the north side of the driveway, nearer to the residence. The [REDACTED] vehicle, a Dodge Durango, was parked facing the gate. The rear end of the Durango was between the Caliber and Maverick, and showed signs of striking both vehicles.

Evidence on and adjacent to the patrol vehicles

A single expended cartridge case (DOJ1) was recovered from the ground outside the driver's door of patrol vehicle [REDACTED] the vehicle driven by Deputy Moss. A single piece of glass (DOJ11) was recovered from the hood of patrol vehicle [REDACTED], the vehicle driven by Deputy Aponte.

Evidence on and adjacent to the Dodge Durango

The Dodge Durango was parked, facing the gate, with the Ford Maverick along the left side of the Durango and the Dodge Caliber behind the Durango. Both the Maverick and the Caliber showed signs of having been struck by the Durango. The right rear corner of the Durango was still in contact with the passenger side of the Caliber. Eight expended cartridge cases (DOJ2 through DOJ9) were recovered from the ground near the front end of the Durango and the rear end of the Ford Maverick. Clear and tinted broken glass fragments were observed on the driveway, with the greatest concentration of fragments between the Durango and the gate. A representative sample of both clear and tinted glass fragments were collected (DOJ10). Apparent blood staining, spread over an area approximately one foot in diameter, was observed on the ground near the right rear wheel of the Durango; a portion of the stain was collected on swabs (DOJ12). Multiple other apparent blood stains were observed on the right side of the Durango; none were collected. A set of handcuffs, stained with apparent blood, were found under a first aid kit on the hood of the Durango. I collected a portion of the apparent blood staining from the handcuffs on swabs (DOJ13). Apparent blood was observed on the driver's door from the lower edge of the broken window to the running boards with some pooling on the running boards and ground below the door; these stains were not collected. Possible bullet strikes in glass were observed to the driver's side of the windshield, the driver's door window, and the rearmost left side window. Possible bullet strikes were also observed on the driver's side "b" pillar and driver's side rear passenger door. Further examination and collection of evidence from the Durango is pending.

Other observations in or on the driveway

Evidence of loss of traction was observed in multiple locations on the unpaved driveway. An acceleration skid mark was observed in the lawn adjacent to the east side of the circular driveway; this mark was approximately 32 feet long and indicated a direction of travel towards the parked vehicles and gate. Another set of skid marks extended diagonally across the driveway between the gate and the banked hillside adjacent to the north side of the driveway and in front of HCSO vehicle number [REDACTED]. I did not determine directionality of this set of skid marks.

Evidence in or adjacent to the tree lined gully

A Chicago Bulls baseball cap (DOJ14) was found on the ground behind a trailer parked at the west end of the circular driveway. Two digital scales (DOJ15) and an LED light (DOJ16), which was still lit, were found in the tree-lined gully south-west of the residence and circular driveway.

EVIDENCE

I collected and transported the following evidence to the BFS Eureka Laboratory on December 16, 2014:

- | | |
|-------------------------------------|--|
| Item DOJ 1: Expended cartridge case | Item DOJ 9: Expended cartridge case |
| Item DOJ 2: Expended cartridge case | Item DOJ10: Clear and tinted glass fragments |
| Item DOJ 3: Expended cartridge case | Item DOJ11: Piece of glass from patrol vehicle hood |
| Item DOJ 4: Expended cartridge case | Item DOJ12: 2 Swabs of apparent blood from driveway |
| Item DOJ 5: Expended cartridge case | Item DOJ13: 2 Swabs of apparent blood from handcuffs |
| Item DOJ 6: Expended cartridge case | Item DOJ14: Chicago Bulls baseball cap |
| Item DOJ 7: Expended cartridge case | Item DOJ15: 2 Digital scales |
| Item DOJ 8: Expended cartridge case | Item DOJ16: LED light |

I generated the following evidence at the BFS Eureka Laboratory on December 30, 2014:

- Item DOJ17: CD with 144 scene photographs, 6 merged scene photographs, and 2 scene diagrams

DISPOSITION

Item DOJ17 will be transferred to the HCSO. The remaining evidence will be retained at the Eureka Laboratory pending analysis.

EXAMINED BY

Date of Report: January 2, 2015

Senior Criminalist

Technical review by: _____ Date: 1/9/15


Administrative review by: _____ Date: 1/16/2015

AIS-2014-01210

SPECIAL CONDITIONS PRIVATE PROPERTY		NUMBER INJURED 0	HIT & RUN FELONY <input type="checkbox"/>	CITY UNINCORPORATED		JUDICIAL DISTRICT HUMBOLDT SUPERIOR		LOCAL REPORT NUMBER			
		NUMBER KILLED 0	HIT & RUN MISDEMEANOR <input type="checkbox"/>	COUNTY HUMBOLDT		REPORTING DISTRICT 902		DAY OF WEEK MONDAY	TOW AWAY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
LOCATION	COLLISION OCCURRED ON: CHAPEL ROAD					MO 12	DAY 15	YEAR 2014	TIME (2400) 2059	NCIC # 9125	OFFICER I.D. 017539
	MILEPOST INFORMATION:				GPS COORDINATES LATITUDE 40.921312°				PHOTOGRAPHS BY: CIRT TEAM <input type="checkbox"/> NONE		
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> DR: .2 MILE(S) WEST OF AZALEA RD.					STATE HWY REL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
PARTY 1	DRIVER'S LICENSE NUMBER	STATE CA	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH. YEAR	MAKE / MODEL / COLOR DODGE DURANGO		LICENSE NUMBER	STATE CA	
DRIVER	NAME(FIRST, MIDDLE, LAST)					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER					
PEDES-TRIAN	STREET ADDRESS					OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER					
PARKED VEHICLE	CITY / STATE / ZIP					DISPOSITION OF VEHICLE ON ORDERS OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER					
BICY-CLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY	YEAR	RACE	HUMBOLDT TOWING	
OTHER	HOME PHONE		BUSINESS PHONE			PRIOR MECH. DEFECTS <input checked="" type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE					
	INSURANCE CARRIER		POLICY NUMBER			VEHICLE IDENTIFICATION NUMBER:					
	DIR OF TRAVEL ON STREET OR HIGHWAY W		CHAPEL ROAD			SPEED LIMIT N/A		VEHICLE TYPE 07			
								DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER			
								SHADE IN DAMAGED AREA VAN-TOP			
PARTY 2	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG P	SAFETY EQUIP. P	VEH. YEAR	MAKE / MODEL / COLOR FORD MAVERICK		LICENSE NUMBER	STATE CA	
DRIVER	NAME(FIRST, MIDDLE, LAST)					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER					
PEDES-TRIAN	STREET ADDRESS					OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER					
PARKED VEHICLE	CITY / STATE / ZIP					DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input checked="" type="checkbox"/> OTHER					
BICY-CLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY	YEAR	RACE	PRIOR MECHANICAL DEFECTS <input checked="" type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE	
OTHER	HOME PHONE		BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:					
	INSURANCE CARRIER		POLICY NUMBER			VEHICLE TYPE 01					
	DIR OF TRAVEL ON STREET OR HIGHWAY E		CHAPEL ROAD			SPEED LIMIT N/A		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER			
								SHADE IN DAMAGED AREA SEDAN-TOP			
PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG P	SAFETY EQUIP. P	VEH. YEAR	MAKE / MODEL / COLOR DODGE CALIBER		LICENSE NUMBER	STATE	
DRIVER	NAME(FIRST, MIDDLE, LAST)					OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER					
PEDES-TRIAN	STREET ADDRESS					OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER					
PARKED VEHICLE	CITY / STATE / ZIP					DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input checked="" type="checkbox"/> OTHER					
BICY-CLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY	YEAR	RACE	PRIOR MECHANICAL DEFECTS <input checked="" type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE	
OTHER	HOME PHONE		BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:					
	INSURANCE CARRIER		POLICY NUMBER			VEHICLE TYPE 01					
	DIR OF TRAVEL ON STREET OR HIGHWAY N		CHAPEL ROAD			SPEED LIMIT N/A		DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MOD <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER			
								SHADE IN DAMAGED AREA COMPACT-TOP			
PREPARER'S NAME J. S. BOWEN 017539				DISPATCH NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		REVIEWER'S NAME STACY / SERGEANT #14400				DATE REVIEWED 01/14/2015	


DATE OF COLLISION (MO. DAY YEAR) 12/15/2014	TIME(2400) 2059	NCIC # 9125	OFFICER I.D. 017539	NUMBER
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PROPERTY DAMAGE	OWNER'S NAME	OWNER ADDRESS	NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO
	DESCRIPTION OF DAMAGE		

SEATING POSITION 	SAFETY EQUIPMENT OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE M / C BICYCLE HELMET DRIVER PASSENGER V - NO X - NO W - YES Y - YES	AIR BAG B - UNKNOWN L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	INATTENTION CODES A - CELL PHONE HANDHELD B - CELL PHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER
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ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (#) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1	2	3	SPECIAL INFORMATION	1	2	3	MOVEMENT PRECEDING COLLISION	
VC SECTION VIOLATED: <input type="checkbox"/> YES <input type="checkbox"/> NO	A CONTROLS FUNCTIONING				A HAZARDOUS MATERIAL				A STOPPED	
1 B OTHER IMPROPER DRIVING* EVASION/INTENT.ACT	B CONTROLS NOT FUNCTIONING*				B CELL PHONE HANDHELD IN USE				B PROCEEDING STRAIGHT	
C OTHER THAN DRIVER*	C CONTROLS OBSCURED				C CELL PHONE HANDSFREE IN USE				C RAN OFF ROAD	
D UNKNOWN*	D NO CONTROLS PRESENT / FACTOR*	X	X	X	D CELL PHONE NOT IN USE				D MAKING RIGHT TURN	
	TYPE OF COLLISION				E SCHOOL BUS RELATED				E MAKING LEFT TURN	
	A HEAD - ON				F 75 FT MOTORTRUCK COMBO				F MAKING U TURN	
	B SIDE SWIPE				G 32 FT TRAILER COMBO				G BACKING	
	C REAR END				H				H SLOWING / STOPPING	
	D BROADSIDE				I				I PASSING OTHER VEHICLE	
WEATHER (MARK 1 TO 2 ITEMS)	E HIT OBJECT				J				J CHANGING LANES	
A CLEAR	F OVERTURNED				K				K PARKING MANEUVER	
X B CLOUDY	G VEHICLE / PEDESTRIAN				L				L ENTERING TRAFFIC	
X C RAINING	H OTHER* EVASION	X			M				M OTHER UNSAFE TURNING	
D SNOWING	MOTOR VEHICLE INVOLVED WITH				N				N XING INTO OPPOSING LANE	
E FOG / VISIBILITY FT.	A NON - COLLISION				O		X	X	O PARKED	
F OTHER*	B PEDESTRIAN				OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)				X	R OTHER* EVASION
G WIND	C OTHER MOTOR VEHICLE				A VC SECTION VIOLATED: <input type="checkbox"/> YES <input type="checkbox"/> NO					
	D MOTOR VEHICLE ON OTHER ROADWAY				B VC SECTION VIOLATED: <input type="checkbox"/> YES <input type="checkbox"/> NO					
	E PARKED MOTOR VEHICLE				C VC SECTION VIOLATED: <input type="checkbox"/> YES <input type="checkbox"/> NO					
LIGHTING	F TRAIN				D					
A DAYLIGHT	G BICYCLE				E VISION OBSCUREMENT					
B DUSK - DAWN	H ANIMAL				F INATTENTION*					
X C DARK - STREET LIGHTS	I FIXED OBJECT:				G STOP & GO TRAFFIC					
D DARK - NO STREET LIGHTS	J OTHER OBJECT				H ENTERING / LEAVING RAMP					
E DARK - STREET LIGHTS NOT FUNCTIONING*	PEDESTRIAN'S ACTIONS				I PREVIOUS COLLISION					
	A NO PEDESTRIANS INVOLVED				J UNFAMILIAR WITH ROAD					
ROADWAY SURFACE	B CROSSING IN CROSSWALK - AT INTERSECTION				K DEFECTIVE VEH. EQUIP.: <input type="checkbox"/> YES <input type="checkbox"/> NO		X	X		
A DRY	C CROSSING IN CROSSWALK - NOT AT INTERSECTION				L UNINVOLVED VEHICLE					
X B WET	D CROSSING - NOT IN CROSSWALK				M OTHER*					
C SNOWY - ICY	E IN ROAD - INCLUDES SHOULDER				N NONE APPARENT					
D SLIPPERY (MUDDY, OILY, ETC.)	F NOT IN ROAD	X	X	X	O RUNAWAY VEHICLE					
	G APPROACHING / LEAVING SCHOOL BUS									

SKETCH FOR SKETCH DIAGRAM, SEE PAGE 4 <div style="text-align: center;">  INDICATE NORTH </div>	MISCELLANEOUS
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DATE OF COLLISION (MO. DAY YEAR) 12/15/2014		TIME(2400) 2059	NCIC # 9125	OFFICER I.D. 017539	NUMBER												
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS	AIR BAG	SAFETY EQUIP	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS	PED	BICYCLIST	OTHER					
<input type="checkbox"/> #	<input checked="" type="checkbox"/>	23	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	3	M	B	0
NAME / D.O.B. / ADDRESS													TELEPHONE				
[REDACTED]													[REDACTED]				
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> # 1	<input type="checkbox"/>		M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS													TELEPHONE				
DEPUTY S. APONTE #1740 825 FIFTH ST. EUREKA CA 95501													(707)445-7251				
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> # 2	<input type="checkbox"/>	63	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS													TELEPHONE				
[REDACTED]													[REDACTED]				
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> # 3	<input type="checkbox"/>	32	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS													TELEPHONE				
[REDACTED]													[REDACTED]				
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> # 4	<input type="checkbox"/>	41	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS													TELEPHONE				
[REDACTED]													[REDACTED]				
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS													TELEPHONE				
[REDACTED]													[REDACTED]				
(INJURED ONLY) TRANSPORTED BY:										TAKEN TO:							
DESCRIBE INJURIES:																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
PREPARER'S NAME J. S. BOWEN			I.D. NUMBER 017539			MO. DAY YEAR 12/15/2014			REVIEWER'S NAME						MO. DAY YEAR		

STATE OF CALIFORNIA
SKETCH DIAGRAM

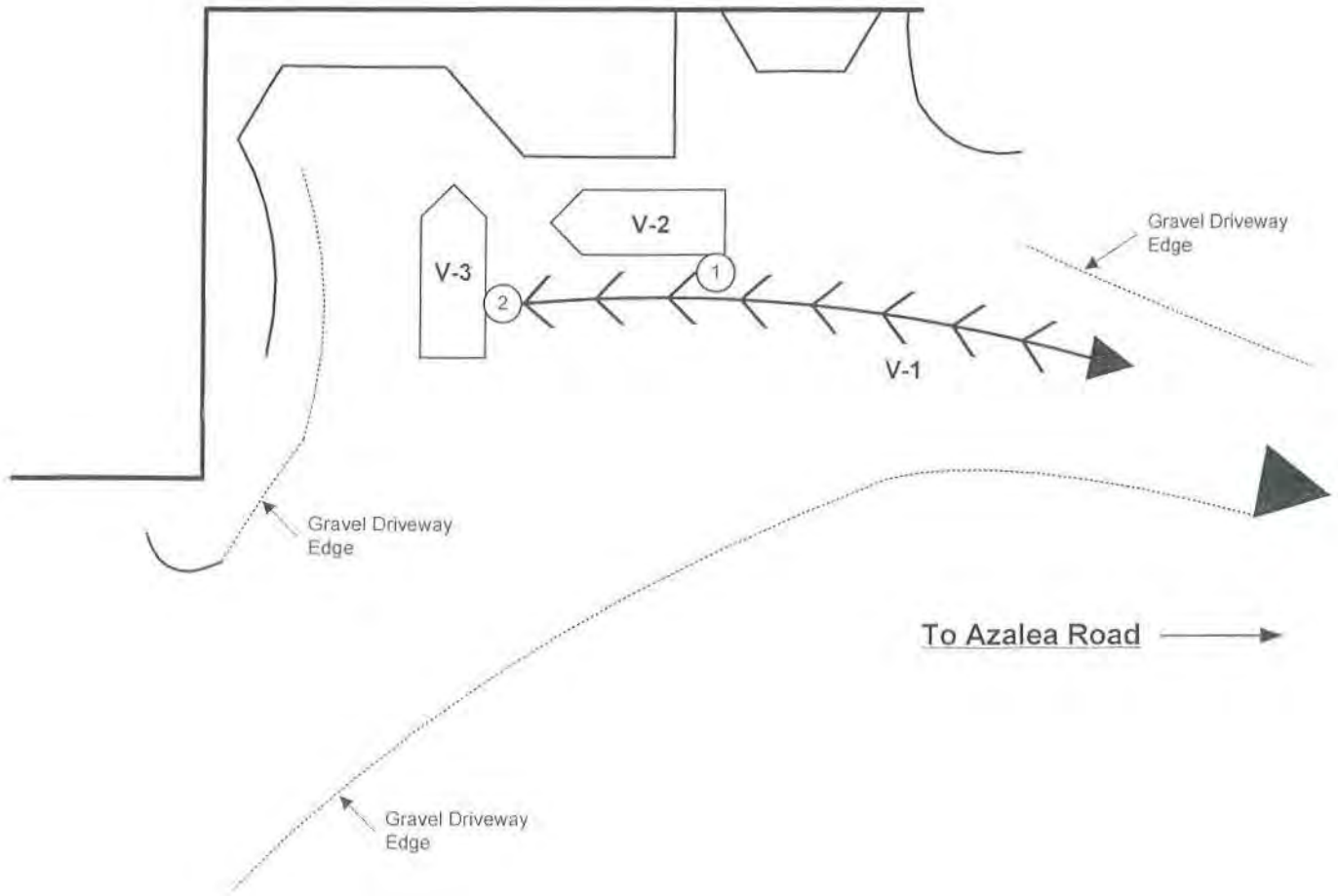
CHP 555 Page 4 (Rev. 8-97) OPI 042

PAGE 4 OF 11

DATE OF INCIDENT 12/15/2014	TIME 2059	NCIC NUMBER 9125	OFFICER I.D. 017539	NUMBER
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)

Chapel Hill Road
(Private Property)



PREPARED BY J. S. BOWEN	I.D. NUMBER 017539	DATE 12/15/2014	REVIEWER'S NAME	DATE
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STATE OF CALIFORNIA
FACTUAL DIAGRAM

