

On 5-6-2014 at around 1507 hours, I was in the Criminal Investigations Division office at the Humboldt County Sheriff's Office main office in Eureka when I heard via the Sheriff's Office radio that shots were fired. I checked the call for service computer screen, finding the incident was taking place at [REDACTED] Kelly Road in Shelter Cove. I checked the call screen, hereinafter referred to as CAD and found that HCSO units X-5 and Q-31 were on scene at [REDACTED] Kelly Road. I know that X-5 is Sgt. Kenneth Swithenbank and Q-31 is Deputy Bang Cao who are both assigned to the southern Humboldt beat area. Upon researching the CAD screen, I found that Sgt. Swithenbank and Deputy Cao were attempting the service of a domestic violence move out order (CP140224) to [REDACTED] for the Sheriff's Office Civil Division.

Listening to the radio and monitoring the CAD screen I learned that Deputy Cao had been shot and both Sgt. Swithenbank and Deputy Cao had been able to retreat from the immediate area. I learned that medical aid was in route to tend to Deputy Cao's gunshot wound which was originally reported to be a graze wound to the head, then was changed to a gunshot to the chest.

I was contacted by Detective Sergeant D. Freese who told me that I was going to be the lead investigator in the Critical Incident Response Team Investigation. Investigator T. Fulton was tasked to be my second. At 1627 hours, a briefing was held at the C.I.D. conference room for members of the C.I.R.T. response. Present during the meeting were Eureka Police Department Detective R. Harpham, Detective J. Gordon, HCDA's Office Investigators M. Kirkpatrick, J. Bernstein, HCSO Sgt. D. Freese, Lt. W. Hanson, Investigator T. Fulton and me. I tasked Investigator Fulton and Detective Harpham with meeting Deputy Cao who was now being transported via helicopter to St. Joseph's Hospital in Eureka. Investigator Fulton and Detective Harpham were instructed to obtain a public safety statement if not already obtained, photograph Deputy Cao and obtain a legal blood draw, and collect his uniform and equipment.

I tasked Investigator Kirkpatrick and Detective Gordon with going to the command post which was set up by the incident location in Shelter Cove and obtain a public safety statement if not already obtained. Photograph, collect Deputy Cao's uniform and equipment, and obtain a legal blood draw.

I tasked Investigator Bernstein with obtaining a search warrant for the property at [REDACTED] Kelly Road and obtaining a Ramey warrant for the [REDACTED] who was reported to be [REDACTED] [REDACTED] Sgt. Freese remained at the office to facilitate any needs of the team. I also headed to the command post in Shelter Cove which was set up at the intersection of Toth Road at Seneca Court.

I arrived at the command post at 1903 hours, where I found Investigator Kirkpatrick and Detective Gordon with Sgt. Swithenbank and his union representative Sgt. E. Stewart. I noticed that Sgt. Swithenbank's marked Sheriff's Office Ford Expedition was parked in front of the command van on Toth Road facing Seneca Court. The vehicle's front windows were rolled down. Sgt. Swithenbank asked if he was going to be allowed to drive his vehicle home. I advised Sgt. Swithenbank that the vehicle was going to be secured by me and towed for evidence as I was advised Deputy Cao's ballistic vest he was wearing at the time was in the vehicle. I was also advised by Sgt. Swithenbank that he and Deputy Cao drove the vehicle from [REDACTED] Kelly Road to its current location. I rolled up the windows and placed evidence tape on the doors and hood. The vehicle was later towed to the HCSO basement by Brown's Towing.

Investigator Kirkpatrick and Detective Gordon followed Sgt. Swithenbank, who was driven by Sgt. Stewart to Gerald Phelps Hospital for a legal blood draw. Investigator Kirkpatrick and Detective Gordon then obtained photographs and collected Sgt. Swithenbank's clothing and gear.

While at the command post, I observed HCSO and Mendocino County SWAT units deploy towards [REDACTED] Kelly Road. I overheard via radio that SWAT units had established a perimeter around the [REDACTED] Kelly Road property.

At about 2050 hours, I received a phone call from Sgt. Freese advising me that a Ramey warrant was issued for [REDACTED] by the Honorable Judge Watson at 2045 hours for 2 million dollars. Sgt. Freese advised me that Judge Watson also signed a search warrant for the property at [REDACTED] Kelly Road at the same time. I informed Sgt. B. Quenell who was manning the command van of the signed warrants.

At 2206 hours, Brown's Towing driver [REDACTED] arrived on scene to tow Sgt. Swithenbank's patrol vehicle. Based on the positioning of the patrol vehicle, I had to cut the tape on the driver's side door and back the vehicle up so the driver could place the vehicle on a dolly for retrieval. I re-secured the door with evidence tape and marked the tape with my initials and date. I instructed the driver he was not allowed to enter the vehicle as it was evidence. At 2228 hours, I left the scene and headed towards my residence for the night.

At around 2345 hours, I spoke with Investigator Fulton who told me that Deputy Cao had been shot one time in the right chest area. Deputy Cao had 3 stitches under his right nipple and bruising from where the bullet had struck Deputy Cao's ballistic vest.

I was informed by Detective Harpham on the morning of Wednesday 5-7-2014 that he observed where the bullet had entered Deputy Cao's uniform shirt, right chest pocket, penetrating a pocket calendar that was inside the right chest pocket.

On 5-7-2014 at around 0325 hours, I received a phone call from HCSO Lt. W. Hanson who advised me that [REDACTED] had been taken into custody by SWAT units on the back side of the property at [REDACTED] Kelly Road. Lt. Hanson advised me that [REDACTED] had been located with a loaded 10 mm Glock pistol in a shoulder holster. Lt. Hanson advised me I needed to respond to the office to attempt an interview with [REDACTED] at around 0500 hours. I was notified by Lt. Hanson that Detective Harpham would be responding to assist with the interview. Lt. Hanson told me that patrol units were transporting [REDACTED] to St. Joseph's Hospital for a legal blood draw then to the CID office. At 0547 hours, Corporal D. Henderson and his trainee, Deputy Philippine arrived at the office with [REDACTED] in double-locked handcuffs.

I activated the audio/video recorder in the CID interview room and had [REDACTED] brought into the CID interview room by Corporal Henderson. The following is a summary of [REDACTED] statement> Refer to DVD's for verbatim conversation. The video begins with [REDACTED] and Corporal Henderson talking. Corporal Henderson tells [REDACTED] that they were respectful to him. [REDACTED] says "this has been coming for a long time." Detective Harpham enter the interview room and introduced himself to [REDACTED]. Detective Harpham removed the handcuffs from [REDACTED] when I entered the room. I asked [REDACTED] if he was treated alright by the transporting deputies, he said he was. Detective Harpham advised [REDACTED] that he has been detained, maybe arrested as Harpham did not know that yet. Harpham did tell [REDACTED] he was not free to leave. [REDACTED] began saying he was hesitant to talk to us, then said he wanted to cooperate with police. [REDACTED] said he told Sgt. Swithenbank 7 years ago that he wanted to join the police, then Swithenbank set him up. [REDACTED] said that was what he was really doing here, meaning the HCSO Office, as far as he was concerned. [REDACTED] said there were some dirty cops down there and if we didn't clean it up, more shit was going to happen. [REDACTED] said the cops were killing people, sometimes getting rid of people. [REDACTED] said a cop stole marijuana from his greenhouse packing a gun a few years ago. [REDACTED] then said "it's time to throw down." [REDACTED] said he wrote the District Attorney a while ago saying "let's throw down mother fucker, I'm off probation in 3 days, no fuckin' violations." [REDACTED] went on about how he had been extorted and witnesses lied on the stand. [REDACTED] then said they "sent this little fuckin' chink out there today and he opened up, he just fuckin' opened on my ass!" [REDACTED] made the motion of a pistol being pointed. (It should be noted that Deputy Cao is of Asian American heritage.) [REDACTED] said he didn't want to say too much more, he wanted to see an attorney. [REDACTED] apologized for getting mad saying there was a lot of years of stem as he has been "fucked around" by the police. [REDACTED] then went on about D.A. Gallegos leaving because he couldn't get a handle on the corruption and alluded to marijuana. [REDACTED] blamed D.A. Gallegos for not dealing with his case properly. [REDACTED] spoke about his plans to leave the country. [REDACTED] told Harpham and me about the strobe light outside his window and his problems in his family right now say they had some major problems.

Detective Harpham read [REDACTED] the Miranda admonishment from his department issued card at 7 minutes and 9 seconds on the DVD's clock. Detective Harpham advised [REDACTED] that we needed to collect his clothing and photograph him. I had a jumpsuit and sandals ready for [REDACTED] in the room. [REDACTED] was wearing a blue pair of pants, grey short sleeve one piece top/bottom underwear with a black pair of boxer type shorts underneath. [REDACTED] was also wearing black socks and black shoes. Detective Harpham collected a black leather shoulder holster with two semi-auto pistol magazine pouches. Upon initially entering the interview room, [REDACTED] was also wearing a light colored short sleeve button up shirt with a blue or black jacket down at his handcuffs which Harpham allowed [REDACTED] to take off when his handcuffs were removed. Detective Harpham collected each item of clothing placing them in paper evidence bags. I photographed all of the clothing items as well as [REDACTED] person. The evidence was later placed in the HCSO drying evidence room and secured by Detective Harpham with Evidence clerk [REDACTED] present.

While the clothing was being collected, Detective Harpham advised [REDACTED] about the gunshot residue kit, then asked [REDACTED] if he had fired any guns in the last day or two. [REDACTED] said "uh yea I shot at that cop, I shot right at his ass." [REDACTED] then said "that mother fucker drew down on my ass, he pulled out his gun and fuckin' started shooting at me for no fuckin' reason." Based on [REDACTED] admission of firing at law enforcement, the G.S.R. test was not performed.

Detective Harpham spoke to [REDACTED] about how he was happy that [REDACTED] had turned himself in. [REDACTED] said he would have turned himself in earlier but was afraid of getting shot, that was why he snuck up on them. At around this time Detective Harpham was placing the shoulder holster in an evidence bag. Detective Harpham asked [REDACTED] what type of gun he carried in the holster. [REDACTED] said a Glock Model 20, 10mm. Detective Harpham asked [REDACTED] if that was the gun [REDACTED] shot the Deputy with. [REDACTED] asked if the Deputy got hit. Harpham said the Deputy was hit but was ok. [REDACTED] made a sigh of relief as he lowered his head. [REDACTED] said "I'm not worried about shit anymore, he's gonna be fine...alright!" [REDACTED] then said "the rest is all small fuckin' potatoes" [REDACTED] then said "maybe something will happen good here, maybe I'll get some resolve, maybe I can take Cao out and buy him some dinner, fuck!" I asked [REDACTED] take who out? [REDACTED] said "that Chink who came over and tried to shoot me, his names Cao." Detective Harpham said you know him. [REDACTED] said he knew Cao from the jail. [REDACTED] said Cao was a psycho. [REDACTED] said Cao was untrained. I asked [REDACTED] why he would say that. [REDACTED] said Deputy Cao pulled out his gun and started shooting at [REDACTED] while he was telling Cao to get out of his yard. [REDACTED] said he didn't have a gun or nothing. Detective Harpham asked [REDACTED] if he had the shoulder holster on at the time. [REDACTED] said "hell no, he started shooting at me, I dove into the fuckin' room. [REDACTED] said the window exploded and he thought Cao was trying to kill him, so [REDACTED] returned fire. Detective Harpham asked [REDACTED] how many rounds

he thought Deputy Cao fired. [REDACTED] said 4 or 5 in quick order. [REDACTED] said he thinks Deputy Cao may have emptied his clip, saying that was a bit excessive.

[REDACTED] told us he wrote letters to [REDACTED] about how plea deals being extorted from him. [REDACTED] went on about how he was unfairly prosecuted about a case where he was tried for shooting the "E" repeater tower which is next door to his home. [REDACTED] said a couple of days after sending a letter to [REDACTED] a couple of cops showed up, stating a week ago. [REDACTED] said he had them on camera. Detective Harpham asked [REDACTED] if there was surveillance of the incident with Deputy Cao, he said no.

Detective Harpham asked [REDACTED] who owned the home at [REDACTED] Kelly Road. [REDACTED] said he and Karen, the mother of his child and the granddad owned the home. Harpham asked [REDACTED] if he had been served any eviction papers, [REDACTED] said no. Detective Harpham asked [REDACTED] if he knew why Deputy Cao and Sgt. Swithenbank were at his house on May 6th. Detective Harpham then said you didn't know Swithenbank was there did you, [REDACTED] said no. [REDACTED] then said, Swithenbank was with Cao, when they came to the house? [REDACTED] then said "Oooh that's kinky, I wonder why he didn't come around back." Detective Harpham asked [REDACTED] if he didn't get along with Swithenbank. [REDACTED] expressed how he wanted Swithenbank's job and wanted to sue him for millions of dollars, and wanted him in jail. [REDACTED] referred to a case with [REDACTED] who is allegedly related to Swithenbank. [REDACTED] gave a statement about the case where Swithenbank "dedacted" information from the report. Detective Harpham asked [REDACTED] about drug and alcohol use. [REDACTED] said he smokes marijuana all day, every day, but he doesn't get stoned like Harpham would. [REDACTED] said he doesn't drink alcohol or use drugs.

Detective Harpham asked before Cao started shooting at [REDACTED] did he tell [REDACTED] why. [REDACTED] said Deputy Cao told him come out of the house. [REDACTED] said "Fuck you, get out of my yard!" [REDACTED] said that was when Deputy Cao started shooting at him. [REDACTED] said he heard a bang, bang, bang type of knocking. [REDACTED] went to the area he refers to as the laundry room area where he looked out and saw Deputy Cao outside. [REDACTED] said that was weird. [REDACTED] walked around through the house to the sliding glass door and opened it which leads out to an elevated deck. [REDACTED] said something like what the fuck do you want, but was not exactly sure what he said. Deputy Cao told [REDACTED] get out of the house. [REDACTED] said fuck you I'm not coming out of my house. [REDACTED] said Deputy Cao pulled out his gun. [REDACTED] said he did tell Deputy Cao in a forceful way to "get the fuck out of my yard, don't ever come back."

Detective Harpham asked [REDACTED] if he was on the porch when Deputy Cao fired at him. [REDACTED] said he was in the doorway of the sliding glass door. [REDACTED] said he was pretty sure Cao's gun was a 45 as he looked right down the barrel. Detective Harpham asked [REDACTED] if he was unarmed and had to retreat to get a weapon, [REDACTED] said yea. [REDACTED] said he dove into the room. Detective Harpham asked [REDACTED] if he believed it would be wrong to shoot another

human being for no reason, [REDACTED] said yes. Harpham asked [REDACTED] if he knew he hit Deputy Cao. [REDACTED] said no. [REDACTED] said Cao sprayed rounds at him. [REDACTED] then said he leaned out and fired back at Deputy Cao while looking right down Cao's gun. [REDACTED] said Cao was about 30 feet away. Detective Harpham asked [REDACTED] if he heard anyone else shooting, he said no.

Detective Harpham spoke to [REDACTED] for over 4 hours with beverages and bathroom breaks offered and given to [REDACTED]. [REDACTED] insisted that Deputy Cao had come onto his property where [REDACTED] and Cao engaged in the aforementioned verbal exchange. [REDACTED] insisted that without provocation, Deputy Cao drew his pistol, took a two hand grip and fired at [REDACTED] for no reason. [REDACTED] said only after he was fired on first, did he retreat into his bedroom through the sliding glass door and retrieve his 10mm Glock pistol, and returned fire at Deputy Cao, firing numerous rounds at him. [REDACTED] said he likely emptied his guns magazine, which was loaded with 8 rounds. [REDACTED] said after the exchange of gunfire, [REDACTED] ran from his home towards Paradise Ridge.

Detective Harpham and I both obtained an admission from [REDACTED] that he was scared that because of the letters he had written about corruption, Sgt. Swithenbank being a "dirt cop," and being set up twice before that he believed Deputy Cao may have been sent to do him harm. Harpham and I both explained to [REDACTED] that if he believed that he was rightfully in fear for his life, there was no harm in admitting he did have the pistol in his possession while he was standing on the elevated porch. [REDACTED] maintained that he was not armed when Deputy Cao began firing at him, and only obtained his gun after he retreated back into his bedroom.

I confirmed with [REDACTED] that Deputy Cao was dressed in full uniform indicating he was a Deputy Sheriff and that [REDACTED] did indeed know that Cao was a legitimate Deputy Sheriff. [REDACTED] maintained that he did not know that Sgt. Swithenbank was on scene at his property during the incident. [REDACTED] maintained his belief that he was the victim in this matter and was shot at unprovoked by Deputy Cao.

Based on the signed Ramey warrant, Detective Harpham and my belief that [REDACTED] was not being truthful about being shot at for no reason, and his admission that he did fire a pistol, striking Detective Cao, we had probable cause to arrest [REDACTED] for P.C.664/187 and P.C.12022.53(c). I booked [REDACTED] into the HCCF for the above listed charges.

On 5-08-2014 at about 1010 hours, I was provided with HCSO report 201401808 written by Deputy C. Moore. Deputy Moore wrote about how on 4-21-2014 at 1156 hours, he and Corporal J. McCall went to [REDACTED] Kelly Road in Shelter Cove to serve the same domestic violence move out order that Sgt. Swithenbank and Deputy Cao were attempting to serve on 5-6-2014. Deputy Moore cited that [REDACTED] was on felony probation (C1006629BP3 and CR093529SP).

[REDACTED] [REDACTED]

CHECK IN LIST



2. DATE

5-6-14

3. INCIDENT NUMBER


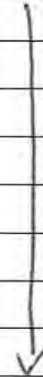
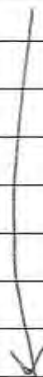





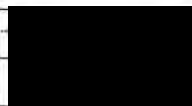



201402046

4. CHECK IN LOCATION

Willow Glen @ Toth

T CARD	NAME (PERSONNEL) -OR- DESCRIPTION (EQUIPMENT)	AGENCY/TEAM	TIMES			ADDITIONAL INFORMATION
			WHEN MADE	TIME IN	TIME OUT	
	Sgt. Bryan Querrell	E1 - Sweet	16:35			
	Sgt. Kevin Miller	E2 - (2)		0500		
	Dep. Anthony Gomes	E5 - (1)				
	Dep. James Moorey	E8 - (1)				
	Dep. Joe Jager	E9 - (1)		0710		
	Dep. Blake Massaro	E12 - (2)				
	Dep. Sgt. Kerry Ireland	E13 - (1)				
	Dep. J.D. Braud	E45 - (2)				
	Officer Stigora Sepanga	E-81 E.P.d (2)		0518		
	Officer Travis Braud	E57 E.P.d (1)				
	Officer Orney	E74 R.P.d (2)		0518		
	Dep. Kyle Holt	E6 - HESO				
	Dep. Kyle Holt	E6 - HESO sweet (1)				
	Dep. Jamie Barney	E3 - HESO sweet (2)		0500		
	Sheriff Rooney / as. Horsa		18:30	22:00		
	Lt. Dave Morey	A9 HESO	16:32	21:50		
	Lt. Kym Thompson	A5 HESO	16:32	21:50		
	Sgt. Swithenbank	X5 HESO		19:59		Cleared scene w/ Sgt. Stewart
	Sgt. E. Stewart	X3 HESO		19:59		Cleared scene w/ Sgt. Swithenbank
	Dep. J. Akana	C12 HESO		21:52		
	Dep. J. Oliveira	2202 HESO		21:52		
		DOT	18:45	22:00		

CHECK IN LIST	1. INCIDENT NAME	2. DATE 5-6-14	3. INCIDENT NUMBER 201402046	4. CHECK IN LOCATION CP Willow Glen @ Toth
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T CARD	NAME (PERSONNEL) -OR- DESCRIPTION (EQUIPMENT)	AGENCY/TEAM	TIMES			ADDITIONAL INFORMATION
			TIME IN	TIME OUT	HOURS	
	Gordon, John Det.	EPd (CERT)	19:00	19:59		CERT team w/ Kirk Patrick
	Sgt. J. Caudillo	EPd mendo s/o sicut	19:00	0447		
	Sgt. J. Comer					
	Sgt. D. Lorenzo					
	Dep C. Wyant					
	Dep. Denton					
	Sgt. Anderson					
	Dep. Lima					
	Dep. Elmore					
						
	Capt. Van Patton	mendo s/o	19:30	2237		
	Brad Gill 18K1	u.s. Marshall		21:12		
	Craft 10n81			21:12		
	Bergstresser 10n82			21:12		
	Dunn 10n88			21:12		
	Soeth 572	Fortuna Pd		21:29		
	Wells 3112	Fish & wildlife		21:29		
		State Parks				
		State Parks				
		Mental Health		21:52		
		mental Health		21:52		
	Hobbs - Battalion 1211	Cal-Fire LEO	21:36			outer perimeter Willow Glen @ pepperwood

ICS 211B BASARC 3/98	PAGE _____ OF _____	5. PREPARED BY (RESOURCE UNIT)
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INSTRUCTIONS TO THE SHERIFF OF THE COUNTY OF HUMBOLDT

The Sheriff's Department MUST have written and signed instructions by the Plaintiff representing him/herself or the attorney of record in accordance with CCP 262.

CASE # CP140224

COPY

TYPE OF SERVICE REQUESTED:

- Application & Order to Produce Statement of Assets
- Bank Levy
- Civil Bench Warrant
- Civil Subpoena
- Criminal Subpoena
- Eviction
- Keeper
- Notice of Motion
- Notice to Quit
- Other

- Order to Show Cause
- Request for Order
- Small Claims
- Summons & Complaint
- Summons & Complaint Unlawful Detainer
- Summons & Petition
- Temporary Restraining Order
- Third Party Levy
- Till Tap
- Miscellaneous

Plaintiff: [Redacted]

vs Defendant/Respondent/Assignment Creator: [Redacted]

Person to be Served

Name: [Redacted]

Address: [Redacted] Kelly Rd. (Shelter Cove) City: Ukiah State: Ca Zip: 95589

Business Address: [Redacted] Name of Business: _____ City: _____ State: _____ Zip: _____

Person to be served is currently incarcerated in the Humboldt County Correctional Facility- 825 5th St., Eureka, CA
Any additional information (i.e. weapons? Dogs? Locked gates? Telephone number):
yes 1 friendly dog yes-front will be locked
you can leave the dog with [Redacted]

Your contact information in case of questions/permission to serve

[Redacted Contact Information]

RECEIVED
COUNTY OF HUMBOLDT
SHERIFF'S OFFICE
2014 MAY -5 PM 2:26

ATTORNEY OR PARTY WITHOUT ATTORNEY [REDACTED]		TELEPHONE NO: [REDACTED]	FOR COURT USE ONLY
NAME AND ADDRESS OF COURT: Humboldt Superior Court 825 Fifth Street Eureka, CA 95501			COPY
[REDACTED]			
ATTEMPTED (Proof of Service)	Date: 5/5/2014	Time: 1:30 PM	Case Number: CP140224

- I received the following papers on 4/18/2014:
TRO Domestic Violence
- After due search, careful inquiry and diligent attempts at the dwelling, house or usual place of abode and/or business, I have been unable to make personal delivery of said process on the following person(s) herein named, to wit:
[REDACTED]
- Declaration of Reasonable Diligence. Service attempts as follows:
 - on (date): 5/1/2014
 - at (time): 11:30 AM
[REDACTED] Kelly Rd.
Whitethorn, CA 95589
- Remarks: Not served - No contact & Past date.

Attempts: 4/27/14 @ 1245 hrs
- Person serving (name, address and telephone number):
SGT. K. SWITHEBANK
MICHAEL T. DOWNEY, SHERIFF
Humboldt County
Civil Division
826 Fourth Street
Eureka, CA 95501
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- I am a California sheriff, marshal, or constable and I certify that the foregoing is true and correct.

