



**HUMBOLDT COUNTY DISTRICT ATTORNEY'S OFFICE
INVESTIGATION REPORT**

DATE: 10-03-07

[REDACTED]

[REDACTED] **H.C.S.O. Deputy Todd Fulton**
H.C.S.O. Deputy Cyrus Silva
H.C.S.O. Reserve Deputy / Evidence Technician Bruce Anfinson
PALCO employee [REDACTED]
Attorney at Law [REDACTED]

MENTIONED: PALCO Security Manager, [REDACTED]
FBI Agent Mac Crumrine (Santa Rosa)
Sonoma County Pathologist, [REDACTED]
Modesto Police Detective, Jon Evers
Modesto Police Detective, John Sanchez
[REDACTED] Logging
Northwest Forestry and Marine [REDACTED]
Northwest Forestry and Marine [REDACTED]
[REDACTED]
Stanislaus County Probation Officer, Beth Shlemon

AGENCY CASE: # 200705800

OFFENSE: Officer Involved Shooting

WRITTEN BY: D.A.I. Steve Dunn

NOTIFICATION

On 10-03-07 at about 1236 hrs, I received a phone call from H.C.S.O. Detective Rich Schlesiger. Schlesiger advised me that there had been an officer involved shooting in the Holmes Flat area and asked if myself and another Investigator would be available to assist if needed. I advised I was available and would contact my supervisor, Chief Mike Hislop to advise him about the incident.

I met with Hislop at the District Attorney's Office. Chief Hislop advised that he and Investigator Cox would respond with me to assist with the C.I.R.T. call out. I had very little information of what occurred at this time, as H.C.S.O. Detectives had not arrived on scene yet.

I responded with Chief Hislop in his vehicle and Investigator Cox drove his vehicle. We drove to PALCO property, east of the summer bridge at Holmes Flat. We drove several more miles at an eastward direction. At about 1537 hrs, we met with Deputy Phil Buihner who had parked along the road to wait for us. The road was only accessible by four-wheel drive vehicles from this point on. Deputy Buihner transported Hislop, Cox and I a short distance further to Detective Schlesiger's vehicle. We arrived at about 1615 hrs.

ARRIVAL ON SCENE

A short time later, Chief Hislop, Cox and I walked from the parked vehicles about a quarter mile down an old logging skid road. I arrived to the scene at about 1645 hrs. When I arrived, I saw Detective Schlesiger, Detective Nord, Sgt. Detective Hansen and Deputy Fulton. Detective Nord and Deputy Fulton were walking out of the area as I arrived. While at this location, Detective Schlesiger advised me about the incident. I was assigned to assist Detective Schlesiger with the investigation and interviews at this time. Additionally, arrangements were made to have evidence collected from the scene and Deputy Fulton. Refer to Detective Nord and Schlesiger's report for further.

INTERVIEWS AT THE SCENE / DETECTIVE SCHLESIGER

Detective Schlesiger and I then met with and interviewed three witnesses. These interviews included PALCO employee [REDACTED] Deputy Cyrus Silva and Reserve Deputy/Evidence Technician Bruce Anfinson. The interviews were conducted in Detective Schlesiger's vehicle parked in a large parking / turnout area, above the crime scene. Both Detective Schlesiger and I used separate digital recording devices during the interviews. I have attached copies of my digital recordings for review. Refer to Detective Schlesiger's report for detailed statements.

INTERVIEW OF DEPUTY TODD FULTON

On 10-04-07 at about 1117 hrs, Detective Schlesiger and I met with Deputy Todd Fulton and his Attorney, [REDACTED] at the Sheriff's Office. Deputy Fulton gave us a voluntary statement about what occurred. Both Detective Schlesiger and I recorded the statement via digital recorder.

After the interview, we responded back to the crime scene for a "walk-through" of events. During the walk through, Deputy Fulton was able to show Detective Schlesiger and I specific areas as he arrived on scene, saw evidence of marijuana growing and later shot [REDACTED] Evidence Technician [REDACTED] recorded the walk through on video. Refer to [REDACTED] report for further.

AUTOPSY

On 10-05-07 at 0830 hrs, I responded to the Sonoma County Morgue located at [REDACTED] H.C.S.O. Evidence Technician [REDACTED] was also present. Dr. [REDACTED] conducted the autopsy of [REDACTED] [REDACTED] documented the events of the autopsy with collection of evidence and photographs.

During the autopsy, [REDACTED] noted that there were only a few chest x-rays taken prior to her viewing of the body. X-rays of the head and extremities had not been taken. Rolled prints of [REDACTED] for identification confirmation had also not been done by this time.

Dr. [REDACTED] noted three gunshot wounds, two which she described as "fatal" wounds. Dr. [REDACTED] stated that one shot entered [REDACTED] chest and the bullet lodged in his aorta. A second shot entered [REDACTED] left shoulder, passed through his lung, struck the heart and lodged near his liver. A third shot passed through [REDACTED] left arm. Refer to Dr. [REDACTED] report for further. Additionally, refer to Evidence Technician [REDACTED] report for list of evidence seized and photographs.

FOLLOW UP WITH PALCO SECURITY MANAGER

On 10-15-07, I talked with [REDACTED] Security Manager for PALCO. I met [REDACTED] briefly on the day of the shooting and obtained his business card for future contact. I requested [REDACTED] provide me any information about contract workers for PALCO. I explained that I was attempting to find any ties with [REDACTED] and contract employment on PALCO property. [REDACTED] provided the names of Northwest Forestry and Marine, Resource Forestry Services and [REDACTED] of [REDACTED] Logging. [REDACTED] stated that Northwest Forestry and Marine was the larger contractor that PALCO used on a regular basis.

CONTACT WITH SANTA ROSA F.B.I AGENT, MAC CRUMRINE

On 10-15-07, I talked with Agent Crumrine from the FBI. Crumrine stated that he possibly has information regarding this OIS. Agent Crumrine stated that his office has an active investigation in regards to several similar marijuana operations. The FBI's report and investigation is "pending". No one has been positively identified as a result of this investigation. Any information received from the on-going investigation and or the confirmed identity of the [REDACTED] will be added as a supplemental report when received.

REQUEST FOR FOLLOW UP BY MODESTO POLICE DEPARTMENT

On 10-15-07, I contacted Sergeant Scott Heller from the Modesto crimes against persons unit. I requested assistance with some follow up in the Modesto area. Sgt. Heller had Detective Jon

█████ contact me. I advised Detective Evers that I would like two ██████ contacted in the Modesto area that may know ██████. I was advised via e-mail that Investigator John Sanchez would be assisting with my request. I have attached the e-mail request forward to MPD for review. Any information received from this follow up will be added to this report as a supplement report, when received.

On 10-18-07 at about 1540 hrs, I talked with Modesto Police Detective John Sanchez via phone. Detective Sanchez stated that he contacted ██████ at my request. Sanchez stated that ██████ advised him that ██████ was her husband and they lived together. ██████ stated that ██████ would be gone weeks, sometimes months at a time and she never knew where he was. ██████ stated that ██████ had friends, but she did not know who they were or what their names were. ██████ stated that ██████ was gone about 15-22 days this last time, when she was notified by the Mexican Consulate about ██████ death. ██████ stated the ██████ never drank or used drugs. ██████ also stated that ██████ did not have much money because he would collect aluminum cans or borrow money from his children to buy cigarettes. Sanchez stated that ██████ was cooperative and provided my name and number for any future questions. Refer to Detective Sanchez's report for further.

CONTACT WITH STANISLAUS COUNTY PROBATION DEPARTMENT

On 10-16-07 I contacted the Stanislaus County Probation Department inquiring about ██████ probation status. I talked with P/O Beth Shlemon. Shlemon stated that ██████ was on probation and had an active warrant for his arrest. The probation was for domestic violence. The probation stemmed from an incident that the Ceres Police Department handled on 7-16-05. Additionally, Shlemon provided information about a workers' compensation claim filed by ██████ filed in April of 2002. ██████ apparently injured his back while working for ██████ in Ceres, California. The information provided by Shlemon has been attached for review.

CONTACT WITH NORTHWEST FORESTRY AND MARINE

Based on the very remote areas of PALCO property, Detective Schlesiger and I believed that there was a possibility ██████ and or the other ██████ with him worked for a contract company. This would explain how someone would be so familiar with such remote areas of PALCO property.

On 10-18-07 at 0930 hrs, I met with the owner of Northwest Forestry and Marine, ██████ at his Arcata office. Detective Rich Schlesiger was also present. I asked ██████ about employees and various contracts with PALCO. ██████ stated that he works with several large landowners in the area, including PALCO and Green Diamond. ██████ stated he completes reforestation projects which include thinning, sometimes with the use of chemicals. ██████ stated he has a stable base of employees, many which have worked for him many years. ██████ gave me a

CRIMINAL DIVISION

825 5th Street
Eureka, CA 95501
(707)445-7411
(707) 445-7416 Fax

VICTIM WITNESS ASSISTANCE

712 4th Street
Eureka, CA 95501
(707) 445-7417
(707) 445-7490 Fax

current list of employees and advised that his field supervisor was [REDACTED] [REDACTED] had been working for [REDACTED] for over 10 years.

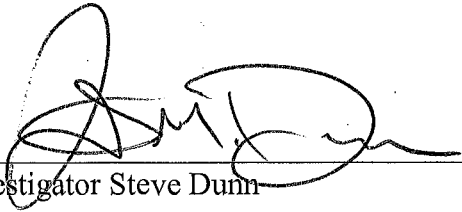
On 10-18-07 at about 1430 hrs, I met with [REDACTED] at the Sheriff's Office. [REDACTED] viewed a photo of [REDACTED] and stated he did not recognize him. [REDACTED] stated that most of the employees that work for him are from Mexico. [REDACTED] stated that most are also young, as the work he does is very physically demanding. [REDACTED] stated that he requires each potential employee have a valid green card and if the person drives, a valid drivers Ca. license for employment.

CONTACT WITH [REDACTED] LOGGING

On 10-22-07 at about 1433 hrs, I talked with [REDACTED] of [REDACTED] Logging. [REDACTED] stated that he does a lot of contract work for PALCO. [REDACTED] stated about 1 ½ years ago, he worked in the area of the shooting. [REDACTED] stated that he has never employed anyone named [REDACTED]. [REDACTED] also stated that he never saw a marijuana grow in that area. [REDACTED] stated that he would also check with his employees and ask if they know [REDACTED]. [REDACTED] stated he would call if any new information is received.

PENDING FOLLOW UP

Any reports received and or additional information regarding this incident from Modesto Police Department will be added as a supplemental report.


Investigator Steve Dunn

CRIMINAL DIVISION

825 5th Street
Eureka, CA 95501
(707)445-7411
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VICTIM WITNESS ASSISTANCE

712 4th Street
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(707) 445-7417
(707) 445-7490 Fax

**CONSULADO GENERAL DE MEXICO
EN SAN FRANCISCO**

Número: SFR-02836



F A X

SECRETARÍA DE
RELACIONES EXTERIORES

SRE

**PARA/TO: SHERIFF GARY PHILP
HUMBOLDT COUNTY SHERIFF'S OFFICE**

FAX: (707) 441-5132

**DE/FROM: [REDACTED]
ACTING CONSUL GENERAL OF MEXICO
SAN FRANCISCO, CA.**

FAX: (415) 495-3971

SAN FRANCISCO, CA. OCTOBER 04, 2007

Número de páginas incluyendo la cubierta/number of pages including this: (1)

Dear Sheriff Philp,

We received a phone call from your office (10/04/2007) informing the Consulate General of the death of a [REDACTED]. In response to our request, Officer Stan D. Wickham sent a fax with general information regarding this case.

Based on the Vienna Convention on Consular Relations of 1963, signed by Mexico and United States; this Consulate General on behalf of the Government of Mexico, is conducting inquiries into the [REDACTED].

According to the information we have, [REDACTED] was shot and killed by a Humboldt County Sheriff's Deputy while conducting an investigation near the Larabee Valley. The deputy claimed that Mr. [REDACTED] was armed with a shotgun, and was shot after a confrontation. Our preliminary report raises questions regarding the circumstances pertaining to Mr. [REDACTED] death and compels us to request a prompt and complete investigation.

I would very much appreciate if you can notify all the corresponding authorities involved with the subject matter, that the Government of Mexico, through this Consulate, would like to be informed of the result of their investigations as well as of the developments in this delicate case.

Cordially,

Acting Consul General

cc Edmond G. Brown Jr., Attorney General
Paul Gallegos, Humboldt County District Attorney
DGPAC, Secretaría de Relaciones Exteriores, Mexico.

HP/ES



Humboldt County Sheriff's Office Criminal Investigation Division Supplemental Report

CASE: 200705800

INVESTIGATOR: Deputy Detective Ben Nord

DATE: October 3, 2007

CRIME: Officer Involved Shooting

OFFICER INVOLVED: Deputy Todd Fulton

[REDACTED]

LOCATION: McCann Area, Humboldt County CA

On **October 3, 2007** at about 1200 hours, I was working as a detective with Detective Sergeant Hanson at the PG & E power plant in King Salmon on an unrelated event when Detective Sergeant Hanson received a cellular telephone call from Reserve Deputy Bruce Anfinson. Reserve Deputy Anfinson advised that there was an officer involved shooting in the McCann area. The Humboldt County Drug Enforcement Unit (D.E.U.) was conducting an open field marijuana growing investigation when this occurred.

Reserve Deputy Anfinson advised that all sheriff personnel were safe but that the [REDACTED] was presumed to be dead. Detective Sergeant Hanson advised Reserve Deputy Anfinson to notify dispatch and have medical respond to the scene. Reserve Deputy Anfinson stated that their location was N 40.22.517 W 123.47.060. Detective Sergeant Hanson called dispatch and advised them of the situation. He further told them to have C.H.P. H14 respond to their location to assist in medical aid.

Sgt. Hanson and I responded "Code 3" to the location. We were advised to meet a forester who showed the D.E.U.

where the marijuana growing operation was located. The forester was meeting us at the Holmes Flat summer bridge. We arrived at the east side of the bridge and stood by for approximately five minutes with a C.D.F. rescue engine until we could be guided to D.E.U. location. Two other deputies arrived on scene. They were Sgt. Swithenbank and Dep. Stockton.

We left the bridge area and headed toward the scene. It took us approximately 30 minutes to arrive where Reserve Deputy Anfinson was. It took this amount of time because the road was gravel and had large drainages to cross, which required a four-wheel drive vehicle. Reserve Deputy Anfinson's vehicle was parked in a large flat area directly off of the road. The total time that it took us to arrive on scene was an hour and a half. We arrived on scene at about 1330 hours.

Approximately 20 minutes prior to our arrival, H14 had landed near the scene. The paramedic on the helicopter went to where the [REDACTED] was located and were unable to locate any signs of life. He called Redding via a satellite telephone and advised a doctor, who pronounced the [REDACTED] deceased.

Reserve Deputy Anfinson advised that Deputy Todd Fulton and Deputy Cyrus Silva were the law enforcement officers involved. He stayed at this location in case there was an emergency so that he could relay information to the necessary personnel. He said that he heard about three shots prior to Dep. Fulton and Dep. Sylva telling him what had transpired on the radio. Reserve Deputy Anfinson showed Detective Sergeant Hanson and I the easiest way into their location, which was a skid road off of the main road approximately $\frac{1}{4}$ west of our location. At this time, all the other medical personnel including C.D.F. left the scene. Dep. Stockton stayed on scene and kept a log of all personnel.

Detective Sergeant Hanson and I walked into the location. The skid road had a noticeable trail through the brush. I followed the trail for about a $\frac{1}{8}$ of a mile until we came to the location of H14. H14 landed on a large log deck. The paramedic advised us that he checked the [REDACTED] and a doctor in Redding pronounced him dead. The H14 paramedic/flight officer provided his business card to Detective Sergeant Hanson. The paramedic/flight officer

said he would write a report regarding this incident and would send a facsimile of the report to the Humboldt County Sheriff's Office.

We continued down the skid road for about another 1/8 of a mile. On the trail there were marijuana leafs and stems. We met Deputy Fulton and Deputy Silva in a "hooch." This area was covered underneath the canopy of the trees. There were three areas where several small trees were used as tables and/or beds. Orange twine tied the trees together. On the table to the West there was a box for a digital scale. Detective Sergeant Hanson asked if everyone was okay and they responded that they were.

Detective Sergeant Hanson asked who shot and Deputy Fulton responded that he did. Detective Sergeant Hanson then asked him where did he shoot, and how many times. Deputy Fulton brought him to the south end of the "hooch" to a steep, muddy path. He walked down it about ten feet and pointed to the [REDACTED] who was laying approximately 15 yards away on the other side of gulch. Deputy Fulton said that he fired five shots. Deputy Fulton pointed to a machete that was leaned against a tree and said that this was an important item. I asked Deputy Silva to photograph the machete, which he did. No further questions were asked of Deputy Fulton at this time. Refer to Detective Schlesiger report regarding his interview with Deputy Fulton on October 4, 2007.¹

Deputy Fulton, Deputy Silva and Detective Sergeant Hanson left the scene and went back to H14's location while I stood by making sure that the scene stayed secure. As I stood by I walked around the areas that were well traveled. I noticed that on the North end of the "hooch" there were three coca-coca cans that looked like they had been discarded there recently. On the West end table there appeared to be a grocery list written in Spanish. On the trail where Deputy Fulton had discharged his weapon, I noticed a casing that appeared to be the same caliber as Deputy Fulton's sidearm. I also noticed a receipt near the West end table that was dated on the 09/16/07 from the Santa Rosa store.

¹ During the time that Deputy Fulton and I were together, I did not ask any questions in regards to what had taken place at the scene.

About an hour later, Detective Schlesiger arrived on scene and took over the scene with Identification Technician [REDACTED]. Deputy Fulton walked back to the scene and showed them where he had fired his weapon. I showed all the items above to E.T. [REDACTED]. I then escorted Deputy Fulton back to the road where E.T. [REDACTED] conducted a gun shot residue examination.

I went back up the hill, retrieved Deputy Fulton's truck and drove it back to his location. Deputy Fulton and I left the scene together at about 1615 hours. We arrived at his residence at about 1730 hours. We went to his residence in Fortuna where he retrieved a change of clothing. Deputy Fulton and I left his residence, and went to St. Joseph's emergency room where we met with Deputy Fulton's union representative, Jason Daniel, Deputy Fulton's attorney [REDACTED] and District Attorney Investigator Mike Stone.

I advised the medical staff that a legal blood draw was needed on Deputy Fulton. Deputy Fulton was escorted into a private room and a phlebotomist came into the room and took a blood sample from him at about 1845 hours. Attorney [REDACTED] and District Attorney Investigator Mike Stone witnessed the blood draw. The phlebotomist provided me with the sample of the blood, which I later booked into evidence at the H.C.S.O. criminal investigation division evidence refrigerator.