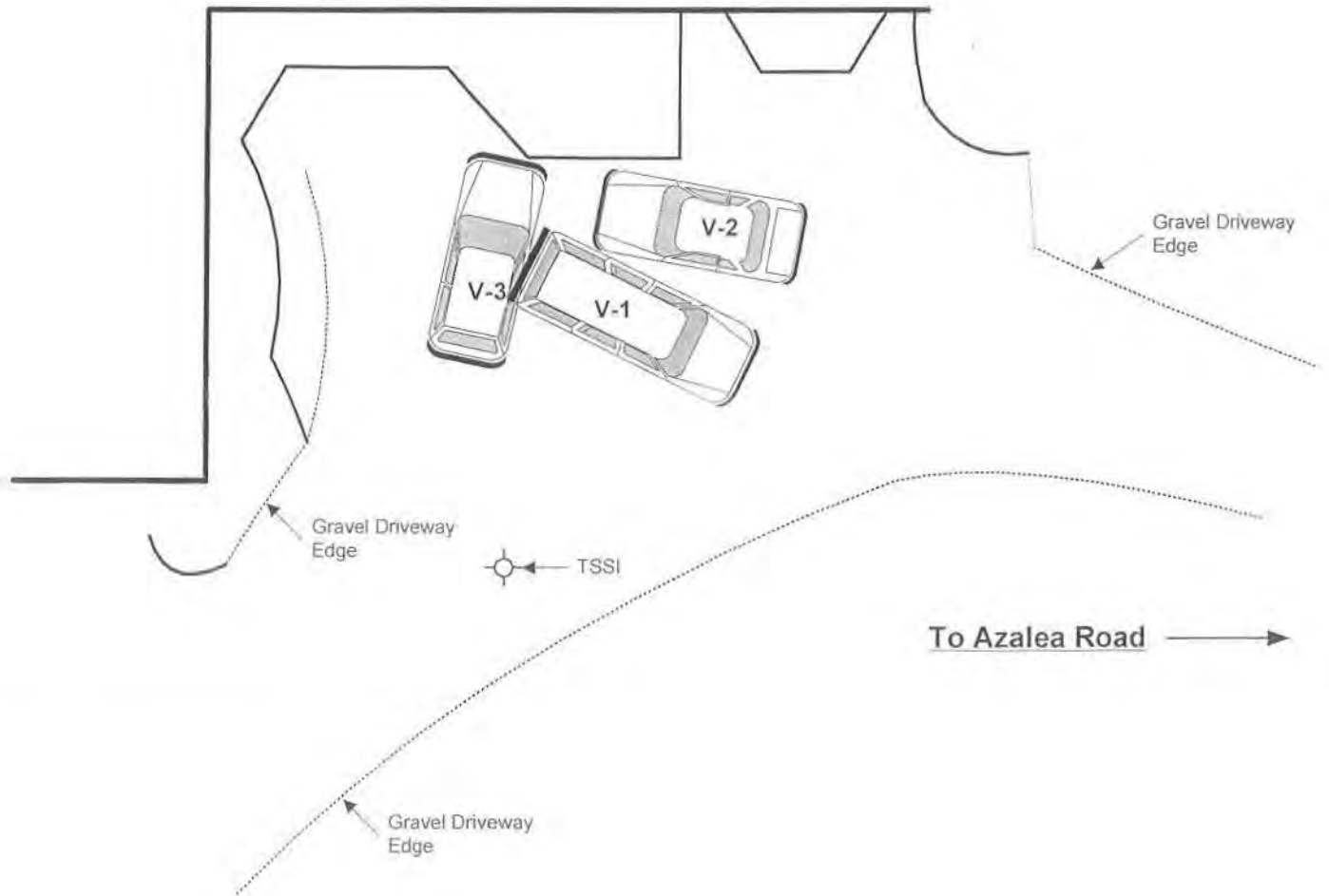
CHP 555 Page 4 (Rev. 8-97) OPI 042

PAGE 5 OF 11

DATE OF INCIDENT 12/15/2014	TIME 2059	NCIC NUMBER 9125	OFFICER I.D. 017539	NUMBER
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)

Chapel Hill Road
(Private Property)



PREPARED BY J. S. BOWEN	I.D. NUMBER 017539	DATE 12/15/2014	REVIEWER'S NAME	DATE
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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
12/15/2014	2059	9125	017539	

1 PHYSICAL EVIDENCE LEGEND:

2
3 Measurements were taken with the use of a Nikon Total Station Surveying Instrument (TSSI)
4 using the x, y, z coordinate system. For the purposes of this incident report, The TSSI was
5 orientated compass north and measurements are measured north, east and west of the TSSI.
6

7 VEHICLE POINTS OF REST:

8

VEHICLE POINTS OF REST	<i>North / South of TSSI</i>	<i>East / West of TSSI</i>
Right rear of the blue Durango	14 feet north	3 feet west
Right front of the blue Durango	10 feet north	10 feet east
Left rear of the orange Maverick	16 feet north	14 feet east
Left front of the orange Maverick	17 feet north	7 feet west
Right rear of the white Caliber	13 feet north	1 foot west
Right front of the white Caliber	20 feet north	2 feet east

9
10
11
12
13
14

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. S. BOWEN	017539	12/15/2014		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
12/15/2014	2059	9125	017539

1 FACTS:**2 NOTIFICATION:**

3

4 On December 15, 2014, at approximately 2345 hours, I received a call requesting assistance with
5 an officer involved shooting investigation. On December 16, 2014, at approximately 0730 hours, I
6 met with Humboldt County Sheriff's Department personnel in order to assist with documenting the
7 scene of a deputy involved shooting. Upon completing of the briefing, I responded to the incident
8 scene and assisted H.S.O. Evidence Technician [REDACTED] with measuring and
9 documenting the scene with the TSSI. I was subsequently directed by Sgt. P. Stacy (#14400) to
10 complete an incident report to document the damage to the involved vehicles.

11

12 SCENE DESCRIPTION:

13

14 This scene is a gravel driveway and parking area located on private property located at [REDACTED]
15 Chapel Hill Road. The address of [REDACTED] is the termination point of Chapel Hill Road. The driveway
16 was narrow with varying widths between ten and fourteen feet. Just east the residence, there
17 were two concrete gate posts and an ascending embankment to the north of the driveway and a
18 descending embankment to the south.

19

20

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. S. BOWEN	017539	12/15/2014		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
12/15/2014	2059	9125	017539

1 **PARTIES / VEHICLES INVOLVED:**

2

3 [REDACTED] was transported from the scene by medical personnel. She was
4 positively identified by Humboldt County Investigators as [REDACTED] and
5 subsequently by a valid California Driver's License. She was established as the driver by the
6 following:

7

- 8 • Deputy Aponte stated [REDACTED] was driving Vehicle #1
- 9 • Witness #1, #2, and #3 stated [REDACTED] was the driver of Vehicle #1
- 10 • [REDACTED] was the registered owner of Vehicle #1

11

12 [REDACTED] **Dodge Durango** was located at the scene, in the gravel parking area of [REDACTED] Chapel Hill
13 Road facing an easterly direction on all four of its wheels. The Durango sustained moderate
14 damage to the rear end due to colliding into two parked vehicles.

15

16 [REDACTED] **Ford Maverick** was located at the scene, in the gravel parking area of [REDACTED] Chapel Hill
17 Road facing a south westerly direction on all four of its wheels. The Maverick sustained
18 minor/moderate damage to its left rear and left side due to being struck by the Durango.

19

20 [REDACTED] **Dodge Caliber** was located at the scene, in the gravel parking area of [REDACTED] Chapel Hill
21 Road facing a north westerly direction on all four of its wheels. The Caliber sustained
22 minor/moderate damage to its right rear and right side due to being struck by the Durango.

23

24

25

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
12/15/2014	2059	9125	017539	

1 **STATEMENTS:**

2
3 [REDACTED] was not contacted by me at the scene therefore a statement was not
4 obtained. At the time of completing this report, [REDACTED] has avoided law enforcement therefore
5 a statement has not been obtained.

6
7 [REDACTED] immediately fled the scene and was later apprehended by law enforcement.
8 [REDACTED] was not contacted by me at the scene therefore a statement was not obtained.

9
10 **Deputy S. Aponte** (Witness #1) provided a statement to the Humboldt County Investigators. I
11 contacted Detective C. Franco where she related Deputy Aponte stated in his interview, [REDACTED]
[REDACTED] was identified as the driver at the time she attempted to evade and struck the two
13 parked vehicles.

14
15 [REDACTED] (Witness #2) was contacted by me on December 16, 2014. [REDACTED] related he was in
16 his home during the incident. He added it was the female who was the driver of the Durango at
17 the time it reversed and struck the two parked cars.

18
19 [REDACTED] (Witness #3) was contacted by me on December 16, 2014. [REDACTED] related he was in
20 his home during the incident. [REDACTED] stated the driver of the Durango was the female (later
21 identified as [REDACTED]).

22
23 [REDACTED] (Witness #4) was contacted by me on December 16, 2014. [REDACTED] did not
24 provide me information on whether she observed the driver of the Durango. She provided the
25 vehicle and insurance information and explained the [REDACTED] Caliber was in the process of
26 transferring ownership to her name.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
12/15/2014	2059	9125	017539	

1 **OPINIONS AND CONCLUSIONS:**

2 **SUMMARY:**

3

4 [REDACTED] was driving the [REDACTED] Durango in an easterly direction in the private driveway of [REDACTED]
5 Chapel Hill Road toward Azeal Road in an attempt to flee from law enforcement. Due the private
6 road being blocked, she then reversed the Durango in a westerly direction where the rear of the
7 Durango struck the left side of the parked Maverick and the right side of the parked Caliber.

8

9 **AREA OF IMPACT (AOI):**

10

11 AOI #1 where the left rear of the [REDACTED] Durango struck the left side (sideswipe) of the [REDACTED]
12 Maverick was located 32 feet north and 6 feet east of the TSSI.

13

14 AOI #2 where the rear of the [REDACTED] Durango struck the right side (broadside) of the [REDACTED] Caliber
15 was located 17 feet north and 10 feet east of the TSSI.

16

17 **CAUSE:**

18

19 [REDACTED] rapidly accelerated the [REDACTED] Durango backwards toward Deputy Aponte where the rear
20 of the Durango subsequently struck two parked vehicles. The Durango came to rest facing an
21 easterly direction on all four of its wheels.

22

23

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. S. BOWEN	017539	12/15/2014		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
12/15/2014	2059	9125	017539	

1 RECOMMENDATIONS:

2
3 I recommend a copy of this report be forwarded to the Humboldt County Sheriff's department and
4 made available the involved parties.

5
6 ***This incident is not a collision report and does not meet the definition of a traffic collision**
7 **per the C.H.P. Collision Investigation Manual. This incident is by definition "Legal**
8 **Intervention" and cannot be considered an "Unintentional Act". This report is only a**
9 **supplemental incident report pertaining to the damaged to the involved vehicles.**

10

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
J. S. BOWEN	017539	12/15/2014		

201405787

Eureka Laboratory



EU-14-001892

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

Physical Evidence Submission Form
(Instructions for use of form located on reverse side.)

INFORMATION AND REPORT SECURITY	ROUTINE <input checked="" type="checkbox"/>	AGENCY ONLY <input type="checkbox"/>	AGENT ONLY <input type="checkbox"/>
---------------------------------	---	--------------------------------------	-------------------------------------

SUBMITTING AGENCY: Humboldt County Sheriffs Office		AGENCY CASE NO: 201405787			
COUNTY OF PROSECUTION: Humboldt		RELATED AGENCIES/CASE NUMBER(S):			
OFFENSE(S): OIS		DATE OF INCIDENT: 12/16/14	DATE NEEDED: When Poss REASON: Investigation		
INVESTIGATING OFFICER: Cheryl Franco		PHONE: 707-445-7251	FAX: 707-445-7298		
INVESTIGATING OFFICER - EMAIL ADDRESS:					
S, V, OTHER, OFFICER	SUBJECTS Last name First Name MI			DATE OF BIRTH	CII # (LATENTS AND DNA)
	[REDACTED]				

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
✓ 1	129449 ✓	Glock 22, 40 caliber, Serial [REDACTED]	Test Fire & Ballistics, Retain Casings
✓	129449T ✓	3 BULLETS AND 3 CARTRIDGE CASSES FIRED IN ITEM 129449	

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
line 1	[REDACTED]	[REDACTED]	1/8/15
lines 1 & 2	[REDACTED]	[REDACTED]	1/29/15

PLEASE SUBMIT A POLICE REPORT OR ATTACH A SEPARATE SHEET WITH A SUMMARY OF THE CASE FOR CRIMINALISTICS CASES
*BFS LABORATORIES SHALL DECIDE THE SPECIFIC METHOD OF ANALYSIS

201405787

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-001892

Physical Evidence Submission Form
(Instructions for use of form located on reverse side.)

INFORMATION AND REPORT SECURITY	ROUTINE <input checked="" type="checkbox"/>	AGENCY ONLY <input type="checkbox"/>	AGENT ONLY <input type="checkbox"/>
---------------------------------	---	--------------------------------------	-------------------------------------

SUBMITTING AGENCY: Humboldt County SO AGENCY CASE NO : 2014-05787

COUNTY OF PROSECUTION: Humboldt RELATED AGENCIES/CASE NUMBER(S) :

OFFENSE(S): OIS DATE OF INCIDENT: 12/15/14 DATE NEEDED: REASON:

INVESTIGATING OFFICER: Det. C. Franco PHONE: FAX:

INVESTIGATING OFFICER - EMAIL ADDRESS: cfranco@co.humboldt.ca.us

S, V, OTHER, OFFICER	SUBJECTS			DATE OF BIRTH	CII # (LATENTS AND DNA)
	Last name	First Name	MI		
	[REDACTED]				
0	Aponte				
0	Moss				

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
1	DOJ17	CD with 144 scene photographs, 6 merged scene photographs, and 2 scene diagrams	
2	DOJ28 ✓	CD WITH 116 PHOTOGRAPHS OF RONCE DURANGO	
3			
4			
5			
6			
7			
8			
9			

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
DOJ17	Lab generated	[REDACTED]	12/30/2014
DOJ17	[REDACTED]	[REDACTED]	1/15/15
DOJ28	[REDACTED]	[REDACTED]	1/20/15
DOJ28	[REDACTED]	[REDACTED]	1/29/15

PLEASE SUBMIT A POLICE REPORT OR ATTACH A SEPARATE SHEET WITH A SUMMARY OF THE CASE FOR CRIMINALISTICS CASES
*BFS LABORATORIES SHALL DECIDE THE SPECIFIC METHOD OF ANALYSIS

201405787

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-001892

Physical Evidence Submission Form
(Instructions for use of form located on reverse side.)

INFORMATION AND REPORT SECURITY	ROUTINE <input checked="" type="checkbox"/>	AGENCY ONLY <input type="checkbox"/>	AGENT ONLY <input type="checkbox"/>
---------------------------------	---	--------------------------------------	-------------------------------------

SUBMITTING AGENCY: Humboldt County SO		AGENCY CASE NO: 2014-05787			
COUNTY OF PROSECUTION: Humboldt		RELATED AGENCIES/CASE NUMBER(S):			
OFFENSE(S): OIS	DATE OF INCIDENT: 12/15/14	DATE NEEDED:	REASON:		
INVESTIGATING OFFICER: Det. C. Franco	PHONE:	FAX:			
INVESTIGATING OFFICER - EMAIL ADDRESS: cfranco@co.humboldt.ca.us					
S, V, OTHER, OFFICER	SUBJECTS			DATE OF BIRTH	CHI # (LATENTS AND DNA)
	Last name	First Name	MI		
	[REDACTED]				
O	Aponte				
O	Moss				

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
✓ 1	DOJ10 ✓	Clear and tinted glass fragments	
✓ 2	DOJ11 ✓	Piece of glass from patrol vehicle hood	
✓ 3	DOJ12 ✓	2 Swabs of possible blood from driveway	
✓ 4	DOJ13 ✓	2 swabs of possible blood from handcuffs	
✓ 5	DOJ14 ✓	Chicago Bulls baseball cap	
✓ 6	DOJ15 ✓	2 Digital scales	
✓ 7	DOJ16 ✓	LED light	
8			
9			

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
lines 1 -7 above	Collected at scene	[REDACTED]	12/16/14
lines 1-7	[REDACTED]	[REDACTED]	1/29/15

PLEASE SUBMIT A POLICE REPORT OR ATTACH A SEPARATE SHEET WITH A SUMMARY OF THE CASE FOR CRIMINALISTICS CASES
*BFS LABORATORIES SHALL DECIDE THE SPECIFIC METHOD OF ANALYSIS

201405787

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-001892

Physical Evidence Submission Form
(Instructions for use of form located on reverse side.)

INFORMATION AND REPORT SECURITY	ROUTINE <input checked="" type="checkbox"/>	AGENCY ONLY <input type="checkbox"/>	AGENT ONLY <input type="checkbox"/>
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SUBMITTING AGENCY: Humboldt County SO		AGENCY CASE NO: 2014-05787			
COUNTY OF PROSECUTION: Humboldt		RELATED AGENCIES/CASE NUMBER(S):			
OFFENSE(S): OIS	DATE OF INCIDENT: 12/15/14	DATE NEEDED:	REASON:		
INVESTIGATING OFFICER: Det. C. Franco	PHONE:	FAX:			
INVESTIGATING OFFICER - EMAIL ADDRESS: cfranco@co.humboldt.ca.us					
S, V, OTHER, OFFICER	SUBJECTS			DATE OF BIRTH	CII # (LATENTS AND DNA)
	Last name	First Name	MI		
<input type="checkbox"/>	[REDACTED]				
<input type="checkbox"/>	Aponte				
<input type="checkbox"/>	Moss				

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
✓ 1	DOJ 1 ✓	Expended cartridge case	
✓ 2	DOJ 2 ✓	Expended cartridge case	
✓ 3	DOJ 3 ✓	Expended cartridge case	
✓ 4	DOJ 4 ✓	Expended cartridge case	
✓ 5	DOJ 5 ✓	Expended cartridge case	
✓ 6	DOJ 6 ✓	Expended cartridge case	
✓ 7	DOJ 7 ✓	Expended cartridge case	
✓ 8	DOJ 8 ✓	Expended cartridge case	
✓ 9	DOJ 9 ✓	Expended cartridge case	

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
lines 1 -9 above	Collected at scene	[REDACTED]	12/16/14
lines 1-9	[REDACTED]	[REDACTED]	1/29/15

PLEASE SUBMIT A POLICE REPORT OR ATTACH A SEPARATE SHEET WITH A SUMMARY OF THE CASE FOR CRIMINALISTICS CASES
*BFS LABORATORIES SHALL DECIDE THE SPECIFIC METHOD OF ANALYSIS

201405787

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-001892

Physical Evidence Submission Form
(Instructions for use of form located on reverse side.)

INFORMATION AND REPORT SECURITY ROUTINE AGENCY ONLY AGENT ONLY

SUBMITTING AGENCY: Humboldt County SO		AGENCY CASE NO : 2014-05787			
COUNTY OF PROSECUTION: Humboldt		RELATED AGENCIES/CASE NUMBER(S) :			
OFFENSE(S): OIS		DATE OF INCIDENT: 12/15/14	DATE NEEDED: REASON:		
INVESTIGATING OFFICER: Det. C. Franco		PHONE:	FAX:		
INVESTIGATING OFFICER - EMAIL ADDRESS: cfranco@co.humboldt.ca.us					
S, V, OTHER, OFFICER	SUBJECTS			DATE OF BIRTH	CII # (LATENTS AND DNA)
	Last name	First Name	MI		
	[REDACTED]				
O	Aponte	Deputy			
O	Moss	Deputy			

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
✓ 1	DOJ20 ✓	Expended bullet core	
✓ 2	DOJ21 ✓	Expended bullet from rear passenger seat	
✓ 3	DOJ22 ✓	Expended bullet from white trash bag	
✓ 4	DOJ23 ✓	Expended bullet jacket from driver's head rest	
✓ 5	DOJ24 ✓	Expended bullet from lower edge of driver's door	
✓ 6	DOJ25 ✓	Expended bullet from driver's side passenger door	
✓ 7	DOJ26 ✓	Reference glass, driver's door and driver's side rear tinted window	
✓ 8	DOJ27 ✓	2 swabs of possible blood from steering wheel	
9			

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
Line 1-8 above	Collected at scene	[REDACTED]	12/31/2014
lines 1-8	[REDACTED]	[REDACTED]	1/29/15

PLEASE SUBMIT A POLICE REPORT OR ATTACH A SEPARATE SHEET WITH A SUMMARY OF THE CASE FOR CRIMINALISTICS CASES
*BFS LABORATORIES SHALL DECIDE THE SPECIFIC METHOD OF ANALYSIS

REQUESTING AGENCY CASE NO.
2014-05787

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
EUREKA REGIONAL CRIMINALISTICS LABORATORY
1011 West Wabash Ave. Eureka, CA 95501-2121
Phone No. (707) 445-6682 FAX No. (707) 445-6688

BFS CASE NUMBER
EU-14-001892-0002

ATTN: Detective C. Franco
Humboldt County Sheriff's Office
826 Fourth Street
Eureka, CA 95501

COPIES:

FIELD INVESTIGATION REPORT

[REDACTED]

OFFENSE: OFFICER INVOLVED SHOOTING

OFFICER: DEPUTY APONTE, DEPUTY MOSS

OFFENSE DATE: DECEMBER 15, 2014

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.
Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures.