COPY

COPY

Date: May 2, 2014
File Number: 14000732
File: CA_Humboldt_POS_Attemptservice.Dot

(SHERIFF'S AUTHORIZED AGENT)

ATTEMPTED SERVICE
(Proof of Service)

Humboldt County Sheriff Office
TRIP TICKET

04/18/2014

Papers: TRO Domestic Violence

File No: 14000732
Court No: CP140224

Court: Humboldt Superior Court
Serve On/Before: 04/30/2014 Sub-serve On/Before:

Court Date: 5/5/14 Date Entered: 04/18/2014
Fee: Waived By:

Service On
[Redacted]

Special Instructions
 *****MOVE OUT ORDER GRANTED FOR [Redacted] KELLY RD. -
 WHITETHORN*****

[Redacted]

Attempts					
Date	4-27-14				
Time	1245				
Pin #	1039				

Date 5-1-14 Time 1130 PIN # 0752

Served: _____
Type: <input type="checkbox"/> Personal <input type="checkbox"/> Posted <input type="checkbox"/> Subservd <input type="checkbox"/> Evicted
Title: _____ Warrant <input type="checkbox"/> Arrested <input type="checkbox"/> Bailed
Location: <input type="checkbox"/> Address on ticket <input type="checkbox"/> In our office
<input type="checkbox"/> Other <input type="checkbox"/> Business <input type="checkbox"/> Faxed
Reason: <input type="checkbox"/> Moved <input type="checkbox"/> Recalled
<input checked="" type="checkbox"/> No Contact <input type="checkbox"/> No such address <input checked="" type="checkbox"/> Past Date
<input type="checkbox"/> Other _____

Deputy Signature _____

COPY

Refer to D- # 201401808

RECEIVED
 APR 21 2014
 HUMBOLDT COUNTY SHERIFF'S
 CARBERVERVILLE STATION

INSTRUCTIONS TO THE SHERIFF OF THE COUNTY OF HUMBOLDT

The Sheriff's Department MUST have written and signed instructions by the Plaintiff representing him/herself or the attorney of record in accordance with CCP 262.

CASE # CP140224

TYPE OF SERVICE REQUESTED:

COPY

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- Request for Order
- Small Claims
- Summons & Complaint
- Summons & Complaint Unlawful Detainer
- Summons & Petition
- Temporary Restraining Order
- Third Party Levy
- Till Tap
- Miscellaneous

[Redacted]

[Redacted]

Plaintiff/Petitioner/Judgment Creditor

vs

Defendant

Name: [Redacted]

Address: [Redacted] Kelly Rd. City: Whithorn (Shelton Cove) State: CA Zip: 95589

Business Address: _____

Name of Business: _____ City: _____ State _____ Zip _____

Person to be served is currently incarcerated in the Humboldt County Correctional Facility- 825 5th St., Eureka, CA

Any additional information (i.e. weapons? Dogs? Locked gates? Telephone number:)

[Redacted]

In tree house most likely. out BACK

Your contact information in case of questions/permission to serve

[Redacted]

RECEIVED
COUNTY OF HUMBOLDT
SHERIFF'S OFFICE
2014 APR 18 PM 12:20

Clerk stamps date here when form is filed.

KW FILED

MAY 05 2014

SUPERIOR COURT OF CALIFORNIA COUNTY OF HUMBOLDT

Name of Person Asking for Protection:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

Fill in court name and street address:

Superior Court of California, County of Humboldt 825 Fifth Street Eureka, CA 95501

2 Name of Person to Be Restrained:

Fill in case number:

Case Number: CP140224

(Court will fill out all sections below.)

3 Reason for New Hearing Date

The hearing currently scheduled for (date): 5-5-2014 is reset to the date in 4 below because:

- a. [X] The person in 2 was not served before the current hearing date.
b. [] The parties were referred to Family Court Services.
c. [] The person in 2 asked for time to hire a lawyer or prepare a response.
d. [] Other (specify):

4 Order for Continuance and Notice of New Hearing

The Notice of Court Hearing (Form DV-109) is reset for hearing as follows:

Form box containing 'New Hearing Date' icon, date (6-2-14), time (1:30pm), dept (Six), room, and name and address of court if different from above.

This is a Court Order.

5 Temporary Restraining Order (Reissue and/or Continue)

- a. No temporary restraining orders were issued in this case.
- b. The request to keep temporary restraining orders in effect until the new hearing date is:
- (1) **GRANTED.** There are no changes to the Temporary Restraining Order except for the expiration date. Any orders listed on the *Temporary Restraining Order* (Form DV-110), issued on (date): 4-18-2014, remain in effect until the end of the hearing in **4**.
- (2) **GRANTED AS MODIFIED.** The Temporary Restraining Order is modified. See the attached modified order. Any orders on the attached form remain in effect until the end of the hearing in **4**.
- c. The request to keep temporary restraining orders in effect is **DENIED** until the hearing.
Reason for denial:

Warning and Notice to the Person in 2

If **5 b** is checked, you must continue to obey the Temporary Restraining Order until it expires at the end of the hearing scheduled in **4**.

6 Service of Order

- a. No further service of this Order is required because both parties were present at the hearing when the new hearing date was ordered.
- b. A copy of this Order must be served on the person in **2** at least 5 days before the hearing, along with all other forms that were filed with the court requesting domestic violence restraining orders and a hearing date. All forms must be personally served unless otherwise specified in **6 c**. If item **5 b** is checked, a copy of the Temporary Restraining Order **must** also be served. If item **5 c** is checked, a copy of the Temporary Restraining Order **must not** be attached or served.
- See Form DV-109, *Notice of Court Hearing*, item **5**, for a list of all documents that must be personally served with this Order.
- c. Other (specify): _____

This is a Court Order.

**Notice of New Hearing and
Order on Reissuance (CLETS-TRO)
(Domestic Violence Prevention)**



No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

Date: 5-5-2014 _____

CHRISTOPHER G. WILSON

Judicial Officer



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office or go to <http://www.courts.ca.gov/forms.htm> for *Request for Accommodations by Persons with Disabilities and Response* (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
[seal]

I certify that this *Notice of New Hearing and Order on Reissuance (CLETS-TRO)* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

DV-115**Request to Continue Court Hearing and Reissue Temporary Restraining Order**

Use this form to change the hearing date listed on Form DV-109, *Notice of Court Hearing*. (Read DV-115-INFO, How to Ask for a New Hearing Date for more information).

Clerk stamps date here when form is filed.
 FILED
 MAY 05 2014
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF HUMBOLDT

1 Name of Person Asking for Protection:

[Redacted]

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail):

[Redacted]

E-Mail Address: _____

Fill in court name and street address:

Superior Court of California, County of Humboldt
 825 Fifth Street
 Eureka, CA 95501

Fill in case number:

Case Number:
 CP140224

2 Name of Person to Be Restrained:

[Redacted]

Mailing Address (if known) _____ Kelly Road _____

City: Whitethorn _____ State: CA _____ Zip: 95589 _____

3 Request to Continue Hearing and Reissue Temporary Restraining Order

- a. The hearing date is (date): 5-5-2014 _____
- b. The *Notice of Court Hearing* (Form DV-109) and any temporary restraining orders have been reissued 0 times.
- c. I ask the judge to continue the *Notice of Court Hearing* (Form DV-109) and reissue any temporary restraining orders granted on *Temporary Restraining Order* (Form DV-110) because:
 - 1. I could not get the papers served before the hearing date.
 - 2. Other (specify): _____

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 5-5-2014

[Redacted Signature]

[Redacted Signature]

Date: _____

 Lawyer's name, if you have one

 Lawyer's signature

This is a not a Court Order.

Clerk stamps date here when form is filed.

FILED
APR 18 2014
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 Name of Person Asking for Order:

[Redacted Name]

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.): temporarily

[Redacted Address]

Fill in court name and street address:

Superior Court of California, County of Humboldt
825 Fifth Street
Eureka, CA 95501

Clerk fills in case number when form is filed.

Case Number: CP140224

2 Name of Person to Be Restrained:

[Redacted Name]

The court will fill out the rest of this form.

3 Notice of Court Hearing

A court hearing is scheduled on the request for restraining orders against the person in 2.

Hearing Date: 5-5-14 Time: 1:30 pm Name and address of court if different from above:
Dept.: 6 Room:

4 Temporary Restraining Orders (any orders granted are attached on Form DV-110)

- a. Temporary restraining orders for personal conduct, stay away, and protection of animals, as requested in Form DV-100, Request for Domestic Violence Restraining Order, are:
(1) [X] All granted until the court hearing
(2) [] All denied until the court hearing (specify reasons for denial in (b)):
(3) [] Partly granted and partly denied until the court hearing (specify reasons for denial in (b)):
b. Requested temporary restraining orders for personal conduct, stay away, and protection of animals are denied because:
(1) [] The facts as stated in form DV-100 do not show reasonable proof of a past act or acts of abuse. (Family Code, §§ 6320 and 6320.5)
(2) [] The facts do not describe in sufficient detail the most recent incidents of abuse, such as what happened, the dates, who did what to whom, or any injuries or history of abuse.
(3) [] Further explanation of reason for denial, or reason not listed above:

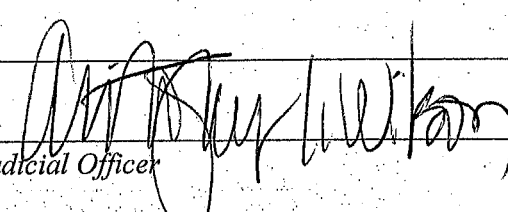
This is a Court Order.

Notice of Court Hearing
(Domestic Violence Prevention)

5) Service of Documents and Time for Service—for Person in ①

At least five or _____ days before the hearing, someone age 18 or older—not you or anyone else to be protected—must personally give (serve) a court's file-stamped copy of this form (DV-109, *Notice of Court Hearing*) to the person in ② along with a copy of all the forms indicated below:

- a. Form DV-100, *Request for Domestic Violence Restraining Order*, (file-stamped) with applicable attachments
- b. Form DV-110, *Temporary Restraining Order* (file-stamped) with applicable attachments **if granted by the judge**
- c. Form DV-120, *Response to Request for Domestic Violence Restraining Order* (blank form)
- d. Form DV-250, *Proof of Service by Mail* (blank form)
- e. Other (specify): _____

Date: 4/17/14


Judicial Officer
Right to Cancel Hearing: Information for the Person in ①

- If item ④ (a)(2) or ④ (a)(3) is checked, the judge has denied some or all of the temporary orders you requested until the court hearing. The judge may make the orders you want after the court hearing. You can keep the hearing date, or you can cancel your request for orders so there is no court hearing.
- If you want to cancel the hearing, use Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order*. Fill it out and file it with the court as soon as possible. You may file a new request for orders, on the same or different facts, at a later time.
- If you cancel the hearing, do not serve the documents listed in item ⑤ on the other person. If you want to keep the hearing date, you must have all of the documents listed in item ⑤ served on the other person within the time listed in item ⑤.
- At the hearing, the judge will consider whether denial of any requested orders will jeopardize your safety and the safety of children for whom you are requesting custody or visitation.
- You must come to the hearing if you want the judge to make restraining orders or continue any orders already made. If you cancel the hearing or do not come to the hearing, any restraining orders made on Form DV-110 will end on the date of the hearing.

To the Person in ①

- The court cannot make the restraining orders after the court hearing unless the person in ② has been personally given (served) a copy of your request and any temporary orders. To show that the person in ② has been served, the person who served the forms must fill out a proof of service form. Form DV-200, *Proof of Personal Service* may be used.
- For information about service, read Form DV-210-INFO, *What Is "Proof of Personal Service"?*
- If you are unable to serve the person in ② in time, you may ask for more time to serve the documents. Read Form DV-115-INFO, *How to Ask for a New Hearing Date*.

This is a Court Order.

To the Person in 2

- If you want to respond in writing, mail a copy of your completed Form DV-120, *Response to Request for Domestic Violence Restraining Order*, to the person in 1 and file it with the court. You cannot mail Form DV-120 yourself. Someone age 18 or older—not you—must do it.
- To show that the person in 1 has been served by mail, the person who mailed the forms must fill out a proof of service form. Form DV-250, *Proof of Service by Mail*, may be used. File the completed form with the court before the hearing and bring it with you to the hearing.
- For information about responding to a restraining order and filing your answer, read Form DV-120-INFO, *How Can I Respond to a Request for Domestic Violence Restraining Order?*
- Whether or not you respond in writing, go to the court hearing if you want the judge to hear from you before making orders. You may tell the judge why you agree or disagree with the orders requested. You may bring witnesses and other evidence.
- **At the hearing, the judge may make restraining orders against you that could last up to five years.**
- **The judge may also make other orders about your children, child support, spousal support, money, and property and may order you to turn in or sell any firearms that you own or possess.**



Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for *Request for Accommodations by Persons With Disabilities and Response* (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

Clerk’s Certificate
[seal]

I certify that this *Notice of Court Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

Request for Domestic Violence Restraining Order

You must also complete Form CLETS-001, Confidential CLETS Information and give it to the clerk when you file this Request.

Clerk stamps date here when form is filed.

FILED
APR 17 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Fill in court name and street address:

Superior Court of California, County of
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT
825 FIFTH STREET
EUREKA, CALIFORNIA 95501

Clerk fills in case number when form is filed.

Case Number:
CP 140224

1 Name of person asking for protection:

[Redacted] Age [Redacted]

Your lawyer in this case (if you have one):

Name: State Bar No.:

Firm Name:

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.):

[Redacted Address]

2 Name of person you want protection from:

[Redacted Name]

Description of person you want protection from:

Sex: [X] M [] F Height: 6' Weight: 155 Hair Color: Blonde, gray Eye Color: GRAY
Race: white Age: 55 Date of Birth: [Redacted]
Address (if known): [Redacted] Kelly
City: Whitehorn State: Ca Zip: 95589

3 Do you want an order to protect family or household members? [X] Yes [] No

If yes, list them:

Table with columns: Full name, Sex, Age, Lives with you?, Relationship to you. Row 1: [Redacted], [Redacted], [Redacted], [X] Yes [] No, son

[] Check here if you need more space. Attach a sheet of paper and write "DV-100, Protected People" for a title.

4 What is your relationship to the person in (2)? (Check all that apply):

- a. [] We are now married or registered domestic partners.
b. [] We used to be married or registered domestic partners.
c. [X] We live together.
d. [X] We used to live together.
e. [] We are related by blood, marriage, or adoption (specify relationship):
f. [] We are dating or used to date, or we are or used to be engaged to be married.
g. [X] We are the parents together of a child or children under 18:

If you do not have one of these relationships, the court may not be able to consider your request. Read DV-500-INFO for help.

Child's Name: [Redacted]
Child's Name: [Redacted] Date of Birth: [Redacted]
Child's Name: [Redacted] Date of Birth: [Redacted]

[] Check here if you need more space. Attach a sheet of paper and write "DV-100, Children Under 18" for a title.

h. [] We have signed a Voluntary Declaration of Paternity for our child or children. (Attach a copy if you have one).

This is not a Court Order.

5 Other Court Cases

a. Have you or any other person named in item 3 been involved in another court case with the person in 2?
 No Yes *If yes, check each kind of case and indicate where and when each was filed:*

Kind of Case	County or Tribe Where Filed	Year Filed	Case Number (if known)
<input type="checkbox"/> Divorce, Nullity, Legal Separation	_____	_____	_____
<input type="checkbox"/> Civil Harassment	_____	_____	_____
<input type="checkbox"/> Domestic Violence	_____	_____	_____
<input type="checkbox"/> Criminal	_____	_____	_____
<input type="checkbox"/> Juvenile, Dependency, Guardianship	_____	_____	_____
<input type="checkbox"/> Child Support	_____	_____	_____
<input type="checkbox"/> Parentage, Paternity	_____	_____	_____
<input type="checkbox"/> Other (specify): _____	_____	_____	_____
<input type="checkbox"/> Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Court Cases" for a title.			

b. Are there any domestic violence restraining/protective orders now (criminal, juvenile, family)?
 No Yes *If yes, attach a copy if you have one.*

Check the orders you want.

6 Personal Conduct Orders

I ask the court to order the person in 2 not to do the following things to me or anyone listed in 3:

- a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
- b. Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail or e-mail or other electronic means

The person in 2 will be ordered not to take any action to get the addresses or locations of any protected person unless the court finds good cause not to make the order.

7 Stay-Away Order

a. I ask the court to order the person in 2 to stay at least 100 yards away from (check all that apply):

- Me My vehicle
- My home The children's school or child care
- My job or workplace Each person listed in 3
- My school Other (specify): _____

b. If the person listed in 2 is ordered to stay away from all the places listed above, will he or she still be able to get to his or her home, school, job, workplace, school, or vehicle? Yes No *(If no, explain):*

8 Move-Out Order

(If the person in 2 lives with you and you want that person to stay away from your home, you must ask for this move-out order)

I ask the court to order the person in 2 to move out from and not return to (address): _____

I have the right to live at the above address because (explain): _____

This is not a Court Order.



9 Guns or Other Firearms and Ammunition

I believe the person in (2) owns or possesses guns, firearms, or ammunition. Yes No I don't know
If the judge approves the order, the person in (2) will be ordered not to own, possess, purchase or receive a firearm or ammunition. The person will be ordered to sell to a gun dealer or turn in to law enforcement any guns or firearms that he or she owns or possesses.

10 Record Unlawful Communications

I ask for the right to record communications made to me by the person in (2) that violate the judge's orders.

11 Animals: Possession and Stay-Away Order

I ask for the sole possession, care, and control of the animals listed below. I ask the court to order the person in (2) to stay at least 100 yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: 1 dog [redacted]

I ask for the animals to be with me because: He has no home and is not able to care for the dog [redacted]

12 Child Custody and Visitation

a. I do not have a child custody or visitation order and I want one.
b. I have a child custody or visitation order and I want it changed.
If you ask for orders, you must fill out and attach Form DV-105, Request for Child Custody and Visitation Orders.
You and the other parent may tell the court that you want to be legal parents of the children (use Form DV-180, Agreement and Judgment of Parentage).

13 Child Support (Check all that apply):

a. I do not have a child support order and I want one.
b. I have a child support order and I want it changed.
c. I now receive or have applied for [redacted]
If you ask for child support orders, you must fill out and attach Form FL-150, Income and Expense Declaration or Form FL-155, Financial Statement (Simplified).

14 Property Control

I ask the court to give only me temporary use, possession, and control of the property listed here:
[redacted], Whitehorn, CA 95589

15 Debt Payment

I ask the court to order the person in (2) to make these payments while the order is in effect:
 Check here if you need more space. Attach a sheet of paper and write "DV-100, Debt Payment" for a title.
Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

16 Property Restraint

I am married to or have a registered domestic partnership with the person in (2). I ask the judge to order that the person in (2) not borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in (2) to notify me of any new or big expenses and to explain them to the court.

This is not a Court Order.

17 **Spousal Support**

I am married to or have a registered domestic partnership with the person in **2** and no spousal support order exists. I ask the court to order the person in **2** to pay spousal support. *(You must fill out, file, and serve Form FL-150, Income and Expense Declaration, before your hearing).*

18 **Lawyer's Fees and Costs**

I ask that the person in **2** pay some or all of my lawyer's fees and costs.
You must complete, file and serve Form FL-150, Income and Expense Declaration before your hearing.

19 **Payments for Costs and Services**

I ask the court to order the person in **2** to pay the following:
*You can ask for lost earnings or your costs for services caused directly by the person in **2** (damaged property, medical care, counseling, temporary housing, etc.). You must bring proof of these expenses to your hearing.*

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

20 **Batterer Intervention Program**

I ask the court to order the person listed in **2** to go to a 52-week batterer intervention program and show proof of completion to the court.

21 **Other Orders**

What other orders are you asking for? _____

Check here if you need more space. Attach a sheet of paper and write "DV-100, Other Orders" for a title.

22 **Time for Service (Notice)**

*The papers must be personally served on the person in **2** at least five days before the hearing, unless the court orders a shorter time for service. If you want there to be fewer than five days between service and the hearing, explain why below. For help, read Form DV-200-INFO, "What Is Proof of Personal Service?"*

23 **No Fee to Serve (Notify) Restrained Person**

If you want the sheriff or marshal to serve (notify) the restrained person about the orders for free, ask the court clerk what you need to do.

24 **Court Hearing**

The court will schedule a hearing on your request. If the judge does not make the orders effective right away ("temporary restraining orders"), the judge may still make the orders after the hearing. If the judge does not make the orders effective right away, you can ask the court to cancel the hearing. Read Form DV-112, *Waiver of Hearing on Denied Request for Temporary Restraining Order* for more information.

This is not a Court Order.

25 Describe Abuse

Describe how the person in (2) abused you. Abuse means to intentionally or recklessly cause or attempt to cause bodily injury to you; or to place you or another person in reasonable fear of imminent serious bodily injury; or to molest, attack, hit, stalk, threaten, batter, harass, telephone, or contact you; or to disturb your peace; or to destroy your personal property. Abuse can be spoken, written, or physical. (For a complete definition, see Family Code §§ 6203, 6320).

a. Date of most recent abuse: 4-12-2014

b. Who was there? [Redacted]

c. Describe how the person in (2) abused you or your children: throwing dishes and other household items against the wall and kitchen sink. Name calling (me), words such as Bitch, etc. Breaking things owned by my son such as a wireless router, yelling name calling, waking up in the middle of the night, Breaking chairs, lamps, dishes is weekly - on going. Taking property from us also.

Check here if you need more space. Attach a sheet of paper and write "DV-100, Recent Abuse" for a title.

d. Did the person in (2) use or threaten to use a gun or any other weapon? [X] No [] Yes (If yes, describe):

e. Describe any injuries: []

f. Did the police come? [X] No [] Yes

If yes, did they give you or the person in (2) an Emergency Protective Order? [] Yes [] No [] I don't know Attach a copy if you have one.

The order protects [] you or [] the person in (2)

g. Has the person in (2) abused you (or your children) other times?

If yes, [X] check here and use Form DV-101, Description of Abuse or a sheet of paper to describe any previous abuse.

26 Other Persons to Be Protected

The persons listed in item (3) need an order for protection because (describe): threats to beat up or do bodily harm.

27 Number of pages attached to this form, if any: []

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 4-16-2014 [Redacted signature]

Date: _____

Lawyer's name, if you have one

[Redacted signature]

Lawyer's signature

This is not a Court Order.

This form is attached to DV-100, Request for Domestic Violence Restraining Order.

1 Name of person asking for protection: [Redacted]

2 Name of person you want protection from: [Redacted]

3 Describe the 2nd most recent abuse.

a. Date of 2nd most recent abuse: march 2014

b. Who was there? myself and my son.

c. Describe how the person in 2 abused you or your children:

yelling, Breaking dishes etc., putting holes in walls. son was upstairs on a school night. He was awoken but didn't come downstairs. I left and went to the neighbors. Came back in the a.m. to get my son and go to school in school van. Threats to beat up me or kill me if I talk to law enforcement. Threw the kitchen table on its side.

I filed a report with the sheriff's office in 2013 and have talked to the D.A's office 2012, 2013. Reported a stolen handgun taken from my safe by [Redacted]

I have told my "boss" the site supervisor at the Whale Gulch School to call the police if I don't show up.

d. Describe any use or threatened use of guns or other weapons: none ~~at~~ this time

e. Describe any injuries: none.

f. Did the police or other law enforcement come? No Yes
If yes, did they give you or the person in 2 an Emergency Protective Order? Yes No I don't know
The Emergency Protective Order protects You The person in 2
Attach a copy of the Emergency Protective Order if you have one.

4 Describe other recent abuse.

a. Date of other recent abuse: Summer 2013b. Who was there? myself and my son

c. Describe how the person in ② abused you or your children:

came in the back door of the house with an ax in one hand and a loaded Glock pistol in the other. He put holes in the walls with the ax which are ~~walls~~ still there. He waved the hand gun around and made threats toward me. Son woke up but didn't come downstairs. I left the house and returned ~~in~~ at dawn.

d. Describe any use or threatened use of guns or other weapons: see above.e. Describe any injuries: 0f. Did the police or other law enforcement come? No YesIf yes, did they give you or the person in ② an Emergency Protective Order? Yes No I don't knowThe Emergency Protective Order protects You The person in ②

Attach a copy of the Emergency Protective Order if you have one.

5 Describe other abuse against you or your children.

He has pushed me causing bruising.
He has put his hands on my neck several
and tried to briefly choke me.