Attorney [REDACTED] provided transportation for Deputy Fulton to the Humboldt Best Western. I met with them about ten minutes later. Jason Daniels and D.A. Investigator Mike Stone were also present. At about 1915 hours, I began to take photographs of Deputy Fulton. I took four photographs of the clothing that he was wearing. Deputy Fulton then removed his raid vest. I took an additional four photographs of the clothing that he was wearing. Deputy Fulton then removed his sweater and Sheriff's baseball hat. Deputy Fulton had a class "C" uniform shirt on and I took another four photographs of the clothing that he was wearing. Deputy Fulton removed his class "C" pants and photographs were taken of the pants. E.T. [REDACTED] advised me earlier that she did not want his boots; therefore, they were not taken as evidence.

I waited until Lt. Cavinta arrived before I took an inventory of Deputy Fulton's equipment so that a

replacement sidearm could be issued. Lt. Cavinta arrived about fifteen minutes later. DA Investigator Stone and I took Deputy Fulton's raid vest into the other room and began an inventory of the items. I took out Deputy Fulton's sidearm out of the vest, which was a Glock 22, serial number [REDACTED]. I took out the magazine and counted the rounds inside of it. There were ten unexpended .40 caliber rounds. I pulled back the slide of the Glock and a single unexpended .40 round came out of the chamber. A total of eleven unexpended rounds were located. I could not locate any additional magazines or ammunition on/in Deputy Fulton's Clothing and/or raid vest.²

I checked the rest of his raid vest and located the following items. All of these items were photographed and booked into evidence:

- o Leather Gloves
- o Work clippers
- o Kenwood portable radio
- o Leatherman Tool

I located Gatorade packages in one pouch of the raid vest along with garbage. These items were left inside of the vest.

After D.A. Investigator Stone and I placed all of the items in individual brown paper bags, the items of evidence were placed in the back seat of my detective's vehicle. I drove to the sheriff's office and secured the evidence in my locked office.

On **October 4, 2007** at about 0800 hours, all the C.I.R.T. members showed up at the criminal investigation division. After discussing the case, the investigator's left to complete their assigned work.

I booked all the evidence including the photographs into the sheriff's office evidence/property room. I also went over to the H.C.C.F. and spoke to Correctional Officer Wickham in regards to him locating information on the [REDACTED]. After about three hours on investigation, he came

² I asked Lt. Cavinta if I could ask Deputy Fulton whether or not he "tops off" his magazine when he has loaded sidearm. Lt. Cavinta asked Attorney [REDACTED] if it would be all right and he said that it was okay. Deputy Fulton said that he does "top off" his magazines and the last time he loaded the weapon was at range a few weeks prior to this incident.

over the criminal investigation division and gave a large amount of paper work in regards to what he could locate through several Federal government sources. This information was then given to lead investigator Detective Schlesiger.

At this time, I have not completed any other investigative work on this incident. All future information/assignment will be written as a matter of supplemental report.

B Nord
Detective Ben Nord

10/9/07
Date:

Sgt Hanson 10/9/07
Supervisor Date:

**HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING AND RELEASE REPORT**

CASE NUMBER: 200705800

PAGE 1 OF 2

DATE STORED 10/4/07	TIME STORED 1300	DATE OF INCIDENT 10/3/07	CRIME OFFICER INVOLVED INCIDENT
[REDACTED]		DOB	ADDRESS
DEPUTY T. FULTON		DOB	HCSO
NAME OF FINDER (ADDITIONAL VICTIM)		DOB	ADDRESS
[REDACTED]		DOB	ADDRESS
LOCATION PROPERTY WAS FOUND (INCIDENT OCCURRED) McCann Area, Humboldt County			

ADULT ARREST
 JUVENILE ARREST
 SEARCH WARRANT NO. _____

TYPE OF PROPERTY

EVIDENCE
 FOUND
 SAFEKEEPING

PROPERTY CODES *178

S - Stolen	D - Damaged
R - Recovered	L - Lost
RA - Recovered (For Other Agency)	E - Evidence
F - Found	K - Safekeeping
	C - Contraband

PROPERTY/EVIDENCE LISTING

CODE	ITEM NO.	QTY.	DESCRIPTION	VALUE	NCIC	WEIGHT	DISPOSITION
E	1	1	CLASS "C" UNIFORM SHERIFF'S SHIRT				
F	2	1	BLACK SHERIFF SWEATER				
E	3	1	BLACK SHERIFF BASEBALL HAT				
E	4	1	CLASS "C" UNIFORM GREEN PANTS				
			POCKET KNIFE IN RIGHT POCKET ALONG WITH BLACK BELT				
E	5	1	KENWOOD PORTABLE RADIO SERIAL NUMBER [REDACTED]				
E	6	1	BLACK SHERIFF RAID VEST				
E	7	1	WORK CLIPPERS FRONT POCKET				
E	8	1	TAN WORK GLOVES FROM VEST				
E	9	1	LEATHR MAN TOOL FROM VEST FRONT POCKET				
E	10	1	GLOCK 22 MAGAZINE 15 ROUND CAPACITY				
E	11	1	1 ROUND FROM INSIDE THE CHAMBER				

OWNERS OF PROPERTY

ITEMS NO.	NAME	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	NAME	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	NAME	DOB	ADDRESS	PHONE	NOTIFIED

LAB WORK REQUIRED

ITEMS NO.	PURPOSE OF EXAM
ITEMS NO.	PURPOSE OF EXAM
ITEMS NO.	PURPOSE OF EXAM

BOOKING OFFICER B. WORO	PIN 1146	REPORT DATE 10/4/07	SUPERVISOR REVIEW	PIN	REPORT DATE
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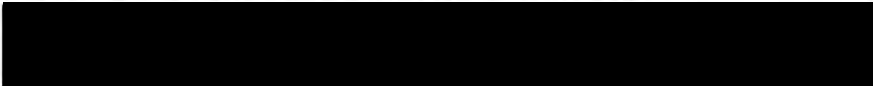
Humboldt County Sheriff's Office Criminal Investigation Division Supplemental Report

CASE: 2007-5800

INVESTIGATOR: Sergeant Wayne Hanson

DATE: 10-03-2007

CRIME: Officer Involved Shooting



Involved Deputies: Fulton, Todd and Silva, Cyrus

LOCATION: Larabee Valley, Redcrest

On 10-03-2007 at 1336 hours when I arrived on scene with Detective Nord, I assigned Deputy Stockton to start a log sheet for the personnel, who were arriving on scene to assist in this investigation. When Deputy Stockton left the scene on 10-03-2007, he gave the log sheet to Sgt. Buihner, who spent the night to secure at the scene with Deputy Maus. I left the scene on 10-03-2007 at 2024 hours.

On 10-04-2007 at 1148 hours, I arrived back on scene. Sgt. Buihner gave me the log sheet. Sgt. Buihner and Deputy Maus then left the scene to go off duty at 1220 hours.

The following list of names, date and times, I transferred to this report that were written down by Deputy Stockton and Sgt. Buihner.

10-03-2007:

1342 hours: Sgt. Swithenbank and Deputy Stockton

1342 hours: [REDACTED]—P.L. Security

JE

1345 hours: Weott Cal-Fire
[REDACTED]

1350 hours: City Ambulance: [REDACTED]

1426 hours: Sgt. Buihner

1517 hours: Detectives, Schlesiger, Quenell, ID Tech [REDACTED]

1537 hours: DA Investigators, Hislop, Cox, Dunn

1617 hours: [REDACTED]
P.L. Property Manager

1634 hours: [REDACTED] left scene to meet Coroner at summer bridge to guide him to the scene.

1816 hours: [REDACTED] arrived back on scene with Coroner Charlie Comer

1821 hours: [REDACTED] left scene

1825 hours: Sgt. Swithenbank, Deputy Stockton left scene.

1847 hours: Deputy Maus arrived on scene

2024 hours: All units left scene. Sgt. Buihner and Deputy Maus stayed on scene for security.

10-04-2007

1148 hours: Arrived on scene:
Sgt. Hanson
Deputy Peterson
Investigator Cox
Investigator Cook
Investigator Hislop
Detective Kirkpatrick
DOJ [REDACTED]
ID Tech [REDACTED]

1220 hours: Left scene: Sgt. Buihner, Deputy Maus

Sgt WAYNE Hanson
10/11/07
Sergeant Wayne Hanson

[Signature] 0527
Supervisor

10-97 SWINTENBANK / Stockton

1342 |



Work: PALCO SECURITY
SCOTTA OFFICE

WEOTH CAL FIRE



CDF -
1211 Received call
1345 - 10-97 Scene.

1222 [redacted] City Ambulance Emt

1222 [redacted] CITY AMBULANCE EMT-P

1350 - 10-97

1336 | WORO and Answer 10-99

Lat ^{45.1}
LAT N 40 22.72
W 123 47.08

INFORMATION FROM CHIP

1426 | 1X15 ON SCENE

1517 | 1K25 10-97
1K27
1G10

1537 | His Lap DA'S OFFICE 10-97
COX
DUNN

1617 | 10-97



* PROPERTY/ MANAGER FOR PL.

1434 / [REDACTED] left scene
enroute to MBEI II unit at
Summer Bridge

1816 / [REDACTED] returns with
II unit CHARLIE [REDACTED]

1821 / [REDACTED] leaves scene

1825 / Sgt. Sutherland / Stockton
leave scene

1847 ~ [REDACTED] (L-16) on scene

2024 All units clear / L-16 X-15 on scene

10-4-07 1148 hrs

Wayne Hanson

Mark Peterson

Wayne Cox

[REDACTED]
Tom Cook

Marion Kirkpatrick

[REDACTED]

REQUESTING AGENCY CASE NO.
200705800

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
NORTH COAST 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-07-001786-0001

ATTN: Chief DA's Investigator Mike Hislop
Humboldt Co. District Attorneys Office
825 Fifth Street
Eureka, CA 95501

COPIES: Humboldt Co. Sheriff's Office
Detective Rich Schlesinger

PHYSICAL EVIDENCE EXAMINATION REPORT

OFFENSE: 197 P.C.

OFFENSE DATE: OCTOBER 3, 2007

I, the undersigned, if called as a witness, would testify that I: (1) am employed by the State of California Department of Justice, (2) conducted an examination of, and (3) formed conclusions as stated in this report. I, the undersigned, declare this information is true and correct under penalty of perjury.

Field Investigation Report

SUMMARY:

On October 3, 2007 at approximately 1340 hours, Assistant Laboratory Director [REDACTED] notified me that the laboratory was "on call" for providing assistance in the investigation of an officer involved shooting incident in southern Humboldt County near Holmes Flat Road. I was later notified by Humboldt Co. Sheriff's Office (HCSO) Lieutenant George Cavinta that I would not be needed on October 3rd because his office intended to preserve the crime scene and process it the next day. The next morning at approximately 0830 hours, I received a call from HCSO Evidence Technician [REDACTED] requesting that I respond to the crime scene and assist her with the recovery of firearms related evidence and scene documentation.

I arrived at a location known as the summer bridge, off of Holmes Flat Road, at approximately 1035 hours. Present at that location was Humboldt Co. DA's Investigators Mike Hislop and Wayne Cox, HCSO Sergeant Wayne Hanson, and HCSO deputies Marvin Kirkpatrick and Mark Peterson. [REDACTED] arrived at the location at approximately 1050 hours. I was informed that we were proceeding east on the summer bridge onto Pacific Lumber Company land in the Larabee Valley via a logging road. I was informed that it would take approximately one hour to reach the crime scene, and a four-wheel drive vehicle may be required to get there. I loaded my equipment into [REDACTED] vehicle and we proceeded to the crime scene, arriving at approximately 1150 hours. [REDACTED] briefed me on the scene and events surrounding the shooting:

HCSO Deputies Todd Fulton and Cyrus Silva were investigating the report of a marijuana growing operation on Pacific Lumber Co. land in the Larabee Valley. They located some of the marijuana plants and irrigation equipment on the side of a steep hill below a cleared area. The officers continued along a footpath that led to a currently unoccupied campsite. At this time, some undetermined distance separated Fulton and Siva with Fulton in the lead. Fulton picked up the foot trail on the other side of the camp site and after only a few yards along the trail observed [REDACTED] working his way along the trail on the other side of a moderately steep, but short, dip. Fulton indicated that he remained motionless until [REDACTED] reached a location that was on the opposite side of the dip in the trail. At that time, Fulton advanced several steps with his service pistol leveled and ordered [REDACTED] repeatedly in English and Spanish to put down the weapon he was carrying, a Mossberg® Model 500A pump-action 12GA shotgun. Fulton indicated that [REDACTED] did not comply with his order and proceeded to raise the weapon toward Fulton in a manner that indicated to Fulton that [REDACTED] was intending to fire it at him. At that time, Fulton fired at [REDACTED] striking him at least once in the chest. [REDACTED] shotgun

SUMMARY CONT'ED:

apparently did not have a chambered round at the time of the incident. [Information obtained after [redacted] autopsy indicted that he had been struck with more than one bullet. Information describing the events leading up to and during the shooting was obtained by HCSO Deputy Fulton during his videotaped walk through of the event. I was informed that Fulton fired five times, a number probably arrived at by an examination of his weapon and magazine after it was turned over to the agency following the shooting.] [redacted] was pronounced dead at the scene by emergency medical technicians and his body was evacuated by helicopter. Some processing of the scene was done by HCSO Evidence Technician [redacted] on the day of the shooting. Processing was suspended due to impending night fall and a guard was placed at the junction between the trailhead and the logging road.

HCSO Evidence Technician [redacted] and I examined the area near the location where Fulton had indicated he was standing at the time of the shooting. I was able to locate four pistol cartridge cases near this location with the aid of a metal detector. All of the cartridge cases were found near each other and were to the left, and forward from the location Fulton indicated the shooting had occurred. An additional cartridge case had been observed on the trail itself and collected on the previous day. The location of this cartridge case was no great distance from the locations in which the other four were found. The location of all the cartridge cases was consistent with the approximate area Fulton was to have stood, and the close grouping was indicative of Deputy Fulton's having fired all of his shots from a stationary position. Humboldt Co. DA's Investigator Wayne Cox found a fired bullet lying on the ground near the location from which [redacted] body had been removed. I scanned the hill side directly behind the indicated location of [redacted] body with the metal detector and discovered an additional fired bullet and a suspected bullet fragment buried in the soil. The area where the bullet was located was approximately in line with the indicted position of Deputy Fulton and his target, [redacted]

After a discussion as to how best to document the crime scene, HCSO Evidence Technician [redacted] and I decided that ground positioning satellite (GPS) readings would be used to determine key locations such as the edge of the clearing. Evidence locations were marked with numbered evidence placards and line-of-sight distances were taken using a range finder, measuring wheel, and steel tape measure. [redacted] took the photographs at the scene of the shooting.

EVIDENCE:

All evidence collected was retained by the Humboldt Co. Sheriff's Office

DISPOSITION:

Copies of notes prepared at the scene were forwarded to HCSO Evidence Technician [redacted] on October 10, 2007.

EXAMINED BY: [redacted]

Date of Report: October 15, 2007

Technical review by: WJC Date: 10/22/07

Administrative review by: WJC Date: 10/22/07

TRB: trb

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT - Supplemental 2

Case 200705800 Page 1

Begin Date/Time: 10/3/2007 10:04:03 AM Report Title: MARIJUANA INVESTIGATION
Occur. Location: B:MCCAN PROPERTY Apt: _____ City: _____ State: _____

Category OFFENSE
Location Type PARK/WOODLANDS/FIELD
Business _____
Off. Type GENERIC OFFENSE
Off. Code Desc PC245(D)(1) ASSAULT W/ FIREARM UPON PEACE OFFICER/EMERG. TECH

Category PERSON Person Type [REDACTED] SSN - -
First Name [REDACTED] Middle Name _____ Last Name [REDACTED]
Race HISPANIC Sex MALE DOB [REDACTED]
DL Number/St _____ Name Type LEGAL

Category PERSON Person Type [REDACTED] SSN _____
First Name _____ Middle Name _____ Last Name STATE OF CALIFORNIA
Race _____ Sex _____ DOB _____
DL Number/St _____ Name Type LEGAL

Category NARRATIVE

On 10/04/2007 I was assigned to respond to conduct a marijuana investigation in the area of McCann on PALCO property - GPS coordinate 40.22.699 / 123.47.096. A marijuana garden was located at this site on 10/03/2007 by Deputy Fulton and Silva. Due to an officer involved shooting no marijuana was seized on this date. On 10/04/2007 I was lead to the garden by Sgt. Hanson. Also with us were HCSO Evidence Technician [REDACTED] DTF S/A Kirkpatrick and Cooke, members of the Humboldt County District Attorney's Office, and members from the California Department of Justice. Sgt. Hanson, DTF S/A Kirkpatrick and Cooke, and myself conducted marijuana investigations and eradication. The other law enforcement personal were conducting other investigations. See Detective Nord's, Detective Schlesiger's, and E/T [REDACTED] report's for further information.

I arrived in the area at about 1230 hours. I arrived in the area by following a series of PALCO maintained roads. I saw a foot trail leading off of the dirt roadway in the area. I followed this foot trail to the area of the marijuana garden. There were campsites in the area, an area that was being used to dry marijuana, and a mostly harvested marijuana garden in the area. I was assigned to process the area used to dry marijuana and the marijuana garden for evidence.

The drying area was located at GPS coordinate 40.22.699 / 123.47.096. The area was a flat clearing about 40X40 yards in size. There were several drying lines about 15 feet in length suspended from poles inserted into the ground. There was a camouflage tarp hung over the drying lines. There were approximately 982 marijuana branches hanging from the drying lines. The marijuana branches ranged in length from about 1 to 5 feet. All of the branches still had buds and leaves attached, and were still moist or green. There was one bundle of marijuana branches lying on the ground, next to the drying marijuana. The bundle was wrapped in a green blanket. There was a pair of blue jeans

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT - Supplemental 2

Case 200705800 Page 2

Begin Date/Time: 10/3/2007 10:04:03 AM Report Title: MARIJUANA INVESTIGATION
Occur. Location: B:MCCAN PROPERTY Apt: City: State:

hanging from a tree next to the drying marijuana, of the type normally worn by an adult male. There was also a bag full of corn tortillas in the area of this clearing.

From this site I seized the marijuana branches.