BACKGROUND

On the morning of December 16, 2014, I assisted the Humboldt County Sheriff's Office (HCSO) with processing the scene of an officer involved shooting in McKinleyville, California. The [REDACTED] vehicle was towed from the scene and secured for processing at a later date.

This report is a follow-up to report EU-14-001892-0001 and relates specifically to examination of the [REDACTED] Dodge Durango. See report EU-14-001892-0003 for examination results related to function testing and comparative analysis of the pistol, cartridge case, and bullet evidence items associated with this case.

FIELD ACTIVITIES

At approximately 0830 hours on December 31, 2014, Criminalist [REDACTED] and I arrived at Humboldt Towing in Eureka, California, where we met HCSO Detective Cheryl Franco and HCSO Evidence Technician [REDACTED] Criminalist [REDACTED] and I photographed, sketched, and collected evidence items from the Dodge Durango. Items collected include expended bullets and bullet fragments, reference samples of broken glass, and swabs of possible blood. Criminalist [REDACTED] and I departed the scene at approximately 1200 hours on December 31, 2014. I returned to Humboldt Towing on January 14, 2015, to take additional photographs of the Dodge Durango windshield; no items were moved or removed during my second examination of the vehicle at the tow yard.

The locations of recovered bullets and bullet holes were used to determine bullet paths in the vehicle. The descriptions of paths that follow are based on the assumptions that the firearm-related evidence and damage is the result of the shooting on December 15, 2014, and that all of the windows in the Durango were closed at the time of the shooting.

Trajectory 1 (T1 in figure 1) is defined by a single hole (H1) in the driver's side rear window of the Durango, an expended bullet jacket from the rear of the driver's seat headrest (item DOJ23), and an expended bullet core recovered from the headliner above the front passenger seat area (item DOJ20). Material adhering to the item DOJ23 bullet jacket was visually consistent with residue resulting from a bullet striking glass; however, further tests were not conducted to confirm the material was glass residue.

FIELD ACTIVITIES (continued)

Trajectories 2 and 3 (T2 and T3 in figure 1, respectively) were both defined by bullet entrance holes near the front end of the driver's side second-row door. Both trajectories resulted in protruding dents on the inner door panel adjacent to the B-pillar; however, neither bullet perforated the inner panel of the door. The driver's side second-row door was partially disassembled to recover one expended bullet (item DOJ25) from the interior of the door. The second bullet was not recovered and is presumed to be present in an inaccessible area inside the door.

Trajectory 4 (T4 in figure 1) is defined by a single bullet hole that perforated the rear portion of the driver's door and struck, but did not penetrate, the front side of the B-pillar. An expended bullet (item DOJ24) was recovered from the door sill adjacent to the driver's seat.

The window in the driver's door and windshield in front of the driver's seat both showed damage indicative of a bullet strike (H2 and H3 in figure 1, respectively). The broken windows were determined to have been broken by a single bullet, based on the lack of a bullet recovered from the interior of the Durango that both lined up with either hole and showed damage or debris consistent with striking a glass window. The single bullet was determined to have entered the driver's door window (H2 in figure 1) and exited the windshield (H3 in figure 1); this bullet was not recovered. The trajectory (T5 in figure 1) was determined based on the location of glass debris at the scene, the locations of cartridge cases at the scene, ejection pattern analysis of Deputy Aponte's pistol, and the location of injuries to the driver's left hand and wrist.

Item DOJ21 is an expended bullet recovered from the rear passenger-side seat. Item DOJ22 is an expended bullet recovered from a white plastic bag containing clothing, also located in the rear passenger-side seat. Both bullets lacked damage or debris typically associated with striking glass windows; therefore, items DOJ21 and DOJ22 were likely fired through the broken window of the driver's door (H2 in figure 1).

Seven bullets or bullet trajectories were identified in the Durango. Cartridge cases from the scene indicate eight shots were fired by Deputy Aponte's weapon (see report EU-14-001892-0003). Therefore, one bullet apparently missed the Durango entirely.

On February 22, 2015, I test fired Deputy Aponte's Glock pistol for an ejection pattern analysis. The pistol was fired three times using laboratory reference full-metal jacket ammunition, and an additional twelve times using HCSO standard-issue jacketed hollow-point ammunition. The pistol was fired from a set height of approximately five feet while being held with a two-handed grip and aiming at a point just below horizontal. The initial landing points of ejected cartridge cases ranged from approximately zero to four feet to the rear of the shooter, and from approximately four and one-half to nine feet to the right of the shooter (see figure 2). The ejection pattern to the right and slightly behind the pistol is consistent with a shooting position approximately to the rear of the Ford Maverick.

EVIDENCE

I collected and transported the following evidence to the BFS Eureka Laboratory on December 16, 2014:

- | | |
|-------------------------------------|--|
| Item DOJ 1: Expended cartridge case | Item DOJ 9: Expended cartridge case |
| Item DOJ 2: Expended cartridge case | Item DOJ10: Clear and tinted glass fragments |
| Item DOJ 3: Expended cartridge case | Item DOJ11: Piece of glass from patrol vehicle hood |
| Item DOJ 4: Expended cartridge case | Item DOJ12: 2 Swabs of possible blood from driveway |
| Item DOJ 5: Expended cartridge case | Item DOJ13: 2 Swabs of possible blood from handcuffs |
| Item DOJ 6: Expended cartridge case | Item DOJ14: Chicago Bulls baseball cap |
| Item DOJ 7: Expended cartridge case | Item DOJ15: 2 Digital scales |
| Item DOJ 8: Expended cartridge case | Item DOJ16: LED light |

EVIDENCE (continued)

I generated the following evidence at the BFS Eureka Laboratory on December 30, 2014:

Item DOJ17: CD with 144 scene photographs, 6 merged scene photographs, and 2 scene diagrams

I collected and transported the following evidence to the BFS Eureka Laboratory on December 31, 2014:

- Item DOJ20: Expended bullet core from headliner
- Item DOJ21: Expended bullet from rear passenger seat
- Item DOJ22: Expended bullet from white trash bag with clothing
- Item DOJ23: Expended bullet jacket from driver's seat headrest
- Item DOJ24: Expended bullet from lower edge of driver's door
- Item DOJ25: Expended bullet from driver's side passenger door
- Item DOJ26: Reference glass, driver's door and driver's side rear tinted window
- Item DOJ27: 2 Swabs of possible blood from steering wheel

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on January 8, 2015:

Item 129449: Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence during my examination of item 129449 on January 15, 2015:

Item 129449T: 3 bullets and cartridge cases fired in Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence at the BFS Eureka Laboratory on January 26, 2015:

Item DOJ28: CD with 116 scene photographs from examination of Dodge Durango

DISPOSITION

Item DOJ17 was transferred to the HCSO via Golden State Overnight on January 15, 2015. The remaining evidence items were transferred to [REDACTED] of the HCSO on January 29, 2015.

EXAMINED BY: [REDACTED]
Senior Criminalist

Date of Report: March 10, 2015

Technical review by: [REDACTED] Date: 3/19/15

Administrative review by: [REDACTED] Date: 3/20/2015

REQUESTING AGENCY CASE NO.
2014-05787

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
EUREKA REGIONAL CRIMINALISTICS LABORATORY
1011 West Wabash Ave. Eureka, CA 95501-2121
Phone No. (707) 445-6682 FAX No. (707) 445-6688

BFS CASE NUMBER
EU-14-001892-0003

ATTN: Detective C. Franco
Humboldt County Sheriff's Office
826 Fourth Street
Eureka, CA 95501

COPIES:

PHYSICAL EVIDENCE EXAMINATION REPORT

██████████ ██████████ ██████████ ██████████

OFFENSE: OFFICER INVOLVED SHOOTING

OFFICER: DEPUTY APONTE, DEPUTY MOSS

OFFENSE DATE: DECEMBER 15, 2014

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.
Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures. The Department of Justice Laboratory is accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB).

SUMMARY/RESULTS

The item 129449 Glock pistol is functional and was successfully test fired. Three bullets and cartridge cases test fired in item 129449 were retained for comparative analysis.

Based on matching class and individualizing characteristics, the item DOJ2 through item DOJ9 cartridge cases were each fired in the item 129449 pistol.

Based on significant differences in individualizing characteristics, the item DOJ1 cartridge case was not fired in the item 129449 pistol. While a source for the item DOJ1 cartridge case was not confirmed, the cartridge case may have been carried to the scene and deposited by the shoe tread of the second-in deputy.

Based on matching class characteristics, items DOJ21, DOJ22, DOJ24, and DOJ25 could have been fired from the item 129449 pistol, or from any other firearm with similar class characteristics. Based on the partial rifling class characteristics alone, item DOJ23 could have been fired from the item 129449 pistol, or from any other firearm with right-hand twist polygonal rifling.

EVIDENCE

I collected and transported the following evidence to the BFS Eureka Laboratory on December 16, 2014:

Item DOJ 1: Expended cartridge case
Item DOJ 2: Expended cartridge case
Item DOJ 3: Expended cartridge case
Item DOJ 4: Expended cartridge case
Item DOJ 5: Expended cartridge case
Item DOJ 6: Expended cartridge case
Item DOJ 7: Expended cartridge case
Item DOJ 8: Expended cartridge case

Item DOJ 9: Expended cartridge case
Item DOJ10: Clear and tinted glass fragments
Item DOJ11: Piece of glass from patrol vehicle hood
Item DOJ12: 2 Swabs of possible blood from driveway
Item DOJ13: 2 Swabs of possible blood from handcuffs
Item DOJ14: Chicago Bulls baseball cap
Item DOJ15: 2 Digital scales
Item DOJ16: LED light

EVIDENCE (continued)

I generated the following evidence at the BFS Eureka Laboratory on December 30, 2014:

Item DOJ17: CD with 144 scene photographs, 6 merged scene photographs, and 2 scene diagrams

I collected and transported the following evidence to the BFS Eureka Laboratory on December 31, 2014:

Item DOJ20: Expended bullet core from headliner
Item DOJ21: Expended bullet from rear passenger seat
Item DOJ22: Expended bullet from white trash bag
Item DOJ23: Expended bullet jacket from driver's seat head rest
Item DOJ24: Expended bullet from lower edge of driver's door
Item DOJ25: Expended bullet from driver's side passenger door
Item DOJ26: Reference glass, driver's door and driver's side rear tinted window
Item DOJ27: 2 Swabs of possible blood from steering wheel

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on January 8, 2015:

Item 129449: Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence during my examination of item 129449 on January 15, 2015:

Item 129449T: 3 bullets and cartridge cases fired in Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence at the BFS Eureka Laboratory on January 26, 2015:

Item DOJ28: CD with 116 scene photographs from examination of Dodge Durango

EXAMINATION

Item 129449 is a Glock model 22 pistol, chambered for the 40 S&W (Smith and Wesson) cartridge, with serial number [REDACTED]. The pistol had a measured trigger pull of six to six and one-half pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory ammunition; test-fired cartridge cases and bullets were retained for analysis. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as item 129449T. Cartridge cases test-fired in the pistol were compared to each other; reproducible firing pin aperture marks were identified. Attempts to identify the test-fired bullets to each other based on individualizing marks in the barrel rifling impressions failed; the bullets are not suitable for comparison beyond classification of six-right polygonal rifling impression class characteristics. The pistol was test fired a second time for ejection pattern analysis; see report EU-14-001892-0002 ejection pattern examination.

Item DOJ 2 through item DOJ 9 are each expended 40 S&W cartridge cases. The eight items are each silver colored cartridge cases with "WIN" "40 S&W" head stamps. Each of the cartridge cases was compared to cartridge cases test-fired in the item 129449 Glock pistol. Based on correspondence of all class characteristics, and correspondence of individualizing firing pin aperture drag marks, I determined item DOJ2 through item DOJ 9 were each fired in the item 129449 Glock pistol.

EXAMINATION (continued)

Item DOJ 1 is a silver colored cartridge case with a "WIN" "40 S&W" head stamp. The cartridge case is partially crushed on one side near the case mouth, and is abraded on nearly all exterior surfaces. Soil and possible shotgun shell buffer material were observed adhering to inner and outer surfaces of the cartridge case. Based on significant differences in individualizing characteristics in the firing pin aperture drag marks, the item DOJ 1 cartridge case was not fired in the item 129449 pistol. While a source for the item DOJ 1 cartridge case was not definitively identified, the cartridge case may have been carried to the scene and deposited by the shoe tread of the second-in deputy.

Items DOJ21, DOJ22, DOJ24, and DOJ25 are each expended bullets. Each of the bullets was identified as a nominal 40 caliber jacketed hollow point bullet with six-right polygonal rifling impressions. Item DOJ21 weighed approximately 174 grains, and showed only limited damage to the nose. Item DOJ22 weighed approximately 180 grains, and was free of any significant damage. Item DOJ24 weighed approximately 179 grains, and showed significant flattening damage at the nose end of the bullet. Item DOJ25 weighed approximately 178 grains, and showed significant flattening damage at the nose end of the bullet. No apparent glass debris was observed on items DOJ21, DOJ22, DOJ24, or DOJ25. Item DOJ20 is an expended bullet core with a weight of approximately 113 grains. Item DOJ23 is an expended bullet jacket with an unknown number of right-hand polygonal rifling impressions and a weight of approximately 21 grains. Material adhering to the item DOJ23 jacket was visually consistent with residue resulting from a bullet striking glass; however, further tests were not conducted to confirm the material was glass residue. Based on matching class characteristics, items DOJ21, DOJ22, DOJ24, and DOJ25 could have been fired from the item 129449 pistol, or from any other firearm with similar class characteristics. Based on the partial rifling class characteristics alone, item DOJ23 could have been fired from the item 129449 pistol, or from any other firearm with right-hand twist polygonal rifling.

The remaining items were not analyzed.

DISPOSITION

Item DOJ17 was transferred to the HCSO via Golden State Overnight on January 15, 2015. The remaining evidence items were transferred to [REDACTED] of the HCSO on January 29, 2015.

EXAMINED BY: [REDACTED]
Senior Criminalist

Date of Report: March 6, 2015

Technical review by: [REDACTED] Date: 3/16/15
Administrative review by: [REDACTED] Date: 3/19/2015



County of Humboldt
Office of the District Attorney
INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
HCSO CIRT	CIRT INV	12-15-2014		DA14-0308
TYPE OF REPORT		CROSS REFERENCE AGENCY		CROSS REFERENCE CASE NUMBER
Supplemental				

CHARGES		
TYPE	CODE SECTION	DESCRIPTION

1. California, State of
2. Aponte, Scott - Humboldt County Sheriff's Office Deputy Sheriff

WITNESSES	
1.	[Redacted] McKinleyville CA
2.	[Redacted] McKinleyville Ca
3.	[Redacted] McKinleyville CA

SUMMARY
Called out to assist with Critical Incident Response Team (CIRT) Investigation involving a Humboldt County Deputy Sheriff. Filled out and obtained signed search warrant and affidavit for search warrant.

NARRATIVE
On 12-15-2014 around 2145 hours, I received a telephone call from Humboldt County District Attorney Chief Investigator Wayne Cox. Chief Cox told me a Humboldt County Sheriff's Office Deputy has been involved in an officer involved shooting in the McKinleyville Area. Chief Cox told me the Humboldt County Sheriff's Office has asked for a Critical Incident Response Team (CIRT) to respond for the officer involved shooting incident. Chief Cox asked me if I could be available to assist in this

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	<input type="checkbox"/> Probation	<input type="checkbox"/> Parole	<input checked="" type="checkbox"/> Other: HCSO CIRT		
INVESTIGATOR	ID	DATE	APPROVED BY	DATE	
M. Kirkpatrick	7K7	1/7/2015	[Signature]	1/7/15	

INVESTIGATION REPORT

PAGE 2 OF 4				
REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
HCSO CIRT	CIRT	1/7/2015		DA14-0308

investigation. I told Chief Cox I would be able to assist and he told me members from the CIRT would be meeting at Humboldt County Sheriff's Office Criminal Investigations Division for briefing. Chief Cox told me he would be attending the briefing and would meet me there.

Around 2215 hours, I arrived at Humboldt County Sheriff's Office Criminal Investigations Division for briefing.

While at the briefing, Humboldt County Sheriff's Office Investigator Cheryl Franco was assigned the lead investigator for this CIRT Investigation and I was assigned as the Co-Lead. Attending the briefing was Eureka Police Department Sergeant William Nova, Detectives Todd Wilcox, and John Gordon, Humboldt County Sheriff's Office Sergeant Diana Freese, Detective Jennifer Turner, Lieutenant George Cavinta, Under Sheriff William Honsal, and Evidence Technician [REDACTED], and Arcata Police Department Detective Sergeant Todd Dockweiler.

During our briefing we were told by Sergeant Freese that an officer involved shooting occurred at [REDACTED] McKinleyville. The person that was shot was a female by the name of [REDACTED] and she was driving a dark [REDACTED] Dodge Durango California at the time of the officer involved shooting.

Around 2354 hours, I assisted Investigator Franco with interviewing [REDACTED] date of birth [REDACTED] was arrested for an outstanding Felony violation of parole warrant and he was identified as the person who was driving the dark [REDACTED] Dodge Durango prior to the officer involved shooting and fled into the wooded area at [REDACTED] McKinleyville. Investigator Franco told me she will be writing [REDACTED] statement.

On 12-16-2014 at 1022 hours, I assisted Investigator Franco with interviewing witness [REDACTED] (resident of [REDACTED] McKinleyville). I digitally recorded the interview with [REDACTED] Mason's statement was placed onto a CD-R disc under the file name of [REDACTED]

Around 1047 hours, I assisted Investigator Franco with interviewing witness [REDACTED] (resident of [REDACTED] McKinleyville). I digitally recorded the interview with [REDACTED] statement was placed onto a CD-R disc under the file name of [REDACTED]

Around 1119 hours, I assisted Investigator Franco with interviewing witness [REDACTED] (resident of [REDACTED] McKinleyville). I digitally recorded the interview with [REDACTED]

COPIES TO:	DA	<input checked="" type="checkbox"/>	HCSO	<input type="checkbox"/>	FPD	<input type="checkbox"/>	EPD	<input type="checkbox"/>	CHP	<input type="checkbox"/>
	Probation	<input type="checkbox"/>	Parole	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INVESTIGATOR	ID	DATE	APPROVED BY	DATE						
M. Kirkpatrick	7K7	1/7/2015								

INVESTIGATION REPORT

PAGE 3 OF 4				
REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
HCSO CIRT	CIRT	1/7/2015		DA14-0308

statement was placed onto a CD-R disc under the file name of [REDACTED]

While at the Scene, Humboldt County Sheriff's Office Detective Jennifer Turner asked me to assist her checking Deputy Aponte's rifle (black Colt .223 caliber) which was secured in his marked Humboldt County Sheriff's Office unit. Detective Turner removed the rifle and asked me to unload it and count the rounds. Upon checking the rifle, I made sure the rifle was on safe which it was. I removed the magazine and then opened the slide and found the chamber was empty (no live cartridge in the chamber). I removed and counted the .223 caliber live cartridges in the magazine. It should be noted on the outside of the magazine I saw two small stickers. One have litters SP and the other 25. I upon removing the cartridges I removed and counted 25 live cartridges. I asked California Department of Justice Bureau of Forensic Services Criminalist [REDACTED] [REDACTED] take digital photographs of the rifle, magazine, and cartridges.