 Check here if you need more space. Attach a sheet of paper and write "DV-101—Description of Abuse" for a title.

This form is attached to DV-100, Request for Domestic Violence Restraining Order.

Check the orders you want .

1 Your name: [redacted] Mom Dad Other*

2 Other parent's: [redacted] Mom Dad Other*

*If Other, specify relationship to child: _____

3 Child Custody

I ask the court for custody as follows:

Legal Custody to: (Person who makes decisions about health, education, and welfare)

Physical Custody to: (Person you want the child to live with)

Child's Name	Date of Birth	Mom	Dad	Other	Mom	Dad	Other
a. [redacted]	[redacted]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. _____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Check here if you need more space. Attach a sheet of paper and write "DV-105, Child Custody" for a title.

4 Change Current Court Order

I want to change a current child custody or visitation court order.

Case Number (if you have it): _____ County: _____

Explain your current order and why you want a change. _____

Check here if you need more space. Attach a sheet of paper and write "DV-105, Change Current Court Order" for a title.

5 Child's Address

Where has the child in 3(a) lived for the last 5 years? Give each city and state the child has lived unless it is unknown to the other parent and you want to keep it confidential because of domestic violence or child abuse. Start with where the child lives now and work backwards in time. (If the current address is confidential, check the box below and just provide the current state).

Child 3(a) addresses (city and state):	Child 3(a) lived with:			Dates lived there:	
	Mom	Dad	Other	From	to
<input type="checkbox"/> Confidential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From	all his life to present
[redacted] Kelly Rd., Whitethorn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From	_____ to _____
Ca, 95589	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From	_____ to _____
[redacted]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	From	_____ to _____

Check here if you need more space. Attach a sheet of paper and write "DV-105, Child's Address" for a title.

This is not a Court Order.



6 Other Children's Addresses

- Check here if the other child's (or children's) address information is the same as listed in 5.
If it is different, check here. Attach a sheet of paper and write "DV-105, Other Children's Addresses" for a title. List other children's address information, including dates, and name of person child lived with.

7 Other Custody Case

Were you involved in, or do you know of, any other custody case for any child listed in this form?

- No Yes If yes, fill out below and attach a copy of any custody or visitation orders if you have them:

a. Name of each child in other custody case:

- Type of case: Parentage (Paternity) Divorce Child Support Guardianship
Juvenile/Dependency Domestic Violence
Other (specify):

c. I was a Party Witness Other (specify):

d. Court (name):

Address: County: State:

e. Date of court order:

f. Case number (if you have it):

8 Other People With or Claiming to Have Custody or Visitation Rights

Do you know of anyone who is not involved in this case who has or claims to have custody or visitation rights with any child listed on this form? No Yes If yes, fill out below:

Name and address of that person:

- Has custody Claims custody rights Claims visitation rights

For these children:

Check here if you need more space. Attach a sheet of paper and write "DV-105, Other People With or Claiming Custody or Visitation" for a title.

9 Visitation

I ask the court to order that the person in 2 have the following temporary visitation rights: (Check all that apply)

- No visitation until the hearing
No visitation after the hearing
The following visitation until the hearing after the hearing

(1) Weekends (starting): (The 1st weekend of the month is the 1st weekend with a Saturday.)
1st 2nd 3rd 4th 5th weekend of month
from at a.m. p.m. to at a.m. p.m.

(2) Weekdays (starting):
from at a.m. p.m. to at a.m. p.m.

This is not a Court Order.

10 **Other Visitation**

Attach a sheet of paper with other visitation days and times, like summer vacation, holidays, and birthdays. List dates and times. Write "DV-105, Visitation" for a title.

11 **Responsibility for Transportation**

The parent will take or pick up the child or make arrangements for someone else to do so.

I ask the court to order that:

- a. Mom Dad Other (name): _____ take children to the visits.
- b. Mom Dad Other (name): _____ pick up children from the visits.
- c. Drop-off / pick-up of children will be at (address): _____
- d. Check here if other arrangement. Attach a sheet of paper and write "DV-105, Responsibility for Transportation" for a title.

12 **Supervised Visitation**

- a. I ask that the visitation in **9** be supervised by
 A professional supervisor A non-professional supervisor Other _____
Name and telephone number, if known: _____
- b. I ask that the visitation in **10** be supervised by
 A professional supervisor A non-professional supervisor Other _____
Name and telephone number, if known: _____
- c. I ask that any costs for supervision be paid by:
Mom _____% Dad _____% Other (name) _____%

13 **Travel With Children**

I ask the court to order that:

- Mom Dad Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:
- a. The State of California County of: _____
- b. Other place(s) (list): _____

14 **Child Abduction Risk**

- I believe that there is a risk the other parent will take our child out of California and hide the child from me.
If you check this box you must fill out and attach Form DV-108, Request for Order: No Travel with Children.

Important Instructions

- You must tell the court if you find out any other information about a custody case in any court for the children listed on this form.
- If the court makes a temporary custody order, the parent receiving custody must not take the child out of California without a noticed hearing. (See Family Code §3063.)

This is not a Court Order.

DV-110 Temporary Restraining Order

Clerk stamps date here when form is filed.

Person in ① must complete items ①, ②, and ③ only.

① Name of Protected Person:

Your lawyer in this case (if you have one):

Name: _____ State Bar No.: _____

Firm Name: _____

Address (If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, give a different mailing address instead. You do not have to give your telephone, fax, or e-mail.): Temporary

FILED

APR 18 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Fill in court name and street address:

Superior Court of California, County of Humboldt
825 Fifth Street
Eureka, CA 95501

Clerk fills in case number when form is filed.

Case Number **CP140224**

② Name of Restrained Person:

Description of restrained person:

Sex: M F Height: 6' Weight: 165 Hair Color: Blonde Eye Color: gray
Race: White Age: 55 Date of Birth: _____
Address (if known): _____ Kelly Rd.
City: Whitethorn State: Ca Zip: 95589
Relationship to protected person: my son's father

③ Additional Protected Persons

In addition to the person named in ①, the following persons are protected by temporary orders as indicated in items ⑥ and ⑦ (family or household members):

Check here if there are additional protected persons. List them on an attached sheet of paper and write, "DV-110, Additional Protected Persons" as a title.

The court will complete the rest of this form.

④ Expiration Date

This order expires at the date and time of the hearing below:

Hearing Date: 5-5-14 Time: 1:30 a.m. p.m.

This is a Court Order.

**Temporary Restraining Order
(CLETS-TRO)
(Domestic Violence Prevention)**

RECEIVED
APR 17 2014
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Criminal Protective Order

- a. A criminal protective order on Form CR-160, Criminal Protective Order-Domestic Violence, is in effect. Case Number: _____ County: _____ Expiration Date: _____
b. No information has been provided to the judge about a criminal protective order.

To the person in 2

The court has granted the temporary orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to \$1,000, or both.

6 Personal Conduct Orders Not requested Denied until the hearing Granted as follows:

- a. You must not do the following things to the person in 1 and persons in 3:
 Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, disturb the peace, keep under surveillance, or block movements
 Contact, either directly or indirectly, in any way, including but not limited to, by telephone, mail, e-mail or other electronic means
 Take any action, directly or through others, to obtain the addresses or locations of the persons in 1 and 3. (If this item is not checked, the court has found good cause not to make this order.)
b. Peaceful written contact through a lawyer or process server or another person as needed to serve Form DV-120 (Response to Request for Domestic Violence Restraining Order) or other legal papers is allowed and does not violate this order.
c. Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

7 Stay-Away Order Not requested Denied until the hearing Granted as follows:

- a. You must stay at least (specify): 100 yards away from:
 The person in 1 School of person in 1
 The persons in 3 The children's school or child care
 Home of person in 1 Other (specify): _____
 The job or workplace of person in 1 _____
 Vehicle of person in 1 _____
b. Exceptions: Brief and peaceful contact with the person in 1, and peaceful contact with children in 3, as required for court-ordered visitation of children, is allowed unless a criminal protective order says otherwise.

8 Move-Out Order Not requested Denied until the hearing Granted as follows:

You must take only personal clothing and belongings needed until the hearing and move out immediately from (address): Kelly Rd, Whitthorn, Ca 95589 (Shelton Cove)

This is a Court Order.



No Guns or Other Firearms or Ammunition

- a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get guns, other firearms, or ammunition.
- b. You must:
 - Sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms within your immediate possession or control. This must be done within 24 hours of being served with this order.
 - File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form DV-800, *Proof of Firearms Turned In or Sold*, for the receipt.)
- c. The court has received information that you own or possess a firearm.

10 Record Unlawful Communications

Not requested Denied until the hearing **Granted as follows:**

The person in ① can record communications made by you that violate the judge's orders.

11 Care of Animals Not requested Denied until the hearing **Granted as follows:**

The person in ① is given the sole possession, care, and control of the animals listed below. The person in ② must stay at least 100 yards away from and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the following animals: [redacted] (dog)

12 Child Custody and Visitation Not requested Denied until the hearing **Granted as follows:**

You and the person in ① must follow the orders listed in attached Form DV-140, *Child Custody and Visitation Order*. The parent with temporary custody of the child must not remove the child from California until a noticed hearing (*Family Code Section 3063*).

13 Child Support

Not ordered now but may be ordered after a noticed hearing.

14 Property Control Not requested Denied until the hearing **Granted as follows:**

Until the hearing, *only* the person in ① can use, control, and possess the following property and things:

[redacted] Kelly Rd. Whitehorn, CA 95589

15 Debt Payment **Not requested** Denied until the hearing **Granted as follows:**

The person in ② must make these payments until this order ends:

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

16 Property Restraint Not requested Denied until the hearing **Granted as follows:**

If the people in ① and ② are married to each other or are registered domestic partners,

the people in ① the people in ② must not transfer, borrow against, sell, hide, or get rid of or destroy any property, including animals, except in the usual course of business or for necessities of life. In addition, each person must notify the other of any new or big expenses and explain them to the court. (*The person in ② cannot contact the person in ① if the court has made a "no contact" order.*)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this order.

This is a Court Order.

Spousal Support
Not ordered now but may be ordered after a noticed hearing.

18 Lawyer's Fees and Costs
Not ordered now but may be ordered after a noticed hearing.

19 Payments for Costs and Services
Not ordered now but may be ordered after a noticed hearing.

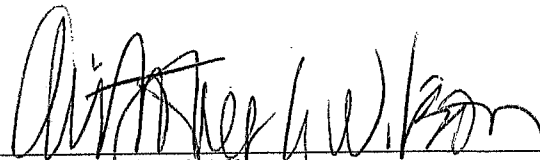
20 Batterer Intervention Program
Not ordered now but may be ordered after a noticed hearing.

21 Other Orders Not requested Denied until the hearing Granted as follows:

Check here if there are additional orders. List them on an attached sheet of paper and write "DV-110, other Orders" as a title.

22 No Fee to Serve (Notify) Restrained Person
If the sheriff serves this order, he or she will do it for free.

Date: 4/17/14



Judge (or Judicial Officer) **CHRISTOPHER G. WILSON**

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns, Other Firearms or Ammunition

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get guns, other firearms, or ammunition while this order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to a law enforcement agency any guns or other firearms that you have or control as stated in ⑨em above. The court will require you to prove that you did so.

If You Do Not Obey This Order, You Can Be Arrested and Charged With a Crime

- It is a felony to take or hide a child in violation of this order.
- If you travel to another state or to tribal lands or make the protected person do so, with the intention of disobeying this order, you can be charged with a federal crime.
- If you do not obey this order, you can go to jail or prison and/or pay a fine.

Service of Order by Mail

If the judge makes a restraining order at the hearing, which has the same orders as in this form, you will get a copy of that order by mail at your last known address, which is written in ②. If this address is not correct, or to know if the orders were made permanent, contact the court.

This is a Court Order.

**Temporary Restraining Order
(CLETS-TRO)
(Domestic Violence Prevention)**

Child Custody, Visitation, and Support

- **Child custody and visitation:** If you do not go to the hearing, the judge can make custody and visitation orders for your children without hearing from you.
- **Child support:** The judge can order child support based on the income of both parents. The judge can also have that support taken directly from your paycheck. Child support can be a lot of money, and usually you have to pay until the child is age 18. File and serve a *Financial Statement (Simplified)* (Form FL-155) or an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances.
- **Spousal support:** File and serve an *Income and Expense Declaration* (Form FL-150) so the judge will have information about your finances. Otherwise, the court may make support orders without hearing from you.

Instructions for Law Enforcement

This order is effective when made. It is enforceable by any law enforcement agency that has received the order, is shown a copy of the order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the order and then shall enforce it. Violations of this order are subject to criminal penalties.

Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person has notice of the order and has disobeyed the order, the officer must arrest the restrained person. (Penal Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6.

Certificate of Compliance With VAWA

This temporary protective order meets all "full faith and credit" requirements of the Violence Against Women Act, 18 U.S.C. § 2265 (1994) (VAWA) upon notice of the restrained person. This court has jurisdiction over the parties and the subject matter; the restrained person has been or will be afforded notice and a timely opportunity to be heard as provided by the laws of this jurisdiction. **This order is valid and entitled to enforcement in each jurisdiction throughout the 50 states of the United States, the District of Columbia, all tribal lands, and all U.S. territories, commonwealths, and possessions and shall be enforced as if it were an order of that jurisdiction.**

(Clerk will fill out this part.)

-Clerk's Certificate-

Clerk's Certificate
[seal]

I certify that this *Temporary Restraining Order* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

This is a Court Order.

**Temporary Restraining Order
(CLETS-TRO)
(Domestic Violence Prevention)**

This form is attached to (check one): DV-110 DV-130

- 1 Name of Protected Person: [Redacted] Mom Dad Other*
- 2 Other Parent's Name: [Redacted] Mom Dad Other*

* If Other, specify relationship to child: _____

The Court Orders:

- 3 Child Custody is ordered as follows:

	Legal Custody to: (Person who makes decisions about health, education. Check at least one.)	Physical Custody to: (Person the child lives with. Check at least one.)
	Mom Dad Other*	Mom Dad Other*
a. [Redacted]	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
c. _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

If more children, check here. Attach a sheet of paper and write "DV-140, Child Custody" for a title.

*If Other, specify relationship to child and name of person: _____

- 4 Child Visitation is ordered as follows:
 - a. No visitation to Mom Dad Other (name): _____
 - b. See the attached _____ - page document, dated: _____
 - c. The parties must go to mediation at: _____
 - d. Until the next court order, visitation for Mom Dad Other (name): _____ will be:
 - (1) Weekends (starting): _____ (The 1st weekend of the month is the 1st weekend with a Saturday.)
 1st 2nd 3rd 4th 5th weekend of month
 from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)
 - (2) Weekdays (starting): _____
 from _____ at _____ a.m. p.m. to _____ at _____ a.m. p.m.
(day of week) (time) (day of week) (time)
 - (3) Other Visitation
 Check here and attach a sheet of paper if there are other visitation days and times, like holidays, birthdays, sports events. List dates and times. Write "DV- 140, Other Visitation" for a title.

- 5 Supervised Visitation or Exchange
 Visits and/or exchanges of children are supervised as specified on Form DV-150, Supervised Visitation and Exchange Order.

This is a Court Order.



6 Responsibility for Transportation for Visitation

"Responsibility for transportation" means the parent will take or pick up the child or make arrangements for someone else to do so.

- a. Mom Dad Other (name): _____ take children to the visits.
- b. Mom Dad Other (name): _____ pick up children from the visits.
- c. Drop-off/pick-up of children will be at (address): _____

7 Travel With Children

Mom Dad Other (name): _____ must have written permission from the other parent, or a court order, to take the children outside of:

- a. The State of California
- b. The United States of America
- c. Other place(s) (list): _____

8 Child Abduction

There is a risk that one of the parents will take the children out of California without the other parent's permission. The orders in Form DV-145, *Order: No Travel with Children*, are attached and must be obeyed. (Fill out and attach Form DV-145 to this form.)

9 Other Orders

Check here and attach any other orders to this form. Write "DV-140, Other Orders" as a title.

10 Jurisdiction

This court has jurisdiction to make child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code starting with § 3400).

11 Notice and Opportunity to Be Heard

The responding party was given reasonable notice and an opportunity to be heard as provided by the laws of the State of California.

12 Country of Habitual Residence

The country of habitual residence of the child or children in this case is The United States of America or Other (specify): _____

13 Penalties for Violating This Order

If you violate this order, you may be subject to civil or criminal penalties, or both.

14 Duration of Child Custody, Visitation, and Support Orders

If this form is attached to Form DV-130 (*Restraining Order After Hearing*), the custody and visitation orders in this form remain in effect after the restraining orders on Form DV-130 end.

This is a Court Order.



County of Humboldt
Office of the District Attorney
INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
[REDACTED]	CIRT	05-06-2014		DA14-0126
TYPE OF REPORT SUPP.		CROSS REFERENCE AGENCY EPD		CROSS REFERENCE CASE NUMBER
CIRT Investigation				HCSO 201402046

CHARGES		
TYPE	CODE SECTION	DESCRIPTION

VICTIMS
1. Cao, Bang
2. California, State of

--

SUMMARY

NARRATIVE
<p>On 05-06-2014 around 1525 hours, I received a telephone call from Humboldt County District Attorney Chief Investigator Wayne Cox. Chief Cox told me he received a telephone call from Humboldt County Sheriff's Office (HCSO) and they told him two Deputies from HCSO were involved in an officer involved shooting and one of the Deputies was shot. Chief Cox told me HCSO is requesting a Critical Incident Response Team (CIRT) response regarding this incident. Chief Cox told me he has already contacted Humboldt County District Attorney Investigator Jack Bernstein and Investigator Bernstein was going to be assisting HCSO. Chief Cox asked me if I was available to assist with the CIRT request and I told him I could be available. Chief Cox told me to meet with others at HCSO Criminal Investigation Division (CID) for briefing.</p>

COPIES TO:	<input checked="" type="checkbox"/> DA	<input type="checkbox"/> HCSO	<input type="checkbox"/> FPD	<input type="checkbox"/> EPD	<input type="checkbox"/> CHP
	<input type="checkbox"/> Probation	<input type="checkbox"/> Parole	<input type="checkbox"/> Other:		
INVESTIGATOR	ID	DATE	APPROVED BY	DATE	
M. Kirkpatrick	7K7	5/29/2014	<i>[Signature]</i>	5/29/14	

INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
[REDACTED]	CIRT	5/29/2014		DA14-0126

Around 1545 hours, I arrived at HCSO CID and attended the CIRT briefing. During the briefing, I was told by HCSO Sergeant Diana Freese HCSO Investigator Gregory Musson was the lead on this CIRT investigation. During the briefing I was told Humboldt County Sheriff's Office Sergeant Kenneth Swithenbank and Deputy Bang Cao went to [REDACTED] Kelly Road Shelter Cove California (Humboldt County) to serve a move out order to [REDACTED] [REDACTED] date of birth [REDACTED]. I was told during the service of this notice, Deputy Cao was shot, Deputy Cao, and Sergeant Swithenbank returned fire.

I was asked by Investigator Musson if I could respond the Shelter Cove area and meet up with Humboldt County Sheriff's Office Sergeant Kenneth Swithenbank to take a public safety statement, collect clothing, and obtain a blood sample. I was told Eureka Police Detective John Gordon was assigned to assist me. I was given a Glock model 22 .40 caliber pistol and loaded magazine and asked to provide this to Sergeant Swithenbank when I removed his clothing and equipment (including his pistol).

After 1700 hours, Detective Gordon and I left the Eureka area and travelled to the area of [REDACTED] Kelly Road Shelter Cove. Upon our arrival we arrived at a staging area to the south of [REDACTED] Kelly Road.

Around 1900 hours, Detective Gordon and I arrived at the staging area just south of [REDACTED] Kelly Road Shelter Cove. Detective Gordon and I met with Sergeant Swithenbank and Humboldt County Sheriff's Office Sergeant Ernest Stewart. Sergeant Stewart told me he was Sergeant Swithenbank's union representative (Humboldt Deputy Sheriff's Organization). Sergeant Stewart told me he has already contacted a legal defense attorney for Sergeant Swithenbank and it was going to be a few days before they could meet with Sergeant Swithenbank. I told Sergeant Stewart we were there to only take a public safety statement, collect Sergeant Swithenbank's clothing and equipment he was wearing at the time of incident, and obtain a blood sample if permission was granted. I let Sergeant Stewart know we were not going to attempt to obtain any statement from Sergeant Swithenbank. Sergeant Stewart told us he didn't have any problem with us completing what we needed to get done.

I told Sergeant Stewart the first thing we needed to do is take photographs of Sergeant Swithenbank and Sergeant Stewart told us that would be fine. Sergeant Stewart told us he wanted to talk with Sergeant Swithenbank for a little bit before we started anything. I told Sergeant Swithenbank that we would wait until he is done talking with Sergeant

COPIES TO:	<input checked="" type="checkbox"/> DA	<input type="checkbox"/> HCSO	<input type="checkbox"/> FPD	<input type="checkbox"/> EPD	<input type="checkbox"/> CHP	<input type="checkbox"/>
	<input type="checkbox"/> Probation	<input type="checkbox"/> Parole	<input type="checkbox"/> Other:			
INVESTIGATOR	ID	DATE	APPROVED BY	DATE		
M. Kirkpatrick	7K7	5/29/2014				

INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
[REDACTED]	CIRT	5/29/2014		DA14-0126

Swithenbank.

At the staging scene, I saw Humboldt County Sheriff's Office Lieutenants David Morey and Kym Thompson. Humboldt County Sheriff's Office Sheriff Michael Downey and Undersheriff William Honsal arrived while waiting for Sergeants Stewart and Swithenbank.

Sergeant Stewart met back with us and told us for what we needed to get accomplished this would be fine and Sergeant Swithenbank's attorney was notified. Sergeant Stewart told us he would be providing transportation for Sergeant Swithenbank. Sergeant Stewart told us Sergeant Swithenbank's attorney is [REDACTED] and his contact number is [REDACTED].

Around 1955 hours, Detective Gordon took several digital photographs of Sergeant Swithenbank. Detective Gordon will write a supplemental report under his department's report system documenting him taking these photographs and providing copies of the digital photographs taken.

After the photographs were taken, I told Sergeant Stewart for us to obtain a legal blood draw we would need to go to Jerold Phelps Hospital Emergency Room in Garberville. Sergeant Stewart told us he would transport Sergeant Swithenbank to the hospital.

Around 2002 hours, Detective Gordon and I followed Sergeant Stewart (transporting Sergeant Swithenbank) to Jerold Phelps Hospital for a blood draw.

Around 2055 hours, we arrived at the hospital and found we had to wait for a blood draw. I told Sergeant Swithenbank while waiting for a blood draw I wanted to ask him about a public safety statement only. Sergeant Stewart was also present. Sergeant Swithenbank told me he didn't know how many shots he fired, the shots he fired was in a northern direction, doesn't know if anyone was hit, had no description of the [REDACTED], and he retreated after shots were fired. I asked Sergeant Swithenbank to draw me a sketch of the directions of his shots only. Sergeant Swithenbank provided the drawing and I attached it to this CIRT Investigation report.

Upon trying to get a blood sample I was told by the hospital staff they didn't have any blood sample tubes. The staff told me all the legal draws they do for California Highway Patrol the California Highway Patrol provide them with a kit.

COPIES TO:	<input checked="" type="checkbox"/>	DA	<input type="checkbox"/>	HCSO	<input type="checkbox"/>	FPD	<input type="checkbox"/>	EPD	<input type="checkbox"/>	<input type="checkbox"/>	CHP	<input type="checkbox"/>
	<input type="checkbox"/>	Probation	<input type="checkbox"/>	Parole	<input type="checkbox"/>	Other:						
INVESTIGATOR	ID	DATE	APPROVED BY	DATE								
M. Kirkpatrick	7K7	5/29/2014										

INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
[REDACTED]	CIRT	5/29/2014		DA14-0126

I contacted the California Highway Patrol Communications Center and asked if they had an officer in the Garberville area that could respond to the hospital with a blood sample kit. The communications center told me there was an officer in the area and would provide a kit for us to use.