I then followed a series of well-worn footpaths leading from the drying area to the marijuana garden. The marijuana garden was located about 500 yards away from the drying area, on a steep hillside. Most of the marijuana plants that were growing in the garden had been cut down. I located 26 marijuana plants still growing. The plants were all females in a budding state of growth and ranged in height from about 6 inches to 3 feet. It should be noted that all of the plants that I seized were either topped or partially stripped of leaves and branches. The plants were growing in holes dug in the ground filled with a mix of commercial potting soil and topsoil. The plants appeared to have been started from seed, and were watered via an about 1 inch diameter black plastic waterline and drip line. The main water line continued uphill from the marijuana garden. I was not able to locate the water source.

From the marijuana garden I seized the 26 growing marijuana plants.

I took photos of the marijuana, and later booked the digital photos into evidence at HCSO on CD. I weighed all of the seized marijuana, and found that it weighed 516 pounds GFW. I collected a 10 pound bulk sample and 5 sub-samples of marijuana. I stored the bulk sample as evidence. The remaining marijuana was stored for destruction, and I completed a destruction order.

Case cleared by report. NFA pending at this time. See other officer's reports for additional information. Request case be forwarded to CID.



Humboldt County Sheriff's Office Criminal Investigation Division Supplemental Report

CASE: #200705800

INVESTIGATOR: Detective Steve Quenell

DATE: 10/31/07

CRIME: 245 (d) (1) P.C.

[REDACTED]

LOCATION: [REDACTED] Road on Pacific Lumber Co. property, Redcrest

On 10/03/07 at approx. 1210 hrs. Detective Schlesiger contacted me in my office regarding an officer involved shooting. The shooting occurred on Pacific Lumber Co. property near Redcrest. The Deputies that were involved were Deputy Todd Fulton and Deputy Cyrus Silva. Both Deputies are currently assigned to the Drug Enforcement Unit.

Detective Schlesiger requested that I respond with him to assist until Investigators from the Humboldt County District Attorney's Office arrived. I contacted Evidence Tech. [REDACTED] and requested that she respond also. Evidence Tech. [REDACTED] and I met Detective Schlesiger at Hydesville.

At 1345 hrs. we left Hydesville enroute to the scene. At the summer bridge, it was approx. .8 miles to Pacific Lumber Company's double iron gate. We arrived at the double iron gates, just past the Murphy's property, near Holmes Flat. We drove on Pacific Lumber Company's private road. We arrived on scene at approx. 1516 hrs. It was approx. 13.3 miles from the iron gate to the trailhead where the incident occurred.

Upon our arrival we met with Sgt. Hanson, he said that he briefly talked with the Deputies that were involved and relayed that information to Det. Schlesiger. Refer to Det. Schlesiger's report for details of Sgt. Hanson's statement. We contacted Deputy Fulton and Deputy Silva at approx. 1545 hrs. at the C.H.P. helicopter landing zone along with the C.H.P. pilot and co-pilot. The landing zone was just west of the incident location.

I helped secure the scene until it was ready for processing by Evidence Tech. [REDACTED] Det. Schlesiger and I briefly talked to Deputy Fulton, who had indicated that he was the only law enforcement officer involved with the shooting. He directed Det. Schlesiger, Evidence Tech. [REDACTED] and I to a trail, just east of our location. Evidence Tech. [REDACTED] started taking photos of the area. There was what appeared to be a primitive looking campsite with trash along the trail. Deputy Fulton showed us where the trail went down into a water shed area. In this area Deputy Fulton pointed to an area approx. 30 yds. from our location and indicated that was where the deceased [REDACTED] was lying. We could see a male [REDACTED] lying on his back with a shotgun next to him. Evidence Tech. [REDACTED] continued to take photos at the scene and had requested that I secure the shotgun for safety reasons prior to her processing the area around the [REDACTED]

I was wearing latex gloves and prior to touching the shotgun, Evidence Tech. [REDACTED] took photos of the shotgun in its original position. The shotgun was a pump action, .12 ga. with five live rounds in it's magazine. There were no rounds in the shotgun's chamber. Once I cleared the shotgun, I turned it over to Evidence Tech. [REDACTED] Refer to her report for shotgun details.

I stood by the scene until the [REDACTED] body was removed by a stokes litter. I assisted in carrying the stokes litter until it was placed on a four-wheeler and transported to the main road. N/F

John R. Quenell #0788
Det. S. Quenell #0788

11/13/07 0900 hrs.
Date/Time

Sgt. Hanson 11-13-07
Approved by Sgt. W. Hanson

REQUESTING AGENCY CASE NO.
200705800

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
NORTH COAST 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-07-001786-0002

ATTN: Rich Schlesiger/C.I.R.T.
Humboldt County Sheriff's Department
826 Fourth Street
Eureka, CA 95501

COPIES:

PHYSICAL EVIDENCE EXAMINATION REPORT

OFFENSE: OFFICER INVOLVED SHOOTING

OFFICER: TODD FULTON

OFFENSE DATE: OCTOBER 3, 2007

I, the undersigned, if called as a witness, would testify that I: (1) am employed by the State of California Department of Justice, (2) conducted an examination of, and (3) formed conclusions as stated in this report. I, the undersigned, declare this information is true and correct under penalty of perjury.

Only the agency identified in the mailing address of this report will be allowed access to this case. The submitting agency should notify the lab when the prosecutor's office or other should be included.

SUMMARY:

All of the fired pistol cartridge cases (3-8, 3-9, 3-10, 3-11) were fired in the Glock pistol (2-13). The fired bullets (3-12, 3-14, 4-18, and 4-19) had similar class characteristics as the bullets fired in the Glock pistol (2-13). However, the Glock pistol cannot be conclusively identified or eliminated as having fired the bullets.

The Mossberg Model 12A shotgun (3-7) was determined to be a functional firearm. The submitted shotshells (3-7A) were determined to be live, functional cartridges.

EVIDENCE:

The following evidence was received from [REDACTED] of the Humboldt Co. Sheriff's Office on December 13, 2007:

2-10	Glock 40 caliber magazine
2-11	Cartridge removed from chamber of Item 2-13
2-12	Ten cartridges removed from Item 2-10
2-13	Glock Model 22 pistol, s/n [REDACTED]
3-6	One Winchester 40 S & W fired cartridge case
3-7	Mossberg Model 500A 12 GA pump action shotgun, s/n [REDACTED]
3-7A	Five Remington Express 12 GA 2-3/4 inch shotshells, nine pellet 00 buckshot
3-8	One Winchester 40 S & W fired cartridge case
3-9	One Winchester 40 S & W fired cartridge case
3-10	One Winchester 40 S & W fired cartridge case
3-11	One Winchester 40 S & W fired cartridge case
3-12	Copper jacketed hollow point bullet with fibers
3-13	Metal fragment
3-14	Copper jacketed hollow point bullet
4-3	Copper fragment removed from [REDACTED] navel

EXAMINATION:

The Glock pistol (2-13) was determined to be intact and functional. The pistol was chambered for the 40 S & W cartridge with a right twist polygonal rifled barrel. Four cartridges selected from Item 2-12 were test fired in the pistol. These test fired bullets and cartridge cases were recovered for microscopic comparison with the evidence cartridge cases and bullets. All of the fired pistol cartridge cases (3-8, 3-9, 3-10, 3-11) had similar class characteristics (caliber, firing pin shape, extractor location, ejector location, etc.) as those observed on the cartridge cases test fired in the Glock pistol (2-13). Sufficient unique consecutive matching striated toolmarks created on the cartridge cases during firing were observed on the evidence and test fired cartridge cases to conclude that they were all fired in the Glock pistol.

Two bullets recovered from the shooting scene (3-12 and 3-14) were identified as 40 caliber copper jacketed lead hollow points weighing 160.17 grains and 159.82 grains respectively). The nose of each of the two bullets was partially expanded, and the bases were intact. Rifling impressions on the bearing surfaces of the two bullets indicated that they were fired from a polygonal barrel with a right twist. Strands of black and strands of white fibers adhering to Item 3-12 were collected and retained but not examined further. Item 3-14 had dirt and vegetative fibers adhering to it. These were not collected. No blood or flesh were identified on Items 3-12 and 3-14.

A metal fragment recovered at the shooting scene (3-13) had physical characteristics consistent with those of lead. The fragment may or may not have originated from a bullet. Bits of reddish brown vegetation fibers were attached to the metal fragment.

Two bullets recovered from [REDACTED] at his autopsy (4-18 and 4-19) were identified as 40 caliber copper jacketed lead hollow points weighing 134.38 grains and 172.81 grains respectively). The nose of each of the two bullets was fully expanded, and the bases were intact. Rifling impressions on the bearing surfaces of the two bullets indicated that they were fired from a polygonal barrel with a right twist. Apparent blood and tissue were present on each of the two bullets; a portion was collected and retained from each bullet.

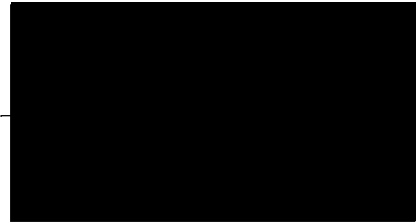
The bullets test fired in the Glock pistol (2-13) and the evidence bullets (3-12, 3-14, 4-18, and 4-19) shared similar class characteristics (e.g. caliber, weight range, rifling type and twist, bullet style). The test fired bullets were phased and microscopically compared with one another to determine the reproducibility of striated toolmarks produced by contact between the bullets and barrel rifling during firing. No significant consecutive matching striae were identified. The evidence bullets were microscopically examined for comparison suitability. Items 4-18 and 4-19 were determined to lack comparable striated toolmarks. Evidence Items 3-12 and 3-14 had limited areas that were determined to be suitable for comparison. However, insufficient corresponding consecutive matching striated toolmarks were found on both the evidence and the test fired bullets to indicate that they were fired in the same weapon. In conclusion, the Glock pistol (2-13) cannot be confirmed or eliminated from having fired the evidence bullets.

Item 4-3 consisted of a piece of apparent copper metal consistent with bullet jacketing material. Black and white fibers, similar in appearance to the fibers associated with evidence bullet Item 3-12, were found adhering to the copper fragment along with traces of vegetation. The fibers and vegetation were collected and retained.

DISPOSITION:

All submitted and laboratory generated evidence will be held at the laboratory pending return to the submitting agency.

EXAMINED BY: _____



Date of Report: December 20, 2007

Technical review by: Wsc Date: 1/4/08

Administrative review by: Wsc Date: 1/4/08

TRB: trb

AGENCY CASE NUMBER
200705800

DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS CASE NUMBER
TX-07-012845-0001

TO: DOJ Toxicology Report Recipient
Humboldt County Sheriff's Office, Eureka
826 Fourth Street
Eureka, CA 95501

FROM: Toxicology
4949 Broadway, Rm F249
Sacramento, CA 95820
(916)227-3620 FAX (916)227-4751

Toxicology Screen and Confirm

OFFENSE DATE: 10/3/2007

SUMMARY:

The toxicological results of the blood sample from TODD FULTON are listed below.

The following compounds were not detected in the sample by gas chromatography/mass spectrometry (GC/MS): certain stimulants (including methamphetamine and cocaine and/or cocaine metabolites), tranquilizers, common narcotics, antidepressants, psychedelics (including phencyclidine), benzodiazepines, sedative/hypnotics (including barbiturates), and anticonvulsant drugs. Cannabinoids were not detected by immunoassay. Caffeine, nicotine and/or their metabolites may be present but are not routinely reported.

The presumptive immunoassay (IA) results for the sample are listed below along with the cutoff levels for each drug. The number of drugs that are confirmed is dependent upon the type of contract our laboratory has with your agency.

Confirmation of any other drugs, including benzodiazepines and/or marijuana (THC) is available at an additional cost. Please allow two weeks for confirmatory analysis. Confirmatory analysis is required prior to a court appearance by a toxicologist.

<u>Immunoassay Classification</u>	<u>Result</u>	<u>Cutoff</u>
Benzodiazepines	Negative	100 ng/mL
Cocaine	Negative	150 ng/mL
Marijuana	Negative	30 ng/mL
Methamphetamine	Negative	50 ng/mL
Opiates	Negative	10 ng/mL
PCP	Negative	10 ng/mL

EVIDENCE:

On 12/31/2007, the following evidence was received from Property Controller [REDACTED] of the Bureau of Forensic Services, Eureka Laboratory via GSO/Central Services rep:

Submission 01: One evidence envelope containing one tube of blood from the subject.

Item 01_01: One tube of blood from the subject.

Copy to Case
File
1/28/08

DISPOSITION:

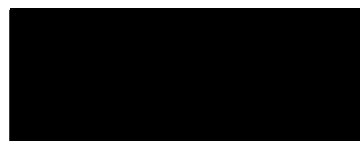
Samples for misdemeanor driving and contract cases will be retained in the Toxicology Laboratory for one year and then destroyed, unless other arrangements have been made. Samples from felony driving offenses are retained for one year and returned to the submitting laboratory. The samples for non-driving felony cases will be returned to the submitting laboratory/agency.

If called as a witness, I would testify that I am employed by the State of California Department of Justice and conducted examinations and formed conclusions as stated in this report. Information regarding the examination and conclusions are entered into and are maintained within the DOJ Laboratory Information Management System (LIMS) database. I, the undersigned, declare this information is true and correct under penalty of perjury.

DATE OF ANALYSIS: 1/17/2008
DATE OF REPORT: 1/22/2008

Technical Reviewer:

Administrative Reviewer:



Forensic Toxicologist

cc: DOJ Toxicology Report Recipient DAHUMB 707-445-7416 Related Case(s): EU071786

AGENCY CASE NUMBER
200705800

**DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES**

BFS CASE NUMBER
EU-07-001786-0003

TO: DOJ Alcohol Report Recipient
Humboldt County Sheriff's Office, Eureka
826 Fourth Street
Eureka, CA 95501

FROM: Eureka Laboratory
1011 West Wabash
Eureka, CA 95501
(707) 445-6682 FAX 445-6688

Forensic Alcohol Analysis

OFFENSE DATE:

At the direction of the submitting agency, only those identified in the mailing address will be allowed access to this case. The submitting agency should notify the lab when the prosecutor's office or others should be included.

SUMMARY:

The blood sample (Item 7-1_01) of TODD FULTON contained 0.00% (W/V) alcohol.

This item contained less than 0.08% (W/V) ethanol and will be forwarded to the BFS Toxicology laboratory for further analysis.

EVIDENCE:

On 12/20/2007, the following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office, Eureka:

Submission 7-1: One evidence envelope containing one tube of blood from the subject.

Item 7-1_01: One tube of blood from the subject.

DISPOSITION:

The evidence will be returned to your agency in the normal course of business.

If called as a witness, I would testify that I am employed by the State of California Department of Justice and conducted examinations and formed conclusions as stated in this report. Information regarding the examination and conclusions is recorded at the time of examination. The equipment used in this analysis was in proper working order at the time of this analysis. I, the undersigned, declare this information is true and correct under penalty of perjury.

The undersigned has met the qualifications as set forth in the California Code of Regulations (Title 17, Chapter 2, Subchapter 1, Group 8, commencing with Section 1215) to engage in forensic alcohol analysis in the forensic laboratory named above.

DATE ANALYSIS COMPLETE: 12/28/2007
DATE OF REPORT: 12/28/2007

Technical Reviewer:

Administrative Reviewer:

[Signature]
[Signature]

[REDACTED]
Criminalist

Humboldt County Sheriff's Office

826 Fourth Street, Eureka, CA 95501

Date: October 3, 2007

From: Brenda Godsey, PIO
(707) 268-3645

Subject: Armed [REDACTED] Shot by Deputy

Case: 200705800

FOR IMMEDIATE RELEASE

At about noon today two uniformed Humboldt County Sheriff's Deputies were conducting a marijuana investigation on Pacific Lumber Company property near the Larabee Valley. A [REDACTED] armed with a shotgun confronted the deputies. One deputy fired his departmentally issued handgun, killing the [REDACTED]

An investigation into the circumstances surrounding the shooting has begun. Per Sheriff's Office policy, both involved deputies have been placed on administrative (non-disciplinary) leave.

Sheriff Philp will hold a press conference tomorrow, October 4, 2007 at 10:30 a.m. to release any additional, available information. The press conference will be held in the conference room in the Humboldt County Correctional Facility (HCCF). The room will be open to the news media at 10:15 a.m. Media personnel should enter HCCF via the entrance at the top of the stairs at 5th and J Streets.

GARY PHILP
Sheriff

#####

Humboldt County Sheriff's Office

826 Fourth Street, Eureka, CA 95501

Date: October 9, 2007

From: Brenda Godsey, PIO
(707) 268-3645

Subject: Officer-Involved Shooting Update

Case: 200705800

FOR IMMEDIATE RELEASE

UPDATE

The preliminary investigation into last week's officer involved shooting is nearing completion and the two deputies involved have been cleared to return to duty.

The following additional information is being released:

The two involved deputies are Deputy Todd Fulton and Deputy Cyrus Silva. Deputy Silva was following the water line when [REDACTED] confronted Deputy Fulton. Deputy Fulton identified himself as a Deputy Sheriff and [REDACTED] pointed a loaded 12-gauge shotgun at Deputy Fulton. Deputy Fulton fired five rounds from his departmentally issued handgun, hitting [REDACTED] three times. [REDACTED] died at the scene; deputy Fulton was uninjured.

"After speaking with investigators, I am confident my deputies' actions were justified," said Sheriff Philp.