I re-loaded the rifle and placed the magazine back into the rifle. I placed the rifle back into the rifle lock in Deputy Aponte's unit.

Around 1640 hours, I placed [REDACTED] [REDACTED] and [REDACTED] statements onto a CD-R disc and their file names on the disc are [REDACTED] [REDACTED] and [REDACTED]

On 12-17-2014 0953 hours, I received an e-mail from Investigator Franco asking me to make her a copy of the digital statements from [REDACTED] [REDACTED] and [REDACTED]. Investigator Franco told me she will be writing [REDACTED] [REDACTED] and [REDACTED] statements. Investigator asked me if I could fill out a search warrant and affidavit for search warrant for the Dodge Durango (dark [REDACTED] Dodge Durango SLT California license [REDACTED]) which has been towed and stored at Humboldt Towing [REDACTED] [REDACTED] California in secure storage.

I made a copy of the CD-R disc which contained the digitally recorded interviews with [REDACTED] [REDACTED] and [REDACTED]. I gave the copied CD-R disc to Investigator Franco around 1010 hours.

I filled out a search warrant and affidavit for search warrant for the Dodge Durango.

On 12-18-2014 around 1324 hours I e-mailed this search warrant and affidavit for search warrant for review to Humboldt County Deputy District Attorney Wes Keat. On 12-18-2014 around 1344 hours I received an e-mail from Deputy Keat that he reviewed the search warrant and affidavit for search warrant.

On 12-24-2014 around 0835 hours, I met with Humboldt County Superior

COPIES TO:	DA	<input checked="" type="checkbox"/>	HCSO	<input type="checkbox"/>	FPD	<input type="checkbox"/>	EPD	<input type="checkbox"/>	CHP	<input type="checkbox"/>
	Probation	<input type="checkbox"/>	Parole	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INVESTIGATOR	ID	DATE	APPROVED BY	DATE						
M. Kirkpatrick	7K7	1/7/2015								

INVESTIGATION REPORT

PAGE 4 OF 4
REPORT NAME
CRIME
DATE
COURT CASE NUMBER
DA CASE NUMBER
HCSO CIRT
CIRT
1/7/2015
DA14-0308

Court Judge John Feeney. I gave Judge Feeney the filled out search warrant and affidavit for search warrant to read. Judge Feeney read the search warrant and affidavit for search warrant. After Judge Feeney read the search warrant and affidavit for search warrant he signed (0854 hours) them.

After having the search warrant and affidavit for search warrant signed, I e-mailed Investigator Franco to advise her of the search warrant being signed for the Dodge Durango. Also in the e-mail was a scanned copy of the search warrant.

Investigator Franco told me she served the search warrant on the vehicle on 01-02-2015.

Original search warrant and copy of affidavit of search warrant were taken down and given to Investigator Franco so she could return the search warrant.

DISPOSITION
Copy of supplement report to be given to HCSO for CIRT Investigation.

COPIES TO:	DA	<input checked="" type="checkbox"/>	HCSO	<input type="checkbox"/>	FPD	<input type="checkbox"/>	EPD	<input type="checkbox"/>	CHP	<input type="checkbox"/>
	Probation	<input type="checkbox"/>	Parole	<input type="checkbox"/>	Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
INVESTIGATOR	ID	DATE	APPROVED BY				DATE			
M. Kirkpatrick	7K7	1/7/2015								



1 CLASSIFICATION: OIS 12/15/14

2
3 **Notification, Response, Collection of evidence at hospital**

4
5 NARRATIVE:

6 On 12/15/14 I was assigned as a Senior Detective with the Investigations Division of the Eureka Police
7 Department. At about 2145 hours I received a phone call at home from my immediate supervisor,
8 Detective Sergeant Nova. Sgt. Nova said an on-duty Deputy of the Humboldt County Sheriff's Office
9 (HCSO) was involved in a shooting and it had been requested that a Critical Incident Response Team
10 (CIRT) be assembled to investigate.

11
12 At about 2205 hours, Sgt. Nova called again to confirm I was to respond and participate in the CIRT. I
13 received a phone call from EPD dispatch letting me know that the CIRT briefing would take place at the
14 HCSO Investigations Office. I went to my office, collected some equipment, and went to the HCSO office.

15
16 At the briefing I learned that a female [REDACTED] received a gunshot wound during the incident and had been
17 transported to the Saint Joseph Hospital (2700 Dolbeer Street, Eureka). I went there with Detective
18 Dokweiler from the Arcata Police Department (also participating in the CIRT) and found HCSO Deputies
19 Allen and Waxler outside a trauma room in the Emergency Department.

20
21 In that room receiving treatment was a female with a wrapped left hand/wrist. She had been medicated and
22 was not conversing. On her right ankle was a hospital identification band with the name [REDACTED]
23 [REDACTED] I later learned that the name was what the female provided and had not been confirmed in any
24 way.

25
26 On a counter in the trauma room was a pile of clothing. On top of the pile was a blue examination glove
27 within which was a chunk of brown material wrapped in clear plastic (later weighed at 1.9 grams gross
28 weight). The material was consistent with my experience of heroin. Next to the glove there was a clear
29 Ziploc bag containing a white substance (later weighed at 1.1 gram gross weight). I temporarily packaged
30 all of the items in this pile in a paper bag at about 2325 hours. Hospital staff identified the items as
31 originating with [REDACTED]

32
33 Also on the counter I found a clear specimen jar containing a ten-dollar bill and a white metal ring with
34 three 'stones' and a piece of paper towel on which there were three necklaces.

35
36 Deputy Allen gave me an envelope purporting to contain a blood sample from [REDACTED]

37
38 I prepared a list of the items collected and left a copy of the list with ED staff to include in [REDACTED]
39 file. Detective Dokweiler took digital images of the items and of [REDACTED]

Todd Wilcox #0459 Date 12/17/14 Approved _____

- | | | | | |
|--------------------------|-------------------|------------------------------|----------------------------|-------------------------|
| 1. Cleared by Arrest | 6. Documentation | 11. Cleared Recovery | 16. To Property Clerk | 21. Cleared Cr. Bk |
| 2. Cited and Released | 7. Cleared: Admin | 12. Cleared Partial Recovery | 17. To D.A. | 22. Cleared Extradition |
| 3. Booked Cited Released | 8. Open | 13. Cleared: Other Agency | 18. To Other Agency | 23. CID |
| 4. PC849b | 9. Closed | 14. Cleared Restitution | 19. Owner Notified | 24. NOP |
| 5. Unfounded | 10. Suspended | 15. Warrant Request | 20. Medical Release Needed | |

DISTRIBUTION	1. Briefing	3. D.A.	5. Probation	7. Coroner	9. Other	COPIED BY: _____
	2. CID	4. Parole	6. CPS	8. ABC	10. File Only	DATE: _____



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I put the packaged items in my Department vehicle and later secured them in my office. On 12/16/14 at about 1300 hours I made a detailed inventory of the items and packaged/sealed them for storage.

When I left the Hospital, I returned to the HCSO with Detective Dokweiler. We were next detailed to respond to the scene and help interview any occupants of the residence in front of which the shooting occurred. When we arrived, we found the scene secured at a distance by a Deputy and crime scene tape. Nearer the scene, there were additional Deputies ensuring the integrity of the scene. There were no signs of anyone being awake at the house, and given the late hour we decided not to wake the occupants.

I had the opportunity to view the scene, the vehicles and items of evidence *in situ*.

On 12/16/14 at about 0815 hours the CIRT briefed again at the HCSO Investigations Office. Personnel were tasked with documenting the scene and collecting evidence there. I had a prior unrelated commitment, so I did not participate in any of the goings-on. (As noted above I did later itemize the items I collected at the hospital, but did so alone in the EPD secure evidence lab.)

HCSO Detective Franco (lead Detective for this HCSO/CIRT investigation) phoned me on 12/16/14 and said the interview of the involved Deputy was scheduled for 12/17/14 at 1300 hours with a briefing at 1200 hours.

DISPOSITION: Supplemental

TWS
Todd Wilcox #0459

Date
12/17/14

Approved

- | | | | | |
|--------------------------|-------------------|------------------------------|----------------------------|-------------------------|
| 1. Cleared by Arrest | 6. Documentation | 11. Cleared Recovery | 16. To Property Clerk | 21. Cleared Cr. Bk |
| 2. Cited and Released | 7. Cleared: Admin | 12. Cleared Partial Recovery | 17. To D.A. | 22. Cleared Extradition |
| 3. Booked Cited Released | 8. Open | 13. Cleared: Other Agency | 18. To Other Agency | 23. CID |
| 4. PC849b | 9. Closed | 14. Cleared Restitution | 19. Owner Notified | 24. NOP |
| 5. Unfounded | 10. Suspended | 15. Warrant Request | 20. Medical Release Needed | |

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|--------------|-------------|-----------|--------------|------------|---------------|
| DISTRIBUTION | 1. Briefing | 3. D.A. | 5. Probation | 7. Coroner | 9. Other |
| | 2. CID | 4. Parole | 6. CPS | 8. ABC | 10. File Only |

COPIED BY: _____
DATE: _____

CASE NUMBER: ~~3614~~

ASSOCIATED (: 2014 - 05787

EUREKA POLICE DEPARTMENT
PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

PROPERTY CODES *178
S - STOLEN
R - RECOVERED FOR RETURN
RA - RECOVERED (FOR OTHER AGENCY)
RE - RECOVERED EVIDENCE
F - FOUND
D - DAMAGED
L - LOST
E - EVIDENCE
K - SAFEKEEPING
C - CONTRABAND FOR DISPOSAL

DATE STORED 12 16 14	TIME STORED	DATE OF INCIDENT 12 15 14	CRIME D.I.S.
(VICTIM) LAST NAME	FIRST	MIDDLE	ADDRESS
(FINDER) LAST NAME	FIRST	MIDDLE	ADDRESS
LOCATION PROPERTY WAS FOUND / INCIDENT OCCURED (LOCATION TYPE 3*)			

- ADULT ARREST
- JUVENILE ARREST
- SEARCH WARRANT #
- PROPERTY CLAIMED BY FINDER
- FIELD PROPERTY RECEIPT PROVIDED

PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

CODE	ITEM NO.	ARTICLE	BRAND/MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE	ENTERED NCIC	LAB WORK	STORAGE LOCATION	DISPOSITION
E	TW1	CLOTHING		1pc	BUCK SHOES & WHT SOCKS W/RET STAINS						
E	TW2	CLOTHING		1	S.S. T SHIRT, BLK W/WHT GRAPHIC W/RED STAINS						
E	TW3	CLOTHING		1	BPO, BLK W/DARK PINK DECORATION						
E	TW4	MISC		1	BLANKET, HOSPITAL, WHT W/RED STAINS						
E	TW5	CLOTHING		1	PANTS, BLK/PINK CHECK W/RED STAINS						
E	TW6	BIO		1	BLOOD DROW [REDACTED]						
E	TW7	CONTROLLED SUBST.		1	BLK MATERIAL, 1.9 GW						
E	TW8	CONTROLLED SUBST.		1	WHT MATERIAL, 1.1 GW						
E	TW9	MISC		1	HOSPITAL SPECIMEN JAR, (1) \$10 BILL, (1) WHT METAL RING + 3 "STONES"						
E	TW10	JEWELRY		3	NECKLACE (1) YELLOW METAL 'ANCHOR' (1) WHT METAL 'HERSHEY KISS' (1) WHT METAL						

PROPERTY / EVIDENCE ASSOCIATED TO

'INTERLOCKING HEARTS'

ITEMS NO. TW1-10	<input type="checkbox"/> SUSPECT <input checked="" type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED RECEIPT
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED

REQUEST FOR LAB EXAMINATION

ITEMS NO.	PURPOSE OF EXAMINATION	<input type="checkbox"/> YES PRESUMPTIVE TEST COMPLETED	DATE	BY	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAMINATION	<input type="checkbox"/> YES PRESUMPTIVE TEST COMPLETED	DATE	BY	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAMINATION	<input type="checkbox"/> YES PRESUMPTIVE TEST COMPLETED	DATE	BY	AGENCY DELIVERED TO	DATE	DELIVERED BY
(SUSPECT) LAST	FIRST	MIDDLE	DOB	(SUSPECT) LAST	FIRST	MIDDLE	DOB

BOOKING OFFICER WILCOX	IBM NO. 5455	REPORT DATE 12/16/14	SUPERVISOR REVIEW	IBM NO.	REPORT DATE
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CASE NUMBER: ~~3444~~

ASSOCIATED E: 2014 - 05787

EUREKA POLICE DEPARTMENT
PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

PAGE 1

PROPERTY CODES *178
S - STOLEN
R - RECOVERED FOR RETURN
RA - RECOVERED (FOR OTHER AGENCY)
RE - RECOVERED EVIDENCE
F - FOUND
D - DAMAGED
L - LOST
E - EVIDENCE
K - SAFEKEEPING
C - CONTRABAND FOR DISPOSAL

DATE STORED 12 16 14	TIME STORED	DATE OF INCIDENT 12 15 14	CRIME D.I.S.		
(VICTIM) LAST NAME	FIRST	MIDDLE	ADDRESS	PHONE	DOB
(FINDER) LAST NAME	FIRST	MIDDLE	ADDRESS	PHONE	DOB
LOCATION PROPERTY WAS FOUND / INCIDENT OCCURED (LOCATION TYPE 3*)					

- ADULT ARREST
- JUVENILE ARREST
- SEARCH WARRANT #
- PROPERTY CLAIMED BY FINDER
- FIELD PROPERTY RECEIPT PROVIDED

PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

CODE	ITEM NO.	ARTICLE	BRAND/MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE	ENTERED NCIC	LAB WORK	STORAGE LOCATION	DISPOSITION
E	TW1	CLOTHING		1	BLACK SHOES & WHT SOCKS W/RED STAIN.						
E	TW2	CLOTHING		1	S.S. T SHIRT, BLK W/WHT GRAPHIC W/RED STAIN.						
E	TW3	CLOTHING		1	BPA, BLK W/ DARK PINK DEFORMATION						
E	TW4	MISC		1	BLANKET, HOSPITAL, WHT W/RED STAIN						
E	TW5	CLOTHING		1	PANTS, BLK / PINK CHECK W/RED STAIN.						
E	TW6	BIO		1	BLOOD DROW [REDACTED]						
E	TW7	CONTROLLED SUBST.		1	BLK MATERIAL, 1.9 GW						
E	TW8	CONTROLLED SUBST.		1	WHT MATERIAL, 1.1 GW						
E	TW9	MISC		1	HOSPITAL SPECIMEN JAR, (1) \$10 BILL, (1) WHT METAL PINK + 3 "STONES"						
E	TW10	JEWELRY		3	NECKLACE (1) WHT METAL 'ANCHOR' (1) WHT METAL 'HERSHEY KISS' (1) WHT METAL 'INTERLOCKING HEARTS'						

PROPERTY / EVIDENCE ASSOCIATED TO

ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED
TW1-10		[REDACTED]						RECEIPT
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> SUSPECT <input type="checkbox"/> OWNER	LAST	FIRST	MIDDLE	DOB	ADDRESS	PHONE	NOTIFIED

REQUEST FOR LAB EXAMINATION

ITEMS NO.	PURPOSE OF EXAMINATION	<input type="checkbox"/> YES PRESUMPTIVE TEST COMPLETED	DATE	BY	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAMINATION	<input type="checkbox"/> YES PRESUMPTIVE TEST COMPLETED	DATE	BY	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAMINATION	<input type="checkbox"/> YES PRESUMPTIVE TEST COMPLETED	DATE	BY	AGENCY DELIVERED TO	DATE	DELIVERED BY

BOOKING OFFICER WILCOX	IBM NO. 0459	REPORT DATE 12/16/14	SUPERVISOR REVIEW	IBM NO.	REPORT DATE
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EUREKA POLICE DEPARTMENT

604 C Street, Eureka, CA 95501
CA0120300



CASE NUMBER
3C14-10522

Page 1
of 2

SUPPLEMENTAL REPORT

CLASSIFICATION: Agency Assist- OIS

[REDACTED] Aponte, Scott W.

REFERENCE: HCSO Case# 201405787

1 NARRATIVE:

2 On 12/15/2014 at approximately 2200 hours, I was notified by Det. Sgt. Bill Nova that an HCSO
3 deputy was involved in a shooting on Chapel Hill Rd. in McKinleyville. Det. Sgt. Nova informed me
4 that the deputy had fired at a vehicle and wounded at least one [REDACTED] One or two more [REDACTED]
5 were reported to have fled into a greenbelt area nearby.

6
7 I responded to HCSO CID for a briefing of the incident. I was told HCSO Deputy Aponte was on
8 patrol and had attempted to a traffic stop on a vehicle registered to [REDACTED]
9 had a felony warrant for her arrest. Deputy Aponte radioed he was following the vehicle and then
10 radioed that he had initiated a traffic stop. The vehicle then failed to yield and moments later
11 Deputy Aponte radioed that shots were fired. At least one of the vehicle's occupants fled on foot
12 into a wooded area while another, a female, suffered a wound to the hand. The female, identified
13 herself as [REDACTED] was taken to St. Joseph hospital for treatment. The male was later
14 located and taken into custody without injury. The male was later identified as [REDACTED]

15
16
17 I was assigned to assist HCSO Detective Jennifer Turner and HCSO Evidence Technician [REDACTED]
18 [REDACTED] with collecting evidence from Deputy Aponte and the male [REDACTED] later identified as
19 [REDACTED]

20
21 I drove with Detective Turner to St. Joseph Hospital, 2700 Dolbeer, to pick-up Deputy Aponte after
22 he had submitted to a blood draw per HCSO policy. At the hospital, Evid. Tech. [REDACTED]
23 photographed Deputy Aponte. I saw Deputy Aponte was wearing a hat which had "SHERIFF"
24 displayed on the front in large yellow block lettering, he was also wearing a green HCSO
25 department issued uniform jacket which had HCSO patches on both sleeves, a yellow embroidered
26 star shaped badge on the left breast, an embroidered name patch with Aponte's name on the right
27 breast, and a reflective patch on the back which also displayed "SHERIFF". Aponte had his full
28 duty belt, green uniform pants, and black patrol boots. Aponte was also wearing a uniform shirt
29 under his jacket which had patches, a badge, and his name tag. I saw Aponte had chunks of mud
30 spatters across the front of his pants, jacket, face and hat. The mud pattern was consistent with

1. Cleared by Arrest	6. Documentation	11. Cleared: Recovery	16. To: Property Clerk	21. Cleared: Court Booking	26. Cleared Other Charge(s)
2. Cited and Released	7. Cleared: Admin	12. Cleared: Partial Recovery	17. To: D.A.	22. Cleared: Extradition	
3. Book Cite Released	8. Open	13. Cleared: Other Agency	18. To: Other Agency	23. To: CID	
4. PC 849B	9. Closed	14. Cleared: Restitution	19. Owner Notified	24. To: NOP	
5. Unfounded	10. Suspended	15. Warrant Requested	20. Released: Medical	25. To: POP	

OFFICER Det. J. Gordon	IBM NO. 498	REPORT DATE 12/15/2014	SUPERVISOR REVIEW KAT	IBM NO. 444	REVIEW DATE 1-12-15
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DISTRIBUTION	1. Briefing	3. D.A.	5. Probation	7. Coroner	9. Other HCSO	COPIES BY:
	2. CID	4. Parole	6. CPS	8. ABC	10. Gang Unit	

EUREKA POLICE DEPARTMENT

604 C Street, Eureka, CA 95501
CA0120300



CASE NUMBER
3C14-10522

Page **2**
of **2**

SUPPLEMENTAL REPORT

31 the mud being projected at Aponte as opposed to Aponte falling into the mud or having come into
32 contact with a muddy object.