California Highway Patrol provided a kit and this kit was used to obtain a blood sample from Sergeant Swithenbank. Registered Nurse [REDACTED] obtained the blood sample from Sergeant Swithenbank. At 2141 hours, I witnessed Nurse [REDACTED] withdraw a vial of blood from Sergeant Swithenbank's right arm and she handed me the vial of blood. I placed a label on this vial and later placed it back into the kit box. I sealed the box and retained custody of the sample.

It should be noted, prior to the blood sample being taken I was told Sergeant Swithenbank didn't have a change of clothes at Humboldt County Sheriff's Office Garberville Sub-Station and we had to go to his place of residence so he could have some clothes to change into. Sergeant Swithenbank was agreeable with this and asked us to follow him to his residence.

Around 2220 hours, Sergeant Stewart stopped in a turnout on Dyerville Loop Road Myers Flat. At this location we were told that clothing was going to be brought to Sergeant Swithenbank and we could obtain his clothing and equipment there. All this was with Sergeant Swithenbank's permission.

Detective Gordon obtained Sergeant Swithenbank's clothing and equipment. Detective Gordon will document in his supplemental report how he collected and packaged the items obtained from Sergeant Swithenbank.

After Sergeant Swithenbank's clothing and equipment were obtained, I met with Sergeant Swithenbank and gave him the Glock model 22 .40 caliber pistol with loaded magazine I was provided with.

Around 2242 hours, Detective Gordon and I transported Sergeant Swithenbank's clothing, equipment, and blood sample to Humboldt County Sheriff's Office.

Around 2335 hours, Detective Gordon and I met with Humboldt County Sheriff Office Investigator Todd Fulton. All items obtained from Sergeant Swithenbank were placed into Investigator Fulton's Office except for the blood sample. The blood sample was placed into the evidence refrigerator

COPIES TO	<input checked="" type="checkbox"/>	DA	<input type="checkbox"/>	HCSO	<input type="checkbox"/>	FPD	<input type="checkbox"/>	EPD	<input type="checkbox"/>	CHP	<input type="checkbox"/>
	<input type="checkbox"/>	Probation	<input type="checkbox"/>	Parole	<input type="checkbox"/>	Other:					
INVESTIGATOR	ID	DATE	APPROVED BY	DATE							
M. Kirkpatrick	7K7	5/29/2014									

INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
[REDACTED]	CIRT	5/29/2014		DA14-0126

located in the Criminal Investigations Division.

Prior to Investigator Fulton locking his door, I conducted a weapons check and counted the ammunition on Sergeant Swithenbank's pistols.

Prior to doing this check and counting of ammunition, Detective Gordon told me he removed from Sergeant Swithenbank's metal plate area of his safety vest a Glock model 27 .40 caliber pistol. Detective Gordon told me he removed the magazine (loaded) and a live cartridge from the chamber area. Detective Gordon placed this pistol, 1 live cartridge, and loaded magazine into a brown paper bag. Detective Gordon told me he removed Sergeant Swithenbank's Glock model 22 .40 caliber pistol magazine (loaded) from the pistol in Sergeant Swithenbank's duty holster. Detective Gordon told me he removed the pistol from Sergeant Swithenbank's duty holster and found 1 live .40 caliber cartridge in the pistol. Detective Gordon told me he placed the pistol, 1 live cartridge, and loaded pistol magazine into a brown paper bag. Detective Gordon told me when he was obtaining Sergeant Swithenbank's clothing and equipment, he told Detective Gordon he did a tactical re-load and placed the magazine in the bottom magazine holder located on his duty belt. Detective Gordon told me he placed this magazine into a brown paper bag. Detective Gordon told me he found a loaded magazine in the top magazine holder located on Sergeant Swithenbank's duty belt and placed this into a brown paper bag.

I checked the Glock model 27 .40 caliber pistol (Serial number [REDACTED]). No cartridge found in the chamber but in the bag was 1 live .40 caliber cartridge. I checked the loaded magazine and found there were 9 live .40 caliber cartridges.

I checked the Glock model 22 .40 caliber pistol (Serial number [REDACTED]). No cartridge found in the chamber but in the bag was 1 live .40 caliber cartridge. I checked the loaded magazine and found there were 15 live .40 caliber cartridges.

I checked the loaded magazine Detective Gordon found in Sergeant Swithenbank's top magazine holder and found it contained 15 live .40 caliber cartridges.

I checked the loaded magazine Detective Gordon found in Sergeant Swithenbank's bottom magazine holder and found it contained 7 live .40 caliber cartridges. It should be noted this was the magazine that was

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		Probation	<input type="checkbox"/>	Parole	<input type="checkbox"/>	Other:					
INVESTIGATOR	ID	DATE	APPROVED BY	DATE							
M. Kirkpatrick	7K7	5/29/2014									

INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
[REDACTED]	CIRT	5/29/2014		DA14-0126

used during the shooting and Sergeant Swithenbank did a tactical re-load.

Around 0001 hours on 05-07-2014 Sergeant Swithenbank's pistols and magazines were placed in Investigator Fulton's Office and we placed seals on his door.

On 05-07-2014 around 0912 hours, Investigator Fulton, Detective Gordon, and I cut the seal on Investigator Fulton's Office and removed all the items of evidence. These items of evidence were placed into the drying room in Humboldt County Sheriff's Office Evidence Section. Detective Gordon was going to come back at a later date and assist in the booking in process of the items of evidence of these items and take digital photographs. Detective Gordon would document the booking of evidence and photographs he took in his supplemental report.

While in the drying room, Investigator Fulton asked Detective Gordon and me to check Deputy Cao's pistol and magazines. Investigator Fulton told us he obtained Deputy Cao's property including his pistol and magazines and placed them in the drying room at Humboldt County Sheriff's Office Evidence Section.

Detective Gordon took digital photographs of the pistol and magazines while I checked the pistol and magazines. Detective Gordon would document these digital photographs he took in his investigation report.

I removed Deputy Cao's pistol (Glock model 22 serial number [REDACTED]) from his duty holster. The pistol had a Surefire light affixed to the pistol. I removed the magazine first and then as I pulled back the slide I found 1 live .40 cartridge in the barrel. I counted the cartridges in the magazine and found there were 15 live .40 caliber cartridges. After checking the pistol and magazine. I checked a loaded magazine in the magazine holder which was on Deputy Cao's duty belt. I counted the cartridges and found it contained 15 live .40 caliber cartridges. I checked the next magazine and was told by Investigator Fulton this magazine was the tactical reload magazine. This magazine was loaded. I counted the cartridges in the magazine and found 5 live .40 cartridges. Investigator Fulton closed and sealed the drying room.

After checking Deputy Cao's pistol and magazines, we were told to respond back to the shooting scene at [REDACTED] Kelly Road Shelter Cove to view the scene.

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INVESTIGATION REPORT

REPORT NAME	CRIME	DATE	COURT CASE NUMBER	DA CASE NUMBER
[REDACTED]	CIRT	5/29/2014		DA14-0126

Around 1154 hours, we arrived back at [REDACTED] Kelly Road Shelter Cove. Humboldt County Sheriff's Office Criminal Investigations Division was serving a search warrant at this residence and property. Detective Gordon and I viewed the officer involved shooting scene.

After looking at the scene, Detective Gordon and I were told to contact the neighbors to attempt any witnesses regarding the officer involved shooting. It should be noted there was only one residence [REDACTED] Kelly Road Shelter Cove) close to [REDACTED] Kelly Road.

Around 1254 hours, Detective Gordon and I went to [REDACTED] Kelly Road Shelter Cove and met with [REDACTED] and later [REDACTED] tenant [REDACTED].

Detective Gordon and I first interviewed [REDACTED]. I digitally audio recorded our interview with [REDACTED]. I later placed the audio recording onto a CD-R disc. The following is a summary of [REDACTED] interview statement. To hear [REDACTED] whole statement listen to the [REDACTED] file on CD-R disc.

[REDACTED] told us he was at his residence last night. [REDACTED] told us he knew his neighbor and his neighbor's name is [REDACTED]. [REDACTED] told us he knows his neighbor by the name of [REDACTED] too.

I asked [REDACTED] how long has [REDACTED] lived at the residence and [REDACTED] asked if we wanted to be technical. [REDACTED] told us he [REDACTED] had told his [REDACTED] probation officer that this residence ([REDACTED] Kelly Road) was not his because no one could serve (search) him. [REDACTED] told us [REDACTED] probation officer said he [REDACTED] could not be searched at the residence because he told them he doesn't live at the residence. [REDACTED] told us [REDACTED] has been living there. [REDACTED] told us [REDACTED] lives there, his truck, and grow (marijuana) is there. [REDACTED] told us this makes him mad because [REDACTED] is using the law to his advantage. [REDACTED] told us they can not get rid of him. [REDACTED] told us [REDACTED] has been living at the residence for 10 years.

[REDACTED] told us if one gets on the wrong side of [REDACTED] he doesn't have any communications skills. [REDACTED] said [REDACTED] would throw crap down towards his residence and off the side of the road. [REDACTED] said [REDACTED] would also fire off his firearms.

[REDACTED] told us for the past two months, [REDACTED] has been keeping to himself. [REDACTED] told us he is a community minded person and cleans the road gutters out. [REDACTED] told us around two months ago he was outside and didn't see or

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		Probation		Parole		Other:					
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INVESTIGATION REPORT

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hear [REDACTED] told us he doesn't want to go in front of [REDACTED] house. [REDACTED] told us he was shoveling stuff out of [REDACTED] gutters (road) and he came out around the corner. [REDACTED] told us [REDACTED] was swearing at him and he told [REDACTED] time out and he was only cleaning the gutter. [REDACTED] told us [REDACTED] told him he was going to have his old lady take care of it. [REDACTED] told us [REDACTED] turned around and went back towards the house. [REDACTED] told us the last conversation he had with [REDACTED] was a couple of months ago. [REDACTED] told us he saw [REDACTED] the day before yesterday in the front of [REDACTED] residence.

[REDACTED] told us when he saw him yesterday [REDACTED] was out front near the fire hydrant (property next to [REDACTED] residence).

[REDACTED] told us [REDACTED] wife left around three weeks ago to [REDACTED]. [REDACTED] told us a few days ago two deputies from the county came to [REDACTED] residence to serve papers but no one came out of the residence. [REDACTED] told us he saw the deputies show up at [REDACTED] residence. [REDACTED] told us he receives telephone calls from Sergeant Swithenbank asking about information on [REDACTED]. [REDACTED] told me he told Sergeant Swithenbank [REDACTED] is there and he parked his truck on the adjoining property with a tarp over it. [REDACTED] told us Sergeant Swithenbank would have to get more paperwork in Eureka.

[REDACTED] told us he was inside his residence making bread when the gun shots went off yesterday. [REDACTED] told me he heard the gun shots and his dog went ballistic. [REDACTED] told us he went outside and heard pop, pop, pop. [REDACTED] said he went back into his residence and someone called him within a few minutes and told him to stay inside they had an exchange of fire with [REDACTED]. [REDACTED] told me the person who called him was Sergeant Swithenbank.

[REDACTED] told us he heard four to five shots. [REDACTED] said it was four or five shots in a row one time only. [REDACTED] told us [REDACTED] was in the residence but he was downstairs.

After interviewing [REDACTED], Detective Gordon and I met with [REDACTED]. I digitally audio recorded our interview with [REDACTED]. I later placed the audio recording onto a CD-R disc. The following is a summary of [REDACTED] interview statement. To hear [REDACTED] whole statement listen to the [REDACTED] file on CD-R disc.

[REDACTED] told us he was there at the residence last night. [REDACTED] told us he rents a room downstairs and this is where he was at last night.

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INVESTIGATION REPORT

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██████ told us he has been at the residence for around two months. ██████ told us he didn't know the neighbor ██████ but he did know his neighbors son ██████ because he works with him at the Cove Restaurant. ██████ told us he has only heard stories about ██████ or ██████ and he has not had any problems with him. ██████ told us he has not seen him ██████ having problems with anyone since he has been at this residence. I asked ██████ what he knew about yesterday and he told nothing. ██████ told us he was downstairs and had his windows open for air. ██████ told us there has been construction going on down the street and he heard nail guns and hammering all day. ██████ told us he was told there were gun shots but he did not hear them at the time. ██████ told us if he did hear the shots he thought it was a nail gun or hammering. ██████ told us he was not paying any attention and just put it of as noises from the construction. ██████ told us he never heard any gun shots.

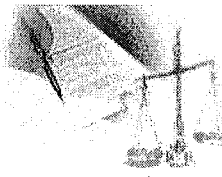
Detective Gordon and I checked the area and found two other residences near ██████ Kelly Road Shelter Cove. These addresses are ██████ Toth Road and ██████ Toth Road. We went to these residences and attempted contact with the resident(s) but no answer. Detective Gordon left business cards at the residences. Detective Gordon told me if the residence(s) contacts him he will obtain a statement and document it in his supplemental report.

Detective Gordon and I were provided a name that might have witnessed some of the incident at ██████ Kelly Road Shelter Cove and we were asked to attempt contact with a ██████. Detective Gordon telephoned the number provided for ██████ but only received a voice mail. Detective Gordon left a message for ██████ to contact him. Detective Gordon told me if ██████ contacts him he will obtain a statement and document it in his supplemental report.

I was told by Investigator Musson that he has been in contact with Sergeant Swithenbank and Deputy Cao's attorney and their interviews will be next week. Investigator Musson told me he would be handling the interviews with Sergeant Swithenbank and Deputy Cao.

DISPOSITION
Report given to HCSO for CIRT Investigation.

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		Probation	<input type="checkbox"/>	Parole	<input type="checkbox"/>	Other:					
INVESTIGATOR	ID	DATE	APPROVED BY	DATE							
M. Kirkpatrick	7K7	5/29/2014									



Humboldt County District Attorney Computer Forensics Lab Service Request

Please complete all fields. Copies of **report** and **search warrant** or **signed consent** to search **must** be submitted with this request form or the **request will be rejected**.

Requesting Officer Investigator Greg Musson	Phone Number 268-3643	Date 5-22-2014
Agency/Assignment Criminal Investigations Division	Case Number 201402046	
Deputy Bang Cao	Offense P.C.664/187	Case Date 5-6-2014
	In Custody? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Court Date
Type of Seizure: <input checked="" type="checkbox"/> Search Warrant <input type="checkbox"/> Probation/Parole <input type="checkbox"/> Consent <input type="checkbox"/> Admin <input type="checkbox"/> Grand Jury <input type="checkbox"/> Other:		
Has this evidence been previously viewed and/or accessed by anyone? (Explain) No		
Are you aware of any privileged information contained within the evidence? (Explain) No		
Passwords provided by suspect: .one		

Items to be Examined

Item Number	Item Description

Case Details (Please provide all pertinent information including names, numbers, words and phrases for text search - use back and/or attach additional sheets if necessary)

CFL use only Lab Number			
Request Rec'd	Date Property Rec'd	By	
Date Property Returned	By		



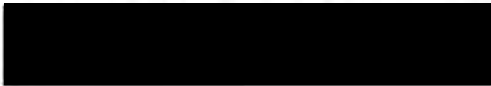
Humboldt County District Attorney Forensic Report

Case Information

Case Number	DA14-0130
Examiner Name	Investigator Perrone
Case Name	[REDACTED]

Case Number: DA14-0130

Originating Agency: Humboldt County Sheriff's Office



DIGITAL EVIDENCE INVESTIGATION AND SUMMARY REPORT

INTRODUCTION AND OVERVIEW:

On 05/22/14, I was provided digital evidence from Detective Greg Musson from the Humboldt County Sheriff's Office. I was advised that Detective Musson was working on a case involving [REDACTED] who is being investigated for shooting Deputy Cao.

After the incident, a search warrant was prepared and served at [REDACTED] residence and digital evidence was seized.

The search warrant authorized me to conduct a search of the digital evidence.

I was asked to examine the digital evidence looking for data linking [REDACTED] to the crimes now being investigated. I was asked to locate documents written by [REDACTED] to [REDACTED]

I received the following items:

Item # 2R201

An Apple Mac Book serial number # [REDACTED], containing a Hitachi 500 GB Sata hard drive serial number # [REDACTED]

Item # 3R101

A gray self-contained external hard drive containing a 232.9 GB hard drive.

GENERAL SUMMARY:

In the MacBook, I located the usernames of [REDACTED] and "shared." The username that was used as the main account was [REDACTED] and contained suspected evidence consisting of documents.

I examined the external drive and I found nothing of evidentiary value in this device.

The located documents have been bookmarked and can be found on the attached DVD.

SUMMARY OF FORENSIC EXAMINATION PROCESS:

To create a forensic image of the hard drives, the hard drives were removed from the computers and devices. The hard drives were then connected to a "Write Blocking Device" manufactured by Digital Intelligence/Guidance Software. I have successfully tested and used the Digital Intelligence/Guidance Software devices on other cases and on test hard drives. I am also aware of testing that was done by the National Institute for Standards and Testing (NIST) which found the device from Digital Intelligence protected computer hard drives from being "written to" or altered during a forensic examination. The write block hard drive was connected to my forensic machine which is loaded with Guidance Computer Forensic Software version 7.09 and FTK 5.0.

To create the forensic image files, I ensured that my forensic machine was current with Anti-Virus software and Windows was up to date and the machine was not connected to the internet. I used FTK software to create the images. I have successfully used FTK and Encase Forensic software on numerous prior examinations.

TRAINING AND EXPERIENCE OF EXAMINER

DA Investigator Martin Perrone

One of my current assignments is conducting computer crimes/computer forensic investigations for the Humboldt County District Attorney's Office and surrounding allied agencies.

I have conducted well over 100 computer crimes investigations and computer forensic examinations. I have 18 years of law enforcement experience and currently hold an Advanced POST Certificate. My law enforcement experience includes serving as a Police Officer, Deputy Sheriff and an Investigator for over 9 years. I have worked patrol, investigations and many specialized law enforcement assignments.

I have completed over 500 hours of training directly related to collecting and examining digital evidence and conducting "Hi-Tech Crime" investigations.

[REDACTED]

4/10/12

I tried to make my may 10th phone call. My [REDACTED] was trying to help me deal with using the cell phone. The recording on your end did not allow me an opportunity to leave an accurate status report. My status is homeless. Nothing has changed in that regard. I wound up leaving [REDACTED] P.O. box [REDACTED]. There is no [REDACTED] shelter cove RD. And as you are aware p.o. box [REDACTED] whitethorn, is my contact address. You will hear from me on 5/10/12, unless you contact me sooner.

Sincerely: [REDACTED]

Dear [REDACTED]

I keep receiving a bill from your firm for about \$400. I already paid you \$1500 only to hear that some schmuck in LA already has the idea. A tad excessive don't you think? Well I do, considering that I am being billed another \$400 for a few letters that I was merely communicating my idea to your firm with and getting clear on our fee arrangement. Those letters were short and to the point. If anything those letters are part of our agreement, not your christmas bonus. How can you communicate an idea with a panted examiner if I haven't really communicated what it is? Completely?

I don't know about you but I don't pay anyone for the air they breathe. I am insulted about the \$400 bill, its not right. Don't bother me anymore with these ridiculous statements.

On another note I have another idea. It is going to cost me \$400 to communicate it to you and your firm? Plus the \$1500 fee? It involves agriculture.

Seriously, I would think you would realize that hey, maybe I have got one of these guys on the line here that cant sleep at night coming up with new ideas? Maybe this guy could increase our firms revenue if we stopped shoving him down some dark hole with our fees. Bottom line, thanks to the internet and a few intelligent friends I can find out what I need to know for a lot less than \$1500. That is why you should do a panted search or 2 for me with out charging me a dime. If one of them goes you and your firm will most likely do quite well on that idea.

sincerely, [REDACTED]

Dear [REDACTED]

4/7/14

Did you get your I.D. Back yet? When you were overseeing my "plea" deal, three years ago you were very preoccupied with that. Enclosed is a letter I sent to my probation officer. This letter is very self-explanatory. The only response thus far from Mr. probation officer was this one latest statement dated 3/28/14. Unmistakably from my home town, Austin, Tx.

I thought you [REDACTED] might be able to use this situation to your advantage in an area where that dirt-bag you work for failed miserably. That would be dealing with that den of thieves below YOUR(?) office. Those individuals create a huge integrity problem for people like you that don't deserve it. I know the reason Paul Gallagos, is leaving office. It has nothing to do with "Weed"....dose it? It has not much to do with prosecutorial liway either and everything to with dirty cops, extorting pleas, and bad kramh.

In a few days I will be off probation. I will not be leaving Humboldt county, however until this matter is settled. Except to keep an appointment with an Attorney, in the bayarea. It's about damages and the above-mentioned.

I have absolutely nothing against you [REDACTED] I actually really want you to win the election for D. A. The whole time you were on my case I sensed a good person in you. I tell people that. I hope to hear from you soon. Good luck with everything you do.

Sincerely [REDACTED]

4/20/14

How have you been lately? Have you heard from [REDACTED] in the last week? It seems as though her and [REDACTED] have run-away from home. Teenagers! [REDACTED] has left me with no way to make the house payment. She has the key to the P. O. box (which is in her name) preventing me from even accessing the power and phone bills, etc. She forgot to sign the truck title BACK over to me preventing me from registering and driving it. They left an epileptic dog behind. What was she thinking? Was [REDACTED] supposed to feed herself? What is going to happen when [REDACTED] runs out of food (soon)?? I don't mind admitting i'm worried. She left with 3600.00\$. She is aware that a portion of that money was to pay the mortgage and the other household bills. I expect [REDACTED] to use those funds accordingly. Somehow she has managed to get me off of the bank account that handles the mortgage payments. That account shows I have tax liability and make my payments. How did she do that without my signature? And exactly what is she up too? Something dose not seem right about this banking thing.

Is it going to be necessary for me to send you a money order each month to prove I am still making the house payments? I need to be on an account that verifies that I am continuing to meet my obligation. Please respond and let me know how we can work this out.

Between you and me [REDACTED] grades fell a little bit last report card. He made honer roll because he is the teachers pet. Just before they left, I was having to remind my [REDACTED] NO video games on school nights, to have all his home-work completed before his weekend recreation, and to start helping out around the house. You know the drill, the unpopular task of being a father [REDACTED] is at that age where he wants to hear about responsibility less and less. Especially from me. I personally remember a [REDACTED] Old that was much the same but worse....me. [REDACTED] is smart and he knows how to get whatever he wants from mom. I do not appreciate his mother taking advantage of [REDACTED] young state of mind and encouraging a "runaway" type sinerio. Thanks to [REDACTED] i'm not sure where [REDACTED] went to school last monday. Interrupting his school year at this time would be very bad for [REDACTED] [REDACTED] needs to think about someone other then herself right now.

It seems she has maby been planing this sabotage for a while? Also how am I to re-side the house and get the crucial repairs completed when she acts like this and takes the fund\$?? Her and I had been discussing dealing with the house in a responsible manor. If you hear from her please inform that coco, is not happy. She waits by the gate everyday at 4:pm for [REDACTED] to return from school.

I have a friend whom is a broker. He is trying to help me SELL THE HOUSE for a price that could benefit [REDACTED] and I both. Also a woman is coming by today to possibly lease the house. I hope all goes well with that. If the phone gets cut off, or the power it could ruin the opportunity we have been waiting for.

I hope things are going good with you.

Sincerely; [REDACTED]

Attention ; Mr. Asbill,

3/1/14

I have a problem I was hoping you could help me with. You may be aware that my fine is unpaid? The 14th of april is my last day of probation. By that time I want my financial affairs settled with Humboldt county, and the state of California.

Enclosed is a list (taken from Discovery) of personal property that was confiscated during a "raid". While I was in jail the Honda ATV was sold without my consent. When I confronted the sherrifs property room officer, he discovered the original (his) property list was MISSING. He was clearly not happy about it. I had a credible wittiness with me. The ATV was equipped with expensive after market parts, to me it was worth every penny of \$7800. I bought it at the Honda dealer in Medford, Or. It is obvious the ATV was stolen and someone also stole the paperwork to cover their tracks, then sold, or worse, took home MY ATV.