GARY PHILP
Sheriff

####

HUMBOLDT CO SHERIFF
CFS INFORMATION REPORT FOR 100307-51

Date: 10/4/2007

Page: 1

CFS Number
100307-51

CFS Number: 100307-51
Date Rcvd: 10/3/2007 10:04:03 AM
Sent: 10/3/2007 10:04:03 AM
Inc Address: B:MCCAN PROPERTY
Complainant: L11-FULTON
Comp Addr:
Officer Contact: How Rcvd: O

Call Taker: [REDACTED]
Day: WEDNESDAY
Completed: // 12:00:00 AM

Inc Code: INV
In Progress:

Apt: City:

Phone:

Res Phone:

Priority: 3 Phone Line: Weapon: Alarm:

DR Number:

DR Number: 200705800

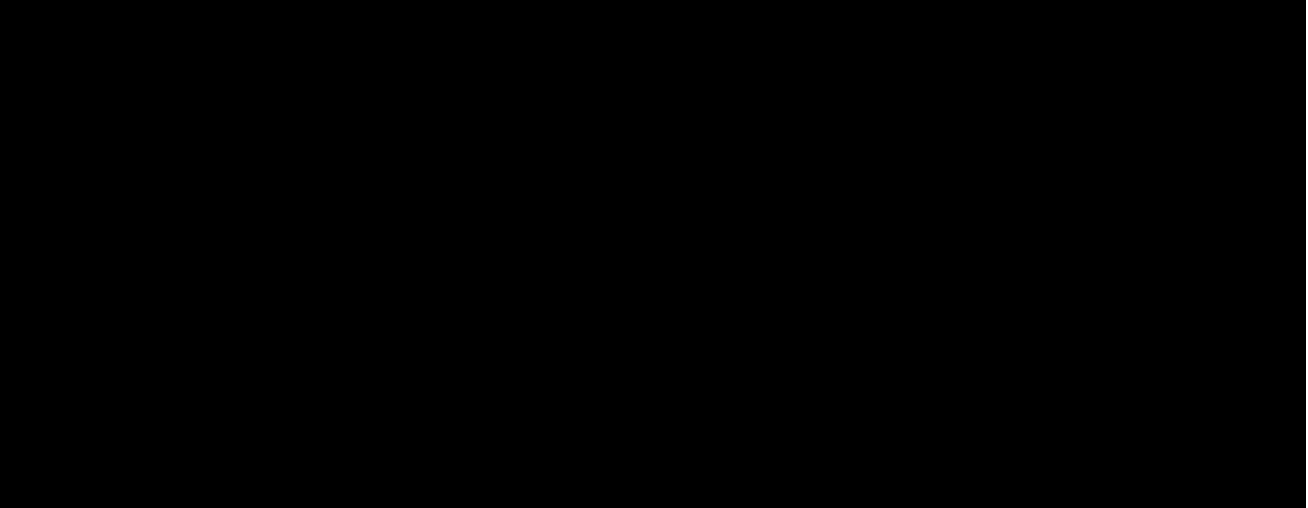
Agency: HUMBOLDT CO SHERIFF

Comments:

10/3/2007 10:04:34 AM [REDACTED] OUT WITH PL REGARDING A TRESSPASSING AND H ANS S ISSUE
10/3/2007 12:12:09 PM [REDACTED] OFFICER INVOLVED SHOOTING IN THE MCCAN AREA, [REDACTED]
10/3/2007 12:15:20 PM [REDACTED] ALL A UNITS NOTIFIED
10/3/2007 12:16:50 PM [REDACTED] PER X25, REQ CHP HELO H14 IN THE AREA
10/3/2007 12:18:04 PM [REDACTED] CHP NOTIFIED
10/3/2007 12:18:52 PM [REDACTED] R280 MADE AN AMBULANCE REQUEST
10/3/2007 12:18:56 PM [REDACTED] ALL OFFICERS ACCOUNTED FOR
10/3/2007 12:19:42 PM [REDACTED] LAT LONG 40 22 517 123 47060
10/3/2007 12:20:47 PM [REDACTED] HELO WILL GET STARTED ETA OF 50
10/3/2007 12:22:42 PM [REDACTED] SECURITY PERSON WILL MEET RESPONDING UNITS AT THE SUMMER
10/3/2007 12:28:58 PM [REDACTED] BRIDGE HOLMES FLAT REDCREST AND GUIDE INTO SITE
10/3/2007 12:39:24 PM [REDACTED] X5 IS IN THE AREA AND IS GOING TO MEET A DEPUTY AT THE SUMMER
10/3/2007 12:45:48 PM [REDACTED] BRIDGE
10/3/2007 12:46:47 PM [REDACTED] CELL [REDACTED]
10/3/2007 12:51:51 PM [REDACTED] K27 AND K25 ARE DOUBLED AND PICKING UP G10 ON THE WAY AND
10/3/2007 12:52:15 PM [REDACTED] WILL MEET AT THE SUMMER BRIDGE
10/3/2007 12:53:24 PM [REDACTED] CHP GARB SGT PHONED AND ADVISED THAT THEY HAVE GROUND
10/3/2007 12:54:06 PM [REDACTED] SUPPORT IF NEEDED
10/3/2007 1:03:01 PM [REDACTED] PER X25, CDF IS WITH HIM AND THEY ARE ENTERING IN, WILL MARK THE
10/3/2007 1:12:55 PM [REDACTED] ROAD WITH YELLOW TAPE
10/3/2007 1:19:06 PM [REDACTED] AFTER THE SUMMER RD, TAKE THE FIRST GRAVEL RD TO THE RIGHT,
10/3/2007 1:23:05 PM [REDACTED] THERE IS "CB13" WRITTEN ON A ROCK
[REDACTED] CORNONER ADVISED OF SITUATION AND WILL BE ON STAND BY
[REDACTED] AFTER TURNING RIGHT ON DIRT RD CB13, STAY TO THE RIGHT ON THE
[REDACTED] MAIN RD
[REDACTED] X15 IS ON THE WAY WITH QUADS
[REDACTED] DR NUMBER 200705800 ASSIGNED FOR AGENCY HUMBOLDT CO
[REDACTED] SHERIFF
[REDACTED] H14 OS
[REDACTED] H14 HAS LANDED

10/3/2007 1:29:16 PM	[REDACTED]	4X4 ACCESS ONLY
10/3/2007 1:29:48 PM	[REDACTED]	HISLOP, DUNN, AND COX EN ROUTE TO LOCATION, HISLOP WILL HAVE THE TOTAL STATION WITH HIM
10/3/2007 1:32:25 PM	[REDACTED]	PER A7 ADVISE HISLOP THAT THEY WILL NEED 4 WHEEL DRIVES
10/3/2007 2:07:37 PM	[REDACTED]	PER A7 L21 MAINTAINING THE LOG, X5 RELIEVED R280, K23 EN ROUTE TO RELIEVE L11 AND L64
10/3/2007 2:07:51 PM	[REDACTED]	L64 AND L11 WILL BE AWAITING DETECTIVES AT THE TOP OF THE HILL
10/3/2007 2:08:08 PM	[REDACTED]	PER A7, K27 IS PRIMARY AND K25 WILL BE ASSISTIN
10/3/2007 2:39:55 PM	[REDACTED]	7K5 OUT WITH A [REDACTED] DRESSED IN FULL CAMO WHO TRIED TO EVADE UNITS, APPROX ONE MILE UP LARIBEE RANCH RDD
10/3/2007 2:40:25 PM	[REDACTED]	7K5 ADVISED THAT THE [REDACTED] IS NOT RELATED TO THE OIS INCIDENT
10/3/2007 4:13:00 PM	[REDACTED]	PER A7 ALL UNITS C4 INVESTIGATING.
10/3/2007 4:58:14 PM	[REDACTED]	PER K23 CONTACT DA INV. STONE AND HAVE HIM MEET IN THE CID CONFERENCE RM. K23'S ETA TO THE OFFICE IS APPROX 90 MINTES
10/3/2007 4:58:18 PM	[REDACTED]	STONE NOTIFIED

Vehicles:



Units:

Unit: 11K5	Status: DISP	Time: 4:33:07 PM
	Status: EN_ROUTE	Time: 4:42:00 PM
	Status: OUT_SCENE	Time: 6:07:28 PM
Unit: 7K1	Status: AVAIL	Time: 8:24:33 PM
	Status: DISP	Time: 2:38:10 PM
	Status: OUT_SCENE	Time: 2:38:36 PM
	Status: EN_ROUTE	Time: 2:56:30 PM
Unit: 7K5	Status: OUT_SCENE	Time: 2:56:59 PM
	Status: AVAIL	Time: 9:52:50 PM
	Status: DISP	Time: 2:38:10 PM
	Status: OUT_SCENE	Time: 2:38:21 PM
	Status: EN_ROUTE	Time: 2:55:02 PM
Unit: 7K7	Status: EN_ROUTE	Time: 2:56:30 PM
	Status: OUT_SCENE	Time: 2:56:37 PM
	Status: AVAIL	Time: 8:55:20 PM
	Status: DISP	Time: 2:56:19 PM

	Status: EN_ROUTE	Time: 2:56:23 PM
	Status: OUT_SCENE	Time: 2:56:59 PM
	Status: AVAIL	Time: 9:52:53 PM
Unit: G10	Status: DISP	Time: 12:45:10 PM
	Status: EN_ROUTE	Time: 12:45:15 PM
	Status: EN_ROUTE	Time: 1:45:20 PM
	Status: OUT_SCENE	Time: 2:56:46 PM
	Status: AVAIL	Time: 9:42:45 PM
Unit: K23	Status: DISP	Time: 12:21:08 PM
	Status: EN_ROUTE	Time: 12:21:09 PM
	Status: OUT_SCENE	Time: 1:34:59 PM
	Status: CODE4	Time: 2:41:27 PM
	Status: AVAIL	Time: 8:34:54 PM
Unit: K25	Status: DISP	Time: 12:45:03 PM
	Status: EN_ROUTE	Time: 12:45:03 PM
	Status: OUT_SCENE	Time: 1:23:41 PM
	Status: EN_ROUTE	Time: 1:45:20 PM
	Status: OUT_SCENE	Time: 2:56:43 PM
	Status: AVAIL	Time: 8:24:12 PM
Unit: K27	Status: DISP	Time: 12:45:03 PM
	Status: EN_ROUTE	Time: 12:45:03 PM
	Status: OUT_SCENE	Time: 1:23:41 PM
	Status: EN_ROUTE	Time: 1:45:20 PM
	Status: OUT_SCENE	Time: 2:56:43 PM
	Status: AVAIL	Time: 8:24:12 PM
Unit: L11	Status: OUT_SCENE	Time: 10:04:03 AM
	Status: AVAIL	Time: 9:52:44 PM
Unit: L16	Status: DISP	Time: 5:22:57 PM
	Status: EN_ROUTE	Time: 5:22:57 PM
	Status: OUT_SCENE	Time: 7:50:13 PM
	Status: CODE4	Time: 9:53:06 PM
Unit: L21	Status: DISP	Time: 12:20:19 PM
	Status: EN_ROUTE	Time: 12:20:19 PM
	Status: OUT_SCENE	Time: 1:41:03 PM
	Status: CODE4	Time: 2:41:26 PM
	Status: AVAIL	Time: 6:16:46 PM
Unit: L64	Status: DISP	Time: 10:04:52 AM
	Status: EN_ROUTE	Time: 10:04:57 AM
	Status: OUT_SCENE	Time: 10:05:55 AM
	Status: CODE4	Time: 2:41:26 PM
	Status: AVAIL	Time: 9:06:24 PM
Unit: R280	Status: DISP	Time: 10:04:09 AM
	Status: EN_ROUTE	Time: 10:05:00 AM
	Status: OUT_SCENE	Time: 10:05:55 AM
	Status: CODE4	Time: 2:41:26 PM
	Status: AVAIL	Time: 5:59:59 PM

Unit: X15

Status: DISP Time: 12:54:50 PM

Status: EN_ROUTE Time: 12:54:54 PM

Status: OUT_SCENE Time: 2:31:06 PM

Status: CODE4 Time: 9:53:06 PM

Unit: X25

Status: DISP Time: 12:21:08 PM

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Status: AVAIL Time: 6:16:46 PM

HUMBOLDT CO SHERIFF
CFS INFORMATION REPORT FOR 100307-51

Date: 10/4/2007

Page: 1

CFS Number
100307-51

CFS Number: 100307-51
Date Rcvd: 10/3/2007 10:04:03 AM
Sent: 10/3/2007 10:04:03 AM
Inc Address: B:MCCAN PROPERTY
Complainant: L11-FULTON
Comp Addr:
Officer Contact: How Rcvd: O

Call Taker: [REDACTED]
Day: WEDNESDAY
Completed: // 12:00:00 AM

Inc Code: INV
In Progress:

Apt: City:
Phone:
Res Phone:
Priority: 3 Phone Line: Weapon: Alarm:

DR Number:

DR Number: 200705800

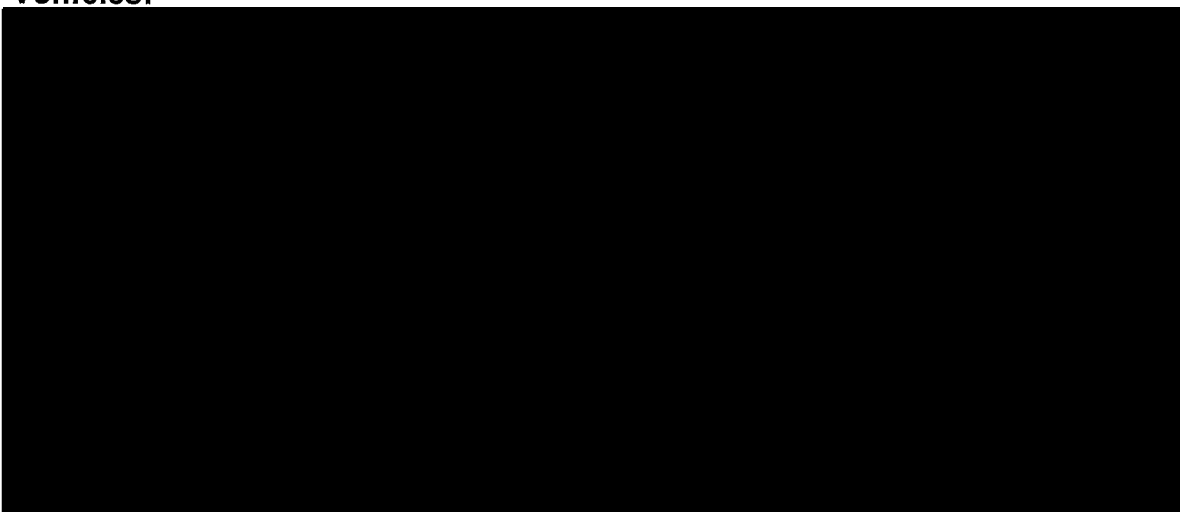
Agency: HUMBOLDT CO SHERIFF

Comments:

10/3/2007 10:04:34 AM [REDACTED] OUT WITH PL REGARDING A TRESSPASSING AND H ANS S ISSUE
10/3/2007 12:12:09 PM [REDACTED] OFFICER INVOLVED SHOOTING IN THE MCCAN AREA, [REDACTED] DOWN
[REDACTED]
10/3/2007 12:15:20 PM [REDACTED] ALL A UNITS NOTIFIED
10/3/2007 12:16:50 PM [REDACTED] PER X25, REQ CHP HELO H14 IN THE AREA
10/3/2007 12:18:04 PM [REDACTED] CHP NOTIFIED
10/3/2007 12:18:52 PM [REDACTED] R280 MADE AN AMBULANCE REQUEST
10/3/2007 12:18:56 PM [REDACTED] ALL OFFICERS ACCOUNTED FOR
10/3/2007 12:19:42 PM [REDACTED] LAT LONG 40 22 517 123 47060
10/3/2007 12:20:47 PM [REDACTED] HELO WILL GET STARTED ETA OF 50
10/3/2007 12:22:42 PM [REDACTED] SECURITY PERSON WILL MEET RESPONDING UNITS AT THE SUMMER
BRIDGE HOLMES FLAT REDCREST AND GUIDE INTO SITE
10/3/2007 12:28:58 PM [REDACTED] X5 IS IN THE AREA AND IS GOING TO MEET A DEPUTY AT THE SUMMER
BRIDGE
10/3/2007 12:39:24 PM [REDACTED] CELL [REDACTED]
10/3/2007 12:45:48 PM [REDACTED] K27 AND K25 ARE DOUBLED AND PICKING UP G10 ON THE WAY AND
WILL MEET AT THE SUMMER BRIDGE
10/3/2007 12:46:47 PM [REDACTED] CHP GARB SGT PHONED AND ADVISED THAT THEY HAVE GROUND
SUPPORT IF NEEDED
10/3/2007 12:51:51 PM [REDACTED] PER X25, CDF IS WITH HIM AND THEY ARE ENTERING IN, WILL MARK THE
ROAD WITH YELLOW TAPE
10/3/2007 12:52:15 PM [REDACTED] AFTER THE SUMMER RD, TAKE THE FIRST GRAVEL RD TO THE RIGHT,
THERE IS "CB13" WRITTEN ON A ROCK
10/3/2007 12:53:24 PM [REDACTED] CORNONER ADVISED OF SITUATION AND WILL BE ON STAND BY
10/3/2007 12:54:06 PM [REDACTED] AFTER TURNING RIGHT ON DIRT RD CB13, STAY TO THE RIGHT ON THE
MAIN RD
10/3/2007 1:03:01 PM [REDACTED] X15 IS ON THE WAY WITH QUADS
10/3/2007 1:12:55 PM [REDACTED] DR NUMBER 200705800 ASSIGNED FOR AGENCY HUMBOLDT CO
SHERIFF
10/3/2007 1:19:06 PM [REDACTED] H14 OS
10/3/2007 1:23:05 PM [REDACTED] H14 HAS LANDED

10/3/2007 1:29:16 PM	[REDACTED]	4X4 ACCESS ONLY
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10/3/2007 2:39:55 PM	[REDACTED]	7K5 OUT WITH A SUBJECT DRESSED IN FULL CAMO WHO TRIED TO EVADE UNITS, APPROX ONE MILE UP LARIBEE RANCH RDD
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Vehicles:



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Unit: 7K1	Status: AVAIL	Time: 8:24:33 PM
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Unit: 7K5	Status: EN_ROUTE	Time: 2:56:30 PM
	Status: OUT_SCENE	Time: 2:56:59 PM
	Status: AVAIL	Time: 9:52:50 PM
	Status: DISP	Time: 2:38:10 PM
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Unit: 7K7	Status: EN_ROUTE	Time: 2:55:02 PM
	Status: EN_ROUTE	Time: 2:56:30 PM
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Unit: 7K7	Status: DISP	Time: 2:56:19 PM

	Status: EN_ROUTE	Time: 2:56:23 PM
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Unit: G10	Status: AVAIL	Time: 9:52:53 PM
	Status: DISP	Time: 12:45:10 PM
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Unit: K25	Status: DISP	Time: 12:45:03 PM
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Unit: R280	Status: DISP	Time: 10:04:09 AM
	Status: EN_ROUTE	Time: 10:05:00 AM
	Status: OUT_SCENE	Time: 10:05:55 AM
	Status: CODE4	Time: 2:41:26 PM
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Status: OUT_SCENE Time: 12:52:31 PM

Status: OUT_SCENE Time: 1:41:03 PM

Status: CODE4 Time: 2:41:26 PM

Status: AVAIL Time: 6:16:46 PM

**Humboldt County Sheriff's Office
Supplemental Report**

Case #: 200705800

Date: 10/31/07

Location: [REDACTED] Road on Pacific Lumber Company property-Redcrest, Ca.

Charge(s): 245(d)(1) P.C., assault with a firearm on peace officer; 11358 H&S, cultivation of marijuana; 11359 H&S, possession of marijuana for sales;
Officer Involved Shooting Investigation

[REDACTED]

[REDACTED]

[REDACTED]

California Highway Patrol Officer Shawn Bainbridge #15068
Address: California Highway Patrol Northern Division 2651 Gold St.-
Redding, Ca.