33
34 After Aponte was photographed, and a blood sample was taken, we transported him to the Best
35 Western Humboldt Bay Inn, [REDACTED] [REDACTED] There we met up with HCSO [REDACTED]
36 [REDACTED] who had brought clothing for Aponte to change into.

37
38 Aponte then disrobed one article of clothing at a time as I collected the articles and placed them in
39 separate bags. I had Aponte keep any items he had in his pockets where they were. Evid Tech
40 [REDACTED] photographed Aponte as he removed each layer of clothing.

41
42 I kept Aponte's duty gear in place in their holsters/holders on his duty belt and collected them all
43 together except for his duty firearm. I removed the firearm, a glock model 22 .40 S&W (Serial #
44 [REDACTED] from the holster and removed the magazine. I then pulled back the slide and saw there
45 was one unfired round in the chamber. I glanced at the magazine and saw the round count
46 indicator showed there were seven rounds in the magazine. I ejected the single round from the
47 chamber of the firearm and packaged the firearm in a firearm evidence box. I placed the magazine
48 and single round form the chamber in separate bags.

49
50 After collecting Aponte's clothing and gear, Evid. Tech. [REDACTED] and I took the articles back to
51 HCSO.

52
53 Upon our arrival, we secured Aponte's articles and turned our attention to [REDACTED] who was was in
54 custody seated in an interview room. I was told [REDACTED] had invoked his Miranda Rights and was
55 waiting to be booked. Evid. Tech. [REDACTED] and I were tasked with collecting [REDACTED] clothing as
56 evidence.

57
58 I entered the interview room with Evid. Tech [REDACTED] and introduced myself to [REDACTED] I told
59 [REDACTED] I was going to collect his clothing and that [REDACTED] was going to photograph him as I did
60 so. [REDACTED] cooperated and I collected his clothing. I gave [REDACTED] a jumpsuit and sandals to change
61 into. We then took the articles we had collected to [REDACTED] office for booking.

62
63 I had placed [REDACTED] articles in individual bags and kept them separate from Deputy Aponte's
64 articles. I began booking Deputy Aponte's articles first, photographing each item prior to packaging
65 and sealing them. I then booked the articles I had collected from [REDACTED] photographing each item
66 prior to packaging and sealing them.

67
68 All items were sealed by myself and booked into evidence by [REDACTED].

69
70 **DISPOSITION:**
71 **Documentation**

1. Cleared by Arrest	6. Documentation	11. Cleared: Recovery	16. To: Property Clerk	21. Cleared: Court Booking	26. Cleared Other Charge(s)
2. Cited and Released	7. Cleared: Admin	12. Cleared: Partial Recovery	17. To: D.A.	22. Cleared: Extradition	
3. Book Cite Released	8. Open	13. Cleared: Other Agency	18. To: Other Agency	23. To: CID	
4. PC 849B	9. Closed	14. Cleared: Restitution	19. Owner Notified	24. To: NOP	
5. Unfounded	10. Suspended	15. Warrant Requested	20. Released: Medical	25. To: POP	

OFFICER Det. J. Gordon	IBM NO. 498	REPORT DATE 12/15/2014	SUPERVISOR REVIEW [Signature]	IBM NO. 444	REVIEW DATE 1-12-15
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DISTRIBUTION	1. Briefing	3. D.A.	5. Probation	7. Coroner	9. Other HCSO Gang Unit	COPIES BY:
	2. CID	4. Parole	6. CPS	8. ABC		

CASE NUMBER: 201405787

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

Victim:
Victim:

PROPERTY/EVIDENCE LISTING











BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 129439	AC-1	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: BEST WESTERN HUMBOLDT BAY INN	Clothing 1 HCSO ISSUED JACKET
 129440	AC-2	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing 1 HSCO ISSUE UNIFORM SHIRT
 129441	AC-3	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing 1 BODY ARMOUR POINT BLANK
 129442	AC-4	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing 1 T- SHIRT WHITE 2XL YOSEMITE LOGO
 129443	AC-5	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing 2 BOOTS, BATES BRAND WITH 2 BLACK SOCKS
 129444	AC-6	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing 511 UNIFORM PANTS, GREEN SIZE 42
 129445	AC-7	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing CASIO WATCH, G SHOCK
 129446	AC-8	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing SHERIFF HAT
 129447	AC-9	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Clothing 1 DUTY BELT BLACK BASKET WEAVE
 129448	AC-10	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Firearms Caliber: .40 TWO MAGAZINES TAKEN FROM MAG POUCH ON BELT

CASE NUMBER: 201405787

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

Victim:
Victim:

PROPERTY/EVIDENCE LISTING



BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 129449	AC-11	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Firearms GLOCK 22 Caliber: .40 Ser #: [REDACTED] PISTOL TAKEN OFF OF DUTY BELT
 129450	AC-11A	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Ammunition Caliber: .40 ONE ROUND TAKEN FROM CHAMBER OF AC-11
 129451	AC-11B	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Ammunition MAGAZINE FROM AC-11 CONTAINING 7 WINCHESTER BULLETS
 129453	AC-12	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: SCOTT APONTE	Biological Evidence BLOOD DRAW FROM SCOTT APONTE
 129455	AC-13	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing ONE PAIR OF WHITE NO SHOW SOCKS
 129456	AC-14	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing MEN'S WHITE T-SHIRT "TOMMY HILLFIGER" SIZE LARGE
 129457	AC-15	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing SAN FRANCISCO GIANTS JERSEY, BLACK SIZED XL
 129458	AC-16	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing BLACK IMATATION LEATHER JACKET SIZE LARGE "OBEY"
 129459	AC-17	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing TNM BRAND JEANS WITH BELT SIZED 42
 129460	AC-18	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing MENS BASKET BALL SHORTS NIKE BLACK SIZE XXL

CASE NUMBER: 201405787

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

Victim:
Victim:

PROPERTY/EVIDENCE LISTING

BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 129461	AC-19	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing LUCKY BRAND BOXERS SIZED XL
 129462	AC-20	[REDACTED] - 2015 12/16/2014 Recovery Address: HCSO Recovery Location: [REDACTED]	Clothing ONE PAIR OF BROWN SPERRY TOP SIDERS SIZE 12 M WITH SOCKS SHOVED INSIDE

REQUESTING AGENCY CASE NO.
2014-05787

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
EUREKA REGIONAL CRIMINALISTICS LABORATORY
1011 West Wabash Ave. Eureka, CA 95501-2121
Phone No. (707) 445-6682 FAX No. (707) 445-6688

BFS CASE NUMBER
EU-14-001892-0003

ATTN: Detective C. Franco
Humboldt County Sheriff's Office
826 Fourth Street
Eureka, CA 95501

COPIES:

PHYSICAL EVIDENCE EXAMINATION REPORT

OFFENSE: OFFICER INVOLVED SHOOTING

OFFENSE DATE: DECEMBER 15, 2014

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.

Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures. The Department of Justice Laboratory is accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB).

SUMMARY/RESULTS

The item 129449 Glock pistol is functional and was successfully test fired. Three bullets and cartridge cases test fired in item 129449 were retained for comparative analysis.

Based on matching class and individualizing characteristics, the item DOJ2 through item DOJ9 cartridge cases were each fired in the item 129449 pistol.

Based on significant differences in individualizing characteristics, the item DOJ1 cartridge case was not fired in the item 129449 pistol. While a source for the item DOJ1 cartridge case was not confirmed, the cartridge case may have been carried to the scene and deposited by the shoe tread of the second-in deputy.

Based on matching class characteristics, items DOJ21, DOJ22, DOJ24, and DOJ25 could have been fired from the item 129449 pistol, or from any other firearm with similar class characteristics. Based on the partial rifling class characteristics alone, item DOJ23 could have been fired from the item 129449 pistol, or from any other firearm with right-hand twist polygonal rifling.

EVIDENCE

I collected and transported the following evidence to the BFS Eureka Laboratory on December 16, 2014:

Item DOJ 1: Expended cartridge case
Item DOJ 2: Expended cartridge case
Item DOJ 3: Expended cartridge case
Item DOJ 4: Expended cartridge case
Item DOJ 5: Expended cartridge case
Item DOJ 6: Expended cartridge case
Item DOJ 7: Expended cartridge case
Item DOJ 8: Expended cartridge case

Item DOJ 9: Expended cartridge case
Item DOJ10: Clear and tinted glass fragments
Item DOJ11: Piece of glass from patrol vehicle hood
Item DOJ12: 2 Swabs of possible blood from driveway
Item DOJ13: 2 Swabs of possible blood from handcuff's
Item DOJ14: Chicago Bulls baseball cap
Item DOJ15: 2 Digital scales
Item DOJ16: LED light

EVIDENCE (continued)

I generated the following evidence at the BFS Eureka Laboratory on December 30, 2014:

Item DOJ17: CD with 144 scene photographs, 6 merged scene photographs, and 2 scene diagrams

I collected and transported the following evidence to the BFS Eureka Laboratory on December 31, 2014:

Item DOJ20: Expended bullet core from headliner
Item DOJ21: Expended bullet from rear passenger seat
Item DOJ22: Expended bullet from white trash bag
Item DOJ23: Expended bullet jacket from driver's seat head rest
Item DOJ24: Expended bullet from lower edge of driver's door
Item DOJ25: Expended bullet from driver's side passenger door
Item DOJ26: Reference glass, driver's door and driver's side rear tinted window
Item DOJ27: 2 Swabs of possible blood from steering wheel

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on January 8, 2015:

Item 129449: Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence during my examination of item 129449 on January 15, 2015:

Item 129449T: 3 bullets and cartridge cases fired in Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence at the BFS Eureka Laboratory on January 26, 2015:

Item DOJ28: CD with 116 scene photographs from examination of Dodge Durango

EXAMINATION

Item 129449 is a Glock model 22 pistol, chambered for the 40 S&W (Smith and Wesson) cartridge, with serial number [REDACTED] 4. The pistol had a measured trigger pull of six to six and one-half pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory ammunition; test-fired cartridge cases and bullets were retained for analysis. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as item 129449T. Cartridge cases test-fired in the pistol were compared to each other; reproducible firing pin aperture marks were identified. Attempts to identify the test-fired bullets to each other based on individualizing marks in the barrel rifling impressions failed; the bullets are not suitable for comparison beyond classification of six-right polygonal rifling impression class characteristics. The pistol was test fired a second time for ejection pattern analysis; see report EU-14-001892-0002 ejection pattern examination.

Item DOJ 2 through item DOJ 9 are each expended 40 S&W cartridge cases. The eight items are each silver colored cartridge cases with "WIN" "40 S&W" head stamps. Each of the cartridge cases was compared to cartridge cases test-fired in the item 129449 Glock pistol. Based on correspondence of all class characteristics, and correspondence of individualizing firing pin aperture drag marks, I determined item DOJ2 through item DOJ 9 were each fired in the item 129449 Glock pistol.

EXAMINATION (continued)

Item DOJ 1 is a silver colored cartridge case with a "WIN" "40 S&W" head stamp. The cartridge case is partially crushed on one side near the case mouth, and is abraded on nearly all exterior surfaces. Soil and possible shotgun shell buffer material were observed adhering to inner and outer surfaces of the cartridge case. Based on significant differences in individualizing characteristics in the firing pin aperture drag marks, the item DOJ 1 cartridge case was not fired in the item 129449 pistol. While a source for the item DOJ 1 cartridge case was not definitively identified, the cartridge case may have been carried to the scene and deposited by the shoe tread of the second-in deputy.

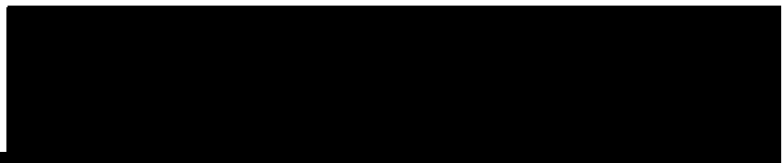
Items DOJ21, DOJ22, DOJ24, and DOJ25 are each expended bullets. Each of the bullets was identified as a nominal 40 caliber jacketed hollow point bullet with six-right polygonal rifling impressions. Item DOJ21 weighed approximately 174 grains, and showed only limited damage to the nose. Item DOJ22 weighed approximately 180 grains, and was free of any significant damage. Item DOJ24 weighed approximately 179 grains, and showed significant flattening damage at the nose end of the bullet. Item DOJ25 weighed approximately 178 grains, and showed significant flattening damage at the nose end of the bullet. No apparent glass debris was observed on items DOJ21, DOJ22, DOJ24, or DOJ25. Item DOJ20 is an expended bullet core with a weight of approximately 113 grains. Item DOJ23 is an expended bullet jacket with an unknown number of right-hand polygonal rifling impressions and a weight of approximately 21 grains. Material adhering to the item DOJ23 jacket was visually consistent with residue resulting from a bullet striking glass; however, further tests were not conducted to confirm the material was glass residue. Based on matching class characteristics, items DOJ21, DOJ22, DOJ24, and DOJ25 could have been fired from the item 129449 pistol, or from any other firearm with similar class characteristics. Based on the partial rifling class characteristics alone, item DOJ23 could have been fired from the item 129449 pistol, or from any other firearm with right-hand twist polygonal rifling.

The remaining items were not analyzed.

DISPOSITION

Item DOJ17 was transferred to the HCSO via Golden State Overnight on January 15, 2015. The remaining evidence items were transferred to [REDACTED] of the HCSO on January 29, 2015.

Date of Report: March 6, 2015



Technical review by: [REDACTED] [REDACTED] [REDACTED] 6115

[REDACTED] [REDACTED] [REDACTED] ✓ Date: 3/19/2015

DC : dc

REQUESTING AGENCY CASE NO.
2014-05787

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
EUREKA REGIONAL CRIMINALISTICS LABORATORY
1011 West Wabash Ave. Eureka, CA 95501-2121
Phone No. (707) 445-6682 FAX No. (707) 445-6688

BFS CASE NUMBER
EU-14-001892-0002

ATTN: Detective C. Franco
Humboldt County Sheriff's Office
826 Fourth Street
Eureka, CA 95501

COPIES:

FIELD INVESTIGATION REPORT

OFFENSE: OFFICER INVOLVED SHOOTING

OFFENSE DATE: DECEMBER 15, 2014

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.

Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures.

BACKGROUND

On the morning of December 16, 2014, I assisted the Humboldt County Sheriff's Office (HCSO) with processing the scene of an officer involved shooting in McKinleyville, California. The [REDACTED] vehicle was towed from the scene and secured for processing at a later date.

This report is a follow-up to report EU-14-001892-0001 and relates specifically to examination of the [REDACTED] Dodge Durango. See report EU-14-001892-0003 for examination results related to function testing and comparative analysis of the pistol, cartridge case, and bullet evidence items associated with this case.

FIELD ACTIVITIES

At approximately 0830 hours on December 31, 2014, Criminalist [REDACTED] and I arrived at Humboldt Towing in Eureka, California, where we met HCSO Detective Cheryl Franco and HCSO Evidence Technician [REDACTED]. Criminalist [REDACTED] and I photographed, sketched, and collected evidence items from the Dodge Durango. Items collected include expended bullets and bullet fragments, reference samples of broken glass, and swabs of possible blood. Criminalist [REDACTED] and I departed the scene at approximately 1200 hours on December 31, 2014. I returned to Humboldt Towing on January 14, 2015, to take additional photographs of the Dodge Durango windshield; no items were moved or removed during my second examination of the vehicle at the tow yard.

The locations of recovered bullets and bullet holes were used to determine bullet paths in the vehicle. The descriptions of paths that follow are based on the assumptions that the firearm-related evidence and damage is the result of the shooting on December 15, 2014, and that all of the windows in the Durango were closed at the time of the shooting.

Trajectory 1 (T1 in figure 1) is defined by a single hole (H1) in the driver's side rear window of the Durango, an expended bullet jacket from the rear of the driver's seat headrest (item DOJ23), and an expended bullet core recovered from the headliner above the front passenger seat area (item DOJ20). Material adhering to the item DOJ23 bullet jacket was visually consistent with residue resulting from a bullet striking glass; however, further tests were not conducted to confirm the material was glass residue.

FIELD ACTIVITIES (continued)

Trajectories 2 and 3 (T2 and T3 in figure 1, respectively) were both defined by bullet entrance holes near the front end of the driver's side second-row door. Both trajectories resulted in protruding dents on the inner door panel adjacent to the B-pillar; however, neither bullet perforated the inner panel of the door. The driver's side second-row door was partially disassembled to recover one expended bullet (item DOJ25) from the interior of the door. The second bullet was not recovered and is presumed to be present in an inaccessible area inside the door.

Trajectory 4 (T4 in figure 1) is defined by a single bullet hole that perforated the rear portion of the driver's door and struck, but did not penetrate, the front side of the B-pillar. An expended bullet (item DOJ24) was recovered from the door sill adjacent to the driver's seat.

The window in the driver's door and windshield in front of the driver's seat both showed damage indicative of a bullet strike (H2 and H3 in figure 1, respectively). The broken windows were determined to have been broken by a single bullet, based on the lack of a bullet recovered from the interior of the Durango that both lined up with either hole and showed damage or debris consistent with striking a glass window. The single bullet was determined to have entered the driver's door window (H2 in figure 1) and exited the windshield (H3 in figure 1); this bullet was not recovered. The trajectory (T5 in figure 1) was determined based on the location of glass debris at the scene, the locations of cartridge cases at the scene, ejection pattern analysis of Deputy Aponte's pistol, and the location of injuries to the driver's left hand and wrist.

Item DOJ21 is an expended bullet recovered from the rear passenger-side seat. Item DOJ22 is an expended bullet recovered from a white plastic bag containing clothing, also located in the rear passenger-side seat. Both bullets lacked damage or debris typically associated with striking glass windows; therefore, items DOJ21 and DOJ22 were likely fired through the broken window of the driver's door (H2 in figure 1).

Seven bullets or bullet trajectories were identified in the Durango. Cartridge cases from the scene indicate eight shots were fired by Deputy Aponte's weapon (see report EU-14-001892-0003). Therefore, one bullet apparently missed the Durango entirely.

On February 22, 2015, I test fired Deputy Aponte's Glock pistol for an ejection pattern analysis. The pistol was fired three times using laboratory reference full-metal jacket ammunition, and an additional twelve times using HCSO standard-issue jacketed hollow-point ammunition. The pistol was fired from a set height of approximately five feet while being held with a two-handed grip and aiming at a point just below horizontal. The initial landing points of ejected cartridge cases ranged from approximately zero to four feet to the rear of the shooter, and from approximately four and one-half to nine feet to the right of the shooter (see figure 2). The ejection pattern to the right and slightly behind the pistol is consistent with a shooting position approximately to the rear of the Ford Maverick.