The above mentioned amounts to FELONY THEFT and possibly the sale (?) of that stolen property. The Property Room Officer I thought, mentioned something about a sale? If I had my ATV in my possession It would be easy to sell and thus pay-off my "fine". Being a probation officer, perhaps you could discover who the thief is. It will be much harder for the sheriff's to put you off. Maybe you will find my Swarovski binoculars while your at it. They were on the original list. I once had a copy. I can produce the serial No. to those binoculars if absolutely necessary (15x50's).


I assume that if what I say is true you would want to know. Unfortunatly, for justice, in my case this ATV crap is only the tip of the iceberg. Since we have not met in person you should know that. Whoever you are?

There is another problem, Mr. Asbil. I discussed at length with my attorney, about what would be expected of me in regards to paying any possible court ordered fines. According to the lawyer, if I do not have the ability to pay, the county/state can not charge me interest, or increase my fine in any way. They can charge interest once I am off probation. According to paper work I have received in the mail, (copy enclosed) someone is about 900.\$ off. They have gone as far as intentionally creating an account with the franchise tax board. This illegality was probably contrived to intentionally complicate my case, makeing it harder for me to get though life and recover my ATV. I think whoever is behind this has been playing around with the justice system for a long time. Making it much more difficult for people to recover their STOLEN property. My case was not their first rodeo.

I want to know what your going to do about it. If you are any kind of lawman at all, then head over to the sheriff's dept. and figure out who the thief is. While your at it, have the bogus account with the franchise tax board wiped clean. The account number is on the notice.

I want the name of the individual that "signed off" on my ATV. I need evdience. You might be suprised at how much I have already. This persons name could be a big deal.

Also enclosed are cyps of three letters/notices I have received. Two from humboldt county, and one from the franchise tax board.

Sincerely; 

Dear [REDACTED]

Im not exactly sure where to begin, so let me get right to the point. I want to bring a civil suit against [REDACTED] Sargent Swithenbank and Max Cardoza for conspiring against me and extorting a plea out of me. We did discuss this once while I was in jail. Now that im not in jail we could take our time and get the evidence together. Max, caught [REDACTED] lying in the preliminary hearing and sent me back to jail. Then they caught the [REDACTED]/states so called witness out and out lying on the witness stand during the trial. After I won the trial they extorted a plea out of me. Im absolutely certain I can prove it, beyond a doubt. Since that trial I have learned all about [REDACTED] from friends and a person he worked for. I also learned something about Max Cardozo . It was absolutely scandalous the way Humboldt county handled my situation. Its time for it to come back on them. They pushed me to far with this Tower thing. I know that you mentioned something about \$40,000 or in that neighborhood, but that was a while back. I would like to come to your office (preferably on a friday) and discuss it with you.

Inclosed is a letter Humboldt county just sent me. It pertains to the situation with the four-wheeler that Humboldt county stole from me and then fenced. The stolen ATV is what I discussed briefly with your secretary about a week ago. They are trying to increase my fine by the amount stated. They say their mad because i'm not paying them. [REDACTED] specificity told me they could not increase my fine nor could they prolong my probation due to my fine not being paid. They are huffing and puffing because they are afraid. [REDACTED] also told me that they could not charge me one dime in interest if I was not paying them because I didn't have the ability to pay. My status is homeless.

Im in a tight spot. I think Sargent Swithenbank, wants to get rid of me. He obviously tried once. He is very worried I might have the ability to prove his wrong doing. We can discuss this also. By now you probably have a few questions. So do I.

I am really looking forward to speaking with you.

Sincerely, [REDACTED]

Dear [REDACTED]

Why did you leave [REDACTED] and me broken hearted and stranded? Where is our son? Don't tell me his school year has been interrupted as late as spring break? Bad timing. NO MATTER WHAT I have never nor even considered leaving you and [REDACTED] stranded. Not once sense [REDACTED] was born. [REDACTED] and I have to trust and rely on you in the same way you trust in me to take care of other things. But leaving us out here with no notice is serious. With no way to access the p.o.box, the bills, ect... I will not be sneaking around town with no "tags". Have you considered what could happen to your best friend [REDACTED] if I had to take off to eureka, and could not return soon enough? You said she was the first dog you ever loved and got to know. [REDACTED] sniffs your cloths and starts crying. I can't take it...

[REDACTED] came over. He wants to join lots and "spec." on our house with his labor (pro-bono). To gather we think we could have a for sale sign in the yard in a few months. And have the house looking great. I have cleaned the property up. The whole yard and the house. Including the junk in the front area. We are fencing lots together. Of course [REDACTED] needs a contract the three of us must sign. Don't blow this opportunity.

I assume you paid the mortgage this month sense you left with 3600.\$. Of my/our cash. And All of the Bills, as well were to be paid with that money. I don't care about the money, Keep the change, AFTER the Bills are paid. You can have the car too. I won't say another word about the momey I have in it. Your [REDACTED] mom, I'm happy to have bought a benz.

I hope you found a nice place to live. And I hope you get this letter and bring dog food quickly. Abandoning [REDACTED] is not funny. I am in no position to take care of an epletic dog on my owne, under these cercumstances. And you know that.

I'm trying to rent the house. If the phone gets cut-off it could ruin everything. I would like to see you get something out of the property. But like me you will have to be patient. Try to lay the anger aside each day and it will go away.....and something good might happen with our house.

We need to see you soon.

[REDACTED]

a sinister law enforcement apparatus known by the locals as "the gang", a dirty cop and his relationship to a clan of fuckups.

FROM A TREEPLANTERS PERSPECTIVE

This book is about a dirty cop, a dirty prosecutor, a drunk judge, a very angry bad mother, the bad mothers other drug addict son that was still alive, a very crooked system, the pot trade, a Texan, that tried to help a stupid fucker out of a very dangerous spot on a dark road late one night, and a special place on earth known as the Emerald Triangle.

Imagine, your sitting in a court room.the event, a preliminary hearing.And your ass is the guest of honor. You know you have been set-up.You basically know who is involved.However, you don't exactly know any of these players personally. As the prosecutor is questioning his only so-called witness, he takes a notable pause and asks; what did you mean by that [REDACTED].The silence in the room was quite thick at that point. [REDACTED] was clearly having a problem with the contradiction he had blurted out in response to Max cardozas, previous question. Clearly evident when [REDACTED] "what did you mean by that [REDACTED]?" [REDACTED] appeared bewildered.

Ofcourse at that point I thought, finally I'm going home.Right?Now I expected the Honorable judge Timmity B Cissena, to halt the prosecutor dead in his tracks and bring the obvious sharrade to an end.Unfortunatly for me the drunk, overweight, angry bastard looked the other way.As for my very owne state paid Public defender, obviously he caught [REDACTED], fuck-up.

Dear, [REDACTED]

I'm contacting you because a book needs to be written by a skilled professional about an incident that took place in april of 08, in the middle of the night here in Southern Humboldt County. i found a person laying in the road, i stopped to help . a knife was drawn, one guy was shot. he died later. Fortunately my [REDACTED] and i were spending a couple of months in [REDACTED] when he actually died. Why a book? Simple, the highly unique background of the Emerald Triangle with its inherent mystique, the multitude of serious incidents [the comings and goings] that occur as a result of the oil of our time being produced here. But most importantly a death with many disturbing questions surrounding it and the astounding potential for a novel completely supported by a TRUE STORY [an incident that actually took place]. I am finding it very difficult to write even this small amount. I have so much to say I do not where to begin. I want to speak with you for 5 or 10 minutes minimum. you need to pick my brain. The story your looking for has been right under your nose for a few years now. I can PROVE every word through court minutes, a thick discovery or two, and other things. The dirty rednecks at the county seat are stonewalling my efforts to obtain those records. They know why i want them and they are nervous. If you [when you] decide to take this on i will be leaving the U.S. permanently.

Everyone wants to know whats really going on behind the "redwood curtain". I recently saw you in an interview on a comedy show. I knew right then and there you were the guy to write this book.. my writing skills are an embarrassment at best, otherwise i would write this book myself. Thats right i am a real live [REDACTED] dropout. Yes I'm over 50. and yes I'm serious as a heart-attack about writing this book. HAY MAS... when i was in court for allegedly shooting at that bastard they actually called me/named a character because of a nick name [most people know me as.] Im an official character. Allow me to try and paint a brief picture... do you recall the movie ZombieLand w/Woody Hearldson ?... people around here

know me as someone like that...for example take a stroll down main street Garberville, and start asking the older hippies[the real locals]like [REDACTED] that owns the Woodrose cafe] or [REDACTED], who owns Sylvindales in Redway]...who is that wild guy that lives out past 4corners??he lives on that road that straddles the sinkyone wilderness area??He likes guns?? The name you will here is U.S.A.L. [REDACTED] This is not bragging, only the facts. One might ask how someone related to old astrodome, and Texas oil money[Silver dollar [REDACTED] could windup like a castaway holdup in the most remote spot on the main land?

The guy I mentioned that died?It was not a suicide like the cops say...he was murdered like his brother, and I can prove beyond a doubt local cop, a fat- arrogant- pimplefaced- incompetent- prosecutor, and a judge [drunk bastard]...all dirty] are partially responsible.They systematically tried to get rid of me for good. I know your an attorney. So hopefully you will understand my reluctancies with email. I look forward to hearing from you.

Sincerely, [REDACTED]

Dear [REDACTED]

4/20/14

I wrote you a couple of weeks ago. In that letter I mentioned Dirty cops and bad karmah. Allow me to be more specific about the dirty cops. You and mr. [REDACTED], need to arrest Max Cardoza, and sargent Kinney Swithenbank, and Paul Gallagos, for blatantly conspiring aganst me back in 07/08. What am I talking about? It is time to deal with some of the feloneys committed by the Sherriff's dept. and a couple of your cohorts. Instead of the usual "sweeping it under the rug" at some citizens expence.

I am refering to catching TWO witness'es, read handed, lieing on the witness stand and me both times being sent back to jail instead of being set free right then. Only a short time later to take the stand myself for four and a half hours in a bogus trial, winning the trial by almost a unanimous dicision, only to have a "plea" EXTORTED from me.

Ofcourse I tried to withdraw my plea, and the Judge said I could if "I returned to jail". Maryland Miles, knew beyound a dought that Max, with nothing new, would never make it back to trial, and that questions would arise. Spacifically why she did not stop the trial after the 10 or 12 sherriff's deputys paraded right into the court room [while I was on the stand] and staired at eveyone. AND what about when mrs. [REDACTED] was caught out right lieing? Did you know she is kinnys, cousin and was [REDACTED] saragout mom? I heard nothing about perjurey. Why was the trial not stoped right then? Conspiracy! Judge Miles, realized after allowing such a "dog and pony show" to take place in her "court" her integrety would definatly be in question.

Do I already have the minutes from the "prelim." and the Trial, and that one copy of a supplemental sherrifs report that Swithenbank, has already TRIED TO HIDE? Yes I do. There is a key piece of evedience in that report. In light of my previous letter to you, clearly, it appears there could be an actual TRAIL of missing paper work. Ghee...that was easy.

Max Cardoza, and Sgt. Swithenbank, are partly responsible for [REDACTED] death. A troubled young man I saved from being killed one night. Do you [REDACTED] know who [REDACTED] was? He is also the last person Max Cardoza, ever wants to hear about. Dose Max, really believe he is going to walse off with his "k-mart" retirement and his phycosis and skate on this.

I SMELL A SCANDLE!

Any intelligent, reasonable, rational person can clearly deduct there is something criminal about the way my case was handled. ALL of my efforts thus far to withdraw my plea, or appeal, have been systematically reduced to a joke. I think when the right ATTORNEY starts asking me the right questions Mr. Gallagos, could have a REAL problem on his hands. He is the one that signed off on all this. You can bet there is a mountian of evedience I am not revealing at this time. But easily enough to present to a real Judge.

Kinny Swithenbank, has tried on numerus ocasions to get his co-workers to shoot-on-sight, at me. [REDACTED] and [REDACTED] have both already admitted that to me in past conversations. It came up with the Ettersburg thing.

I wonder if should "witness Protection?"

The way I see it some real bastards in your office owe me about \$2,000,000,000,000. in damages, and above all, a CLEAN RECOARD. Exactly like it was before I tried to help save the life of a local "inbreed."


AND one more Issue; the two large STROBE LIGHTS (not one but two) just outside of my CHILDS WINDOW. You do realize there are not miny Constitutional Rights, of mine and those of my family imparicular[Not to mention all of the neighbors] that HAVE NOT BEEN VIOLATED! Instead of arresting me for "standing my ground" and extorting another plea from me, someone should have clearly, been defending our rights. Now I am seeing spots. My son [REDACTED] see's spots. [REDACTED], [REDACTED]

mother has the same problem. NO WONDER someone wanted me out of the way. Can you look the public in the eye and say your upholding your office while this STROBE LIGHT attacks a humble family night and day in your county? You have a sworn obligation to protect the public from nuisance and harm. The lights MUST BE TURNED OFF!

The STROBE LIGHTS literally attack a person. Can you allow that to happen to any child? Or only the ones that are not in your neighborhood? By the way, "cloud lighters" are ILLEGAL in any neighborhood in the UNITED STATES. It is highly ILLEGAL TO TORTURE anyone in the united states with the likes of a STROBE LIGHT. Those goddamn lights have LITERALLY TORTURED my humble family for 5 years. Clearly, in our lives the damage has been done. Now that the STRESS of this monster light has destroyed my family, and the house is falling out into the street, that Punk Paul Gallagos, has a big problem. Behind his trendy smile is a bad legacy.

CONSIDER THIS YOUR TEN DAY NOTICE!

Failure to make right your wrongs WILL RESULT in further action.

Sincerely, 

[REDACTED]

Really good to hear from you. Did you receive my reply with a phone number? How long has it actually been since I saw you last??? A life time almost...

I lived in a commune for a while, planted 1,500,00, trees with my own two hands all over the pacific northwest. It took about 15 years to pull that off. Most of the time living out side. [REDACTED] and [REDACTED] stopped by San Diego, when I was living there in the early 80's. I can remember watching the super bowl with them. Did you know that I went back to D.L. when I turned 21 to work as a counselor? Was fun for a while....a little awkward though, because this strawberry blond (an easy 12) wouldn't stay off me. We were about the same age. One night [REDACTED] almost punched me out. I was late meeting her with the "group" or something like that. But overall it was a good experience.

I've even been so bold as to peruse intellectual property. My first rodeo was a gas block (adjustable via a quarter) for the AR- 15 system. After spending \$7,500. in HARD EARNED cash, and after going through a rarely done process whereby the petitioner applies to the patent office for the rights to ones own idea...once granted, I was able to discuss my design directly with the examiner. It was at that point I actually caught the patent attorney ([REDACTED].. the fucking jew) ripping me off (bleeding me for thousands).

Next I came up with an idea for a watering system for pets. I'll bet you would like it. One of these days SOON I'll have to show it to you.

I had a bakery in Redway, (2 miles from Garberville). That's where I met [REDACTED] mom 15 yrs. Ago. I never lost my love for cooking. Now I really want to open another place...In a different country.

Do you have a P.O. Box? Or a place where you can get U.P.S.???

Hope I did not scare you off with that last message. Can you venture out to Garberville, for as long as you feel like staying? The most economical route is flying to San Fran...taking the nice shuttle to Santa Rosa, where I could pick you up. EASY! We have plenty of room. At the moment my house looks like shit, but it does sit 1800 feet up, overlooking the Pacific. We have a lot to discuss old friend.

The next time you see [REDACTED] ask him if he had a girl friend in Tamarando, (a russe named [REDACTED] and was it really him I saw in C.R. When [REDACTED] and I were sitting at the sushi place...I'll have to tell you about that later.

Your videos were killer!!!!

Yes...I've had more than one visit from the S.W.A.T. Team. The first time it was 40 cars deep. I guess some rumors made somebody nervous....

I'm really looking forward to hearing from you, and I hope your doing really well.

[REDACTED]

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[the ride with [REDACTED] the counselor, to meet [REDACTED] first met up with the group that comprised "Discovery's" first group on their first trip out.The pacos Wilderness area was magnificent.it was the early 70's cont....

I woke up the next morningAs the cars are driving by. I could hear the surf pounding,i could smell the sea. There was something about it as if the ocean was in my soul. I Was elated to say the least.feeling more like ready to take on the world. So I stuck out my thumb and headed north.

The early october air was crisp and clean.I caught a ride in minutes.The ride north was stellar.Thats right, like being on another planet. As we rode a long up the coast I noticed to the east the top edge of the tree line, and how the general topography sloped harmoniously down to the water.With occasional breaks where the big cliffs are.The patches of redwoods to the right, artachokes to the left and fields of pumpkins, all seemed to melt into the sea.This was my first time to view the pacific ocean from such a vantage point. Cont.....

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I came upon luke, about 3:am.Think it was early in the month of april/07.I had never heard of [REDACTED]. Hadn't a clue as to who he was.Or what condition he might be in? Was this the classic set-up for the neave nice guy who felt compelled to help[exp]?do not forget esta lugar .The Emerald Triangle. The local players,[exp] He was lying face down in the street.His fat cruecutt, bald

head to the down hill slightly. At first I thought he might be dead. This person at a brief glance appeared to be a neighbor. A family man named [redacted] [exp]. And, sense in an instant I could not think of why [redacted] would be lying in the road to any good end, I stopped. Either I called out his name or spoke it to my self? Or maby hit by a truck, or in [redacted] case tossed out the back of one. I was climbing the hill and slowed down considerably when I spotted the body in the road. I pulled up parrell to [redacted] pushed in the clutch, pushed down on the brake and came to a stop. The fuck'en louser had been out drinking all day. A typical day for [redacted]

INSTINCTS/THE FORMAN

The Mexicans did not want a white forman. Unless of course el gringo earned the necessary respect to avoid a faitel "axcident". Was [redacted] up to the task of staying alive with his new job? Being put in a position of having to tell 18-20 mexican brothers (who in no way saw him as a brother) everyday to plant their fucking trees right or get the fuck out of Dodge? Unknown to [redacted] the test had begun. It was the late 80's, and [redacted] reforstation contract had started. The job included many parceles of private logging land in the coastal range of northern california. This area basiclly surrounded the ham lett, known as Fort Brag. We all stayed at the E Colombe motel. [redacted] got us a group rate there. [redacted] had know way of knowing two days into the contract he would be the forman of this potentially cutt throte crew.

[exp planting the life of]
First day of the contract. [redacted] was up at 4:am. Ready to roll. [redacted] The mexican forman and his assistant [redacted] started up the "rigs" that were taking us to work [redacted] stepped out of the room and observed that all of the mexicans were in the vans already. Of course [redacted] was driving the "six pack". And the hombres in his truck were his hand picked group. All with plenty to prove so they could keep their respective seat. As [redacted] strolled by the formans ride he took a good look at who he would be running over first out on the "slopes", as they tried to assume the lead line. [redacted] momentary glare through the dirty glass was as cold and pearcing as the cement floor and the bars on the door of the "detention room" at the Austin State Hospitle. When i nine years old. Back then if you were an adult and deemed too LOCO for Huntsville state prison, guess where one was placed. That was where my filthey rich bitch adoptive mother decided to drop me off one day (Exp eso dia). [exp.doctors/situation/watching mom walk the door -being held back/screaming come back...] With out notice. She was in a bad mood. One year later she came to pick me up (EXP).

The back seat was full with five more mexicans. They glared back at travis, without a clue as to who they were thinking about fuck'en with.

.Starting with [redacted] front passenger. Next to him in the middle of the bench seat was [redacted] from Nicaragua. For the mexican tree planters the seating arrangement to and from trabajo esta mismo as the gringo way. The faster planters always seemed to wind up with the better seating.

Fort Brag, at 4:am in january can be a cold clammy place. Somewhere in his 30's, [redacted] was know stranger to the bush or tree planting by any stretch.

Knowone wants to wake up to the fact that their father tried to drown them in [REDACTED], when they were 7 years old. Neither did I. But I did. Of course I knew it happened but I did not want to see that reality. Ever! I was a trusting child. I had know concept of my parents hurting me. Except for dads temper. Perhaps I would not have been so afraied of him if I had really understood his stress.

(EXP. Know why I never lost in a dead heat (freestyle)...finally figured it out.)

DAD was from Arkansaw. My granddad was a logger there. And at 6' 3" tall, around 230lbs. he looked like a logger. He had a small mill. A family operation. g.d. Did'nt go for the drinking much. Did not smoke either. At least when I was around. Dad had three brothers. They were a not as tall as granddad. They all smoked the cig's. and liked to drink a bit. And fight too. Goddamm pitbulls, every one of them; when it came to a fight. Grandad however, was always kind and fair. He took his time. It was difficult to be around him and not sense the love in his heart or the depth in his soul. His sons did what he said. As I look back it seems the "bad blood" came from the mothers side. All the brothers had dark hair like their mom. Not blond like grandad, and myself.

It takes a little "bad blood" somewhere to try and drown ones owne child. As I look back I don't see how the other men in the boat could possibilly have not known what the fuck was going on.

I rember the sycamoore trees and the way the trunks turn into roots and disapear into the dark, clear water. Like I almost did...for good.

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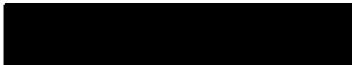
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A BAD NIGHT IN PARADISE

I came upon [redacted] about 3:am.Think it was early in the month of april/07.I had never heard of [redacted] Had'nt a clue as to who he was.Or what condition he might be in? Was this the classic set-up for the neiaive nice guy who felt compelled to help[exp]?do not for get esta lugar .The Emerald Triangle. The local players,[exp] He was lieing face down in the street.His fat cruecutt, bald

head to the down hill slightly. At first I thought he might be dead. This person at a brief glance appeared to be a neighbor. A family man named [redacted] [exp]. And, since in an instant I could not think of why [redacted] would be lying in the road to any good end, I stopped. Either I called out his name or spoke it to myself? Or maybe hit by a truck, or in [redacted] case tossed out the back of one. I was climbing the hill and slowed down considerably when I spotted the body in the road. I pulled up parallel to [redacted] pushed in the clutch, pushed down on the brake and came to a stop. The fuck'en louser had been out drinking all day. A typical day for [redacted].

INSTINCTS/THE FORMAN

The Mexicans did not want a white forman. Unless of course el gringo earned the necessary respect to avoid a faitel "accident". Was [redacted] up to the task of staying alive with his new job? Being put in a position of having to tell 18-20 Mexican brothers (who in no way saw him as a brother) everyday to plant their fucking trees right or get the fuck out of Dodge? Unknown to [redacted] the test had begun. It was the late 80's, and [redacted] reforestation contract had started. The job included many parcels of private logging land in the coastal range of northern California. This area basically surrounded the hamlet, known as Fort Brag. We all stayed at the E. Colombe motel. [redacted] got us a group rate there. [redacted] had known way of knowing two days into the contract he would be the forman of this potentially cut-throat crew.

[exp planting the life of] [redacted] First day of the contract. [redacted] was up at 4:am. Ready to roll. [redacted] The Mexican forman and his assistant [redacted] started up the "rigs" that were taking us to work. [redacted] stepped out of the room and observed that all of the Mexicans were in the vans already. Of course [redacted] was driving the "six pack". And the hombres in his truck were his hand-picked group. All with plenty to prove so they could keep their respective seat. As [redacted] strolled by the forman's ride he took a good look at who he would be running over first out on the "slopes", as they tried to assume the lead line. [redacted] momentary glare through the dirty glass was as cold and piercing as the cement floor and the bars on the door of the "detention room" at the Austin State Hospital. When I nine years old. Back then if you were an adult and deemed too LOCO for Huntsville state prison, guess where one was placed. That was where my filthy rich bitch adoptive mother decided to drop me off one day (Exp eso dia). [exp. doctors/situation/watching mom walk the door -being held back/screaming come back...] Without notice. She was in a bad mood. One year later she came to pick me up (EXP).

The back seat was full with five more Mexicans. They glared back at [redacted] without a clue as to who they were thinking about fuck'en with.

.Starting with [redacted] front passenger. Next to him in the middle of the bench seat was [redacted] from Nicaragua. For the Mexican tree planters the seating arrangement to and from trabajo esta mismo as the gringo way. The faster planters always seemed to wind up with the better seating.

Fort Brag, at 4:am in January can be a cold clammy place. Somewhere in his 30's, Travis, was know stranger to the bush or tree planting by any stretch.