Phone: (530)225-2040

[REDACTED]

California Highway Patrol Officer Jason L. Watenpaugh #16744
Address: California Highway Patrol Northern Division 2651 Gold St.-
Redding, Ca.

Phone: (530)225-2040

[REDACTED]

Witness: Humboldt County Sheriff's Office Reserve Deputy Bruce E. Anfinson #0280
Address: 826 4th St.-Eureka, Ca.
Phone: (707)445-7251

Witness: Humboldt County Sheriff's Office Deputy Cyrus P. Silva #1194
Address: 826 4th St.-Eureka, Ca.
Phone: (707)445-7251

Narrative: On 10/3/07 at about 1210 hrs, I was in my office in CID (Criminal Investigations Division) of the Sheriff's Office when I received a telephone call from Detective Ben Nord. Detective Nord advised me that there had been an officer involved shooting in the McCann area of southern Humboldt County. Detective Nord advised me that he was currently with Lieutenant George Cavinta who was the commander of CID and that Lieutenant Cavinta was assigning me as the primary investigator of the shooting.

After hanging up with Detective Nord, I immediately received a telephone call in my office from Lieutenant Cavinta. Lieutenant Cavinta told me that the information he had

received was that DEU (Drug Enforcement Unit) Deputies Todd Fulton and Cyrus Silva were investigating an outdoor marijuana grow on Pacific Lumber Company property and were confronted by an armed [REDACTED]. This [REDACTED] was shot by one of the Deputies and was presumed deceased.

I advised Lieutenant Cavinta that I would like District Attorney's Office Investigator Steve Dunn to be the secondary investigator. Lieutenant Cavinta advised me that he would contact the District Attorney's Office Chief Investigator Mike Hislop and advise him of the situation.

Lieutenant Cavinta advised me to contact Detective Steve Quenell and have him respond with me. I did as Lieutenant Cavinta asked and Detective Quenell contacted ET (Evidence Technician) [REDACTED] and Detective Quenell advised me to meet with him and ET [REDACTED] at their residence.

At about 1245 hrs, I left the Sheriff's Office en route to Detective Quenell and ET [REDACTED] residence. At about 1320 hrs, I telephoned Lieutenant Cavinta via cellular phone. I asked Lieutenant Cavinta to contact DOJ (Department of Justice) and to advise them of the investigation and if they could put a Criminalist on standby. Lieutenant Cavinta informed me that Investigator Hislop, Investigator Dunn and Investigator Wayne Cox were en route to the scene to assist me.

At about 1324 hrs, I arrived at Detective Quenell and ET [REDACTED] residence. At about 1344 hrs, we left Detective Quenell, ET [REDACTED] residence and Detective Quenell rode with me, and ET [REDACTED] followed in her vehicle.

At about 1516 hrs, Detective Quenell, ET [REDACTED] and I arrived on scene. Detective Quenell noted the mileage from the Holmes Flat summer bridge to the Pacific Lumber Company gate. Detective Quenell also noted the mileage from the gate to the scene. Refer to his report for further details regarding the mileage.

After arriving on scene, I met with Sergeant Wayne Hanson and noticed that Sergeant Phil Buihner was on scene and was utilizing a quad/ATV. I asked Sergeant Hanson what information he had that he could pass on to me. Sergeant Hanson told me that he had briefly spoken to Deputy Fulton and Deputy Fulton told Sergeant Hanson that he had fired his department issued handgun four to five times at the [REDACTED]. The reason Deputy Fulton had done this was because the [REDACTED] had confronted him armed with a shotgun.

Sergeant Hanson advised me that Deputies Fulton and Silva were in the area investigating an outdoor marijuana grow. The Deputies received the information about the grow from a Pacific Lumber Company employee who had come across the grow several weeks ago. Sergeant Hanson said that he was aware of the Deputies coming to investigate the marijuana grow since he was the Sergeant in charge of DEU.

Sergeant Hanson said that Detective Nord was securing the scene that was about one quarter mile east of our location. Sergeant Hanson said that the easiest way to get into

the scene was by taking an old skid road from the location we were currently parked. Sergeant Hanson said that Deputies Fulton and Silva had come into the area from a different route. Standing by at the location Deputies Fulton and Silva had entered from was Reserve Deputy Bruce Anfinson and Pacific Lumber Company employee, [REDACTED]. Deputy Anfinson and [REDACTED] were standing by with Sergeant Kenny Swithenbank and Deputy Alan Stockton.

Sergeant Hanson said at the scene were two CHP (California Highway Patrol) Officers that had flown a CHP helicopter into the area to provide medical assistance to the [REDACTED] that had been shot. Sergeant Hanson said that when the CHP Officers arrived on scene they checked the [REDACTED] for vital signs and none were present. Shortly after this occurred contact was made with a doctor out of Redding, Ca. by one of the CHP Officers and the doctor pronounced the [REDACTED] as deceased.

I asked Sergeant Hanson if he knew the gender and race of the [REDACTED] that had been shot. Sergeant Hanson said that the [REDACTED] was a male and believed to be Hispanic.

At about 1530 hrs, Sergeant Hanson began walking Detective Quenell, ET [REDACTED] and I into the scene.

As Sergeant Hanson walked us down the skid road in an easterly direction there was a CHP helicopter that had landed on an old logging landing. As we walked further on the skid road, Sergeant Hanson pointed out black colored plastic water lines that came from above the skid road and continued over the side of a steep embankment. Along the skid road on the north side was evidence of harvested marijuana plants. At about 1541 hrs, we arrived in an area west of where the shooting had occurred. At this location, was Detective Nord, Deputy Fulton, Deputy Silva and two CHP Officers.

I met with the two CHP Officers who identify themselves as pilot Shawn Bainbridge and Flight Officer/Paramedic Jason Watenpaugh. I asked Officer's Bainbridge and Watenpaugh to explain to me how they got to this location. They told me on 10/3/07 at about 1220 hrs, they received a request from the Humboldt County Sheriff's Office to respond to the area that they were currently located. Officers Bainbridge and Watenpaugh were given coordinates so that they could locate the area. At about 1238 hrs, Officers Bainbridge and Watenpaugh left CHP Northern Division in Redding via helicopter and they responded as H14, which was the helicopter's call sign.

At about 1323 hrs, Officers Bainbridge and Watenpaugh arrived on scene and met with Deputies Fulton and Silva. Deputies Fulton and Silva told Officers Bainbridge and Watenpaugh that the [REDACTED] had been shot and they believed he was deceased. The Deputies guided Officers Bainbridge and Watenpaugh to the location of the [REDACTED] that had been shot. Officer Watenpaugh had a portable heart monitor with him and Officer Bainbridge assisted Officer Watenpaugh as needed. Officer Watenpaugh said that there was no verbal response from the male [REDACTED] that had been contacted. Officer Watenpaugh believed the male was Hispanic.

Officer Watenpaugh said that the male was lying on his right side and his knees were slightly bent toward his abdomen. Officer Watenpaugh said that he had to move the male onto his back to place the leads onto the male [REDACTED] from the monitor. Officer Watenpaugh said that he had to cut the outer sweatshirt that the male was wearing but was careful not to damage any evidence. After cutting the sweatshirt, the male [REDACTED] was wearing a button down shirt, which Officer Watenpaugh unbuttoned. After placing the leads onto the male [REDACTED] Officer Watenpaugh said that there was no palpable pulse and the male was not breathing. The male's eyes were fixed and nonreactive.

Officer Watenpaugh said at the time he evaluated the male and determined the male was deceased. Officer Watenpaugh made a phone call to the Mercy Medical Center in Redding. Officer Watenpaugh spoke to [REDACTED] and briefed [REDACTED] on his findings. [REDACTED] pronounced the male deceased at 1356 hrs.

After speaking with the Officers Bainbridge and Watenpaugh, I advised them that they could leave the scene, which they did.

On 10/3/07 at about 1551 hrs, I met with Deputies Fulton and Silva. Deputy Silva provided me with a GPS reading that he had obtained when he was next to the male [REDACTED]. The reading was N 40 degrees, 22'596"; W 123 degrees, 47'152".

Deputy Fulton told me that at this point he would not like to make any comments about the incident until speaking with an attorney. I asked Deputy Fulton if he could show me the location of where he was standing in relation to the male [REDACTED]. Deputy Fulton agreed to do this and to let ET [REDACTED] photograph him where he was standing at the time of the shooting.

At about 1600 hrs, Deputy Fulton began walking Detective Quenell, ET [REDACTED] and I into the area where the incident had occurred. As we walked east on the skid road, it became brushy but there was still a well-worn trail through the brush. At one point, we entered into a clearing, which was still concealed from above by the tree canopy. In this area, there was garbage spread about it but I did notice what appeared to be makeshift tables or beds on the south side of the clearing. It appeared that someone had cut numerous smaller trees and tied them together to make either these two beds or tables. It appeared to me that these items were no longer being used by whoever built them. One of the tables or beds was no longer completely tied together and was coming apart. The other table or bed was no longer level. Both wooden structures had small amounts of marijuana lying on them.

We continued walking east on the traveled trail and came to a point where the trail went down a steep embankment and into a drainage, which Deputy Fulton told me was known as Larabee Creek. Just before the trail went down the embankment Deputy Fulton pointed out a machete that was on the north side of the trail. Deputy Fulton did not tell me what significance the machete had.

When we reached the top of the trail before it went down the embankment I could see a male [REDACTED] lying on his back several feet on the east side of the drainage. I could see that there was what appeared to be blood on the left torso of the male and what appeared to be blood on his pants. It appeared that the male was wearing a black sweatshirt and some type of white shirt under the sweatshirt. The pants that the male was wearing were light blue in color and it appeared he was wearing some type of brown shoes.

Deputy Fulton walked about eight to ten feet down the embankment on the trail and stood at this location. I asked Deputy Fulton if this was where he was standing when he fired his duty weapon and he told me that was correct. This would have put Deputy Fulton several feet above the male [REDACTED] and about thirty to forty feet away in distance. At about 1607 hrs, ET [REDACTED] took photographs of Deputy Fulton standing at this location. After the photographs were completed, we walked back out to our original location where we had met with Deputies Fulton and Silva.

By this time, Investigators Hislop, Dunn and Cox had arrived on the skid road. I met with Sergeant Hanson and advised him to contact the Coroner's Office and have a Deputy Coroner respond to our location. We decided that there was not enough daylight to process the entire scene so all the evidence we could collect now would be collected before removing the male [REDACTED] from the scene. Sergeant Hanson radioed Sergeant Buihner and advised Sergeant Buihner to do what I had requested.

I asked ET [REDACTED] to take Investigators Hislop and Cox to the area of the shooting to see if they could utilize the "Total Station" for the scene. They returned several minutes later and Investigators Hislop and Cox advised me that they did not think that they could utilize the Total Station due to the terrain in the area.

At this point, I assigned the on scene investigators the following details. Investigators Hislop and Cox would assist ET [REDACTED] with the scene. Detective Nord was assigned to transport Deputy Fulton to St. Joseph's Hospital and obtain a blood draw from him. Detective Nord was to collect Deputies Fulton's clothing and collect his duty weapon and ammunition as evidence and make a weapons check. Investigator Dunn and I were going to begin interviewing the witnesses that were on scene.

At about 1646 hrs, I returned to my vehicle and requested ET [REDACTED] take photographs of the area where Deputies Fulton and Silva had parked their patrol units and the trail they utilized to get to the skid road. At this same time, I met with Detective Nord and Deputy Fulton at my vehicle. Detective Nord was driving Deputy Fulton's patrol unit and was en route to Eureka, Ca. for evidence collection. Before Detective Nord transported Deputy Fulton to Eureka ET [REDACTED] performed a GSR (Gunshot Residue) kit on Deputy Fulton and Deputy Silva. After ET [REDACTED] concluded, the collection of the GSR kit Detective Nord continued with the transport of Deputy Fulton to Eureka.

Investigator Dunn and I took my vehicle and drove about 100 yards east on the main road that we took to get into the area. At this location, there were several patrol units parked in the area and a green colored GMC truck with a California license plate of [REDACTED]

At this location, I met with Sergeant Swithenbank and Deputy Stockton and they advised me that they were in charge of logging persons in and out of the scene. They also pointed out to me on the east side of the road the trail that Deputies Fulton and Silva went down. From what I could see, the trail was extremely steep and I could not see where it ended.

Investigator Dunn and I then met with Pacific Lumber Company employee [REDACTED] at this location. I asked [REDACTED] if we could speak with him in my vehicle and he agreed to do so. [REDACTED] sat in the front passenger seat of my vehicle, I sat in the driver's seat and Investigator Dunn sat in the rear seat. The interview conducted with [REDACTED] was digitally recorded and later placed onto CD. The following is a brief summary of the interview conducted with [REDACTED]. Refer to the CD for further details.

[REDACTED] told me that he was employed by the Pacific Lumber Company out of Scotia, Ca. as a land management assistant. [REDACTED] had been employed by the Pacific Lumber Company on and off for the past four years. [REDACTED] had been a land management assistant for the past two months. [REDACTED] job entailed him driving around on Pacific Lumber Company property looking for any suspicious trails into the woods, broken gates, broken locks on gates or trails leading around the property gates and suspicious persons trespassing on Pacific Lumber Company property mainly during the evening hours.

I asked [REDACTED] what was the name of the main road we were currently on. [REDACTED] told me that this road was the [REDACTED] Rd.

I asked [REDACTED] when his attention was first focused on the area we were currently located. [REDACTED] told me on 9/19/07 at about 1900 hrs, [REDACTED] saw what he believed to be a marijuana grow. [REDACTED] said that he was looking through his binoculars from a lower road that was located to the east of the marijuana grow. [REDACTED] said that from this road he took a photograph. [REDACTED] then walked into the grow from this road and took several more photographs. [REDACTED] said that as far as he knew when he took the photographs no one was present at the grow. [REDACTED] said that being inside of the grow was probably not a good location for him to be so he left after taking the photographs. [REDACTED] gave me the photographs that he had taken of the grow.

I asked [REDACTED] if he knew the name of the road that he walked in from and [REDACTED] said that there was not a name for the road and this road was an old overgrown logging road. I asked [REDACTED] if he could estimate how many growing marijuana plants he had actually seen and [REDACTED] estimated 200.

[REDACTED] said after finding the marijuana grow he contacted the Sheriff's Office through his supervisor [REDACTED]. From that point, [REDACTED] said that [REDACTED] was the actual person that had contacted the Sheriff's Office regarding the marijuana grow.

[REDACTED] said that arrangements were eventually made through Deputies Fulton and Silva and on 10/3/07 at about 1000 hrs; [REDACTED] met with these Deputies at the main office of the Pacific Lumber Company in Scotia. [REDACTED] said that he advised Deputies Fulton and Silva

of the grow he had located. [REDACTED] said from Scotia, he took his truck, which was the green colored GMC and the Deputies followed in their vehicles.

[REDACTED] said that the landing that we were currently parked on off the [REDACTED] Rd. was where he and the Deputies parked their vehicles. [REDACTED] said he did not note the time that they arrived at this location but [REDACTED] stated that it did take some time due to the terrain and estimated that it took at least one hour to get to this location from Scotia.

[REDACTED] said that he met with the Deputies and told them how he got into the marijuana grow from the old logging road. [REDACTED] advised the Deputies that he did not believe the logging road was the main trail into the grow.

[REDACTED] said that Deputy Fulton had discovered a trail leading from the landing on the east side of the [REDACTED] Rd. that led down a steep embankment. Deputies Fulton and Silva gathered their equipment and began walking down the trail to see if it led to the marijuana grow that [REDACTED] had discovered. [REDACTED] said that he followed the Deputies down the trail for about 100 yards. The trail became too difficult for [REDACTED] to go down and he decided to return to the landing with Deputy Anfinson.

[REDACTED] said once he returned to the landing and met with Deputy Anfinson they were standing by to hear from Deputies Fulton and Silva. [REDACTED] said after about five minutes had past after [REDACTED] had left the presence of the Deputies he heard three gunshots, which [REDACTED] described as sounding like firecrackers.

I asked [REDACTED] if he heard anything before the gunshots and [REDACTED] said he did not. Once the gunshots sounded, [REDACTED] heard radio traffic over Deputy Anfinson's radio. [REDACTED] could hear Deputy Fulton over the radio stating that shots had been fired and the [REDACTED] was down. Deputy Fulton was telling Deputy Silva to continue on a road and Deputy Fulton was directing Deputy Anfinson to call for backup and an ambulance.

I asked [REDACTED] after he heard the shots if he ever saw Deputies Fulton or Silva again. [REDACTED] said that he did not see the Deputies again after hearing the gunshots.

I asked [REDACTED] if a CHP helicopter ever arrived on scene. [REDACTED] said that the helicopter did arrive at one point and that he was directed to respond to the Holmes Flat summer bridge to help guide in medical personnel and law enforcement into the area.

I asked [REDACTED] if he ever heard any of the Deputies that were on scene say anything in regards to who had fired their weapon. [REDACTED] said the only thing that he had heard was over Deputy Anfinson's radio and it was what Deputy Fulton had said in regards to shots being fired and the [REDACTED] being down.

I asked [REDACTED] how many marijuana grows he had seen as an employee with the Pacific Lumber Company. [REDACTED] said that this grow was the first grow that he had ever found in which the plants were currently growing. In the past, [REDACTED] had come across marijuana grows that had already been harvested and were abandoned.

Investigator Dunn asked [REDACTED] if the Deputies had yelled commands or said anything while at the marijuana grow. [REDACTED] believed that from the location he was at he would be too far away to hear anything that the Deputies said and did not hear the Deputies say anything.

Investigator Dunn asked [REDACTED] how loud the gunshots sounded. [REDACTED] said the gunshots sounded like firecrackers going off from a distance.

Investigator Dunn asked [REDACTED] if he knew how long the trail was from the [REDACTED] Rd. down to where Deputies Fulton and Silva were. [REDACTED] had Pacific Lumber Company maps with him, which he later provided to me. [REDACTED] estimated that from the landing to where the marijuana grow was located was about 200 to 300 yards. [REDACTED] added because of this distance was why he believed he could not hear what Deputies Fulton and Silva were saying.

On the map that [REDACTED] was referring to, I had him circle our current location. In addition, on this map was a pink highlighter marking the [REDACTED] Rd. and this was where he believed the marijuana grow to be. [REDACTED] also provided me with a second map that was dated 9/19/07 and had several colored marks on it and [REDACTED] Rd." written on it in pink highlighter.