EVIDENCE

I collected and transported the following evidence to the BFS Eureka Laboratory on December 16, 2014:

Item DOJ 1: Expended cartridge case
 Item DOJ 2: Expended cartridge case
 Item DOJ 3: Expended cartridge case
 Item DOJ 4: Expended cartridge case
 Item DOJ 5: Expended cartridge case
 Item DOJ 6: Expended cartridge case
 Item DOJ 7: Expended cartridge case
 Item DOJ 8: Expended cartridge case

Item DOJ 9: Expended cartridge case
 Item DOJ10: Clear and tinted glass fragments
 Item DOJ11: Piece of glass from patrol vehicle hood
 Item DOJ12: 2 Swabs of possible blood from driveway
 Item DOJ13: 2 Swabs of possible blood from handcuffs
 Item DOJ14: Chicago Bulls baseball cap
 Item DOJ15: 2 Digital scales
 Item DOJ16: LED light

EVIDENCE (continued)

I generated the following evidence at the BFS Eureka Laboratory on December 30, 2014:

Item DOJ17: CD with 144 scene photographs, 6 merged scene photographs, and 2 scene diagrams

I collected and transported the following evidence to the BFS Eureka Laboratory on December 31, 2014:

- Item DOJ20: Expended bullet core from headliner
- Item DOJ21: Expended bullet from rear passenger seat
- Item DOJ22: Expended bullet from white trash bag with clothing
- Item DOJ23: Expended bullet jacket from driver's seat headrest
- Item DOJ24: Expended bullet from lower edge of driver's door
- Item DOJ25: Expended bullet from driver's side passenger door
- Item DOJ26: Reference glass, driver's door and driver's side rear tinted window
- Item DOJ27: 2 Swabs of possible blood from steering wheel

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on January 8, 2015:

Item 129449: Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence during my examination of item 129449 on January 15, 2015:

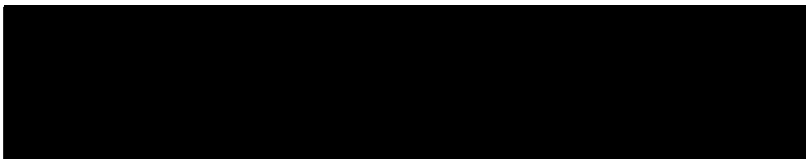
Item 129449T: 3 bullets and cartridge cases fired in Glock model 22 pistol, serial number [REDACTED]

I generated the following evidence at the BFS Eureka Laboratory on January 26, 2015:

Item DOJ28: CD with 116 scene photographs from examination of Dodge Durango

DISPOSITION

Item DOJ17 was transferred to the HCSO via Golden State Overnight on January 15, 2015. The remaining evidence items were transferred to [REDACTED] of the HCSO on January 29, 2015.



Date of Report: March 10, 2015

Technical review by: [REDACTED] Date: 3/19/15

Administrative review by: [REDACTED] Date: 3/20/2015

DC : dc

COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
AFFIDAVIT FOR SEARCH WARRANT

NO _____

On the basis of his personal knowledge and on the basis of other information contained in the attachment hereto,

Investigator Marvin Kirkpatrick

being duly sworn deposes and says that the property described hereinafter falls within the grounds indicated below in that it:

Was stolen or embezzled;

Was used as the means of committing a felony;

Is possessed by a person with the intent to use it as a means of committing a public offense; or is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery;

Is evidence, which tends to show a felony has been committed or a particular person has committed a felony;

Is evidence which tends to show sexual exploitation of a child, in violation of Penal Code Section 311.3 has occurred or is occurring.

and requests the issuance of a search warrant to search:

THE PREMISES located at and described as:

1. Humboldt Towing 101 "H" Street California 95501 (Humboldt County).

Including all out buildings, storage buildings, and any containers thereon **which could contain the dark blue [REDACTED] Dodge Durango SLT California license [REDACTED]**

THE CONTAINER(S) located at and described as: N/A

THE VEHICLE(S) described as:

1. Dark [REDACTED] Dodge Durango SLT California license [REDACTED]
Vehicle is currently stored in secure storage facility at

/

Humboldt Towing 101 "H" Street Eureka California 95501
(Humboldt County).

Including the passenger compartment, storage areas such as rear cargo area, glove box, and any containers within the vehicle that could contain any of the items sought.

THE PERSON(S) OF: N/A

FOR THE FOLLOWING PROPERTY: ATTACHMENT "A"

The following attachments indicated below are incorporated into this affidavit by reference as though set forth here word-for-word; probable cause contained herein:

- (**X**) Narrative statement of probable cause;
- () The following official police reports and records; and documents.
- (**X**) Statement of expertise (and opinion).

STATEMENT OF PROBABLE CAUSE

I, Marvin G. Kirkpatrick, was employed by the Humboldt County Sheriff's Department as a full-time Deputy Sheriff since June 15, 1986 through July 20, 2013. I have been assigned to Patrol and Detective Bureau. Prior to full-time appointment with Humboldt County Sheriff's Office, I worked as a Reserve Deputy Sheriff for Humboldt County Sheriff's Office for two and half years. While I was a Reserve Deputy for Humboldt County Sheriff's Office I worked for State of California Department of Justice Campaign Against Marijuana Planting (C.A.M.P.) for four months. From December 14, 1997 to February 14, 2003, I was assigned to the Humboldt County Drug Task Force for the purposes of investigating violations of the Uniformed Controlled Substances Act. On November 6, 2005 I was promoted as an Investigator and assigned to the Humboldt County Sheriff's Office Criminal Investigations Division. On July 15, 2007 through January 13, 2013 I was assigned to the Humboldt County Drug Task Force as a Special Agent to investigate violations of the Uniformed Controlled Substances Act. In June 28, 2010 I became a handler for a certified narcotic detection canine ("Reece"). On January 14, 2013 I was transferred back to Humboldt County Sheriff's Office Criminal Investigations. On July 20, 2013 I left the Humboldt County Sheriff's Office as an Investigator and on July 21, 2013 I was hired as an Investigator for the Humboldt County District Attorney's Office.

On 12-15-2014 around 2145 hours, I received a telephone call from Humboldt County District Attorney Chief Investigator Wayne Cox. Chief Cox told me a Humboldt County Sheriff's Office Deputy has been involved in an officer involved shooting in the McKinleyville Area. Chief Cox told me the Humboldt County Sheriff's Office has asked for a Critical Incident Response Team (CIRT) to respond for the officer involved shooting incident. Chief Cox asked me if I could be available to assist in this investigation. I told Chief Cox I would be able to assist and he told me members from the CIRT would be meeting at Humboldt County Sheriff's Office Criminal Investigations Division for briefing. Chief Cox told me he would be attending the briefing and would meet me there.

Around 2215 hours, I arrived at Humboldt County Sheriff's Office Criminal Investigations Division for briefing.

While at the briefing, Humboldt County Sheriff's Office Investigator Cheryl Franco was assigned the lead investigator for this CIRT Investigation and I was assigned at the Co-Lead.

During the Investigation on 12-17-2014 Detective Sergeant Todd Dockweiler (Arcata Police Department) and Detective Todd Wilcox

(Eureka Police Department) learned from Humboldt County Sheriff's Office Deputy Scott Aponte he was on patrol (marked Humboldt County Sheriff's Office vehicle and in full Humboldt County Sheriff's Office uniform) in the Blue Lake area near Chartin Road Round-about when he saw a dark [REDACTED] Dodge Durango (later saw California license plate [REDACTED] travel to the right of his marked patrol and passed by him. The vehicle was traveling the wrong way. Deputy Aponte saw the driver of the vehicle was a white male and a female in the right front passenger seat. The vehicle continued westbound on Blue Lake Boulevard.

Deputy Aponte traveled down the road and turned around to try and locate the vehicle. Deputy Aponte located the vehicle travelling westbound on Highway 299 and could see the rear vehicle's license plate is [REDACTED]. Deputy Aponte ran a vehicle registration check on the vehicle and it came back registered to [REDACTED] [REDACTED] [REDACTED] out of McKinleyville. Deputy Aponte remembered an [REDACTED] [REDACTED] has been posted on Eureka Most wanted bulletins.

Deputy Aponte had warrant check ran on [REDACTED] and she came back with outstanding felony and misdemeanor warrants of arrest (Docket Number CR1402071S - 459 P.C. Felony burglary issue date 09-16-2014, Docket Number CR1303803S - 459 P.C. Felony burglary, 496(a) P.C. Felony buy/receive stolen property, and 459 P.C. Felony burglary issue date 09-16-2014, Docket Number CR1301748AS - 11351 H&S Felony possession for sale of a controlled substance, 11350(a) H&S Felony possess narcotic controlled substance, 11366.5(a) H&S Felony knowingly rent/etc for storage/etc or CS (controlled substance), 273A(A) P.C. Felony abuse-endanger child with possible GBI (great bodily injury), and 135 P.C. Misdemeanor destroy evidence issue date 09-16-2014, Docket Number CR1400616AS - Misdemeanor 148.9(A) P.C. false identification to peace officer issue date 09-16-2014, and Docket Number CR1403300S - CR1403300S - Misdemeanor 537(A)(1) P.C. defrauding an innkeeper (<\$400) issue date 09-16-2014).

Deputy Aponte continued following the vehicle and it turned to the right onto the on ramp for North Bank Road. The vehicle continued westbound on North Bank Road and made a right into the first road on the right to a residence off North Bank Road. Deputy Aponte continued westbound on North Bank Road and made a right onto Hunts Drive and parked to watch North Bank Road to see if the vehicle would drive by.

After a few minutes the vehicle drove by heading westbound on North Bank Road. Deputy Aponte pulled in behind the vehicle to attempt to make a traffic stop on the vehicle regarding the warrant of arrests for the registered owner and him seeing a female in this vehicle.

The vehicle made a right onto Azalea Avenue and headed northbound. Deputy Aponte was waiting for a back up to get in the area before making a traffic stop.

While Deputy Aponte was waiting for a backup unit and traveling behind the vehicle, the vehicle stopped and made a quick left onto Chapel Hill Road McKinleyville and headed westbound. Deputy Aponte made a left onto Chapel Hill Road and activated his overhead flashing emergency red and blue lights but the vehicle continued westbound. Prior to getting to the end of the road Deputy Aponte bumped his siren to get the vehicle to stop but continued westbound.

Deputy Aponte was at the end of the road at a residence and parked his marked Humboldt County Sheriff's Office vehicle with all his overhead flashing emergency lights at the gate just prior to entering the residence's yard ([REDACTED])

Deputy Aponte exited his marked vehicle because he lost sight of the vehicle and found on the south side of the residence was a large turn around. Deputy Aponte saw the vehicle stop and the male driver exit the vehicle and took off running into the wooded area south of the vehicle. Deputy Aponte saw the female move over to driver's side and Deputy Aponte yelled several times for the female to stop and get out of the vehicle. Deputy Aponte had also pulled out his service pistol making these requests for the female to get out of the vehicle. The female accelerated quickly and headed north out of the turn around towards the front of the residence. The vehicle's tires spun causing dirt, mud, and rocks to be sprayed on Deputy Aponte.

Deputy Aponte ran after the vehicle traveling north and when the vehicle came to the front of the gate of the residence it swerved left as if trying to get around the marked unit but stopped hitting the dirt embankment. Deputy Aponte ran up to the front gate area. Deputy Aponte was several feet behind the vehicle and to the left (driver's side of the vehicle) yelling for the female to stop the vehicle. Deputy Aponte was between two vehicles parked (in like an upside down L position) on the property in front of the residence. One of the vehicles was a [REDACTED] Dodge Caliber and the other was an [REDACTED] Ford Maverick. Deputy Aponte was next to the [REDACTED] Maverick and Caliber yelling at the female to stop. The vehicle accelerated quickly backwards at Deputy Aponte and Deputy Aponte discharged his firearm at the vehicle's driver's area. The vehicle rammed into the two vehicles and stopped.

Deputy Aponte ordered [REDACTED] out of the vehicle and detained her. Other law enforcement officers arrived at the scene to assist

Deputy Aponte. [REDACTED] sustained an injury (gunshot) to her left hand and medical assistance was provided to her. [REDACTED] was later transported to St. Joseph's Hospital for treatment.

A crime scene was set up and other law enforcement personnel went into the wooded area to attempt to locate the male that took off running from the vehicle. The male was located in the wooded area and detained. When the other law enforcement personnel brought out the male they located in the wooded area Deputy Aponte identified the male as the one he saw driving the vehicle first. The male was later identified as [REDACTED] [REDACTED] [REDACTED] date of birth [REDACTED] [REDACTED]. [REDACTED] was found to be an active parolee for 212.5 P.C. (2nd degree robbery) out of Oxnard California. A parole violation no bail outstanding felony warrant of arrest was located for [REDACTED] and he was placed under arrest.

Due to the darkness the crime scene continued to be secured with law enforcement personnel guarding the scene until personnel could respond in the morning of 12-16-2014 to process the scene for items of evidence.

On 12-16-2014 the scene was processed for items of evidence. The vehicle (Durango) stayed parked at the scene. The vehicle was not entered or processed. I could see the driver's window shattered out, saw bullet holes in and near the driver's door, blood on the outside of the driver's door, driver's side rear cargo window shattered and a hole, and blood on the inside driver's door and seat area. After the scene was processed the vehicle was towed and stored in secure storage by Humboldt Towing 101 "H" Street Eureka. Prior to the vehicle being towed and stored seals were placed on the vehicle.

Also on 12-16-2014 the individuals living in [REDACTED] were interviewed. The three people that were interviewed were [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]

[REDACTED] said he was washing dishes and saw the [REDACTED] vehicle (Dodge) driving real fast up the roadway to his residence and behind this vehicle he saw a law enforcement vehicle with it overhead emergency lights activated. [REDACTED] said he left the window and alerted [REDACTED] to something is about to happen on the property and he also made contact with [REDACTED] who was in the back of the house with their children to let her know what was going on. [REDACTED] said he heard some gun shots.

[REDACTED] said he was notified by [REDACTED] that something big is about to happen and some cop is chasing someone. [REDACTED] said he jumped up to look out his sliding glass door. [REDACTED] said he heard a vehicle race

by in the driveway. [REDACTED] said as he looked out the sliding glass door he saw the vehicle (Durango) coming back up towards his house pretty fast. [REDACTED] said he was wondering if the vehicle would make the turn onto the driveway. [REDACTED] said the officer's vehicle was parked about 5 yards outside their gate and the vehicle tried to get by the officer's vehicle. [REDACTED] said the vehicle went up and hit the embankment. [REDACTED] said the driver threw it (vehicle) into reverse and came flying back into the driveway hitting the Maverick and Dodge. [REDACTED] said during this sequence there was gunfire. [REDACTED] said gun fire was happening as the vehicle was backing up quickly and before the vehicle crashed into the other vehicles. [REDACTED] said when he heard the gunshots he hit the floor.

[REDACTED] said she was notified by her husband [REDACTED] telling her there were a bunch of cops in their yard and they was a shooting. [REDACTED] said she was almost asleep when their son when [REDACTED] told her this. [REDACTED] didn't see any of the vehicles entering their property or the shooting incident.

Law enforcement officers checked the wooded area in the daylight where [REDACTED] was located and they found a beanie cap by a shed, scale by some logs, and headlamp where [REDACTED] was located in the wooded area.

I talked with Eureka Police Detective Todd Wilcox. Detective Wilcox was one of the law enforcement personnel that responded for the CIRT Investigation and during the CIRT meeting he was asked along with Arcata Police Department Detective Sergeant Todd Dockweiler to respond to St. Joseph's Hospital and make contact with [REDACTED] for a statement. Detective Wilcox told me when [REDACTED] was at the hospital she was found in possession of a small clear bag containing (1.9 grams gross) of a black tar like substance and a small clear bag containing (1.1 grams gross) a crystalline substance. Detective Wilcox told me based on his training and experience the black substance is heroin and the crystalline substance is methamphetamine.

I know from training and experience along with the outstanding felony warrant of arrest for 11351 H&S -Possession for sale of a controlled substance - one trafficking in controlled substance(s) use scales and have pre-packaged bags of a controlled substance(s) for a quick sell.

I know from training and experience along with the outstanding felony warrant of arrest for 11351 H&S -Possession for sale of a controlled substance - one trafficking in controlled substance(s) will use vehicles to store larger amounts of controlled substance(s), packaging material, pay and owes, scales, computers,

cellular telephones, and currency. I also know vehicles are used to transport the controlled substance(s) for the purpose of sales.

I know from training and experience individuals use computers/cellular telephones when they encounter law enforcement. Individuals will make calls, photo, video, text, tweet, e-mail, record, etc the encounter with law enforcement to others or store on their electronic devices.

I know from training and experience in conducting vehicle assaults, critical incidents, and controlled substance trafficking investigations a thorough examination of the vehicle (Dodge Durango) needs to be conducted and evidence collected. Including any weapons, bullets, shell casings, weapon magazines, forensic evidence, diagrams of the vehicle, photographs, computers, cellular telephones, controlled substance(s), blood, latent prints, indicia, and other evidence to determine the circumstances that led to the vehicle assault and trafficking of a controlled substance.

I know from training and experience that comparisons can be made between the dried blood found in the vehicle along with blood collected from the scene laboratory personnel will be able to make comparisons to the suspect(s) using deoxyribonucleic acid (DNA) and/or more conventional laboratory comparisons.

I know from training and experience that the items listed on Attachment "A" are often found in vehicles such as described and that in my opinion it is likely these such items are there now and it is necessary to search for them to investigate this vehicle assault.

Based on the above investigation on the on-going investigation I am requesting a search warrant to be issued for the dark [REDACTED] Dodge Durango SLT California license [REDACTED] I know from my training and experience that the search of this vehicle described could reveal evidence of the vehicle assault, the person responsible but not limited to biological evidence, DNA evidence, electronic evidence, weapons, controlled substance(s), and other forensic evidence. These items of evidence will be crucial in the investigation into the vehicle assault against Deputy Aponte and the person responsible for this crime.

It is further my opinion that the seizure of the items will provide evidence of the events reported in this affidavit and that the items have and will be used to aid in the commission of a felony. Therefore, I believe the items of evidence asked to search for can be found in the dark [REDACTED] Dodge Durango SLT California license [REDACTED] which is securely stored at Humboldt Towing 101 "H" Street

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Eureka to be searched despite the lapse of time between the events described and the anticipated search.

On 12-18-2014 around 1324 hours I e-mailed this search warrant and affidavit for search warrant for review to Humboldt County Deputy District Attorney Wes Keat. On 12-18-2014 around 1344 hours I received an e-mail from Deputy Keat that he reviewed the search warrant and affidavit for search warrant.

ATTACHMENT "A"

Property:

Included will be items to establish custody/control of the said vehicle, to include but not limited to indicia/paperwork for [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and any other occupant(s) that might have been in the vehicle.

Biological evidence:

Search for and seize trace evidence, which is often small, sometimes invisible to the naked eye, such as but not limited to, blood, fingerprints, palm prints, fibers, and DNA and is easily eliminated by environmental changes or can be accidentally altered by persons about the vehicle. This evidence collection will be done by outside experts and crime scene experts. Storage of this evidence will be in a manner to preserve the evidence for later analysis.

Computers/cellular telephones:

Computers, cellular telephones, and other communication, media, video, and photographing that might harbor evidence of the incident under investigation. Cellular telephone(s), computer hardware, software and data including, but not limited to central processing units(CPU's), hard disks, hard disk drives, portable disk drives, floppy disk drives, tape drives, CD-ROM/DVD drives, thumb drives, display screens, keyboards, prints, modems, scanning devices, personal digital assistants (PDA's), digital cameras, and other image capturing/reproducing devices, magnetic tapes, cassette tapes, and floppy disks.

Firearms/Ammunition/Weapons:

All firearms, ammunition, magazines, expended shell casings, bullets, holsters, shooting supplies, storage containers, and documentation of purchase. Any illegal weapon (knives, metal knuckles, billy, etc.). Law Enforcement can search in areas that firearms/weapons are commonly stored in a vehicle including any locked/unlocked safes and containers.