Knowone wants to wake up to the fact that their father tried to drown them in sabine lake, when they were 7 years old. Neither did I. But I did. Of course I knew it happened but I did not want to see that reality. Ever! I was a trusting child. I had know concept of my parents hurting me. Except for dads temper. Perhaps I would not have been so afraied of him if I had really understood his stress.

(EXP. Know why I never lost in a dead heat (freestyle)...finally figured it out.)

DAD was from Arkansaw. My granddad was a logger there. And at 6' 3" tall, around 230lbs. he looked like a logger. He had a small mill. A family operation. g.d. Did'nt go for the drinking much. Did not smoke either. At least when I was around. Dad had three brothers. They were a not as tall as grandad. They all smoked the cig's. and liked to drink a bit. And fight too. Goddamm pitbulls, every one of them; when it came to a fight. Grandad however, was always kind and fair. He took his time. It was difficult to be around him and not sense the love in his heart or the depth in his soul. His sons did what he said. As I look back it seems the "bad blood" came from the mothers side. All the brothers had dark hair like their mom. Not blond like grandad, and myself.

It takes a little "bad blood" somewhere to try and drown ones owne child. As I look back I don't see how the other men in the boat could possibilly have not known what the fuck was going on.

I rember the sycamoore trees and the way the trunks turn into roots and disapear into the dark, clear water. Like I almost did...for good.



Humboldt County Sheriff's Office

Measurement Data Log

File Number	201402046	Scene Measured By	William Honsal
Incident Date/Time	29-Oct-2014 12:56 PM	ID Number (measured by)	1A2
Incident Location	██████████ Shelter Cove, CA	Scene Assisted By	Officer Tim Jones
Date Measured On	29-Oct-2014	ID Number (assisted by)	EPD
Weather Description	Clear	Reference Point Description	Point #1
Road Description	Dirt - Dry	Secondary Reference Point	Point #2 - Power Pole Kelly Road
		Visibility Description	Unlimited

Narrative

Point	X	Y	Z	Description	Notes
1	0.0000	0.0000	0.0000	RP	
2	-45.8000	-93.0200	14.2000	POWER POLE	
3	-19.6200	-72.2000	3.2600	FENCE	
4	15.9000	-20.1000	7.1200	FENCE	
5	20.6200	-12.7000	6.2200	GATE	
6	22.2000	-10.9200	6.3000	GATE	
7	24.6800	-7.1400	6.3400	FENCE	
8	29.2640	-0.4120	6.2220	FENCE	
9	34.1420	5.6760	6.1060	FENCE	
10	-32.1200	-62.1600	-1.1600	FENCE	
11	-42.6800	-55.3000	-1.1400	FENCE	
12	-52.8400	12.6400	4.1400	FENCE	
13	-45.7800	22.4000	4.1400	FENCE	
14	19.0000	-8.2800	-0.1600	GH1	
15	5.7600	1.1200	3.3200	GH1	
16	31.4400	37.1800	3.0400	GH1	
17	19.1000	48.4760	1.1800	SHED	
18	26.5220	52.9440	-0.3820	SHED	
19	26.8020	39.6700	1.3140	SHED	
20	-24.2600	22.6800	7.6200	GH2	
21	-4.8400	8.7800	7.9600	GH2	
22	12.9800	48.6400	10.1600	GH2	
23	-10.7580	-55.6780	0.0140	BW	
24	1.6400	-37.7780	0.0400	BW	
25	-19.4440	-23.3940	0.0520	BW	

Point	X	Y	Z	Description	Notes
25	-19.4440	-23.3940	0.0520	BW	
26	-19.5220	-47.7260	-6.4980	CP	
27	-32.4200	-42.0600	9.5000	HOUSE	
28	-12.2600	-12.0200	6.5200	HOUSE	
29	-42.8400	3.5400	8.7600	HOUSE	
30	-14.4600	-15.7000	6.6000	HOUSE	
31	-22.2400	-10.5000	6.5600	HOUSE	
32	-28.3200	-6.3800	6.5400	DECK	
33	-23.9400	0.1200	6.5200	DECK	
34	-36.7200	8.7800	6.5200	DECK	
35	-36.9600	8.8600	2.5800	DECK	
36	-23.7600	-0.1200	2.5600	DECK	
37	-28.3000	-6.2800	2.5800	DECK	
38	-8.9960	-7.6460	0.5820	PAD	
39	-6.1000	-9.8920	0.4480	PAD	
40	-8.0580	-12.8900	0.6160	PAD	
41	-11.2600	-10.5240	0.5940	PAD	
42	-8.0640	-11.8260	1.2320	S1	
43	-10.2880	-10.1980	1.2540	S1	
44	-8.3940	-12.6480	1.9400	S2	
45	-10.7320	-11.1280	1.9200	S2	
46	-8.9580	-13.3400	2.6200	S3	
47	-11.2260	-11.9500	2.5860	S3	
48	-9.4540	-14.4680	3.4020	PORCH	
49	-12.4700	-12.9240	3.4200	PORCH	
50	-11.7340	-17.7800	3.3580	PORCH	
51	-14.2640	-15.9500	3.3280	PORCH	
52	-30.4000	-5.0200	10.3600	DOOR	
53	-35.2800	-1.6600	10.3600	DOOR	
54	-35.3200	-1.6400	7.1600	DOOR	
55	-30.3200	-4.9800	6.8400	DOOR	
56	19.7880	-9.0440	-0.0600	E1	
57	10.0380	-14.0600	0.8160	E2	
58	5.3280	-11.8120	0.2840	E3	
59	6.7220	-14.7880	0.4300	E4	
60	6.7380	-16.9600	0.4340	E5	
61	5.2860	-16.9040	0.3620	E6	
62	2.9020	-13.0900	0.1180	E7	
63	2.5500	-15.3640	0.2020	E8	
64	0.7600	-12.4840	0.0840	E9	
65	0.0180	-15.3340	0.1520	E10	
66	1.4040	-17.1920	0.2340	E11	
67	-0.6680	-18.6180	0.1960	E12	
68	0.4340	-20.9880	0.2280	E13	

Point	X	Y	Z	Description	Notes
68	0.4340	-20.9880	0.2280	E13	
69	-6.5940	-25.8700	0.3600	E14	
70	-8.8840	-8.1920	0.5860	E15	
71	-10.5980	-6.1440	-0.1740	E16	
72	-15.5080	-8.1620	-0.6240	E17	
73	-15.5100	-8.6260	-0.6160	E18	
74	-29.0540	-5.1500	3.3160	E281	
75	-29.7940	-4.5300	3.3020	E22	
76	-32.7200	-2.6440	3.3260	E23	
77	-33.0120	-2.4940	3.3140	E24	
78	-5.1580	-36.1500	-6.3020	E25	
79	22.2720	36.3100	-3.9460	ARREST	
80	22.8800	38.8200	-1.1600	GUN	
81	0.0000	0.0000	0.0000		

FX Raw Data Import

File type: Nikon DTM 330/332/350/352 Series (NIK)

1, 0.000, 0.000, 0.000, RP
2, -93.02, -45.80, 14.20, POWER POLE
3, -72.20, -19.62, 3.26, FENCE
4, -20.10, 15.90, 7.12, FENCE
5, -12.70, 20.62, 6.22, GATE
6, -10.92, 22.20, 6.30, GATE
7, -7.14, 24.68, 6.34, FENCE
8, -0.412, 29.264, 6.222, FENCE
9, 5.676, 34.142, 6.106, FENCE
10, -62.16, -32.12, -1.16, FENCE
11, -55.30, -42.68, -1.14, FENCE
12, 12.64, -52.84, 4.14, FENCE
13, 22.40, -45.78, 4.14, FENCE
14, -8.28, 19.00, -0.16, GH1
15, 1.12, 5.76, 3.32, GH1
16, 37.18, 31.44, 3.04, GH1
17, 48.476, 19.100, 1.180, SHED
18, 52.944, 26.522, -0.382, SHED
19, 39.670, 26.802, 1.314, SHED
20, 22.68, -24.26, 7.62, GH2
21, 8.78, -4.84, 7.96, GH2
22, 48.64, 12.98, 10.16, GH2
23, -55.678, -10.758, 0.014, BW
24, -37.778, 1.640, 0.040, BW
25, -23.394, -19.444, 0.052, BW
26, -47.726, -19.522, -6.498, CP
27, -42.06, -32.42, 9.50, HOUSE
28, -12.02, -12.26, 6.52, HOUSE
29, 3.54, -42.84, 8.76, HOUSE
30, -15.70, -14.46, 6.60, HOUSE
31, -10.50, -22.24, 6.56, HOUSE
32, -6.38, -28.32, 6.54, DECK
33, 0.12, -23.94, 6.52, DECK
34, 8.78, -36.72, 6.52, DECK
35, 8.86, -36.96, 2.58, DECK
36, -0.12, -23.76, 2.56, DECK
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38, -7.646, -8.996, 0.582, PAD
39, -9.892, -6.100, 0.448, PAD
40, -12.890, -8.058, 0.616, PAD
41, -10.524, -11.260, 0.594, PAD
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43, -10.198, -10.288, 1.254, S1
44, -12.648, -8.394, 1.940, S2
45, -11.128, -10.732, 1.920, S2
46, -13.340, -8.958, 2.620, S3
47, -11.950, -11.226, 2.586, S3
48, -14.468, -9.454, 3.402, PORCH
49, -12.924, -12.470, 3.420, PORCH
50, -17.780, -11.734, 3.358, PORCH
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54, -1.64, -35.32, 7.16, DOOR
55, -4.98, -30.32, 6.84, DOOR
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57, -14.060, 10.038, 0.816, E2
58, -11.812, 5.328, 0.284, E3
59, -14.788, 6.722, 0.430, E4
60, -16.960, 6.738, 0.434, E5
61, -16.904, 5.286, 0.362, E6
62, -13.090, 2.902, 0.118, E7
63, -15.364, 2.550, 0.202, E8
64, -12.484, 0.760, 0.084, E9
65, -15.334, 0.018, 0.152, E10
66, -17.192, 1.404, 0.234, E11
67, -18.618, -0.668, 0.196, E12
68, -20.988, 0.434, 0.228, E13
69, -25.870, -6.594, 0.360, E14
70, -8.192, -8.884, 0.586, E15
71, -6.144, -10.598, -0.174, E16
72, -8.162, -15.508, -0.624, E17
73, -8.626, -15.510, -0.616, E18
74, -5.150, -29.054, 3.316, E281
75, -4.530, -29.794, 3.302, E22
76, -2.644, -32.720, 3.326, E23
77, -2.494, -33.012, 3.314, E24
78, -36.150, -5.158, -6.302, E25
79, 36.310, 22.272, -3.946, ARREST
80, 38.82, 22.88, -1.16, GUN



EUREKA POLICE DEPARTMENT

604 C Street
Eureka, CA 95501
CA0120300



CASE NUMBER 3C14-3952	Page 1 of
PRIMARY OFFENSE AGENCY ASSIST	1. FELONY 2. MISDEMEANOR 3. INFRACTION 4. INCIDENT
OTHER OFFENSES PC 664/187	

- DOMESTIC VIOLENCE HATE CRIME
CHILDREN: INVOLVED PRESENT N/A
 GANG RELATED

INCIDENT INFORMATION

DATE OCCURRED 5-6-14	TIME OCCURRED 1530 HOURS	
REPORT DATE 5-6-14	REPORT TIME 1530 HOURS	DAY OF WEEK Tuesday
COMMON NAME/BUSINESS NAME		
INCIDENT LOCATION (ADDRESS OR BLOCK RANGE) Shelter Cove area HCSO jurisdiction		
LOCATION TYPE *3 007 Residence		BEAT N/A

UNIFORM CRIME REPORT

UCR WEAPON TYPE *5			
1. Revolver	4. Shotgun	7. Other Weapon	10. Machine Gun
2. Semi-Auto Pistol	5. Knife-Cut Inst.	8. Simulated Weapon	88. Unknown
3. Rifle	6. Hands/Feet/Fist	9. Assault Rifle	
FORCED ENTRY			
1. YES	2. NO	3. UNKNOWN	
ENTRY LOCATION *6			
1. Window - Front	5. Window - Upper Level	9. Door Side	13. Roof
2. Window - Rear	6. Window - Basement	10. Door - Upper Level	14. Wall
3. Window - Side	7. Door - Front	11. Door - Garage	15. Adjoin Area
4. Window - Wing	8. Door - Rear	12. Door - Basement	16. Other

PERSON INFORMATION

CONFIDENTIALITY SUBJECT NO. [REDACTED]

LAST NAME Cao	FIRST Bang	MIDDLE Hai	ADDRESS NO. HCSO deputy	STREET (APT)
CITY	STATE	ZIP	DATE OF BIRTH	HOME PHONE MSG NO. <input type="checkbox"/>
EMPLOYER NAME ADDRESS			WORK PHONE	
SEX 1. Male <input type="checkbox"/> 2. Female <input type="checkbox"/>	RACE <input type="checkbox"/>	1. Other Asian 2. Black 3. Chinese	4. Cambodian 5. Filipino 6. Guamanian	7. Hispanic 8. Am Indian 9. Japanese
			10. Korean 11. Laotian 12. Other	13. Pacific Islander 14. Samoan 15. Hawaiian
				16. Vietnamese 17. White 18. Asian Indian

- CONFIDENTIALITY SUBJECT NO. VICTIM (3) REPORTING PARTY (1) WITNESS (6) OTHER (7)

LAST NAME Swithenbank	FIRST Kenneth	MIDDLE	ADDRESS NO. HCSO Deputy	STREET (APT)
CITY	STATE	ZIP	DATE OF BIRTH	HOME PHONE MSG NO. <input type="checkbox"/>
EMPLOYER NAME ADDRESS			WORK PHONE	
SEX 1. Male <input type="checkbox"/> 2. Female <input type="checkbox"/>	RACE <input type="checkbox"/>	1. Other Asian 2. Black 3. Chinese	4. Cambodian 5. Filipino 6. Guamanian	7. Hispanic 8. Am Indian 9. Japanese
			10. Korean 11. Laotian 12. Other	13. Pacific Islander 14. Samoan 15. Hawaiian
				16. Vietnamese 17. White 18. Asian Indian

CHECK FOR ADDITIONAL PERSONS PAGE

VEHICLE INFORMATION

- VICTIM (12) INVESTIGATIVE LEAD (13) INVOLVED (14)

VEHICLE TYPE 1. Auto 2. Truck/Van 3. Motorcycle 4. Camper	5. Bus 6. Trailer 7. Boat 8. Aircraft 9. Other	TOP COLOR	YEAR	MAKE	MODEL
		BOTTOM COLOR	LICENSE NO.	STATE	TABLE 177 1. Arson AMT. \$
				ODDITY	

CHECK FOR ADDITIONAL VEHICLES PAGE

STOLEN PROPERTY LIST

CODE	ITEM #	ARTICLE	BRAND / MODEL	QTY	DESCRIPTION	SERIAL NO.	VALUE	NCIC
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>

OFFICER Ron Harpham	IBM NO. 447	REPORT DATE 5-17-14	SUPERVISOR REVIEW 	IBM NO. 476	REVIEW DATE 5/19/14
------------------------	----------------	------------------------	-----------------------	----------------	------------------------



SUSPECT INFORMATION (4)

PD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS NO.	STREET	(APT)
					KELLEY ROAD	
CITY				STATE	ZIP	DATE OF BIRTH
BRICELAND				CA		
HOME PHONE		MSG NO. <input type="checkbox"/>				
UNK						
DL/ID NUMBER	STATE	OCCUPATION				
	CA	FARMER				
EMPLOYER NAME					ADDRESS	
					WORK PHONE	
RACE	1. Other Asian	4. Cambodian	7. Hispanic	10. Korean	13. Pacific Islander	16. Vietnamese
<input type="checkbox"/>	2. Black	5. Filipino	8. Am Indian	11. Laotian	14. Samoan	17. White
	3. Chinese	6. Guamanian	9. Japanese	12. Other	15. Hawaiian	18. Asian Indian
HAIR COLOR	EYE COLOR	BODY MARKS				
BROWN/GRAY	BLUE					
CLOTHING/PHYSICAL DESCRIPTION						

CHECK FOR ADDITIONAL SUSPECTS

RELATIONSHIP OF PERSON(S)

VICTIM TO SUSPECT TABLE 106

Undetermined	Spouse	Same Sex Relationship	Step-Child	Boyfriend /Girlfriend	Teacher	Co-Worker
Stranger	Former Spouse	Parent	Brother/Sister	Child Of Boyfriend/Girlfriend	Neighbor	Landlord/Tenant
Friend	Co-Habitant	Step-Parent	In- Law	Sitter/Day Care	Employee	Police Officer
Acquaintance	Roommate	Child	Other Family	Student	Employer	
VICTIM ONE	SUSPECT ONE				RELATIONSHIP	

CHECK FOR ADDITIONAL PERSON RELATIONSHIP(S)

RELATIONSHIP OF OFFENSE (ASSAULTS/VIOLENCE)

CRIME OFFENSES TABLE 2

HOMICIDES	SEXUAL ASSAULTS	ROBBERIES	OTHER ASSAULTS			
Murder	Rape	Robbery	Assault Firearm	Assault on Police Officer	Annoying Phone Calls	Arson: Bodily Injury
Murder Attempt	Sex Assault (Not Rape)		Assault Other Deadly Weapon	Resist Arrest	Child Abuse	Arson: Inhabited Dwelling
Vanslaughter	Sex Assault Child		Assault Domestic Violence	Interfere With Police	Child Neglect	Brandishing: Firearm
Manslaughter Involuntary	Indecent Exposure		Assault Simple	Threats: General	Child Stealing/Custody	Brandishing: Other
			Assault and Battery	Threats: Bomb Threat	Elder Abuse	
			Assault Hate Crime		Elder Neglect	
VICTIM ONE	SUSPECT ONE			OFFENSE		

CHECK FOR ADDITIONAL OFFENSE RELATIONSHIP(S)

NARRATIVE: See attached narrative



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

5/21/14 - 21

1 CLASSIFICATION: Agency Assist PC 664/187

2
3 [Redacted] Bang Cao/Kenneth Swithenbank

4 [Redacted]
5 [Redacted]
6 **SUPPLEMENTAL REPORT**

7
8 **SUMMARY:**

9 On Tuesday, 5-6-14, I was working as an investigator in the Eureka Police
10 Department's Criminal Investigation Section. At about 1530 hours, I
11 became aware via our two way radio system that Humboldt County
12 Sheriff's Deputies were driving through our town code-3 in route to Shelter
13 Cove. Several minutes later, I learned from Detective Sgt Nova that the
14 incident in Shelter Cove was an Officer Involved Shooting, (OIS), and I
15 was placed on standby for a (CIRT) Critical Incident Response Team
16 callout.


17
18 **NARRATIVE:**

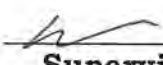
19 ***Notification;***

20 At about 1602 hours, I received a phone call from Lt Wayne Hanson from
21 the Humboldt County Sheriff's Office. Lt Hanson advised the county's
22 CIRT had been recalled and we were meeting at the Sheriff's office as soon
23 as possible.

24
25 ***CIRT briefing;***

26 I arrived at the HCSO at about 1630 hours. The following law enforcement
27 officers were on scene for the briefing; HCSO Lt Hanson, Detectives
28 Fulton and Musson, D.A. Investigators Kirkpatrick and Bernstein, and
29 Eureka PD detectives Gordon and I. My assignment was to assist Detective
30 Fulton. We were to meet HCSO Deputy Bang Cao at the helo pad at St
31 Joseph Hospital and collect his clothing, equipment and a blood draw. The
32 following is a timeline of the investigative steps:
33



Det. RONALD B HARPHAM 447 05/17/2014  Supervisor

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

DISTRIBUTION 1. Briefing 3. D.A. 5. Probation 7. Coroner 9. Other COPIED BY
2. CID 4. Parole 6. CPS 8. ABC

34 **1715 hours**---The CHP helicopter landed at the St Joseph Hospital. Either
35 myself or Detective Fulton kept sight of Deputy Cao continually until we
36 left the hospital.

37

38 **1720 hours**---Deputy Cao was moved immediately from the helo pad to the
39 emergency room of the hospital. Deputy Cao was wearing boots, socks,
40 uniform pants, a belt, his duty belt and a t-shirt. The T-shirt had a round
41 hole under the right nipple and was blood soaked in that area. Detective
42 Todd Fulton took photographs of Deputy Cao and his injuries. Deputy Cao
43 said his uniform shirt and ballistic vest were in Sgt Swithenbank's patrol
44 vehicle. The bullet that struck him was still lodged in the vest. I collected
45 the t-shirt and gun belt at about that time.

46

47 **1725 hours**---I collected Deputy Cao's boots and socks.

48

49 **1745 hours**---Lab Technician [REDACTED] collected a blood draw from
50 Deputy Cao. Both Detective Fulton and I observed the draw. Detective
51 Fulton took possession of the blood draw and sealed the packaging in my
52 presence.

53

54 **1755 hours**---An xray technician came into Deputy Cao's room and took
55 an x-ray photograph of Deputy Cao's chest, feet and ankles.

56

57 **1800 hours**---Detective Fulton and I conducted a safety briefing with
58 Deputy Cao. Deputy Cao said he knew of no witnesses to the incident and
59 believed there to be only one [REDACTED]. Deputy Cao said, because of the
60 rural and mountainous nature of the terrain, errant rounds from either
61 himself, Sgt Swithenbank or the [REDACTED] would not have endangered non
62 involved persons.

63

64 **1815 hours**---Detective Fulton collected Deputy Cao's pants. Inside the
65 pants was a pocket calendar with a bullet sized hole through it, a note book
66 and his badge. I took possession of these items and placed the badge in the

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67 bag containing Deputy Cao's duty belt. I placed the notebook and calendar
68 in the same bag as the pants.


69
70 *1820 hours to 1850 hours*---Doctor [REDACTED] entered the room and used
71 about 3 sutures to close Deputy Cao's wound.

72
73 *1920 hours*---Detective Todd Fulton read Deputy Cao a photo line-up
74 admonition and subsequently showed Deputy Cao the line-up. Deputy Cao
75 made an identification of who he believed was the suspect. (See Detective
76 Todd Fulton's report).

77
78 *2035 hours*---I secured the items collected from Deputy Cao in a secure
79 evidence room at the Humboldt County Sheriff's Office. The only person
80 with a key to the locked room was the HCSO property clerk. I tape sealed
81 the door.

82
83 *Interview with* [REDACTED]
84 Prior to the interview with [REDACTED] Detective Musson and I had an
85 insufficient amount of information about the incident to conduct a
86 productive interview. Neither of us had viewed the scene. Neither of us had
87 received a detailed statement from the two involved officers. What we
88 believed to be true at that time was that Sgt Swithenbank and Deputy Cao
89 were serving a protective/move out court order on [REDACTED]. The two
90 deputies exchanged gunfire with a [REDACTED] believed to be [REDACTED].
91 One deputy did not see [REDACTED] but recognized his voice. The other deputy
92 saw the person who he exchanged gunfire with but could not identify
93 [REDACTED] via a photo line up. Deputy Cao was struck in the right chest by one
94 of [REDACTED] bullets. We did not know who fired the first shot or why.

95
96 On 5-7-14, at about 0405 hours, I received a phone call from Lt Hanson
97 from the HCSO. Lt. Hanson said that the [REDACTED] in this shooting, [REDACTED]
98 [REDACTED] was captured by SWAT perimeter officers, trying to sneak back
99 into the scene. He was being transferred back to the HCSO. Lt Hanson


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100 asked that I come in and meet with the lead detective, Greg Musson, and
101 help interview and process [REDACTED]

102

103 I met with Detective Musson at about 0500 hours. We began the interview
104 with [REDACTED] at about 0545 hours. The interview was both audio and video
105 recorded. We processed [REDACTED] during the first part of the interview
106 removing and taking his clothing and property. I collected each item and
107 placed them in paper bags. [REDACTED] was afforded an orange jump suit and
108 sandals. At the end of the interview, I made notes on each bag and booked
109 the collected items into the secure evidence/drying room that contained
110 Deputy Cao's clothing. During the clothes changing process, Detective
111 Musson photographed [REDACTED] to show his physical condition.