[REDACTED] added that he did locate something suspicious further east on the [REDACTED] Rd. [REDACTED] said that there was a blue and white polka dot flag that was along the [REDACTED] Rd. [REDACTED] said that this flag stood for a wildlife area and he did not understand why it was in this location because the Pacific Lumber Company did not use wildlife flagging.

I asked [REDACTED] when was the last time that he had been in this particular area. [REDACTED] said that it was when he had discovered this marijuana grow. [REDACTED] said the last time that he was on the [REDACTED] Rd. was sometime this last August. [REDACTED] said that he was doing "owl work" and he did not see anything out of the ordinary at that time.

I told [REDACTED] that I was not very familiar with the area and asked him if this was considered a remote area. [REDACTED] said that this area was at the very far end of Pacific Lumber Company property and if someone wanted to trespass on Pacific Lumber Company property this was just about as far as someone could go before entering property not belonging to the Pacific Lumber Company. [REDACTED] added that there was not any logging activity going on in the area we were currently located. This concluded our interview with [REDACTED]

The maps and photographs that [REDACTED] turned over to me were later placed into evidence at the Sheriff's Office.

After speaking with [REDACTED] Investigator Dunn and I met with Reserve Deputy Bruce Anfinson at the landing on the [REDACTED] Rd. Deputy Anfinson agreed to speak with us and we went to my vehicle and Deputy Anfinson sat in the front passenger seat, I sat in the driver's seat and Investigator Dunn sat in the rear seat. On 10/3/07 at about 1732 hrs, we

began the interview with Deputy Anfinson. The interview conducted with Deputy Anfinson was digitally recorded and later placed onto CD. The following is a brief summary of the interview conducted with Deputy Anfinson. Refer to the CD for further details.

Deputy Anfinson told me that he had been a Reserve Deputy Sheriff for the Humboldt County Sheriff's Office since 1974. Deputy Anfinson's main duty was working with DEU. Deputy Anfinson had been assisting DEU since 1984. During this time Deputy Anfinson had been involved in investigating thousands of marijuana growing operations that include indoor and outdoor grows.

I asked Deputy Anfinson to explain to me how he, Deputies Fulton and Silva came to this location on the [REDACTED] Rd. Deputy Anfinson said that they met with [REDACTED] at the main office of the Pacific Lumber Company in Scotia on 10/3/07 at about 1000 hrs. They were told that [REDACTED] had located a marijuana grow that was in an open field and they did not know who was suspected of operating the grow.

Deputy Anfinson said that [REDACTED] led them to the location that we were currently at. Deputy Anfinson said that he was pulling a trailer with his patrol unit and the trailer was loaded with quads in case they needed to be used. Deputy Anfinson said that his patrol unit number was [REDACTED].

Deputy Anfinson said that he was not exactly sure of the time they arrived he said it could have taken approximately 2 hours to get to this location. Deputy Anfinson said that [REDACTED] pointed out a trail that was located on the east side of the [REDACTED] Rd. It was determined that this trail could take the Deputies to a close proximity of the marijuana grow.

Deputy Anfinson said that Deputies Fulton and Silva began walking down this trail and Deputy Anfinson said that he stayed at the beginning of the trail with [REDACTED] because they were not sure if this was the correct trail. Deputy Anfinson added that he usually stayed with the patrol units for security reasons when the Deputies were conducting marijuana investigations. Deputy Anfinson also stayed behind so that there was a link between the Deputies and Dispatch.

Deputy Anfinson said that about 10 minutes had passed by after Deputies Fulton and Silva had left on the trail. Deputy Anfinson said that he was talking with [REDACTED] and Deputy Anfinson heard what he believed to be a minimum of five to six gunshots. Deputy Anfinson said that there was a short pause and he did not want to call either Deputy Fulton or Deputy Silva on their radios because he was worried he might give their positions away. Deputy Fulton radioed Deputy Anfinson and advised him that shots were fired and one person was down and directed Deputy Anfinson to call for assistance.

Deputy Anfinson said that he telephoned Sergeant Hanson via cellular phone. Sergeant Hanson told Deputy Anfinson to get in touch with Dispatch and advise them of the situation and to have the necessary persons respond. Deputy Anfinson said that he

telephoned Dispatch via cellular phone and advised Dispatch of his location by latitude and longitude and requested medical personnel respond.

After some time had passed, a CHP helicopter arrived on scene and landed somewhere below the location of Deputy Anfinson. Deputy Anfinson said after the helicopter arrived Sergeant Hanson arrived shortly after and shortly after this, a CDF fire engine arrived along with an ambulance. As far as Deputy Anfinson knew, Sergeant Hanson was the only person that walked down to the scene of the above persons that had arrived on scene.

I asked Deputy Anfinson before he heard the gunshots if he heard any talking or yelling. Deputy Anfinson said that he did not but this was not unusual due to the terrain.

I asked Deputy Anfinson about the area that we were currently in and if this was considered a remote area even for illegal marijuana grows. Deputy Anfinson told me that this area was very remote even for growing marijuana.

I asked Deputy Anfinson how the skid road trail was located. Deputy Anfinson said that when they first arrived they noticed the trail but continued east on the [REDACTED] Rd. and stopped at the location we were currently at because it was easier for Deputy Anfinson to turn his patrol unit around that was towing the trailer. Deputy Anfinson said that after Sergeant Hanson and Detective Nord arrived on scene he gave them a ride to the area where the skid road intersected with the [REDACTED] Rd. and they walked the skid road to the scene. Deputy Anfinson said that the CHP Officers that were flying the helicopter had advised them that there was an easier way into the scene, which was the skid road.

I asked Deputy Anfinson if he ever went down to the scene and he said he did not. I asked Deputy Anfinson if he ever during this incident discharged his firearm and he said he did not. This concluded our interview with Deputy Anfinson.

After speaking with Deputy Anfinson, Investigator Dunn and I met with him outside of my vehicle. I made a weapons check of his department issued Glock 22, 40 caliber semiautomatic handgun. Deputy Anfinson advised me that this was the only weapon he had on his person during the time of the incident. Investigator Dunn photographed Deputy Anfinson's handgun and magazines along with Deputy Anfinson's person. The serial number to Deputy Anfinson's handgun was [REDACTED]. Deputy Anfinson's handgun was loaded with one round in the chamber and the magazine was filled to capacity with 15 rounds. Deputy Anfinson had two additional magazines that he turned over to me from his duty belt, which were both filled to capacity with 15 rounds each.

On 10/3/07 at about 1749 hrs, Investigator Dunn and I met with Deputy Cyrus Silva at my vehicle. I asked Deputy Silva for a statement in regards to what had occurred and he agreed to provide a statement. We sat in my vehicle in the same seating arrangements as we had with [REDACTED] and Deputy Anfinson. The interview conducted with Deputy Silva was digitally recorded and later placed onto CD. The following is a brief summary of the interview conducted with Deputy Silva. Refer to the CD for further details.

Deputy Silva told me that he had been employed by the Humboldt County Sheriff's Office since the year 2000. Deputy Silva began his employment in the Humboldt County Correctional Facility. In April of 2001, Deputy Silva began working patrol for the Sheriff's Office. Deputy Silva said that he was currently assigned to the Humboldt County Drug Task Force but during the summer months, he worked with DEU. Deputy Silva said that he was assigned to DEU in May of 2007. Deputy Silva said that since that time he had investigated hundreds of marijuana cultivation cases. Deputy Silva added that before being assigned to DEU he would also assist DEU on investigations while he was working as a patrol deputy.

I asked Deputy Silva when he was first made aware of a possible marijuana grow off the [REDACTED] Rd. Deputy Silva said that Deputy Fulton had contacted him about a week to a week and a half ago regarding this grow. Deputy Silva found out on 10/2/07, that he and Deputy Fulton were going to the Pacific Lumber Company property to investigate the grow.

Deputy Silva said that on 10/3/07 at 0800 hrs, he began his work shift. I asked Deputy Silva if he worked on 10/2/07, and Deputy Silva said that he did and he worked until 2330 hrs. Deputy Silva said that he went to bed at about midnight and woke up at about 0645 hrs.

Deputy Silva said on 10/3/07 at about 1000 hrs, he, Deputy Fulton and Deputy Anfinson met with [REDACTED] and [REDACTED] at the Scotia Fire Hall. Deputy Silva said that [REDACTED] showed them several photographs of a marijuana grow that he had taken pictures of. [REDACTED] also showed the Deputies several maps and the trail that he had taken to get into the marijuana grow. [REDACTED] explained to the Deputies that the trail he had taken was difficult and was not the main trail into the grow. I showed Deputy Silva the maps that [REDACTED] had given to me. Deputy Silva said the bigger map out of the two was the map that [REDACTED] was showing the Deputies. Deputy Silva said that the dot on the map that [REDACTED] had circled was our current location.

Deputy Silva said that he and the other Deputies left the fire Hall and arrived at the location we were currently at between the hours of 1115 and 1130 hrs. Deputy Silva said that he drove his patrol unit, number [REDACTED] and Deputy Fulton was driving his patrol unit, Deputy Anfinson was driving his patrol unit and towing a trailer and [REDACTED] was in his own vehicle.

After arriving at this location on the [REDACTED] Rd. Deputy Silva and Deputy Fulton noticed the trail leading down the embankment to the east of the [REDACTED] Rd. Deputy Silva said that he and Deputy Fulton felt that this trail was the main trail into the marijuana grow.

I asked Deputy Silva if he or Deputy Fulton had any information that there was people tending to this grow. Deputy Silva said as far as he knew there was no information regarding this. Deputy Silva told me that not too long ago there was a large marijuana grow that he was involved in confiscating the plants. Deputy Silva said that this grow

was located on the other side (west) of the mountain we were on. Deputy Silva said that the other grow was believed to be a "Mexican grow". I asked Deputy Silva to explain to me what he meant by a Mexican grow. Deputy Silva said that typically these types of grows were tended to by Hispanics. He was able to tell this by the way the marijuana plants were planted. How the campsites that were near the grows were set up and the types of food that were left behind in the marijuana grows.

Deputy Silva said that he and Deputy Fulton put on their gear and were getting ready to proceed down the trail at which time Deputy Anfinson arrived. Deputies Silva and Fulton continued down the steep trail for about 400 to 500 yards. Deputy Silva said that Deputy Fulton was quite a ways in front of him as they went down the trail.

Deputy Silva said when he reached the end of the trail it intersected with an old skid road. Deputy Silva said that he did not see Deputy Fulton and he assumed that Deputy Fulton had gone over the embankment on the other side of the skid road. Deputy Silva believed this because as he was going down the trail he noticed a black 3/4 to 1 inch PVC pipe. When Deputy Silva reached the skid road, he noticed that this water line went over the embankment. Deputy Silva said that based on his experience the Pacific Lumber Company would not have these types of water lines on their property. He also noticed that as the pipe crossed the skid road someone had covered the line with tree bark.

Deputy Silva said that the water line was about 30 yards to the west of the trail he and Deputy Fulton had descended. Deputy Silva said that he was walking around the area of the water lines looking for Deputy Fulton or the marijuana grow. Deputy Silva said that he did notice some leaves that belonged to marijuana plants scattered across the skid road.

Deputy Silva attempted to contact Deputies Fulton via radio. When Deputy Fulton responded to Deputy Silva the radio transmission was somewhat broken and all that Deputy Silva could hear was something about a camp. Deputy Silva radio Deputy Fulton and asked Deputy Fulton to give a "yell", which Deputy Fulton did and Deputy Silva believed that Deputy Fulton was somewhere to the east of his location. Deputy Fulton radioed Deputy Silva and Deputy Fulton advised Deputy Silva to head right down the skid road from the trail that they had traveled.

Deputy Silva said that he started walking east on the skid road but was still thinking that Deputy Fulton was somewhere over the embankment due to the water lines and the photographs that he had seen of the marijuana grow. Deputy Silva said that as he was looking for a trail down the embankment when he heard three to four gunshots. Deputy Silva radio Deputy Fulton and asked him if it was he that shot and if he was okay. Deputy Fulton responded shots fired and that the [REDACTED] was down. Deputy Silva asked Deputy Fulton to give him another yell, which Deputy Fulton did. Deputy Silva said that he did not know what happened at this point but it sounded like Deputy Fulton was yelling to him from down the embankment from the skid road.

Deputy Silva said that he immediately ran over the embankment trying to get to Deputy Fulton as soon as he could. Deputy Silva said that he went down the embankment about 40 to 50 yards and Deputy Fulton radioed him. Deputy Silva said that Deputy Fulton asked his location and Deputy Silva asked Deputy Fulton to yell once again. Deputy Silva said when Deputy Fulton yelled this time he could tell that Deputy Fulton was up the embankment and to the east. Deputy Fulton told Deputy Silva to continue east on the skid road and he would meet up with him.

Deputy Silva said he climbed back up the embankment and traveled east on the skid road. Deputy Silva said as he was traveling east on the skid road he went through what appeared to be an old campsite. Deputy Silva continued on the trail, went into a gully, and saw Deputy Fulton standing in the middle of the gully. Deputy Fulton was standing about 3 feet away from [REDACTED] and the [REDACTED] was "curled up" and laying on his right side. Deputy Silva said that he and Deputy Fulton both had their handguns drawn at this time. I asked Deputy Silva at what time did he remove his handgun from its holster and Deputy Silva said when he entered the camp.

Deputy Silva said when he arrived at Deputy Fulton's location Deputy Fulton kept his handgun pointed at the [REDACTED] and Deputy Silva holstered his handgun. Deputy Silva removed the leather gloves that he was wearing and with his left hand grabbed the [REDACTED] left shoulder and pulled the [REDACTED] toward him slightly and Deputy Silva placed his right hand on the [REDACTED] neck to check for a pulse. Deputy Silva said that he was unable to locate a pulse on the [REDACTED] and the [REDACTED] was not blinking his eyes or breathing. Deputy Silva said that he and Deputy Fulton radioed Deputy Anfinson and advised him that they were okay but medical assistance was needed for the [REDACTED]

I asked Deputy Silva if he noticed any injuries on the male. Deputy Silva said that he noticed a large amount of thick blood on the left forearm of the male.

I asked Deputy Silva if he saw any weapons when he arrived in the gully. Deputy Silva said that he did and he noticed a Mossberg 500 shotgun with a wooden forearm and stock that had been painted green. Deputy Silva said that there was either bailing wire or rope tied to the shotgun to make a makeshift sling. Deputy Silva said that the shotgun was lying about 5 feet uphill to the west of the male. I asked Deputy Silva if either he or Deputy Fulton moved the shotgun. Deputy Silva said that Deputy Fulton told him that he had moved the shotgun but Deputy Fulton did not state why he had moved it. Deputy Silva assumed that Deputy Fulton moved the shotgun to get it away from the male [REDACTED]

Deputy Silva said that he photographed the male and the area around him while he and Deputy Fulton were awaiting the arrival of CHP H14 that had been summonsed for medical assistance for the male. I asked Deputy Silva if he could estimate how long it took H14 to arrive on scene. Deputy Silva believed it was one hour to one hour and twenty minutes.

Deputy Silva said that he and Deputy Fulton secured the nearby area and backed out of the scene to preserve evidence. Deputy Silva and Deputy Fulton stood by for H14 at the first old campsite that Deputy Silva had come to when he was coming to assist Deputy Fulton.

I asked Deputy Silva if he could recall what this male [REDACTED] was wearing and Deputy Silva said faded blue jeans and a faded dark gray hooded sweatshirt, which had some type of writing on the chest.

I asked Deputy Silva if he noticed any other trails in the area. Deputy Silva said the main trail that he followed continued east past where the shooting had occurred.

I asked Deputy Silva how much time had passed when he lost sight of Deputy Fulton as they were going down the trail to the time he heard the gunshots. Deputy Silva believed it was about 10 minutes or more.

I asked Deputy Silva what the CHP pilot and paramedic did after they arrived on scene. Deputy Silva said that he and Deputy Fulton met with the CHP Officers who were carrying what Deputy Silva believed to be a defibrillator, which they hooked up to the male and it was determined that he was deceased. Deputy Silva added that the paramedic had told him that the male was deceased at 1335 hrs. The paramedic later met with Deputy Silva and advised him that he had spoken to a doctor and the doctor pronounced the male as deceased at about 1355 hrs.

I asked Deputy Silva after he met with Deputy Fulton and the situation had calmed down somewhat what, if anything, did Deputy Fulton tell him had occurred. Deputy Silva said that Deputy Fulton told him that he walked through the old camp, which he believed to be a possible marijuana drying area and began walking the trail down into the gully. Deputy Fulton saw a male [REDACTED] walking toward him and Deputy Fulton identified himself by yelling, "Sheriff's Department, policia, manos."

The male had the shotgun in his hands and began raising the shotgun at Deputy Fulton at which time Deputy Fulton discharged his handgun. Deputy Fulton told Deputy Silva that he believed he had fired his handgun five times.

I asked Deputy Silva if he fired his handgun at anytime and he said that he did not. I asked Deputy Silva if he was armed with any other firearms other than his handgun and he said that he was not.

I asked Deputy Silva with his experiences with marijuana grows if he had come across persons inside of the grows that were armed and he said that he had. I asked Deputy Silva if he had ever come across marijuana grows and there were firearms in the grows. Deputy Silva said that in his experiences there had been times that he had come across firearms but 95% of the time there was just ammunition.

I asked Deputy Silva from what he saw at the grow he was investigating on this day if it was a Hispanic grow. Deputy Silva said that it was difficult to say without seeing how the marijuana plants were being planted.

I asked Deputy Silva from what he saw of the old campsite and marijuana grow if there was more than just the male [REDACTED] that was tending to the grow. Deputy Silva said that he could not say for sure.

Investigator Dunn asked Deputy Silva what his and Deputy Fulton's plans were once they began to traverse the trail. Deputy Silva said that they were going to attempt to locate the grow and if were able to locate it see what resources they had available to extract the marijuana.

Investigator Dunn asked Deputy Silva if he handled the shotgun that he identified as a Mossberg 500. Deputy Silva said that he never touched the shotgun but in the position it was lying, he could read on the bottom of the action that the shotgun was a Mossberg 500. Investigator Dunn asked Deputy Silva if Deputy Fulton stated that he had checked the shotgun. Deputy Silva said that after he had photographed the shotgun Deputy Fulton advised him that he had moved the shotgun only. Deputy Silva added that in the position the shotgun was lying he could see shotgun shells in the tube of the shotgun.

I asked Deputy Silva if the shotgun was ever made safe. Deputy Silva said when he arrived at Deputy Fulton's location neither he nor Deputy Fulton handled the shotgun.

I asked Deputy Silva if he or Deputy Fulton checked the rest of the trail that led east from the male [REDACTED]. Deputy Silva said that Deputy Fulton walked a short distance on the trail but did not walk the entire trail. It was unknown to Deputy Silva if there were any other persons east of their location. This concluded our interview with Deputy Silva.