Written documentation:

Whether typed or hand written, including, but not limited to any instructions for the use of any computers, their accessories as

well as documentation containing passwords.

METHAMPHETAMINE, and drug paraphernalia, including hypodermic needles, hypodermic syringes, pipes, cutting agents commonly used to dilute methamphetamine, such as MSM, scales, measuring and weighing devices frequently used to prepare methamphetamine for commercial distribution; plastic baggies, paper bindles, zip-loc type bags and other similar containers commonly used to package and store methamphetamine.

HEROIN, and related paraphernalia, including hypodermic needles, hypodermic syringes, straws, aluminum foil, eye droppers, spoons, and cotton (used in the ingestion); milk sugar, scales, and other weighing devices, balloons, condoms, paper bindles, aluminum foil bindles, plastic or cellophane bindles, razor blades, knives and blenders. (commonly associated with the preparation of heroin for sales and storage).

Your affiant seeks permission to remove all items described above for examination at the Humboldt County District Attorney's Office, or other facility, because the contents of these items or containers are not readily apparent by visual inspection. The items may require the use of special equipment to see if it contains material described above. In the event that one or more of the items described above are located, it would take hours or even days to go through on the premises. This would lead to undue interference with the place to be searched and would represent an undue interference with your affiant's other assigned duties.

Your affiant seeks permission that the peace officers executing this warrant be authorized, pursuant to Penal Code section 1530, to bring onto the premises whatever professional or expert assistants or consultants that he/she considers necessary in order to, among other things, properly preserve the premises and physical evidence, conduct tests, experiments and re-enactments, drawings, and collect physical evidence.

Your affiant seeks permission that the peace officers executing this warrant be authorized to conduct or order whatever experiments, tests, or scientific evaluations are necessary and proper on said seized items of evidence. All such items shall thereafter be maintained and preserved in an appropriate manner according to commonly accepted policies, standards and appropriate law.

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TRAINING AND EXPERIENCE

I, Marvin G. Kirkpatrick, was employed by the Humboldt County Sheriff's Department as a full-time Deputy Sheriff since June 15, 1986 through July 20, 2013. I have been assigned to Patrol and Detective Bureau. Prior to full-time appointment with Humboldt County Sheriff's Office, I worked as a Reserve Deputy Sheriff for Humboldt County Sheriff's Office for two and half years. While I was a Reserve Deputy for Humboldt County Sheriff's Office I worked for State of California Department of Justice Campaign Against Marijuana Planting (C.A.M.P.) for four months. From December 14, 1997 to February 14, 2003, I was assigned to the Humboldt County Drug Task Force for the purposes of investigating violations of the Uniformed Controlled Substances Act. On November 6, 2005 I was promoted as an Investigator and assigned to the Humboldt County Sheriff's Office Criminal Investigations Division. On July 15, 2007 through January 13, 2013 I was assigned to the Humboldt County Drug Task Force as a Special Agent to investigate violations of the Uniformed Controlled Substances Act. In June 28, 2010 I became a handler for a certified narcotic detection canine ("Reece"). On January 14, 2013 I was transferred back to Humboldt County Sheriff's Office Criminal Investigations. On July 20, 2013 I left the Humboldt County Sheriff's Office as an Investigator and on July 21, 2013 I was hired as an Investigator for the Humboldt County District Attorney's Office.

I have conducted or been involved in controlled substance(s) investigations and arrested numerous people for violations dealing with methamphetamine, cocaine, heroin, marijuana, LSD, and other dangerous drugs. I have arrested persons for being under the influence of controlled substances. I have developed contacts with narcotic users, narcotic sellers, narcotic experts, narcotic informants, and discussed with them all aspects of use, sales, packaging, and transfer of narcotics in the Humboldt County area. I have spoken with persons who use controlled substances, packaged controlled substances, transported controlled substances, sell controlled substances, and or have sold controlled substances. I purchased a controlled substance in an undercover capacity.

I have seized thousands of growing marijuana plants and pounds of processed marijuana. I have seized from grams to pounds of methamphetamine and heroin. I have seized grams to multiple ounces of cocaine HCL.

I have testified as an expert witness in Humboldt County Superior Courts in possession, cultivation, possession for sale, and transportation of marijuana, methamphetamine, heroin, and cocaine. I have also testified as an expert in possession and possession for

sale of marijuana in Mendocino County Court.

I am a life member of California Narcotic Officers Association (CNOA). I am an active member of California Narcotic Canine Association (CNCA) and International Narcotics Interdiction Association (INIA). I am an active member of California District Attorney Investigator Association. I possess a Basic, Intermediate, and Advanced Certificates in law enforcement, and have completed the following courses:

03/84	Reserve Module B	66 Hours
10/85	Drug Influence 11550 H&S	24 Hours
04/86	Basic Police Academy (which included 16 hours in Narcotics Enforcement)	590 Hours
01/87	Advanced Officer/Domestic Violence	24 Hours
03/88	Child Abuse	40 Hours
06/88	Marijuana Investigation Training (HCSO)	3 Hours
06/88	Pipeline Training (CHP)	12 Hours
09/88	Ritualistic Child Abuse	8 Hours
11/88	Sexual Assault Investigation	35 Hours
04/89	Intoxilizer 5000 & 4011 A/AW	4 Hours
05/89	Drug Influence - 11550 H&S	24 Hours
06/89	D.U.I. Seminar	32 Hours
09/89	Officer Survival	40 Hours
06/90	A/S Degree in Administration of Justice (C/R)	
12/90	Prop 115 Teleconference	2 Hours
10/91	Questioned Documents Investigation	40 Hours
04/92	Hazardous Material Awareness	6 Hours
10/92	Oleoresin Capsicum (OC)	.5 Hours
08/94	Parole Searches - Update 94	.25 Hours
09/94	Advanced Officer	24 Hours
03/95	PAS Training	.5 Hours
06/95	Field Evidence Technician	80 Hours
04/96	Drug Update (CNOA)	8 Hours
04/96	Search Warrant Preparation (CNOA)	8 Hours
01/97	Mini D.A.R. Seminar (CNOA)	8 Hours
06/97	D.A.R. Training (CNOA)	24 Hours
07/97	Parolee Contact	8 Hours
10/97	Robbery Investigation	36 Hours
11/97	Federal Domestic Violence Update (PORAC)	1.5 Hours
11/97	Worker's Compensation Legal Update (PORAC)	3 Hours
02/98	Operational Planning & Entry Training (CNOA)	8 Hours
03/98	Narcotics Investigation (DOJ)	80 Hours
05/98	Basic Asset Forfeiture (CDAA)	24 Hours
06/98	Thermal Imagery / FLIR (DOJ)	60 Hours
07/98	Chemical Agents Instructor (Napa College)	32 Hours
10/98	Advanced Asset Forfeiture (CDAA)	24 Hours
10/98	Vehicle Interdiction (CDAA)	3 Hours

11/98	Clandestine Laboratory Techniques	(CNOA)	4 Hours
11/98	Reverse Stings	(CNOA)	4 Hours
11/98	Clandestine Lab: Mexican Connection	(CNOA)	4 Hours
11/98	Red Flags	(CNOA)	4 Hours
12/98	Vehicle Interdiction	(CAMP)	2
Hours			
12/98	A Weed to a Science	(CAMP)	4 Hours
12/98	Marijuana Trends, Mexican National Drug Organizations, & Expert Testimony in Marijuana Cases	(CAMP)	4 Hours
03/99	Evidence Tech. Update	(HCSO)	4 Hours
03/99	Making Methamphetamine	(CNOA)	8 Hours
04/99	Marijuana Cultivation (Indoor & Outdoor)	(CAMP)	4 Hours
04/99	Expert testimony in Marijuana cases	(CAMP)	2 Hours
04/99	Booby Traps	(CAMP)	2 Hours
04/99	GPS Systems	(CAMP)	2 Hours
04/99	Energy Theft	(CAMP)	2 Hours
04/99	Helicopter safety and STABO Cert.	(CAMP)	8 Hours
05/99	Drug Endangered Children	(CNOA)	8 Hours
07/99	Informant Management & Search Warrant	(CNOA)	8 Hours
10/99	Search Warrants A to Z	(CNOA)	8 Hours
10/99	Street Development	(CNOA)	8 Hours
11/99	Precursor/Chemical Investigations	(CNOA)	4 Hours
11/99	Heroin "It's Back"	(CNOA)	4 Hours
11/99	D.A.R. Techniques & Investigations	(CNOA)	4 Hours
11/99	Clandestine Lab Mfg, Tech, Inv, Safety	(CNOA)	4 Hours
01/2000	Clandestine Laboratory Investigations	(DOJ)	36 Hours
05/2000	Clandestine Laboratory Safety	(DOJ)	40 Hours
06/2000	Designer Drugs - MDMA, MDA (ecstasy), GHB, Nitrous Oxide, Ketamine, LSD, Mushrooms, PCP, Peyote, etc.	(CNOA)	8 Hours
06/2000	STABO Certification	(DOJ)	8 Hours
06/2000	Stove Top Clandestine Manufacturing Of Methamphetamine	(CNOA)	8 Hours
09/2000	Search Warrants A to Z	(CNOA)	8 Hours
11/2000	Heroin	(CNOA)	4 Hours
11/2000	Cocaine	(CNOA)	4 Hours
11/2000	Drug Endangered Children	(CNOA)	4 Hours
11/2000	Asset Forfeiture	(CNOA)	4 Hours
04/2001	Presumptive Training (Color Screening)	(DOJ)	9 Hours
05/2001	Rave Culture	(CNOA)	8 Hours
05/2001	Clan Lab Safety Re-Certification	(DOJ/BNE)	8 Hours
05/2001	Clan Lab Safety Supervisor's Course	(DOJ/BNE)	8 Hours
06/2001	Clandestine Labs First Contact	(CNOA)	8 Hours
11/2001	Clandestine Lab investigation Tech	(CNOA)	4 Hours
11/2001	Street Development	(CNOA)	4 Hours

11/2001	Rave and Club Drugs	(CNOA)	4 Hours
11/2001	Drugs on Wheels	(CNOA)	4 Hours
11/2001	Terrorism	(CNOA)	4 Hours
02/2002	Ecstasy & Raves	(Humboldt Co. AOD)	3 Hours
05/2002	Clan Lab Safety Re-Certification	(DOJ/BNE)	8 Hours
11/2002	Clan Lab Manufacturing & Invest.	(CNOA)	4 Hours
11/2002	Clandestine Lab: Mexican Connection	(CNOA)	4 Hours
11/2002	Asset Forfeiture	(CNOA)	4 Hours
11/2002	Legal Updates: Prop 215 & 36	(CNOA)	4 Hours
11/2002	Parolee Contacts	(CNOA)	4 Hours
02/2003	Clan Lab Safety Re-Certification	(DOJ/BNE)	8 Hours
03/2003	Search Warrants A to Z	(CNOA)	4 Hours
05/2003	Major Mexican Drug Trafficking Inv.	(CNOA)	8 Hours
11/2003	Hotel & Motel Interdiction	(CNOA)	4 Hours
11/2003	Asset Forfeiture	(CNOA)	4 Hours
11/2003	Parolee Contacts	(CNOA)	4 Hours
11/2003	On-Line Investigative Resources	(CNOA)	4 Hours
12/2003	Parolee Leads Contact	(Parole)	2 Hours
02/2004	EPAS	(DOJ)	4 Hours
04/2004	Clan Lab Safety Re-Certification	(DOJ/BNE)	8 Hours
01/2005	Clan Lab Safety Re-Certification	(DOJ/BNE)	8 Hours
04/2006	Homicide Investigation-San Jose State Univ.		40 Hours
06/2006	Child Abduction	(CATTA)	16 Hours
09/2006	Identity Theft	(NC3TF)	8 Hours
09/2006	Digital Crime Investigation	(NC3TF)	8 Hours
11/2006	Clan Lab Safety Re-Certification	(DOJ/BNE)	8 Hours
04/2007	Search Warrants A to Z	(CNOA)	8 Hours
06/2007	Drug Endangered Children	(CNOA)	8 Hours
08/2007	Entry Training	(FBI)	14.5 Hours
11/2007	Gang Awareness	(HCGTF)	8 Hours
11/2007	I'm Shot	(CNOA)	8 Hours
11/2007	Clan Lab Live Cook	(CNOA)	4 Hours
11/2007	My Space - Craig's List and Drugs	(CNOA)	4 Hours
11/2007	Financial Investigations	(CNOA)	4 Hours
11/2007	Identity Theft and Methamphetamine	(CNOA)	4 Hours
11/2007	Searching for Narcotics	(CNOA)	4 Hours
11/2007	Electronic Weapons Instructor	(C/R)	16 Hours
02/2008	Outlaw Motorcycle Gangs	(CNOA)	8 Hours
03/2008	Clan Lab Safety Re-Certification	(DOJ/BNE)	8 Hours
06/2008	Cannabis Aerial Observation	(DEA)	32 Hours
07/2008	Tactical Shooting Course	(FBI)	27 Hours
08/2008	Hotel/Motel Enforcement	(CNOA)	8 Hours
08/2008	Financial Investigations Seminar	(OCDETF)	32 Hours
10/2008	Street Development	(CNOA)	8 Hours
11/2008	Marijuana Update	(CNOA)	4 Hours

11/2008	Medicinal Marijuana:Financial Perspective(CNOA)	4	Hours
11/2008	Narco Operations in Powerpoint (CNOA)	4	Hours
11/2008	DAR Techniques (CNOA)	4	Hours
11/2008	Gang Awareness Update (HCOE/GRIP)	8	Hours
03/2009	Clan Lab First Responder Awareness (CNOA)	8	Hours
03/2009	Clan Lab Safety Re-Certification (DOJ/BNE)	8	Hours
03/2009	Narco Pouch Instructor (ODV Armor Forensics)	2	Hours
06/2009	Update Cannabis Aerial Observation (DEA)	13	Hours
08/2009	First Threat Tactical Entry Training (CNOA)	16	Hours
09/2009	Tactical Entry Training (FBI)	24	Hours
11/2009	Clan Lab Safety Re-Certification (DOJ/BNE)	8	Hours
11/2009	WSIN (CNOA)	4	Hours
11/2009	Marijuana update (CNOA)	4	Hours
11/2009	Oxycontin investigations (CNOA)	4	Hours
11/2009	Pharmaceutical Narcotic Enforcement (CNOA)	4	Hours
11/2009	Cocaine and Heroin (CNOA)	4	Hours
03/2010	Advanced Asset Forfeiture (CDA)	20	Hours
	(2 hr Cellular telephone Evidence, 2 hr Highway Drug Interdiction)		
03/2010	Outlaw Motorcycle Gangs (WSIN/CNOA)	8	Hours
05/2010	Tactical Entry Training (DOJ BNE)	8	Hours
06/07-2010	Narcotic Detection K-9 Training (KIDS)	180	Hours
08/2010	Chasing Phones (CNOA)	8	Hours
10/2010	Tactical Entry Training (DOJ BNE)	8	Hours
11/2010	Street Development (CNOA)	8	Hours
11/2010	Parcel Interdiction (DOJ BNE/Fed EX)	6	Hours
11/2010	Criminal Interdiction & Wall Stops (CNOA)	4	Hours
11/2010	Marijuana-From Streets to Dispensaries (CNOA)	4	Hours
11/2010	Asset Forfeiture (CNOA)	4	Hours
11/2010	Cocaine (CNOA)	2	Hours
11/2010	Heroin (CNOA)	2	Hours
11/2010	Oxycontin Investigations (CNOA)	4	Hours
01/2011	Tactical Entry Training (DOJ BNE)	8	Hours
01/2011	Parcel Interdiction (CNCA)	2	Hours
01/2011	Survive & Thrive in Court (CNCA)	2	Hours
01/2011	Commercial Vehicle Smuggling (CNCA)	2	Hours
01/2011	Excel-erate your K9's Learning (CNCA)	2	Hours
01/2011	Basic K-9 Handler Course (CNCA)	2	Hours
01/2011	Criminal Interdiction & Wall Stops (CNCA)	2	Hours
01/2011	Chemistry of Scent (CNCA)	2	Hours
01/2011	Eukanuba K-9 Nutrition (CNCA)	2	Hours
01/2011	K-9 First Aid (CNCA)	2	Hours
01/2011	Legal Update - Narcotic/Explosive cases (CNCA)	2	Hours
01/2011	K-9 Training & Conditioning (CNCA)	2	Hours
01/2011	Training & Maintaining Excellence (CNCA)	2	Hours
02/2011	Drug Endangered Children (CNOA & CAL-EMA)	8	Hours
05/2011	FAA Law Enfor. Assistance Program (FAA/DEA)	5	Hours

06/2011	Car carrier & Small Aircraft Invest.	(INIA)	2 Hours
06/2011	Storage Unit Investigations	(INIA)	2 Hours
06/2011	Diversion of Controlled Substances	(INIA)	2 Hours
06/2011	Freight Investigations	(INIA)	2 Hours
06/2011	Wiretaps & Telephone Exploitation	(INIA)	2 Hours
06/2011	Parcel Investigations	(INIA)	2 Hours
06/2011	Non-Drug best evidence	(INIA)	2 Hours
06/2011	Canine Investigations	(INIA)	2 Hours
06/2011	Tactical First Responder	(INIA)	2 Hours
06/2011	Hidden compartments in motor vehicles	(INIA)	2 Hours
06/2011	Asset Forfeiture	(INIA)	2 Hours
06/2011	Airport Interdiction	(INIA)	2 Hours
06/2011	Tactical Medical Training	(CNOA/BNE)	3 Hours
06/2011	Cell Phone Investigations	(CDAA)	2 Hours
06/2011	Seizures and Forfeitures	(CDAA)	2 Hours
06/2011	Combating Organized Narc. Trafficking	(CDAA)	2 Hours
06/2011	Methamphetamine Update	(CDAA)	2 Hours
06/2011	Indoor Marijuana Grows and Safety	(DOJ/BNE)	21 Hours
09/2011	Clan Lab Safety Re-Certification	(DOJ/BFS)	8 Hours
11/2011	Sex, Drugs, & Social Networking	(CNOA)	8 Hours
11/2011	Marijuana-From Streets to Dispensaries	(CNOA)	4 Hours
11/2011	Crim. Apprehension & Hidden Compartments	(CNOA)	4 Hours
11/2011	Protecting Confidential Information	(CNOA)	4 Hours
11/2011	Crystal Methamphetamine	(CNOA)	4 Hours
01/2012	Parcel Interdiction	(CNCA)	2 Hours
01/2012	Shaping K9 Behavior	(CNCA)	2 Hours
01/2012	Survive & thrive in courtroom	(CNCA)	2 Hours
01/2012	Nutrition for working K9	(CNCA)	2 Hours
01/2012	Criminal Interdiction & Wall Stops	(CNCA)	2 Hours
01/2012	Training & Maintaining Detection K9	(CNCA)	2 Hours
01/2012	Compartment Identification	(CNCA)	2 Hours
01/2012	Commercial Vehicle Smuggling	(CNCA)	2 Hours
01/2012	K9 First Aid	(CNCA)	2 Hours
01/2012	Fundamentals of odor chemistry	(CNCA)	2 Hours
04/2012	Clan Lab Safety Re-Certification	(CA DOJ)	8 Hours
04/2012	Marijuana-From Streets to Dispensaries	(CNOA)	8 Hours
08/2012	Drug Endangered Children	(CNOA & CAL-EMA)	8 Hours
11/2012	Protecting Confidential Information	(CNOA)	4 Hours
11/2012	Criminal Interdiction and use of K-9	(CNOA)	4 Hours
11/2012	Patron Saints of Mexican drug Underworld	(CNOA)	4 Hours
11/2012	Good Faith & the reasonably well trained Officer: 4 th Amendment update	(CNOA)	4 Hours
11/2012	Parole and AB 109	(CNOA)	4 Hours
12/2012	Synthetic Drug Identification and Inv.	(CNOA)	8 Hours
01/2013	Chemistry of Scent	(CNCA)	2 Hours
01/2013	Survive & thrive in courtroom	(CNCA)	2 Hours
01/2013	Criminal Interdiction & Wall Stops	(CNCA)	2 Hours
01/2013	Selection to Detection of Working K-9's	(CNCA)	2 Hours