112

113 *(See Detective Musson's report for a summary of the interview with [REDACTED]*
114 *The interview lasted about 4 hours and 8 minutes)*

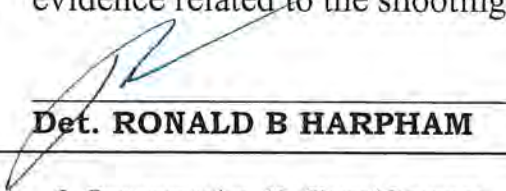

115

116 At the end of this interview, we learned that [REDACTED] knew Deputy
117 Cao from [REDACTED] time in the jail and he did not have a favorable opinion
118 of Cao. [REDACTED] admitted he was home when Deputy Cao arrived. [REDACTED]
119 said he stood on his deck and ordered Deputy Cao to leave the property.
120 [REDACTED] said that prompted Deputy Cao to draw his firearm and start
121 shooting at [REDACTED] [REDACTED] said he was unarmed so he dove back into his
122 house, retrieved his 10mm Glock firearm from a chair, returned to the deck
123 and returned fire. [REDACTED] said he thought he had hit Deputy Cao. Detective
124 Musson and I could not contest [REDACTED] version of events at that time.
125 Prior to detective Musson booking [REDACTED] into the jail, [REDACTED] said
126 he wanted to talk to us again and he gave us permission to see him the next
127 day.

128

129 **Scene;**

130 At about 1100 hours, Detective Musson and I went to [REDACTED] Kelley Road in
131 Shelter Cove. We arrived at about 1230 hours. There were many people
132 working the scene. Two DOJ forensic scientists were processing the
133 evidence related to the shooting. They were assisted by the Chief

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134 Investigator for the DA's office, Wayne Cox, an evidence technician from
135 Arcata PD and an evidence technician from HSU. The HCSO
136 Undersheriff, William Honsal and Eureka Police Department's Senior
137 Traffic Investigator Tim Jones were mapping the scene using an electronic
138 surveying system known as "Total Station."

139

140 From this scene walk through, we became aware of a few facts that would
141 be important to the subsequent interviews with [REDACTED]:

142 1) All of the casings fired by the deputies were scattered to the west of
143 the walkway used by Deputy Cao and Sgt Swithenbank to approach
144 the residence. *(All three [REDACTED] were shooting Glock handguns
145 which eject shell casings to the right and to the rear)*

146 2) It appeared the deck on the east side of the house was the general
147 target area of the deputies.

148 3) [REDACTED] had fired at least five rounds.

149

150 Detective Musson and I also learned that DA Investigator Kirkpatrick and
151 Detective John Gordon conducted a neighborhood canvas. *(This is a very
152 rural area, mountainous with wind and trees. Sound would have trouble
153 carrying far in these conditions).* On this date they were only able to
154 contact the closes neighbor. That neighbor remembered hearing one volley
155 of shots. This detail was important because [REDACTED] described a scenario
156 where Deputy Cao shot at him. He displaced back into the house to retrieve
157 a firearm and returned to the deck and engaged Deputy Cao in gunfire. This
158 would have left the perception of two volleys of shots.

159

160 ***Jail phone calls;***

161 On 5-8-14, at about 0800 hours, I contacted Sgt Duane Christian from the
162 Humboldt County Correctional Facility. Sgt Christian is the keeper of
163 records for the recorded jail visits and phone calls. This includes the
164 booking areas. I asked Sgt Christian to check the jail call log and the jail
165 booking area call log and determine if [REDACTED] had used his call
166 privileges to contact an attorney. Sgt Christian said he had no evidence that
167 [REDACTED] had used the phones while incarcerated.


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168

169 *Interview with Lt Morey;*

170 I learned that Lt Morey had conducted a safety briefing with Sgt
 171 Swithenbank at the scene on 5-6-14 and that Swithenbank may have
 172 revealed information about the shooting beyond the standard safety
 173 briefing. Detective Musson and I were planning on re-interviewing [REDACTED]
 174 and we wanted a more complete knowledge of the incident than what we
 175 had on the first interview. On 5-8-14, at about 0845 hours, Detective
 176 Fulton and I interviewed Lt Morey in his office. The interview was
 177 recorded on my Olympus WS-100 digital audio recorder. The following is
 178 a summary of the interview:

179

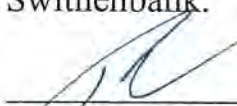

180 Lt Morey said he was at the sheriff department headquarters in the
 181 undersheriff's office with Lt Thompson when they heard the incident on the
 182 radio. They were monitoring the radio because Sgt Swithenbank initiated a
 183 "code 33" for an eviction at Shelter Cove. Upon hearing the shots fired
 184 broadcast, Lt Morey and Lt Thompson self deployed to Shelter Cove. The
 185 time was about 1515 hours. They arrived at Shelter Cove at about 1700
 186 hours.

187

188 Upon his arrival to the command post, Deputy Cao was being airlifted out
 189 of the Shelter Cove airport. Lt Morey never saw Deputy Cao. At the
 190 command post, Lt Morey remembered seeing two volunteer fire members
 191 and two ambulance companies. Several vehicles, including Sgt
 192 Swithenbank's vehicle, were parked forward of the command post, closer
 193 to the [REDACTED] residence. Sgt Swithenbank was with these vehicles along
 194 with Deputy Destrie Henderson and his trainee, Deputy Matt Tomlin, and
 195 Deputy Luke Mathieson. To his understanding, the forward vehicles were
 196 located at the place Deputy Cao and Sgt Swithenbank had displaced to.

197

198 Lt Morey said there was no perimeter set up on [REDACTED] house because of
 199 the dangers represented by [REDACTED] who it was assumed had access to long
 200 rifles. It was at the forward vehicles that Lt Morey spoke to Sgt
 201 Swithenbank.


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202

203 Lt Morey said that Sgt Swithenbank showed him a plastic bag that
 204 contained Deputy Cao's vest and there was a bullet lodged in the vest. He
 205 said that the bullet injured Deputy Cao and he was bleeding from the chest.
 206 Sgt Swithenbank said he and Deputy Cao were trying to serve a refreshed
 207 restraining order and move out order on [REDACTED] Sgt Swithenbank
 208 wanted to serve the warrant because he believed his history with [REDACTED]
 209 would serve to breakdown any misunderstanding.

210

211 Sgt Swithenbank said that he and Deputy Cao discussed whether to take a
 212 shotgun but decided they wanted to keep their hands free. Sgt Swithenbank
 213 said that Deputy Cao was in front of him as he began knocking on the wall
 214 of the house. Sgt Swithenbank said something similar to, "Hey [REDACTED] it is Sgt
 215 Swithenbank. Come to the door." Sgt Swithenbank said that at no time did
 216 he ever see [REDACTED] during this incident. But he did hear his voice
 217 and positively recognized [REDACTED] voice.


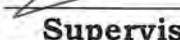
218

219 Sgt Swithenbank told Lt Morey there was a point where he felt that [REDACTED]
 220 had stepped out of the residence and Deputy Cao had eye contact with
 221 [REDACTED]. Sgt Swithenbank repeated to Deputy Cao to watch [REDACTED] hands.
 222 Sgt Swithenbank told Lt Morey that the next thing that happened is shots
 223 were being fired. Sgt Swithenbank said he did not know if it was [REDACTED] or
 224 Deputy Cao who shot first. Sgt Swithenbank told Lt Morey that he shot
 225 some rounds but he does not know how many. He shot his rounds in the
 226 direction of where he thought the [REDACTED] would be standing. Sgt
 227 Swithenbank said he does believe Deputy Cao shot but he does not know
 228 how many times. Sgt Swithenbank painted a verbal picture that he was
 229 shooting through walls, doors or windows as he perceived the threat
 230 location.

231

232 Sgt Swithenbank said their only safe exit point was west towards Kelly
 233 Road. Sgt Swithenbank said, at some point early on in the incident, he
 234 learned that Deputy Cao had been shot.

235

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236 *2nd interview with [REDACTED]*
 237 On 5-8-14, at about 1150 hours, Detective Greg Musson and I re-
 238 interviewed [REDACTED]. With this interview we were armed with a
 239 better understanding of what happened and what the physical evidence told
 240 us. Parts of [REDACTED] story were not adding up. This interview was
 241 confrontational at times. (See Detective Greg Musson's report for a
 242 summary).

243
 244 The interview lasted about 2 hours and 34 minutes. We terminated the
 245 interview without resolving the discrepancies between what we now knew
 246 about the incident and with what [REDACTED] said happened.

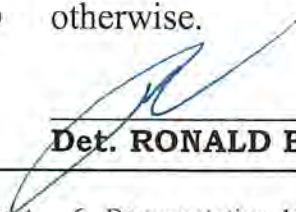

247
 248 *3rd interview with [REDACTED]*
 249 At the conclusion of the second interview, Detective Greg Musson walked
 250 [REDACTED] back towards the jail. Before he got to the jail, [REDACTED] told
 251 Detective Musson he wanted to continue talking. [REDACTED] was returned to
 252 the interview room.

253
 254 The third interview began at about 1430 hours. The third interview lasted
 255 about 41 minutes. In the first few minutes, [REDACTED] admitted to opening up
 256 on Deputy Cao. [REDACTED] said, "When I got on the porch, I did shoot at
 257 him." He said, "Your god dammed right I stepped out and opened up on
 258 him."

259
 260 *Interview with Deputy Cao;*

261 On 5-12-14, at about 1303 hours, Detective Greg Musson and I interviewed
 262 Deputy Cao at the HCSO interview room. Along with Deputy Cao was his
 263 attorney, [REDACTED]. The interview was audio recorded with my Olympus
 264 WS-100 digital audio recorder. The following is a summary of the
 265 interview:

266
 267 Deputy Cao was advised, that based on our investigation, he was
 268 considered a victim. At this time, we knew of no evidence that suggest
 269 otherwise.

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Detective Musson confirmed that Deputy Cao was volunteering to give a statement and not compelled by HCSO administration. Deputy Cao was advised that at any point he felt uncomfortable with our line of questioning he may choose to stop the interview.

Detective Musson advised Deputy Cao that the use of his firearm in this incident was an application of deadly force and the purpose of the investigation is to determine if the use of deadly force was legal and justified. The facts of this case, including his statement, would be presented to the District Attorney for review. When asked if he was willing to give a statement, Deputy Cao said he would.

Deputy Cao said he was wearing his full normal duty wear which included his tan shirt patched with the HCSO logo, his badge, duty belt with firearm and bullet proof vest. Deputy Cao said that Sgt Swithenbank wore the same uniform.

Deputy Cao said he was carrying his department issued Glock 22 40 caliber firearm. He had his magazines loaded with fifteen rounds. His gun had one in the chamber and fifteen in the magazine for a total of 16 rounds.

Deputy Cao said that he does remember when he worked in the jail that he had some contact with [REDACTED]. However, at the time of the incident he had forgotten about [REDACTED] and did not recognize his name or associate his name with his jail experience. Deputy Cao said, when he saw [REDACTED] he did not recognize him as someone he had prior contact with. It was only after this incident, through his own research, that he realized he had prior contacts with [REDACTED]. Deputy Cao said he worked in the jail for 4½ years. He doesn't remember having any negative contacts with [REDACTED] nor could he say whether [REDACTED] was a model [REDACTED] or problematic [REDACTED].


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303 Deputy Cao said he was given information by Sgt Swithenbank, in regards
 304 to Sgt Swithenbank's experiences with [REDACTED] In particular, an
 305 incident where [REDACTED] shot a man in the foot and where the SWAT team
 306 served a warrant on his place and they removed a .50 caliber sniper rifle
 307 from the residence. Deputy Cao said he was aware that the service of court
 308 ordered restraining/move out orders on [REDACTED] was not necessarily routine.
 309 The two drove together to the location in Sgt Swithenbank's truck. Deputy
 310 Cao said they never got a chance to serve that move out order.

311
 312 Deputy Cao said upon arrival, Sgt Swithenbank requested a code 33 on his
 313 radio. They were parked south of the residence, hidden by some trees and
 314 brush. The two walked north on Kelley Road and inspected the west face of
 315 the property. They saw no point of access. Deputy Cao saw a dog in a
 316 second floor window and informed Sgt Swithenbank. Deputy Cao said
 317 they followed a trail off of Kelley Road along the south fence line of the
 318 property. They saw a black truck in the brush. Deputy Cao inspected the
 319 truck to make sure no one was in the truck. Sgt Swithenbank found a gate
 320 in the fence along the south fence line. The two entered the yard. They
 321 chose an entrance door with a stairway and porch to make contact. This
 322 contact point was on the south east corner of the house. It was the only
 323 visible access point to the house. This door was actually a back door that
 324 accessed a "mudroom".

325
 326 Deputy Cao stood in front of the mudroom, at ground level, not on the
 327 stairway or porch. Sgt Swithenbank was to his left, (west), standing next to
 328 the building. Sgt Swithenbank knocked on the wall and announced himself.
 329 Deputy Cao could see, on the west end of the mudroom, there was a door
 330 with a window. After Sgt Swithenbank knocked on the wall and announced
 331 himself, Deputy Cao saw a man look at him through the glass in the door.
 332 He did not recognize him. The man moved away from the window.

333
 334 Deputy Cao told Sgt Swithenbank the male subject disappeared back into
 335 the house. Sgt Swithenbank knocked and noticed again. *(Deputy Cao did*
 336 *not remember if Sgt Swithenbank identified himself as a HCSO Deputy or*

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337 by his name. He does not remember the words used for the knock and
338 notice).

339

340 About one minute later, Deputy Cao heard a sliding glass door open. The
341 sliding glass door was located to his right along the east wall of the house.
342 (The sliding glass door opened up to a deck that was about three or four
343 feet off of the ground. There was about a 42" solid railing/short wall
344 surrounding the deck). Deputy Cao said he saw a male subject on the
345 deck who ordered Deputy Cao to get off his property. Deputy Cao said the
346 [redacted] was very angry in his tone and manner. Deputy Cao responded to
347 the male by saying, [redacted] we just want to talk to you." At this point,
348 Deputy Cao said he was not overly concerned. He was still calm and trying
349 to calm the angry male on the deck. Deputy Cao said that the male [redacted]
350 was in a position on the deck where all he could see was the [redacted] head.
351 He could not see the [redacted] hands or body.

352

353 Deputy Cao said Sgt Swithenbank was to his left and did not have a view of
354 the angry male on the deck. However, Sgt Swithenbank was concerned and
355 was telling Deputy Cao to see the [redacted] hands. Deputy Cao turned his
356 head to Sgt Swithenbank to receive his message better. Deputy Cao looked
357 back toward the [redacted] and asked him to show his hands. It was around
358 this time that Deputy Cao remembered putting his hand on his holstered
359 weapon. Deputy Cao was adamant that he never drew his weapon
360 completely out of the holster until after he had been shot.

361

362 At that time, suddenly, he saw the [redacted] point a black handgun at him and
363 he felt getting hit by the bullet in the chest. Deputy Cao said he does not
364 remember the [redacted] firing the gun. He does not remember seeing the gun
365 recoil, flash or hear the sounds. This suggests that Deputy Cao suffered
366 from auditory exclusion. This is a physiological process where the body
367 does not hear sounds in extreme stress. Deputy Cao remembered seeing the
368 [redacted] rest the gun on the handrail to steady his shooting.

369

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370 (Deputy Cao said he absolutely feared for his life at this point. He was
 371 shaking badly after the incident. At a later moment, Deputy Cao put out a
 372 radio dispatch that he had been shot. But when he tried to speak a
 373 continuing message he remembered that he couldn't finish what he wanted
 374 to say).

375



376 Deputy Cao said that he returned fire. As he returned fire he tripped and fell
 377 backwards. He did not fall all the way to the ground because he put one
 378 hand down and it kept his torso from hitting the ground. Deputy Cao said
 379 he was shooting one handed. Deputy Cao said he does not know what his
 380 footwork was that caused him to trip. He does not remember backing up or
 381 sidestepping.

382

383 It was at this point when Deputy Cao looked over and saw Sgt Swithenbank
 384 climbing down a retaining wall. Deputy Cao got up and followed Sgt
 385 Swithenbank off of the retaining wall and around the west side of the
 386 house. Deputy Cao jumped off of the retaining wall and hurt his feet and
 387 ankles in the process. They both got to the relative safety of the west side
 388 of the house and Sgt Swithenbank radioed "shots fired". Deputy Cao called
 389 in on his radio asking for a code 30. (Officer needs emergency assistance).

390

391 Deputy Cao said that Sgt Swithenbank wanted to continue circling around
 392 the house but he wanted to displace off of the property. At this time, Sgt
 393 Swithenbank did not know he was hurt. Deputy Cao told Sgt Swithenbank
 394 that he did not feel safe and wanted to get someplace else. [REDACTED] house
 395 was two story with many windows that could be used as high ground
 396 shooting portals. His ankles were hurting from jumping off the retaining
 397 wall. Sgt Swithenbank suggested he kick the boards off of the fence to
 398 allow access to Kelley Road. Deputy Cao kicked several boards off of the
 399 fence and they got off the property and onto Kelley Road. They returned
 400 quickly to Sgt Swithenbank's vehicle. Each of them conducted a tactical
 401 reload of their handguns and Sgt Swithenbank retrieved his M16 rifle and
 402 loaded it. The two conducted a tactical retrograde back to the radio tower to
 403 the south. After staying there for a few minutes they realized they were not

 **Det. RONALD B HARPHAM 447 05/17/2014**  **Supervisor**

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 3. Cleared Cited Released 8. Open 13. Cleared: Other Agency 18. To Other Agency 23. CID
 4. PC849b 9. Closed 14. Cleared Restitution 19. Owner Notified 24. NOP
 5. Unfounded 10. Suspended 15. Warrant Request 20. Medical Release Needed

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404 safe from [redacted] if he retrieved a rifle and hunted them. They moved back
405 to the intersection of Toth and Kelley.

406

407 *Interview with Sgt Swithenbank;*

408 On 5-12-14, at about 1440 hours, Detective Greg Musson and I interviewed
409 Sgt Swithenbank at the HCSO interview room. Along with Sgt
410 Swithenbank was his attorney, [redacted] The interview was audio
411 recorded with my Olympus WS-100 digital audio recorder. The following
412 is a summary of the interview:

413

414 Sgt Swithenbank was advised, that based on our investigation, he was
415 considered a victim. At this time, we knew of no evidence that suggested
416 otherwise.

417

418 Detective Musson confirmed that Sgt Swithenbank was volunteering to
419 give a statement and not compelled by HCSO administration. Sgt
420 Swithenbank was advised that at any point he felt uncomfortable with our
421 line of questioning, he may choose to stop the interview.

422

423 Detective Musson advised Sgt Swithenbank that the use of his firearm in
424 this incident was an application of deadly force and the purpose of the
425 investigation is to determine if the use of deadly force was legal and
426 justified. The facts of this case, including his statement, would be
427 presented to the District Attorney for review. When asked if he was willing
428 to give a statement, Sgt Swithenbank said he would.

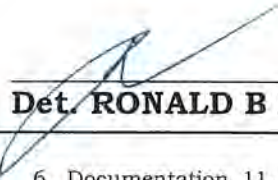

429

430 Sgt Swithenbank said he was wearing his full normal duty wear which
431 included his tan shirt patched with the HCSO logo, his badge, duty belt
432 with firearm and bullet proof vest.

433

434 Sgt Swithenbank said he was carrying his department issued Glock 22, .40
435 caliber firearm. He had his magazines loaded with fifteen rounds. His gun
436 had one in the chamber and fifteen in the magazine for a total of 16 rounds.

437

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438 Sgt Swithenbank said he is aware of [REDACTED] He has known him
 439 for many years. [REDACTED] has caused a lot of problems in the Shelter Cove
 440 area. Sgt Swithenbank knew [REDACTED] is a felon and he investigated [REDACTED]
 441 for shooting a man named [REDACTED] in the foot. Other citizens have
 442 told Sgt Swithenbank that [REDACTED] has brandished guns at them in the past.
 443 Sgt Swithenbank was aware the HCSO SWAT team served a warrant on his
 444 house and they took many firearms from the location. Sgt Swithenbank had
 445 recently received calls from neighbors who said that he was scared for his
 446 life because of [REDACTED] and they felt [REDACTED] was crazy. Sgt Swithenbank
 447 knew that [REDACTED] had a personal issue with him but was unaware that
 448 [REDACTED] had made any death threats to law enforcement or to him
 449 personally.

450
 451 Sgt Swithenbank said he was going to serve a Domestic Violence
 452 Restraining Order and Move Out order on [REDACTED] His plan was to give
 453 [REDACTED] some time but he was going to have to leave on the day of the
 454 service. Sgt Swithenbank said that the protective order had to be refreshed
 455 because the first order was never successfully served. Other HCSO deputies
 456 tried to serve the first protective order but failed to make contact with
 457 [REDACTED].

458
 459 Sgt Swithenbank said that he drove his patrol vehicle to [REDACTED] house.
 460 Deputy Cao was with him. They parked on Kelley Road just south of the
 461 residence in an area that was protected from view. The two deputies
 462 walked north on Kelley Road in front of the house but Sgt Swithenbank
 463 could not see an acceptable entry point. Sgt Swithenbank found a trail
 464 along the south fence line of the property. He saw [REDACTED] 90's model
 465 Ford F250 pick-up truck hidden in the brush. He recognized the vehicle as
 466 [REDACTED] Sgt Swithenbank said this was not normal. His truck was usually
 467 parked in view in the same area. Deputy Cao went to the truck and made
 468 sure nobody was in the truck. Sgt Swithenbank located a sliding gate in the
 469 south fence line. Sgt Swithenbank said the wind was blowing 20 mph that
 470 day.

471

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472 Sgt Swithenbank entered the yard first and the two walked up to the south
 473 east corner of the house where there was a small mudroom. There was a
 474 short stairway to a porch in front of the door. Sgt Swithenbank did not want
 475 to get on the porch. He felt that was a tactical disadvantage. Sgt
 476 Swithenbank was alongside the wall to the west of the porch. Deputy Cao
 477 was more towards the corner of the house.

478
 479 Sgt Swithenbank said that he knocked on the wall and he said something
 480 similar to, " [REDACTED] come out we need to talk." Deputy Cao was also calling
 481 [REDACTED] out, saying, "We need to talk." Sgt Swithenbank is fairly certain
 482 that he prefaced his request by identifying himself as the sheriff
 483 department. That went on for about 30 seconds to a minute and then Deputy
 484 Cao said he saw a male look out the window of the door. Sgt Swithenbank
 485 asked what the male was doing and Deputy Cao answered that he was gone,
 486 out of sight.

487
 488 Sgt Swithenbank said there was another door to the west on the south wall.
 489 It was a door to nowhere, (meaning it was elevated off the ground with no
 490 porch or stairway). About 20-30 seconds after Deputy Cao lost sight of
 491 him, Sgt Swithenbank heard a click as if the door was being locked or
 492 unlocked. The door did not open. Sgt Swithenbank continued knocking
 493 on the wall, asking [REDACTED] to come out and talk. He used a calm voice, not
 494 commanding. Sgt Swithenbank remembered thinking at that time, that this
 495 was not a good situation. He clearly remembered that his stress level went
 496 up. Sgt Swithenbank believed it was at this time that he removed his
 497 firearm from its holster. He may have said to Deputy Cao something like,
 498 "This is not good. This is not good." However, the wind was blowing so
 499 hard Deputy Cao may not have heard him.

500
 501 Sgt Swithenbank believed that [REDACTED] got off of probation several days
 502 prior. He knew that [REDACTED] did not want to deal with the HCSO while he
 503 was on probation. Sgt Swithenbank was hoping that being off probation
 504 would have de-escalated [REDACTED] attitude. They continued calling for him
 505 for about 2 minutes. Sgt Swithenbank remembered seeing Deputy Cao had

 **Det. RONALD B HARPHAM 447 05/17/2014 Supervisor** 

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

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506 his hand on his gun and the gun was partially removed from the holster.
507 Sgt Swithenbank thought he may have heard a sliding glass door open but
508 what he did hear for certain was [REDACTED] voice in an agitated manner. He
509 heard something similar to, "What do you want to talk about". He saw
510 Deputy Cao refocus his eyes on something to his front and he knew Cao
511 was seeing [REDACTED] Sgt Swithenbank said, as soon as he heard the agitated
512 nature of [REDACTED] voice, he began telling Deputy Cao, "Watch his hands.
513 Watch his hands." Sgt Swithenbank began negotiating himself towards
514 Deputy Cao to get his eyes on [REDACTED].