It should be noted while Investigator Dunn and I were interviewing Deputy Silva I noticed that Deputy Coroner Charlie Comer arrived at our location on 10/3/07 at about 1820 hrs.

After speaking with Deputy Silva, I made a weapons check of his department issued Glock 22, 40 caliber semiautomatic handgun. Investigator Dunn photographed Deputy Silva's handgun and magazines. Deputy Silva's handgun was loaded with one round in the chamber and the magazine was filled to capacity with 15 rounds. Deputy Silva had one additional magazine that was on his person that was also filled to capacity with 15 rounds. The serial number to the handgun was [REDACTED]

On 10/3/07 at about 1903 hrs, Investigator Dunn, Deputy Comer and I followed Sergeant Buihner who was riding a quad back to the scene. At about 1914 hrs, we arrived back at the scene and I met with ET [REDACTED]. ET [REDACTED] advised me that she had gathered most of the evidence along the trail where the male [REDACTED] was lying. She advised me that she would return the next day to look for further evidence such as bullets and casings. At this

point, ET [REDACTED] told me that she felt that the male [REDACTED] could be removed from the scene without destroying any evidence.

Deputy Comer began photographing and examining the male [REDACTED] with the assistance of ET [REDACTED]. As Deputy Comer was examining the male, he stated that he located a bullet jacketing near the male's belly button, which he turned over to ET [REDACTED]. Deputy Comer also stated that he located five shotgun shells in the right front pants pocket of the male, which he also turned over to ET [REDACTED]. Deputy Comer also located some indicia on the male's person, which he turned over to Investigator Cox and Investigator Cox looked through the indicia. Investigator Cox then turned the indicia over to ET [REDACTED]. Deputy Comer stated that he could see what appeared to be a gunshot wound to the left side of the male's chest just above his nipple.

From the location where I was standing, which was in the middle of the gully and the male was lying on the east side of the gully about 10 to 15 feet away from me. I could see that the male was wearing what appeared to be brown shoes and white socks, light blue pants, a brown colored belt, a button up light colored western type of shirt and a dark colored sweatshirt.

At about 1945 hrs, the male was placed into a body bag by Deputy Comer and then placed into a litter/stokes. A rope was tied to the litter and the litter containing the male was dragged up the west side of the gully. I assisted by pushing on the back of the litter.

Once the litter was brought to flat ground, the litter containing the male [REDACTED] was placed on the rear of the quad that Sergeant Buihner was riding. The litter was secured to the back of the quad and Sergeant Buihner transported the male out of the scene to the [REDACTED] Rd.

I assisted transporting evidence back to ET [REDACTED] vehicle by carrying the Mossberg shotgun. I wore gloves while handling the shotgun.

At about 2007 hours, we arrived back at our vehicles at the [REDACTED] Rd. I placed the shotgun on the hood of ET [REDACTED] vehicle. The shotgun was a Mossberg 12 gauge and it had a 28-inch barrel. The barrel and action were a black color and the forearm and butt of the shotgun was colored green. The butt of the shotgun was not securely fastened to the gun but the butt did not come apart from the rest of the shotgun. The serial number to the shotgun was [REDACTED]. After recording the above information, I turned the shotgun over to ET [REDACTED].

At about 2023 hrs, I met with Deputy Bryan Maus and Sergeant Buihner at which time the scene was turned over to them for security and evidence preservation. Deputy Maus and Sergeant Buihner were going to spend the night on the [REDACTED] Rd. for the preservation of the scene.

I advised the CIRT team members that we would meet on 10/4/07 at 0800 hrs in CID at which time I would make assignments. All units cleared the [REDACTED] Rd. at the above time.

On 10/4/07 at about 0815 hrs, I met with the following CIRT team members in CID. Investigator Hislop, Investigator Cox, Investigator Dunn, Sergeant Hanson and ET [REDACTED]. Also present was Sheriff Gary Philp, Undersheriff Mike Downey, Lieutenant Cavinta, Lieutenant Mike Thomas and Lieutenant Pete Jimenez. We held a briefing on the information that we had gathered the previous day.

Investigator Cox advised us that he believed that he had identified the male [REDACTED] that had been shot. Investigator Cox utilized Cal-Photo by entering a name that was found in the indicia that was removed from the male [REDACTED]. Investigator Cox was able to locate a California driver's license and a photograph of the male. Investigator Cox supplied me with a Cal-Photo picture and driver's license number of [REDACTED]. [REDACTED] California driver's license number was [REDACTED]. [REDACTED] was described on his driver's license as having black hair, brown eyes, 5'7" and 140 pounds. [REDACTED] driver's license showed two possible addresses one was [REDACTED] and the second was [REDACTED] which were both in [REDACTED] Ca.

After looking at the photograph, that Investigator Cox had provided me it appeared that [REDACTED] was possibly the male involved in the incident.

During the meeting with the CIRT team, I made the following assignments. Sergeant Hanson was in charge of gathering a team to remove the marijuana plants that had been located several hundred yards east of where the shooting had occurred. I contacted Lieutenant Jimenez and advised him that I needed a copy of the Dispatch tapes, which he said he would provide to me. Investigators Hislop and Cox were assigned to assist ET [REDACTED] with the scene. ET [REDACTED] was also going to contact DOJ Criminalist [REDACTED] to inquire if he could assist with the scene. Investigator Dunn and I were going to arrange through Deputy Fulton's attorney [REDACTED] a time to interview Deputy Fulton. Investigator Dunn was also assigned to contact the Modesto Police Department to see if they had any contacts with [REDACTED]. At about 0850 hrs, the briefing concluded.

On 10/4/07 at about 1015 hrs, I met with [REDACTED] who was the secretary for CID. She told me that she had received a telephone call from the Coroner's Office and was advised that the autopsy for [REDACTED] was scheduled for 10/5/07 at 0830 hrs. at the Sonoma County Coroner's Office. I telephoned Investigator Dunn and ET [REDACTED] via my cellular phone and advised them of the scheduled time for the autopsy because they would be the representatives from the CIRT team.

On 10/4/07 at about 1117 hrs, Investigator Dunn had earlier spoken to Deputy Fulton's attorney [REDACTED] and had arranged to meet us at the Sheriff's Office at 1100 hrs for the interview of Deputy Fulton. On the above date and time, Investigator Dunn and I met with Deputy Fulton and his attorney [REDACTED] in the conference room of the Sheriff's Office. The interview conducted with Deputy Fulton was digitally recorded and later placed onto CD. The following is a brief summary of the interview conducted with Deputy Fulton. Refer to the CD for further details.

Deputy Fulton told me that he was meeting with Investigator Dunn and I along with his attorney [REDACTED] to give a voluntary statement. Deputy Fulton said that he had been employed by the Sheriff's Office for the past six years. Deputy Fulton's current assignment within the Sheriff's Office was livestock/rural patrol. Deputy Fulton said on his regular days off he would work with DEU. Deputy Fulton had been assisting DEU with marijuana investigations for about the entire time he had worked with the Sheriff's Office. Deputy Fulton said that during the time he had assisted DEU he had been the lead investigating deputy and had assisted in around 200 marijuana investigations.

I asked Deputy Fulton if he worked on 10/2/07. Deputy Fulton said that he did work on this day and that he was working with DEU. Deputy Fulton said that he arrived home at about 2330 hrs and was asleep before midnight. Deputy Fulton said on 10/3/07 at about 0630 hrs, he woke up and began his work shift at about 0700 hrs.

I asked Deputy Fulton if he was working a regular shift or on his days off on 10/3/07. Deputy Fulton said that it was a regular workday for him but he was working in DEU.

I asked Deputy Fulton when he had first learned about a possible illegal marijuana grow off the [REDACTED] Rd. Deputy Fulton said that about two weeks ago he was contacted by Pacific Lumber Company security and the person that had contacted Deputy Fulton was [REDACTED]. [REDACTED] inquired with Deputy Fulton about getting the marijuana grow eradicated from the Pacific Lumber Company property. I asked Deputy Fulton if he had worked with [REDACTED] in the past and Deputy Fulton told me that he had not because [REDACTED] was new to the security portion of the Pacific Lumber Company.

Deputy Fulton said that he had tried to meet with [REDACTED] on several occasions but due to their schedules conflicting they were not able to meet. Deputy Fulton said on 10/3/07, in the morning hours he telephoned [REDACTED] and advised him that they had time to go and check on this marijuana grow. Deputy Fulton said that he, Deputy Silva and Deputy Anfinson met with [REDACTED] at the Scotia Fire Hall at about 1000 hrs. Deputy Fulton said that [REDACTED] briefed them on what he had found and showed them the photographs he had taken of the marijuana grow. Deputy Fulton said from what he saw the grow did not appear to be that large. Deputy Fulton said from what he could tell by the photographs that the marijuana plants were in the late stages of flowering and due to the recent rains he felt that the grow might have already been harvested.

Deputy Fulton said that they left the fire hall and followed [REDACTED] who was driving his vehicle up the [REDACTED] Rd. through the Larabee Valley into the McCann area. Deputy Fulton said that Deputies Silva and Anfinson were driving their patrol units and Deputy Fulton was driving his patrol unit, which was unit number [REDACTED].

I asked Deputy Fulton when they arrived at the location on the [REDACTED] Rd. who was in charge of the investigation. Deputy Fulton said that usually Deputy Mark Peterson was in charge of the marijuana investigations but Deputy Peterson had taken this particular

day off. Deputy Fulton said that he and Deputy Silva would be working this investigation together put Deputy Fulton would be the lead investigating deputy.

I told Deputy Fulton that I believed it was approximately 13.5 miles from the Pacific Lumber Company gate to the location where they parked their vehicles. Deputy Fulton said that there were road markers on the [REDACTED] Rd. and he believed it was at marker [REDACTED] or [REDACTED] where they parked. Deputy Fulton believed that he and the others arrived in this area at about 1130 to 1200 hrs.

Deputy Fulton said where they parked their vehicles was a old landing and there was plenty of room for Deputy Anfinson to park his vehicle, which was towing a trailer loaded with quads. Deputy Fulton said that he and the other Deputies began looking for a trail that might lead to the marijuana grow. Deputy Fulton said that he located a foot trail that was located on the east side of the [REDACTED] Rd. off the landing.

When Deputy Fulton examined the trail, it appeared to him to be a trail that was recently used and possibly traveled by humans. Deputy Fulton told Deputy Silva what he had found and Deputies Fulton and Silva gathered their gear. Deputy Fulton said that their plan was to access the trail and see if it actually led to the grow and if it did evaluate if they would need more personnel.

I asked Deputy Fulton when they arrived at the landing if [REDACTED] told him that this was in the general area of where he had located the marijuana grow. Deputy Fulton said that [REDACTED] believed this landing was in the nearby area of the marijuana grow.

Deputy Fulton said that he and Deputy Silva descended the trail that he had located and Deputy Anfinson stayed at the landing. Deputy Fulton was unsure if [REDACTED] had followed him and Deputy Silva for a short distance and returned to the landing.

I asked Deputy Fulton when Deputy Anfinson stayed behind what was his function in this operation. Deputy Fulton said that Deputy Anfinson's duties would include security to the vehicles that were parked on the landing and for communication. Also, if need be, for some reason Deputy Anfinson would be available to assist Deputies Fulton and Silva if something happened to them.

Deputy Fulton said that when he and Deputy Silva went down the trail he was in front of Deputy Silva and he was first to reach the skid road. Deputy Fulton said that he was a short distance ahead of Deputy Silva because he could hear Deputy Silva continuing down the trail. Deputy Fulton stated that usually he likes to stay a short distance away from other Deputies while investigating marijuana grows. The reason for this was that Deputy Fulton believed that if he or another Deputy got into a dangerous situation, it would only be one of them in that situation instead of both.

Deputy Fulton said that as soon as he reached the skid road he heard Deputy Silva quietly whistle. Deputy Fulton said since he heard the whistle he knew that Deputy Silva was close and Deputy Fulton began to walk east on the skid road.

Deputy Fulton said as he was walking east on the skid road he noticed marijuana stalks and stems, which meant to him that these plants had already been harvested. Deputy Fulton walked over to the edge of the skid road, looked over, and could see what he believed to be stocks of marijuana plants that had already been harvested.

Deputy Fulton said that the photographs that [REDACTED] showed him earlier resembled the area he had observed.

Deputy Fulton said that as he traveled east on the skid road he noticed areas where it appeared marijuana plants had been harvested and saw cigarette butts and soda cans. Deputy Fulton said that everything that he saw appeared to be at least four to five days old or at least as old since the rains had started.

As Deputy Fulton continued on the skid road he came upon what he referred to as a "hooch", which Deputy Fulton said would be a campsite in a marijuana grow. Deputy Fulton said that this campsite appeared to be in disarray and decomposing. Deputy Fulton saw two tables that were made out of small trees. These tables at one point were tied together but were now falling apart. Deputy Fulton said that there was garbage in this area but it all appeared to be old. Deputy Fulton said from his experiences that this hooch or campsite had been abandoned.

I asked Deputy Fulton in his experiences with marijuana what these tables would be used for. Deputy Fulton said that they would be used for a cooking area or used to be slept on by whoever was tending to the marijuana grow.

Deputy Fulton said that to the east of the hooch he could see a trail that continued. Deputy Fulton continued on this trail and as he did this, he noticed that it became more wooded and Deputy Fulton stopped walking because he no longer had the advantage of seeing someone coming toward him.

Deputy Fulton said that as he was standing in this area he noticed that the trail dropped off into a creek, which was known as Larabee Creek. Deputy Fulton said as he was standing at the top of this trail he could hear what he believed someone walking toward him. Deputy Fulton said that at this point, he was carrying a machete with him and he set it down against a tree. This machete was part of Deputy Fulton's gear. Deputy Fulton took several steps down the trail at which time he drew his duty weapon from its holster and crouched down. Deputy Fulton was holding his weapon down by his side. Deputy Fulton said that he had no idea who was walking on the trail and he thought it could be a forester, hunter or some type of animal.

As Deputy Fulton looked across to the other side of the trail, which was on the east side of the creek and he could see human legs in jean pants walking the trail toward him. Deputy Fulton said that he tried to stay in the cover of the trees and did not announce himself at this point until he was able to see who this person was when he or she came

out into the open. Deputy Fulton said that he decided to make contact with this male [REDACTED] when he reached the area of the creek because it was an open area.

Deputy Fulton said as the male entered into the area of the creek Deputy Fulton took a couple more steps down the trail. Deputy Fulton said from this location the male would have been able to get a good view of him and he would have had a better view of the male.

Deputy Fulton then announced himself by stating, "Sheriff's Department, Sheriff's Department."

Deputy Fulton said that he could not recall if he told the male to show him his hands but Deputy Fulton knew that he had announced Sheriff's Department. Deputy Fulton said that he was looking at the male's face. The male looked at Deputy Fulton and Deputy Fulton said that the male had a grin on his face. Deputy Fulton said that the male's left and right arms came together from the male's right side and Deputy Fulton's attention was brought to this and he noticed that the male was carrying a shotgun. When Deputy Fulton saw this, the male was in the process of bringing the shotgun up at Deputy Fulton and pointing it toward him.

Deputy Fulton said initially he thought the male was going to flee by running away. The male continued to raise the shotgun at Deputy Fulton and Deputy Fulton said to himself, "He's going to frick'n shoot me."

Deputy Fulton said that he continued to yell Sheriff's Department at the male and in fear of his own life discharged his weapon at the male four to five times until he perceived the male was no longer as a threat. Deputy Fulton said that the male dropped the shotgun onto the ground and the male just stood at this location. Deputy Fulton said that he utilized his radio and announced that shots had been fired and the [REDACTED] was down. Deputy Silva radioed Deputy Fulton and asked Deputy Fulton to yell, which Deputy Fulton did.

Deputy Fulton said that he was yelling to the male in Spanish to show his hands. Deputy Fulton said that he was unsure if he even hit the male until he saw blood on the male's left arm. Deputy Fulton continued to yell at the male in English and Spanish to show his hands. Deputy Fulton said that he was doing this because the male still had his hands in the area of his chest. Deputy Fulton said he was yelling in English and Spanish because he could not tell if this male was Caucasian or Hispanic.

Deputy Fulton said that he continued to point his weapon at the male but there was no response from him. Deputy Fulton said that the male had a blank look about his face and seemed not to be listening to his commands. Deputy Fulton said that the male kind of crouched down, was sitting on his heels, and now had his hands between his legs and Deputy Fulton could not clearly see the male's hands. Deputy Fulton continued to tell the male to show his hands but he did not. Deputy Fulton said that he could hear the

male saying something but Deputy Fulton could not comprehend or make any sense of what the male was saying.

Deputy Fulton said that he believed the male sat on his heels for several seconds and the male rolled over onto his right side into a semi-fetal position. Deputy Fulton said that he still could not see the male's hands but he could see that the male was still breathing and Deputy Fulton believed that the male coughed once or twice.

Deputy Fulton said that he slowly walked toward the male and the shotgun was still in arms reach of the male. Once Deputy Fulton reached the location of the male, Deputy Fulton picked up the shotgun by a piece of rope that was tied to the shotgun and moved it out of reach of the male. Deputy Fulton continued to cover the male with his weapon and Deputy Fulton could see that the male had nothing else in his hands. Deputy Fulton could see that the male was breathing and blinking his eyes. Deputy Fulton said that he was asking the male his name in an attempt to get some type of dialect with him but the male would not respond. Deputy Fulton said that the male kept breathing for a short time and then stopped and shortly after this, Deputy Silva arrived at Deputy Fulton's location.

Deputy Fulton said that it seemed like it took forever for Deputy Silva to get to his location but Deputy Fulton said it probably was not that long of a time. When Deputy Silva met with Deputy Fulton, he asked Deputy Silva to check the male for a pulse but there was no pulse present.

Deputy Fulton briefed Deputy Silva on what had occurred and Deputy Fulton told Deputy Silva that he had moved the shotgun away from the male. Deputy Fulton and Deputy Silva discussed that they should not speak to one another any further about what had occurred.

Deputy Fulton said that Deputy Silva stayed with the male and Deputy Fulton walked a short distance on the trail that the male had come from. Deputy Fulton said that he noticed some water lines and the trail continued east. Deputy Fulton felt that it was safest for him not to continue on the trail and returned to Deputy Silva. Deputy Fulton said by the time that he returned to Deputy Silva, Deputy Anfinson had already contacted Dispatch and advised Dispatch to have all the necessary personnel respond.