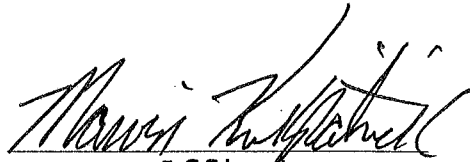
01/2013	Science & Practical Tools for Errors	(CNCA)	2 Hours
01/2013	Vehicle Hidden Compartments	(CNCA)	2 Hours
01/2013	Oral health nutrition for working K-9	(CNCA)	2 Hours
01/2013	K-9 First Aid	(CNCA)	2 Hours
01/2013	Fluid Dynamic of Olfaction	(CNCA)	2 Hours
01/2013	K-9 Language & Behavior	(CNCA)	2 Hours
01/2013	Parcel Interdiction	(CNCA)	2 Hours
02/2013	Motor Vehicle Criminal Interdict. (DIAP FMCSA)		32 Hours
04/2013	Med. MJ - From Streets to Dispensaries	(CNOA)	8 Hours
05/2013	Search Warrants A to Z	(HIDTA/CNOA)	16 Hours
05/2013	Narcotics for Patrol	(CNOA)	16 Hours
06/2013	Internal Affairs Investigation		24 Hours
11/2013	District Attorney Investigator Course		80 Hours
01/2014	Parcel Interdiction	(CNOA)	2 Hours
01/2014	Criminal Interdiction & Wall Stops	(CNOA)	2 Hours
01/2014	Narcotics Legal Update	(CNOA)	2 Hours
01/2014	Narco Culture	(CNOA)	2 Hours
01/2014	Intro to E-Coller/Problem Solving	(CNOA)	2 Hours
01/2014	Crystal Meth Update	(CNOA)	2 Hours
01/2014	Vehicle Hidden Compartments	(CNOA)	2 Hours
01/2014	Chemistry of Scent	(CNOA)	2 Hours
01/2014	K9 First Aid	(CNOA)	2 Hours
01/2014	Enhanced Search Behavior	(CNOA)	2 Hours
02/2014	Sovereign Citizens	(FBI)	2 Hours
03/2014	Criminal Interdiction	(Desert Snow)	24 Hours
04/2014	Narcotic Detector Dog Training (International Police K-9 Conference)		40 Hours
07/2014	Medical MJ-From Streets to Dispensaries	(CNOA)	8 Hours
08/2014	Criminal Patrol Tactics	(HITDA/CNOA)	20 Hours
10/2014	Meth Update	(CNOA)	8 Hours
11/2014	Human Trafficking Identify & Respond	(POST)	2 Hours
11/2014	Courtroom Expert Testimony	(CNOA)	4 Hours
11/2014	Human Trafficking ID and Investigations	(CNOA)	4 Hours
11/2014	Sex, Drugs, and Social Networking	(CNOA)	4 Hours
11/2014	Butane Hash Oil	(CNOA)	4 Hours

I swear under penalty of perjury that the information contained in this affidavit is true and correct to the best of my knowledge.

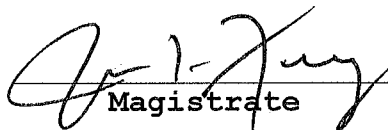
Affiant has reasonable cause to believe that the grounds for the issuance of a search warrant exist based on this affidavit and the above attachments, and prays that a search warrant is issued.

Dated

12-24-14


Affiant

Subscribed and sworn to before me


Magistrate
JOHN T. FEENEY

on this 24th day of December, 2014

Judge of the Superior Courts of the Humboldt Judicial District.

KR JAN 07 2015

**COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
SEARCH WARRANT**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT
NO. SW 190700

THE PEOPLE OF THE STATE OF CALIFORNIA, to any sheriff, policeman, or peace officer, proof by affidavit having been made before me by

Investigator Marvin Kirkpatrick

that there is probable cause to believe the property described herein may be found at the locations set forth and that such property is seizable under 1524 P.C. in that it:

- Was stolen or embezzled;
- Was used as the means of committing a felony;
- Is possessed by a person with the intent to use it as a means of committing a public offense; or is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery;
- Is evidence, which tends to show a felony has been committed or a particular person has committed a felony;
- Is evidence which tends to show sexual exploitation of a child, in violation of Penal Code Section 311.3 has occurred or is occurring.

YOU ARE THEREFORE COMMANDED TO SEARCH:

THE PREMISES located at and described as:

1. Humboldt Towing 101 "H" Street California 95501 (Humboldt County).

Including all out buildings, storage buildings, and any containers thereon which could contain the dark [REDACTED] Dodge Durango SLT California license [REDACTED]

THE CONTAINER(S) located at and described as: N/A

THE VEHICLE(S) described as:

1. Dark [REDACTED] Dodge Durango SLT California license [REDACTED] Vehicle is currently stored in secure storage facility at Humboldt Towing 101 "H" Street Eureka California 95501

(Humboldt County).

Including the passenger compartment, storage areas such as rear cargo area, glove box, and any containers within the vehicle that could contain any of the items sought.

THE PERSON(S) OF: N/A

FOR THE FOLLOWING PROPERTY: Attachment "A"

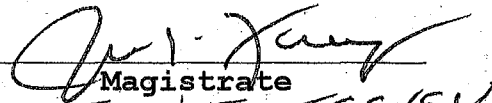
and to seize it or any part thereof and retain such property in your custody subject to further order of this court, pursuant to Penal Code section 1536, except items of money, negotiable instruments, securities, and other items of value which are forfeitable under Health and Safety code section 11470 et seq.

GOOD CAUSE HAVING BEEN SHOWN BY AFFIANT, you may do the following which bears my initials:

_____ You may serve this warrant at any time of the day or night, under penal code section 1533.

GIVEN under my hand and dated

this 24th day of December, 2014, at 8:54 A.M.


Magistrate
JOHN T. FEENEY

Judge of the Superior Courts of the Humboldt Judicial District.

ATTACHMENT "A"

Property:

Included will be items to establish custody/control of the said vehicle, to include but not limited to indicia/paperwork for [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and any other occupant(s) that might have been in the vehicle.

Biological evidence:

Search for and seize trace evidence, which is often small, sometimes invisible to the naked eye, such as but not limited to, blood, fingerprints, palm prints, fibers, and DNA and is easily eliminated by environmental changes or can be accidentally altered by persons about the vehicle. This evidence collection will be done by outside experts and crime scene experts. Storage of this evidence will be in a manner to preserve the evidence for later analysis.

Computers/cellular telephones:

Computers, cellular telephones, and other communication, media, video, and photographing that might harbor evidence of the incident under investigation. Cellular telephone(s), computer hardware, software and data including, but not limited to central processing units(CPU's), hard disks, hard disk drives, portable disk drives, floppy disk drives, tape drives, CD-ROM/DVD drives, thumb drives, display screens, keyboards, printers, modems, scanning devices, personal digital assistants (PDA's), digital cameras, and other image capturing/reproducing devices, magnetic tapes, cassette tapes, and floppy disks.

Firearms/Ammunition/Weapons:

All firearms, ammunition, magazines, expended shell casings, bullets, holsters, shooting supplies, storage containers, and documentation of purchase. Any illegal weapon (knives, metal knuckles, billy, etc.). Law Enforcement can search in areas that firearms/weapons are commonly stored in a vehicle including any locked/unlocked safes and containers.

Written documentation:

Whether typed or hand written, including, but not limited to any

instructions for the use of any computers, their accessories as well as documentation containing passwords.

METHAMPHETAMINE, and drug paraphernalia, including hypodermic needles, hypodermic syringes, pipes, cutting agents commonly used to dilute methamphetamine, such as MSM, scales, measuring and weighing devices frequently used to prepare methamphetamine for commercial distribution; plastic baggies, paper bindles, zip-loc type bags and other similar containers commonly used to package and store methamphetamine.

HEROIN, and related paraphernalia, including hypodermic needles, hypodermic syringes, straws, aluminum foil, eye droppers, spoons, and cotton (used in the ingestion); milk sugar, scales, and other weighing devices, balloons, condoms, paper bindles, aluminum foil bindles, plastic or cellophane bindles, razor blades, knives and blenders. (commonly associated with the preparation of heroin for sales and storage).

Your affiant seeks permission to remove all items described above for examination at the Humboldt County District Attorney's Office, or other facility, because the contents of these items or containers are not readily apparent by visual inspection. The items may require the use of special equipment to see if it contains material described above. In the event that one or more of the items described above are located, it would take hours or even days to go through on the premises. This would lead to undue interference with the place to be searched and would represent an undue interference with your affiant's other assigned duties.

Your affiant seeks permission that the peace officers executing this warrant be authorized, pursuant to Penal Code section 1530, to bring onto the premises whatever professional or expert assistants or consultants that he/she considers necessary in order to, among other things, properly preserve the premises and physical evidence, conduct tests, experiments and re-enactments, drawings, and collect physical evidence.

Your affiant seeks permission that the peace officers executing this warrant be authorized to conduct or order whatever experiments, tests, or scientific evaluations are necessary and proper on said seized items of evidence. All such items shall thereafter be maintained and preserved in an appropriate manner according to commonly accepted policies, standards and appropriate law.

FILED

JR JAN 07 2015

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

HUMBOLDT SUPERIOR COURT
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

RETURN TO SEARCH WARRANT

S/W # 1400460

The personal property on the inventory attached hereto was taken from the premises located at and described as:

THE PREMISES located at and described as: Humboldt Towing, [REDACTED]
California 95501

FURTHER DESCRIBED AS FOLLOWS:

Including attics, storage spaces, appurtenant buildings, the surroundings grounds, and any containers thereon which could contain any of the items sought: which could contain the dark [REDACTED] Dodge Durango SLT California License [REDACTED]

THE VEHICLE(S) OF: Dark [REDACTED] Dodge Durango SLT California license [REDACTED] Vehicle is currently stored in secure storage facility at Humboldt Towing at [REDACTED] Eureka, CA. 95501

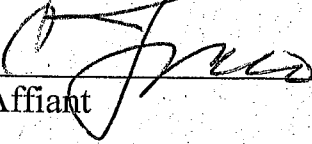
Including the passenger compartment, storage areas such as trunk and glove box, and any containers with the vehicle(s) Which could contain any of the items sought.

pursuant to the search warrant dated the 24 day of December, 2014, issued by Judge Feeney of the Humboldt Superior Court and executed on December 31, 2014.

I, Deputy Franco, by whom this warrant was served, do swear that the attached inventories contain(s) a true and detailed account of all the property taken

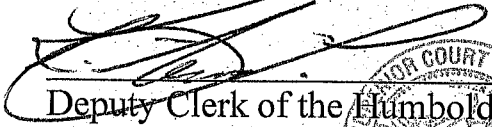
during the service of this search warrant.

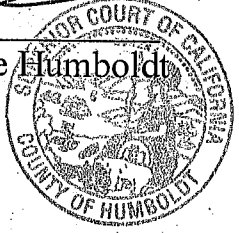
All the property seized, which was listed on the search warrant, will be retained in my custody subject to order of this or any court in which the offense in respect to which the property was taken is triable.



Affiant

GIVEN under my hand and dated this 7 day of January, 2015.


Deputy Clerk of the Humboldt
Superior Court



SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 12-31-14

CASE NUMBER 201405787

DEPUTY SHERIFF SEIZING ITEMS C. Franco

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION 101 H St

Dodge Durango 

- ① 6 bullets / Fragments
- ② 1 Reference sample of glass

12-31-14 1200

C. Franco 1070

DATE TIME SIGNATURE OF DEPUTY SHERIFF PIN#

DISTRIBUTION: ORIGINAL - LEAVE AT SCENE OF SEARCH WARRANT SERVICE YELLOW - RETURN TO COURT WITH ORIGINAL SEARCH WARRANT



Humboldt Sheriff's
Office
826 Fourth Street
Eureka, CA 95501
(707) 445-7251

HUMBOLDT CO SHERIFF
CASE - SUPPLEMENTAL REPORT 10

Case Number
201405787
Date: 04/09/2015
Page: 1 of: 3

Incident Case Number 201405787 **Report Title** SUPPLEMENTAL REPORT
Date/Time Occurred _____ **Report Date/Time** 04/07/2015 11:26:59
Name/Business Name _____ **Incident Location** CHAPEL HILL RD AND AZALEA AVE,
Case Clearance _____ **Case Clearance Date** _____

Offense
Offense Code _____ **CSA** _____ **Location** _____
Description _____

Person
Person Type [REDACTED]
Name Type LEGAL **Last** [REDACTED]
Address Type HOME **Address** [REDACTED] **Apartment** _____
City [REDACTED] **State** [REDACTED] **Zip** [REDACTED] **Phone** _____
Address Type OTHER **Address** [REDACTED] **Apartment** _____
City [REDACTED] **State** [REDACTED] **Zip** [REDACTED] **Phone** [REDACTED]
Address Type [REDACTED] **Address** [REDACTED] **Apartment** _____
City [REDACTED] **State** [REDACTED] **Zip** [REDACTED] **Phone** _____
DOB [REDACTED] **Age** 25 **Sex** [REDACTED] **Race** [REDACTED] **Height** [REDACTED] **Weight** [REDACTED]
Hair Color [REDACTED] **Eye Color** [REDACTED] **Driver License** [REDACTED] **State** [REDACTED]

Narrative/Summary
Narrative On 4-7-15, I learned that [REDACTED] was in custody on her outstanding warrants. Around 0915 hrs. Detective Turner and I interviewed [REDACTED] in the CID interview room. The interview was recorded and the DVD was later booked into evidence. The following is a summary of her statement.

[REDACTED] identified herself and stated she was living in [REDACTED]. I read [REDACTED] the Miranda Warning and asked her if she understood her rights. [REDACTED] stated, "Yeah." I told [REDACTED] I wanted to speak with her concerning the incident where she was shot. [REDACTED] said she had been traveling in her vehicle along with [REDACTED] whom she had just met, and her babies daddy, [REDACTED]. [REDACTED] said she was sitting in the rear seat and [REDACTED] was driving. [REDACTED] was in the front passenger seat. She has know [REDACTED] since she was fifteen years old, about 10 years. [REDACTED] remembered the Deputy following them as they drove to McKinleyville. She remembered them pulling over in a driveway. [REDACTED] said she kept telling [REDACTED] to just pull over. [REDACTED] agreed with me when I asked if they turned onto a road behind Azalea Park. [REDACTED] said she remembered driving down a driveway and the Deputy's car being near the gate to

Officer 1076 FRANCO CHERYL R **Report Date** 04/07/2015
Supervisor Review 0896 FREESE DIANA M **Review Date** 04/08/2015
Distribution D.A.'S OFFICE



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HUMBOLDT CO SHERIFF

CASE - SUPPLEMENTAL REPORT 10

Case Number
201405787

Date: 04/09/2015

Page: 2 of: 3

the driveway with his lights on. [REDACTED] said [REDACTED] drove to the end of the driveway. [REDACTED] jumped out of the car. [REDACTED] said [REDACTED] threatened to hurt her unless she took his place behind the wheel of the car. [REDACTED] said she got in the drivers seat of the vehicle, but was unsure how she effected the change in position. [REDACTED] said [REDACTED] went to the rear of the vehicle, but could not describe how or where he came to rest in the vehicle. [REDACTED] said [REDACTED] threatened to hurt her if she didn't drive away. [REDACTED] said she didn't know the driveway was a circle drive but remembered driving back to the top of the property near the Deputies vehicle. [REDACTED] said she came to a complete stop and placed the vehicle in park. She then yelled to the deputy, asking him if he was going to come over to the vehicle. [REDACTED] said the deputy then shot 6-9 shots at her vehicle. She said the deputy was standing in the front of her vehicle. She put her hand up to protect her face and that was when she got shot in the hand. [REDACTED] stated the deputy yelled for her to exit the vehicle, but she was unable to as her hand was shot. Additional officer's arrived and helped her out of the vehicle.

[REDACTED] stated she had been using methamphetamine, resulting in her being up for approximately 2 days. She also admitted to using heroin and methamphetamine just prior to this incident. [REDACTED] stated her account of the incident was cloudy. [REDACTED] said she felt threatened by [REDACTED] [REDACTED] said the only reason she was in the drivers seat of the vehicle was because [REDACTED] threatened to hurt her unless she drove. [REDACTED] was uncertain when [REDACTED] fled the vehicle, but assumed it was during the shooting.

I showed [REDACTED] a Google map of the property where the incident took place. I drew a box on the lower driveway area where she said [REDACTED] took off running. I asked [REDACTED] if she ever saw the deputy down a the bottom of the circle drive, when [REDACTED] ran away on foot. [REDACTED] said she never saw the deputy. I drew a box where [REDACTED] said she parked the car and an "X" for where she said the deputy was standing when he shot at her car. I also wrote "cop car" where she said the deputies car was parked. This map is attached to this report, as well as booked into evidence.

I explained what the evidence and witness statements suggested happened. [REDACTED] said she did not remember driving up and partially around the deputy vehicle. She did not remember backing up and crashing into two vehicles, nor did she remember seeing a deputy. She did remember giving her sister's name, but said she didn't give a false name to avoid being arrested on her warrants. [REDACTED] said she knew she was wanted but had the mentality that when your caught, your caught. She doesn't believe in running, but will not turn herself into the courts either.

Officer 1076 FRANCO CHERYL R

Report Date 04/07/2015

Supervisor Review 0896 FREESE DIANA M

Review Date 04/08/2015

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CASE - SUPPLEMENTAL REPORT 10

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██████████ stated she has a hard time moving her left index finger due to being shot. Although she had surgery she didn't go to her last follow up appointment. ██████████ said she is sorry the incident ever took place. She also added that she would have never been driving if ██████████ hadn't threatened her. ██████████ said she and ██████████ have since talked about the incident and ██████████ said he would take the charge for her. I explained it didn't really work that way. I told ██████████ I would be forwarding a report concerning her statement to the D.A.'s Office.

I attempted to telephone ██████████ via a cell phone number provided by ██████████. No one ever answered the cell phone and the mailbox to the number was full. ██████████ did advise that when she was arrested, ██████████ feld out a rear window at the residence. I called the HCCF and requested if ██████████ is arrested on his warrants that I be contacted so I could interview him concerning this case.

Refer to the D.A.'s Office for review and possible action.

NFI

Officer 1076 FRANCO CHERYL R

Report Date 04/07/2015

Supervisor Review 0896 FREESE DIANA M

Review Date 04/08/2015




Distribution D.A.'S OFFICE

CASE NUMBER: 201405787

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

SCOTT APONTE

PROPERTY/EVIDENCE LISTING

BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 131988	1	Franco, Cheryl - 1076 Recovery Address: HCSO Recovery Location: CID	Audio/Video Statements - Agency Created DVD OF STATEMENT FROM [REDACTED]
 131989	2	Franco, Cheryl - 1076 Recovery Address: HCSO Recovery Location:	Audio/Video Media DVD OF [REDACTED] STATEMENT
 131990	3	Franco, Cheryl - 1076 Recovery Address: HCSO Recovery Location:	Miscellaneous GOOGLE MAP LABELED AND SIGNED BY [REDACTED]