I asked Deputy Fulton how long it took before the CHP helicopter pilot and paramedic arrived on scene. Deputy Fulton was not sure but he estimated from the time he shot to the time they arrived was approximately 2 hours. Deputy Fulton said once the CHP Officers arrived on scene they had what Deputy Fulton believed to be a portable heart monitor, which they hooked up to the male [REDACTED] At which time, the male had been confirmed as deceased.

I asked Deputy Fulton if any other personnel came to the scene besides the CHP Officers. Deputy Fulton said that the two Officers were the only persons to enter the scene.

I told Deputy Fulton when Detective Quenell, ET [REDACTED] and I arrived on scene and met with him. He agreed to show us where he was standing when he fired his weapon in relation to the male [REDACTED] ET [REDACTED] took photographs from the location Deputy Fulton was standing. Deputy Fulton said where he was standing when ET [REDACTED] took the photographs was what he believed to be his location. Deputy Fulton said where the male's torso was lying when the photographs were taken was where the male was standing when Deputy Fulton shot.

I asked Deputy Fulton when he actually first saw the shotgun in the male's hands. Deputy Fulton said that he did not see the shotgun in the male's hands when the male was walking the trail. Deputy Fulton first noticed it when the male was bringing it up and pointing it toward him.

I asked Deputy Fulton at what point did he discharge his duty weapon. Deputy Fulton said that the male was holding the shotgun with the butt in the area of his chest and the end of the barrel was pointing directly at Deputy Fulton. Deputy Fulton added that there was no doubt in his mind if the male would have pulled the trigger to the shotgun he would have been shot and killed.

I asked Deputy Fulton once the male dropped the shotgun where did it exactly land. Deputy Fulton said it fell at the male's feet just to the male's left. Deputy Fulton said that was when the male held onto his left arm sat down on to his heels and eventually rolled over onto his right side.

I asked Deputy Fulton if he could recall what the male was wearing. Deputy Fulton said that he could remember that the male was wearing blue jeans and a dark colored sweat jacket.

I asked Deputy Fulton when he first saw the male armed with a firearm how did he know it was a shotgun. Deputy Fulton said he could tell it was a shotgun by looking at it and he could see the pump action just below the barrel. Deputy Fulton said that when he eventually moved up to the location where the male was laying it appeared to Deputy Fulton that the shotgun had been painted green.

I asked Deputy Fulton once he saw the legs coming down the trail and he drew his weapon and held it to his side. The male then came out into the open near the creek and he pointed his duty weapon at the male, if was he holding his weapon with a two-handed grip. Deputy Fulton said that he was holding his weapon with a two-handed grip and was pointing his weapon at the male. I asked Deputy Fulton if he had a sight picture through the sights on his handgun. Deputy Fulton said that he was not focusing on his sights and he explained it as a "point of aim, point of impact" situation because Deputy Fulton said that he did not want to focus on his sights and not be able to see the male's hands.

I asked Deputy Fulton when he fired his weapon if the four to five shots were consecutive. Deputy Fulton said that they were.

I asked Deputy Fulton what significance the machete that he was carrying had. Deputy Fulton said the location where he placed his machete was where he first saw the male's legs walking on the trail.

I asked Deputy Fulton once he arrived on the skid road from the first trail he came down if he noticed any water lines. Deputy Fulton said that he did not but after walking the skid road back out to the [REDACTED] Rd. he noticed the water lines, which would have been to the west of the trail he came down.

I asked Deputy Fulton when ET [REDACTED] photographed his person on 10/3/07, if that was how he was dressed when the shooting occurred and Deputy Fulton said that it was.

I asked Deputy Fulton if the patrol units that Deputy Silva, Deputy Anfinson and he were driving were marked patrol units. Deputy Fulton said that all three patrol units were clearly marked. Deputy Fulton added that if someone saw the three patrol units they would know that they were law enforcement vehicles.

I asked Deputy Fulton from the time he reached the skid road to the time he fired the rounds from his weapon how much time had passed. Deputy Fulton told me that it was approximately 5 minutes at the most.

I asked Deputy Fulton if he was aware of any other marijuana grows that were near the location where this incident occurred. Deputy Fulton said that he was aware of one marijuana grow that was eradicated by Sergeant Hanson and a CAMP team in the McCann area, which would have been on the west side of the mountain from the grow we were currently speaking about. Deputy Fulton said that the grow that Sergeant Hanson and CAMP eradicated was a "Hispanic grow". Deputy Fulton was also aware of several other marijuana grows that were eradicated in that area but were some distance away from the [REDACTED] Rd.

I asked Deputy Fulton to explain to me what he meant by a Hispanic grow. Deputy Fulton said that in Hispanic grows most of the camps were set up the same such as the tying together of small trees to make either tables or sleeping areas. In these grows Hispanic food would be located throughout the campsite along with Hispanic writings. Deputy Fulton said that Hispanic grows were historically seeded marijuana gardens and the Hispanic grows were usually grown for quantity instead of quality.

I asked Deputy Fulton if the grow he was in on 10/3/07, would be consistent with a Hispanic grow. Deputy Fulton said that it would be.

I asked Deputy Fulton if he had ever had any contacts with the male that had confronted him with the shotgun. Deputy Fulton said to his knowledge he had never seen this male before.

I asked Deputy Fulton if the male [REDACTED] with the shotgun would have never confronted him what would he and Deputy Silva had done next. Deputy Fulton said that he and

Deputy Silva would have met up with one another and went further east on the trail to see if they could have located the grow.

I asked Deputy Fulton which trail was being utilized by the male that confronted him or any other persons that were tending to the grow. Deputy Fulton said from what he observed the skid road trail that led to and from the [REDACTED] Rd. was not the main entrance or exit to the grow. Deputy Fulton believed the trail that he and Deputy Silva had descended was the trail that was being used by whomever was tending to the grow. Deputy Fulton added that the male that confronted him or whoever else was with him was probably camping in the marijuana grow.

I asked Deputy Fulton from what he saw of this marijuana growing operation if anybody was living at the campsite that he saw. Deputy Fulton said from what he observed no one was living at the campsite any longer. Deputy Fulton added from his experiences it appeared to him that whoever was tending to this grow was spending a large amount of time living on site. Deputy Fulton believed this because of all of the garbage and personal hygiene items that he saw in the area.

I asked Deputy Fulton during his experiences while working with DEU was it common to come across weapons in marijuana grows. Deputy Fulton said that finding weapons inside of grows was very seldom but ammunition was usually located inside of a marijuana growing operation.

Investigator Dunn asked Deputy Fulton if the photographs and maps that [REDACTED] had showed him at the Scotia Fire Hall was the first time that he had seen these items. Deputy Fulton said that about two weeks ago he met with [REDACTED] and [REDACTED] showed him some maps. Then on 9/29/07, Deputy Fulton met up with [REDACTED] at the Carlotta Grange and [REDACTED] showed Deputy Fulton some photographs. At that point, Deputy Fulton told [REDACTED] that he would attempt to investigate the grow off the [REDACTED] Rd. as soon as he could. [REDACTED] did relay to Deputy Fulton that he believed some ex-employees of the Pacific Lumber Company could be responsible for the illegal marijuana grow off the [REDACTED] Rd. [REDACTED] did not provide any names to Deputy Fulton because [REDACTED] did not have any proof that these ex-employees were tending to this grow.

Investigator Dunn asked Deputy Fulton when he and Deputy Silva were descending the trail from the landing and Deputy Silva whistled, if that was a way that they communicated with one another. Deputy Fulton said that it was and that he whistled back to Deputy Silva and Deputy Fulton said that he could tell that Deputy Silva was on the trail a short distance behind him but Deputy Fulton could not see Deputy Silva due to the heavy brush. Deputy Fulton added that during marijuana investigations that the investigating Deputies often whistle to one another instead of calling each other on their radios due to the radios being loud and possibly giving away their locations.

Investigator Dunn and asked Deputy Fulton from the time that he saw the pant legs walking the trail coming toward him to the time the male [REDACTED] reached the opening near the creek. Investigator Dunn inquired what distance the male traveled during this

time. Deputy Fulton said once we returned to the scene to complete a walk-through he believed he could provide us with a better distance that the male traveled on the trail than just by his recollection.

Investigator Dunn asked Deputy Fulton if he believed this male [REDACTED] was right-handed. Deputy Fulton said he believed so because of the way the male was holding the shotgun, the male's left arm was in front of his right arm. Investigator Dunn asked Deputy Fulton what position the male's body was in when he was pointing the shotgun at him. Deputy Fulton said from what he could recall most of the male's left side of his body was facing toward Deputy Fulton.

Investigator Dunn asked Deputy Fulton if he would have yelled to either Deputy Anfinson or [REDACTED] from the location near the creek if he thought that they would be able to hear him. Deputy Fulton said that he did not believe that they would be able to hear anything that he would have yelled.

Investigator Dunn asked Deputy Fulton when this incident occurred if he was carrying any other weapons on his person. Deputy Fulton said that he had no other firearms on his person.

Investigator Dunn asked Deputy Fulton how he left the scene. Deputy Fulton said that Detective Nord transported him in Deputy Fulton's patrol unit to Deputy Fulton's residence so he could get a change of clothing. Deputy Fulton said that Detective Nord was with him during this process.

Deputy Fulton said after leaving his residence Detective Nord transported him to St. Joseph's Hospital at which location a blood draw was taken from him. After this concluded, Deputy Fulton went to the Best Western Hotel in Eureka and stayed in room 207 or 217. While at the hotel Deputy Fulton met with [REDACTED] and his HDSO (Humboldt Deputy Sheriff's Organization) representative Jason Daniels. While at the hotel he met with Detective Nord and District Attorney's Office Investigator Mike Stone. Detective Nord and Investigator Stone collected Deputy Fulton's equipment and clothing. Deputy Fulton said that he was also photographed again.

Deputy Fulton said that Lieutenant Mike Thomas eventually met with him at the hotel. Lieutenant Thomas provided Deputy Fulton with another duty weapon and Deputy Fulton turned his first duty weapon over to Detective Nord.

I asked Deputy Fulton if he rode with Attorney [REDACTED] from the hospital to the hotel. Deputy Fulton said that he did. I asked Deputy Fulton where Detective Nord went while he rode with Attorney [REDACTED]. Deputy Fulton said that Detective Nord had collected the blood draw and he believed that Detective Nord went to the Sheriff's Office to pick up Investigator Stone. I clarified with Deputy Fulton that Detective Nord did not follow he and Attorney [REDACTED] to the hotel. Deputy Fulton said that Detective Nord did not but he and Attorney [REDACTED] went straight from the hospital to the hotel.

I asked Deputy Fulton when he gave the sample of his blood if it was voluntarily. Deputy Fulton replied, "Yes it was."

This concluded our interview of Deputy Fulton. I asked Attorney [REDACTED] if he had anything to add. Attorney [REDACTED] asked to go off the record so that he could check his notes, which we did.

After turning off my recorder Attorney [REDACTED] asked Investigator Dunn and I if we wanted to speak to Deputy Fulton about him being a range master and SWAT team member. I told Attorney [REDACTED] that I did not see a reason for that and if that was needed later on, we could obtain that information through the Sheriff's Office Training Division.

Investigator Dunn and I arranged with Deputy Fulton and Attorney [REDACTED] to meet at the Fortuna Volunteer Fire Department. From that point, Investigator Dunn and I were going to transport them back to the scene so Deputy Fulton could do a videotaped walk-through.

On 10/4/07 at about 1247 hrs, I left the Sheriff's Office en route to Fortuna, Ca. At about 1320 hrs, I met with Investigator Dunn, Deputy Fulton and Attorney [REDACTED]. Attorney [REDACTED] advised me that he would follow us to the Redcrest/Holmes exit, park his vehicle at that location, and ride with us the rest of the way. At about 1400 hrs, we arrived at the Redcrest/Holmes exit and Attorney [REDACTED] rode with us.

At about 1450 hrs, we arrived on scene at the [REDACTED] Rd. We walked into the main scene utilizing the skid road and met with ET [REDACTED] who advised me that she and Criminalist [REDACTED] had just concluded processing the scene. Refer to ET [REDACTED] report for further details on the evidence that they had collected.

At about 1515 hrs, Deputy Fulton did a practice walk-through from the trail he and Deputy Silva had descended to the point of where he was confronted by the male and shot his duty weapon. At about 1610 hrs, Deputy Fulton did a second walk-through that was videotaped by ET [REDACTED]. Refer to the videotape for further details. After the videotaping was concluded we left the scene and I transported Investigator Dunn, Deputy Fulton and Attorney [REDACTED] back to their vehicles.

On 10/5/07 at about 1055 hrs, I received a telephone call in my office from Investigator Dunn. Investigator Dunn advised me that the autopsy had concluded on the male [REDACTED] who was shot by Deputy Fulton and believed to be [REDACTED]. Investigator Dunn said that pathologist [REDACTED] told him that the cause of death for who was believed to be [REDACTED] was a gunshot wound. Investigator Dunn said that there were three gunshot wounds located on [REDACTED]. There was a gunshot wound to the left side of his chest and left shoulder. Investigator Dunn said that both of these gunshot wounds were fatal. The third gunshot wound entered [REDACTED] left arm and ricocheted off his stomach.

At about 1110 hrs, I made an Accurint Internet search for [REDACTED]. [REDACTED] returned with having an address out of Modesto, which was [REDACTED]. This address was the

same address that was on [REDACTED] California drivers license teletype. I made a second Accurant search for the telephone number that was listed for [REDACTED] the telephone number that returned for this address was [REDACTED]. There were three different names for this telephone number. They were [REDACTED] and [REDACTED]. I telephoned the above telephone number but there was no answer or message machine. The information that I had obtained through Accurant was attached to this case.

On 10/5/07 at about 1515 hrs, I received CHP Officer Watenpaugh's report, which I attached to this case.

On 10/8/07 at about 1030 hrs, I was off duty and met with off duty Deputy Dennis Young at Bodyworks Gym in Fortuna. Deputy Young advised me that several weeks ago he and Deputy Recruit Josh McCall responded to the main office of the Pacific Lumber Company in Scotia. When they arrived at Pacific Lumber Company, they met with security personnel who had located two Hispanic males that were trespassing on Pacific Lumber Company property. From what Deputy Young could recall, the two Hispanic males were both juveniles. Deputy Young said that the juveniles told him that they had received a ride from another Hispanic male from the Modesto area. They traveled into the woods and went on a hike. During this hike, they were confronted by armed men who shot at them. According to Deputy Young, the two juveniles separated from the other male and a logging crew located the juveniles. The juveniles were then transported back to Scotia. Deputy Young said that he could not recall the case number to this case but the juveniles were booked into Humboldt County Juvenile Hall.

On 10/9/07 at about 1015 hrs, I located the case that Deputy Young had told me about. The case number was 200705534. I attached this report to this case. I also provided a copy of the case to Investigator Dunn who was doing all of the follow-up in regards to [REDACTED] possibly being from the Modesto area.

On 10/9/07 at about 1445 hrs, I met with ET [REDACTED] in her office. I was aware that ET [REDACTED] had located a supermarket receipt and collected it as evidence from the marijuana growing operation. ET [REDACTED] provided me with a photocopy of the receipt, which I attached to this case. The receipt was from Lola's Market and Restaurant located at [REDACTED] Santa Rosa, Ca. The receipt was dated for 9/15/07.

At about 1455 hrs, I telephoned [REDACTED] which was the telephone number for the market. I first spoke with a person who spoke poor English and then spoke with delivery person [REDACTED]. I told [REDACTED] that I was investigating an officer involved shooting and that the person that may have been involved might have purchased groceries from the market. I inquired with [REDACTED] if the market had videotape and he said that it did. I told [REDACTED] that I was interested in retaining a tape for the day of 9/15/07.

[REDACTED] told me that he would be unable to help me that he would contact the manager of the market who was named [REDACTED] and advise him of what I needed. [REDACTED] advised

me that [REDACTED] would not be back in the market until 10/11/07 and he would have [REDACTED] telephone me on this day.

On 10/11/04 at about 1310 hrs, I telephoned Lola's Market and spoke with manager [REDACTED]. [REDACTED] confirmed that they had videotape recording in the market. I asked [REDACTED] if he would have the videotape for 9/15/07. [REDACTED] told me that they would not because they only held the videotapes for 10 days then reuse them. [REDACTED] asked me who the cashier on the receipt was and I told him it only said new employee. [REDACTED] said that he did not know who would have been the clerk if the receipt said new employee.

On 10/12/07 at about 0918 hrs, I received an e-mail from ET [REDACTED] ET [REDACTED] advised me that she had positively identified the male that had confronted Deputy Fulton through fingerprints as [REDACTED].

On 10/18/07 at about 0945 hrs, Investigator Dunn and I went to Northwest Forestry and Marine located on West End Rd. in Arcata, Ca. We met with the owner of the company [REDACTED] and Investigator Dunn inquired with [REDACTED] if he had ever employed [REDACTED]. [REDACTED] said that he would have to check his records but his foreman [REDACTED] would know if [REDACTED] had ever worked for the company. Refer to Investigator Dunn's report for further details.

On 10/19/07 at about 1315 hrs, I made a wants check through Dispatch on the Mossberg shotgun that had been recovered at the marijuana grow. I also had Dispatch run [REDACTED] to see if he had any firearms registered to him. The shotgun returned with no information and [REDACTED] had no firearms registered to him. The information obtained through Dispatch was attached to this case.

At about 1350 hrs, I met with Investigator Dunn in his office. While I was meeting with Investigator Dunn, [REDACTED] telephoned him on his cellular phone. [REDACTED] told Investigator Dunn that he would be able to meet with him.

At about 1420 hrs, Investigator Dunn and I met with [REDACTED] outside of the Sheriff's Office. [REDACTED] said that he did not know [REDACTED] and Investigator Dunn showed [REDACTED] a photograph of [REDACTED] and [REDACTED] said that he did not know him. Refer to Investigator Dunn's report for further details.

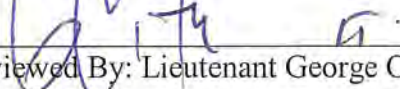
On 10/31/07 at about 0830 hrs, the following CRT team members, Sergeant Hanson, Investigator Hislop, Investigator Cox and ET [REDACTED] met in CID. We discussed this case and concluded that when Deputy Todd Fulton shot and killed [REDACTED] he did so in self defense. Investigator Dunn was not present but I had discussed this case with Investigator Dunn at an earlier time and he felt the same as the above listed investigators.

This case will be submitted to the District Attorney's Office for review. No criminal charges have been requested on behalf of the CIRT team.

All CD statements were placed into evidence at the Sheriff's Office. If any further information is developed in regards to this case, a supplemental report will be generated.

Disposition: No further information.


Prepared By: Detective Rich Schlesiger #0931


Reviewed By: Lieutenant George Cavinta