515
516 Sgt Swithenbank heard the first shot. His first initial opinion was that
517 [REDACTED] fired the first shot but he cannot say for sure. When he glanced
518 toward Deputy Cao, Deputy Cao was in a two handed shooting stance. He
519 could hear Deputy Cao shooting but does not remember seeing the gun
520 recoil. Sgt Swithenbank said he was trying to get to the corner of the house
521 but he was firing through the mudroom wall in the direction of where he
522 thought [REDACTED] was. He never saw [REDACTED] Sgt Swithenbank said he
523 remembered hearing the first shot and then a second shot and then a fast
524 volley of shots.

525
526 Sgt Swithenbank remembered there was a point where he was aware that
527 Deputy Cao was shooting, [REDACTED] was shooting and he was shooting. He
528 does not remember seeing Deputy Cao back up or fall down. Sgt
529 Swithenbank did not recall how many times he fired. Sgt Swithenbank does
530 not remember hearing [REDACTED] say anything during the shooting or
531 afterwards. Sgt Swithenbank said the shooting stopped suddenly and he
532 does not know why. He believed it was because [REDACTED] stopped shooting.
533 Sgt Swithenbank remembered saying to Deputy Cao, "Lets go."

534
535 Sgt Swithenbank began to leave by going back to where they came in but
536 realized he would put them both back in the line of fire from the deck. He
537 decided to go towards Kelley Road to the west. They stayed close to the
538 house so as not to be targeted through the windows. Sgt Swithenbank
539 thinks he jumped off the 6' retaining wall instead of climbing down


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540 because he remembers having his gun out. Sgt Swithenbank saw a break in
541 the retaining wall several yards away from the house. It was at that point he
542 decided to jump down. He remembered Deputy Cao running and leaping
543 off the retaining wall much closer to the building. Sgt Swithenbank said
544 that Deputy Cao literal flew off of the high ground to the concrete below.
545 He remembered thinking that Deputy Cao looked like Michael Jordon.
546 They both came together near the southwest corner of the house. It was at
547 that point that Sgt Swithenbank radio "shots fired." He heard the
548 dispatcher repeat his broadcast and confirmed a code 30.

549
550 Sgt Swithenbank said they moved north along the west wall. He thought
551 about going east through a small opening but realized it would take him
552 right back to [REDACTED]. He saw an opportunity to kick a few fence boards off
553 to escape to Kelley Road. It was at this point that Deputy Cao informed him
554 he had been hit but he was okay. A bullet hit him in the chest. Sgt
555 Swithenbank told Deputy Cao to kick the fence boards out. He did and
556 they escaped.

557
558 They ran south using the fence line and brush for cover and got back to his
559 truck. They got their long guns out and conducted tactical reloads with their
560 handguns. Sgt Swithenbank drove his vehicle backwards back to the
561 towers. They were there for a moment and decided it was not good ground
562 if [REDACTED] got a rifle and hunted them. They moved back towards the
563 intersection of Toth and Kelley Road.

564
565 Sgt Swithenbank said that he remembered being concerned pre-shooting,
566 but experience real fear for both him and Deputy Cao during the incident.
567 He does not remember time slowing down or speeding up, (*a sign of high*
568 *stress*), and he remembered hearing all of the shots and differentiating
569 between his shots and others. But, he said none of the gun shots hurt his
570 ears which would be normal if he shot a firearm without ear protection.
571 (*Auditory exclusion is a sign of stress although Sgt Swithenbank did not*
572 *experience this to the degree Deputy Cao did*).

573

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574 Sgt Swithenbank said he had reason to be concerned about [REDACTED] prior to
575 the shooting but after the first engagement, Sgt Swithenbank felt that he
576 and Cao were being hunted and that [REDACTED] was trying to kill him.

577

578 **DISPOSITION:**

579 Cleared by arrest. TO DA for prosecution

580

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CASE NUMBER: 3C14-3952

ASSOCIATED CASE: _____

EUREKA POLICE DEPARTMENT
PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

OF _____

- PROPERTY CODES * 178
 S - Stolen
 R - Recovered for Return
 RA - Recovered (For Other Agency)
 RE - Recovered Evidence
 F - Found
 D - Damaged
 L - Lost
 E - Evidence
 K - Safekeeping
 C - Contraband For Disposal

DATE STORED	TIME STORED	DATE OF INCIDENT	CRIME		
5-17-14	1130hrs	5-1-14	PC 664 187		
(VICTIM) LAST NAME	FIRST	MIDDLE	ADDRESS	PHONE	DOB
CAO	BANL	HCSO	DEPUTY		
(FINDER) LAST NAME	FIRST	MIDDLE	ADDRESS	PHONE	DOB
LOCATION PROPERTY WAS FOUND / INCIDENT OCCURRED (LOCATION TYPE 3*)					
[REDACTED] Kelley Road Priceland CA					

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

PROPERTY / EVIDENCE LISTING

CODE	ITEM NO.	ARTICLE	BRAND/MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE	ENTERED NCIC	LAB WORK	STORAGE LOCATION	DISPOSITION
E	RH1	DIGITAL IMAGES		9	SCENE WALK THROUGH PHOTOS						
E	RH2	DIGITAL AUDIOS		6	INTERVIEW AUDIO FILES 3x [REDACTED]						
					1 x CAO						
					1 x Swift Home Bank						
					1 x money						

Media
Solve

PROPERTY/EVIDENCE ASSOCIATED TO

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

REQUEST FOR LAB EXAMINATION

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

BOOKING OFFICER	IBM NO.	REPORT DATE	SUPERVISOR REVIEW	IBM NO.	REPORT DATE
Ron H. [Signature]	447	5-17-14	[Signature]	426	5/19/14

Supplemental Narrative

On the morning of Wednesday, May 7th, 2014, I was contacted by EPD Sgt. Nova and told that my assistance was requested at the scene of an Officer-involved shooting in Shelter Cove, CA. My assistance was limited to helping with scene documentation/diagramming by use of a total station. I ultimately met with Undersheriff Honsal at EPD and rode to the scene with him.

We arrived and entered the crime scene at approximately 1245 hours; as noted on my wristwatch. I noted that the weather was sunny and relatively warm, with some wind.

My assistance in this investigation was limited to helping Undersheriff Honsal with the setup and operation of the Nikon TSSI supplied by the Humboldt County District Attorney's Office. During that time I noted no operational problems with the total station or any of the associated equipment that we used. At the conclusion of our work, Undersheriff Honsal and I dismantled the total station, collected our equipment and left the scene at approximately 1620 hours.

This concluded my involvement in this investigation.

Dispo: Append to HCSO investigation, 20142046.



OFFICER T. Jones IBM# 0475

05/08/2014


APPROVED

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

- | | | | | | |
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EUREKA POLICE DEPARTMENT

604 C Street, Eureka, CA 95501
CA0120300



CASE NUMBER
3C14-3952

CLASSIFICATION: Supplemental Report

[REDACTED]

[REDACTED]

VICTIMS(S): HCSO Deputy Bang Cao
HCSO Sgt. Kenneth Swithenbank

OTHER(S):

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

NARRATIVE:

1 On 5/6/2014 at about 1630 hours, I was notified of an officer involved shooting in Shelter Cove
2 whereas a Humboldt County Sheriff's Deputy had been shot and was injured. I was then assigned
3 as part of a C.I.R.T. investigation and responded to the HSCO CIS office for a briefing.
4

5
6 Upon my arrival, I was told Deputy Bang Cao and Sgt. Ken Swithenbank attempted to serve a
7 restraining order/ move out order on a resident in Shelter Cove, identified as [REDACTED]
8 at [REDACTED] Kelly. While attempting the service Deputy Cao was shot in the chest once and gunfire was
9 exchanged between [REDACTED] and the Deputies. Deputy Cao was being flown to St. Joseph Hospital
10 in Eureka while Sgt. Swithenbank remained on scene. [REDACTED] was not in custody and was
11 believed to be heavily armed inside the residence.
12

13 DA Investigator Marvin Kirkpatrick and I were given the task of transporting Sgt. Swithenbank from
14 the scene to Jerald Phelps Community Hospital, 733 Cedar, in Garberville to obtain a blood draw.
15 We were instructed to transport Sgt. Swithenbank to his residence after the blood draw was taken
16 in order to collect his uniform, weapons, and gear as evidence.
17

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

OFFICER J. Gordon #K47 <i>JK</i>	IBM NO. 498	REPORT DATE 5/6/2014	SUPERVISOR REVIEW <i>[Signature]</i>	IBM NO. 447	REVIEW DATE 5-17-14						
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604 C Street, Eureka, CA 95501
CA0120300



CASE NUMBER
3C14-3952

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of **12**

SUPPLEMENTAL REPORT

18 Upon our arrival in Shelter Cove, we located Sgt. Swithenbank at the designated command post
 19 several yards away from the incident location. The scene was busy with traffic as multiple
 20 agencies responded to assist including S.W.A.T. teams from Humboldt and Mendocino Counties. I
 21 photographed Sgt. Swithenbank in uniform including his gear and Investigator Kirkpatrick informed
 22 him of the need for a blood draw per HCSO policy. Sgt. Swithenbank told us he had driven his
 23 vehicle from the incident to the location of the command post and directed us to its location. Sgt.
 24 Swithenbank said Deputy Cao's ballistics vest, uniform shirt, and shotgun were in the vehicle as
 25 was Sgt. Swithenbank's rifle and shotgun. Sgt. Swithenbank said he had chambered one round in
 26 his rifle after he had returned to his vehicle with Deputy Cao who was wounded. Sgt. Swithenbank
 27 said the court papers he was attempting to serve [REDACTED] were also located in the front seat of his
 28 vehicle. HCSO Detective Greg Musson arrived on scene, secured the vehicle, and requested a
 29 tow. Detective Musson informed me he had removed Sgt. Swithenbank's wallet and checkbook
 30 from the vehicle and gave them to Sgt. Swithenbank prior to sealing the vehicle.

31
 32 Sgt. Swithenbank chose to be transported to the hospital by HCSO Sgt. Ernest Stewart.
 33 Investigator Kirkpatrick and I followed Sgt. Stewart and Sgt. Swithenbank to Jerald Phelps
 34 Community Hospital in Garberville.

35
 36 Upon our arrival at the hospital, Sgt. Stewart met me at the driver's door of my vehicle and told me
 37 that while they were enroute, Sgt. Swithenbank had spoken to his wife on the phone. Sgt.
 38 Swithenbank's wife was irate about how she perceived her husband was being treated and refused
 39 to allow me into their house to collect Sgt. Swithenbank's uniform and gear as evidence. Sgt.
 40 Stewart suggested I wait in the car and allow Sgt. Swithenbank, Investigator Kirkpatrick, and
 41 himself to go inside and collect the items. Sgt. Swithenbank's wife knew Investigator Kirkpatrick
 42 well enough that she would allow him inside. I informed Sgt. Stewart that I needed to collect the
 43 items myself and suggested having someone bring clothing to Sgt. Swithenbank at the hospital.
 44 Sgt. Stewart, Sgt. Swithenbank, and Investigator Kirkpatrick all agreed that was not feasible and we
 45 decided Sgt. Swithenbank would disrobe in his driveway where I could collect the items and his
 46 wife would bring him a change of clothing from the house.

47
 48 We entered the hospital and Investigator Kirkpatrick spoke with Sgt. Swithenbank to obtain a
 49 "safety statement". Afterwards Sgt. Swithenbank was brought into an examination room where at
 50 about 2140 hours, a blood draw was taken from his right inner forearm. The sample was sealed
 51 in a vial and then sealed in an evidence box by Investigator Kirkpatrick. Investigator Kirkpatrick
 52 later booked the box containing the blood sample in as evidence at HCSO. While waiting for the
 53 blood draw, I observed Sgt. Swithenbank had a tear to his left pant leg. Sgt. Swithenbank lifted his
 54 pant leg and I saw he had a scrape on his left chin. I photographed his injuries.

55
 56 We then left the hospital and followed Sgt. Stewart and Sgt. Swithenbank enroute to his residence.
 57 We left Garberville and headed northbound on Hwy 101 and then out on Dyerville Loop Road. After
 58 we had driven some distance from the freeway, Sgt. Stewart pulled into a turnout and stopped. I

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59 saw a vehicle similar to a Toyota 4-Runner parked in the turnout with its parking lights on facing us.
60 I pulled into the turn out and stopped short at the entrance. Sgt. Stewart exited his vehicle and
61 approached me saying that Sgt. Swithenbank's wife refused to allow me on their property and
62 opted to meet us at this turnout with a change of clothes for Sgt. Swithenbank. While Sgt. Stewart
63 was speaking with me, Sgt. Swithenbank approached the parked vehicle and spoke with the driver.
64 He then returned to Sgt. Stewart's vehicle carrying a change of clothes. Investigator Kirkpatrick
65 and Sgt. Stewart then went to the parked vehicle and spoke with the driver while I collected Sgt.
66 Swithenbank's clothing and gear as he undressed.

67
68 I first collected Sgt. Swithenbank's duty pistol, a Glock model 22 .40 Caliber S&W [REDACTED]
69 The pistol was located in a holster on Sgt. Swithenbank's duty belt. I removed the magazine and
70 observed it contained 15 rounds and had a total capacity of 15 rounds. I pulled the slide back on
71 the pistol exposing a single round in the chamber. I placed the pistol, magazine and the single
72 round from the chamber in a bag which I then labeled. As I did so, Sgt. Swithenbank told me he
73 had performed a "tactical reload" during the incident and had placed the partially empty magazine
74 from his pistol in the lower ammo pouch on his belt. I then removed the magazine from the lower
75 ammo pouch on his belt. I observed this magazine contained 7 rounds and had a capacity of 15
76 rounds. I placed this magazine in separate bag which I labeled. I then removed the magazine from
77 the upper pouch and observed this magazine contained 15 rounds and had a capacity of 15
78 rounds. I placed this magazine in a separate bag. Next, I removed Sgt. Swithenbank's X26 Taser
79 from its holster and removed two cartridges and the battery from the taser. I then placed the Taser,
80 cartridges, and battery in a bag. Next, I collected Sgt. Swithenbank's O.C. canister, radio, two
81 flashlights, and two pairs of handcuffs. I placed the items in separate bags. I collected Sgt.
82 Swithenbank's duty belt and placed it in a separate bag. I then requested Sgt. Swithenbank empty
83 his pockets. Sgt Swithenbank first emptied the shirt pockets on his uniform shirt. These pockets
84 contained various information cards, business cards, a planner calendar, two pins, a Renner Fuel
85 account card, and a small notebook. I placed the items from his shirt pocket into a separate bag.
86 Sgt. Swithenbank then emptied the contents from his pants pockets and handed them to me. The
87 contents consisted of a pair of latex gloves, a pocket knife, eye glasses in a metal case, a spare
88 vehicle key, a handcuff key, a napkin, a comb, a "Sielox" access key, a small bottle of hand
89 sanitizer, and two coins. I collected these items and placed them in a separate bag. Sgt.
90 Swithenbank then removed his uniform shirt and handed it to me. I placed this uniform shirt in a
91 separate bag. Sgt. Swithenbank then told me he had a secondary firearm in his vest. Sgt.
92 Swithenbank then opened a custom made chest compartment on the front of his Kevlar vest and
93 exposed a Glock model 27 .40 caliber S&W handgun. I removed the gun from the vest
94 compartment and removed the magazine. This magazine contained 9 rounds of .40 caliber S&W. I
95 then pulled back the slide revealing a single round in the chamber. I placed the gun, magazine, and
96 single round in a bag all together. Sgt. Swithenbank then removed his vest which I collected and
97 placed in a separate bag. Then Sgt. Swithenbank removed his under-shirt and handed it to me. I
98 placed the shirt in a separate bag. Sgt. Swithenbank then removed his boots and pants which I
99 collected and placed in separate bags. Sgt. Swithenbank then put on the clothing he had retrieved

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100 from the driver of the vehicle that was parked on scene while I secured the clothing and gear I
101 collected in the trunk of my car. I then stood by my car until Investigator Kirkpatrick returned. At
102 about 2240 hours, we left the scene and drove to HSCO headquarters where we secured the items
103 we collected in a locked office belonging to HSCO Detective Todd Fulton. Detective Fulton and
104 Investigator Kirkpatrick tape sealed the office door and Detective Fulton retained the key.

105
106 On 5/7/2014, I returned to the CIS Offices of HCSO for a briefing on the incident with the CIRT
107 Investigation team. I learned at the meeting that [REDACTED] was taken into custody by officers on
108 scene at his residence earlier that morning. HCSO Detective Musson and EPD Detective Harpham
109 were interviewing [REDACTED] upon my arrival. I assisted Investigator Kirkpatrick and Detective Fulton
110 in moving the evidence collected from Sgt. Swithenbank from Detective Fulton's office to a shelf in
111 a secure "drying" room located in HCSO evidence. The secure "drying" room had a prior tape seal
112 from the day before and contained other evidence collected for this case.

113
114 Investigator Kirkpatrick and I located bags labeled as containing Deputy Cao's duty belt and a pistol
115 magazine on the top of a shelving unit in the "drying" room. Investigator Kirkpatrick removed the
116 magazine from its bags and counted the rounds contained in the magazine. This magazine was
117 from a bag labeled "left cargo pocket tactical reload" and contained five rounds with a total capacity
118 of 15 rounds. The second magazine was still in Deputy Cao's pistol which was located holstered
119 on his duty belt. Investigator Kirkpatrick removed the pistol from the holster and removed the
120 magazine. This magazine contained 15 rounds and had a maximum capacity of 15 rounds.
Investigator Kirkpatrick pulled the slide back on the pistol slightly exposing a single round in the
122 chamber. Investigator Kirkpatrick ejected the round into his hand and placed it in a separate
123 labeled bag. The third magazine from Deputy Cao's items was located in the magazine pouch
124 located on his duty belt. I photographed the magazine in the pouch. This magazine contained 15
125 rounds and had a maximum capacity of 15 rounds. Investigator Kirkpatrick bagged and labeled the
126 magazines, single round from the chamber, and the pistol separately. The door to the drying room
127 was secured with a key and tape sealed by Detective Fulton. The key was then retained by an
128 HSCO property/evidence clerk.

129
130 Investigator Kirkpatrick and I then drove to Shelter Cove and canvassed the neighborhood of the
131 incident for witnesses. We first spoke with [REDACTED] closest neighbor, identified as [REDACTED]
132 and a tenant of [REDACTED] identified as [REDACTED] (Refer to report by Investigator Kirkpatrick
133 for their statements).

134
135 Investigator Kirkpatrick and I then walked the surrounding area and attempted to contact neighbors.
136 We located two residences in the vicinity but were unable to locate anyone at either residence. I
137 left my contact card at the two residences and left. HCSO Lt. Wayne Hanson informed us that a
138 deputy had briefly spoken to a possible witness the day of the incident and had provided a name
139 and contact phone number. Lt. Hanson gave us a piece of paper with a name and phone number

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140 for [REDACTED]. I phoned [REDACTED] at the number provided and left a message on his
141 voicemail.

142
143 On 5/8/2014, I returned to HCSO and booked the items collected from both Deputies and from
144 Nelson in as evidence with the assistance of HCSO Evidence Technician [REDACTED]. I
145 photographed the seal intact on the "drying" room door prior to Braud breaking the seal and
146 opening the door. Inside the "drying" room there were items in brown paper bags placed in three
147 distinct areas. Some of the bags were labeled designating their contents and who they were
148 collected from. Items on the top shelf of the shelving unit appeared to have been collected from
149 Deputy Cao at St. Joseph Hospital by Detectives Todd Fulton and Ron Harpham on 5/6/2014.
150 The next shelf down contained the bagged items I had collected from Sgt. Swithenbank. There
151 were more bags on and around a table located in front of the shelves. These bags were labeled as
152 containing items collected from Nelson collected by Detectives Ron Harpham and Greg Musson on
153 5/7/2014 at St. Joseph Hospital.

154
155 I brought each group of items, sorted by whom they appeared to have been collected from, into
156 Braud's office nearby for processing. I individually photographed each item and sealed them into
157 their respective evidence packaging. Braud witnessed the processing of each item and logged
158 each item in as evidence.

159
160 The following are the items I booked into evidence on 5/8/2014 from the "drying" room with the
assistance of Braud which were associated with Deputy Cao.

162
163 Item 1- One black basket weave duty belt which contained one double magazine pouch, one X26
164 Taser w/ holster, one radio holder, one baton ring, one key keeper, one pistol holster, one O.C.
165 spray canister with holster, and one double handcuff case w/ two sets of handcuffs.

166
167 Item 2- One yellow/black X26 Taser that I had removed from the holster located on item 1. This
168 Taser had one cartridge and one battery pack. The digital readout showed the battery was at 39%.

169
170 Item 3- One Red/black O.C. Spray canister that I had removed from a holster located on item 1.
171 This canister showed signs of wear. This item was determined to have no probative value.

172
173 Item 4- Two sets of Peerless handcuffs which I had removed the double case on item 1. One set
174 was nickel/stainless link handcuffs and the other was a black hinged set. This item was determined
175 to have no probative value.

176
177 Item 5- One Kenwood portable radio (Serial #A9B01017) with a white label which read "CAO". This
178 radio had a Kenwood KMC-41 lapel microphone. This item was determined to have no probative
179 value. This item was determined to have no probative value.

180

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- 181 Item 6- One pair of green, size 35r, Elbeco TekTwill uniform pants with a black basket weave belt
- 182 attached through the belt loops. The pants had light scrapes and dirt on the pant legs. The pockets
- 183 contained various items that were determined to be of no probative value.
- 184
- 185 Item 7- One Glock 15rd capacity .40 S&W magazine containing 15 rounds of .40 S&W ammunition.
- 186 This was the magazine Investigator Kirkpatrick and I had located in the magazine pouch attached
- 187 to item 1 the day before. The 15 rounds contained in the magazine were all similar in appearance
- 188 and were marked "Winchester 40 S&W".
- 189
- 190 Item 8- One round of .40 S&W that was removed from Cao's pistol by Investigator Kirkpatrick the
- 191 day before. This round was identical to the rounds contained in item 7.
- 192
- 193 Item 9- One Glock 15rd capacity .40 S&W magazine containing 15 rounds of .40 S&W ammunition.
- 194 This was the magazine Investigator Kirkpatrick and I had located in the pistol which was holstered
- 195 in item 1 the day before. The 15 rounds were identical to the rounds contained in item 7.
- 196
- 197 Item 10- One Glock 15rd capacity .40 S&W magazine containing 5 rounds of .40 S&W ammunition.
- 198 This was the magazine in the packaging labeled as "left cargo pocket tactical reload".
- 199
- 200 Item 11- One 2014 pocket planner with an approximate 3/8" hole through it. The planner also
- 201 contained a DA Victim/Witness resource card, a folded paper, a "Miranda Waiver" card, and a
- Renner Fuels account card. All these item had a hole through them.
- 203
- 204 Item 12- Five basket weave leather belt keepers. This item was determined to have no probative
- 205 value.
- 206
- 207 Item 13- One HSCO Deputy Sheriff badge numbered "579"
- 208
- 209 Item 14- One "Official Sheriff Notebook" with "Deputy Cao 707-445-7251" written on the cover and
- 210 dated 2/30/2014. This notebook did not contain any noticeable references to the incident or notes
- 211 regarding Nelson. This item was determined to have no probative value.
- 212
- 213 Item 15- One medium sized white, Brooks, men's t-shirt with blood and a hole on the front left
- 214 breast.
- 215
- 216 Item 16- One pair of black leather Danner Acadia boots men's size 9½. This item was determined
- 217 to have no probative value.
- 218
- 219 Item 17- One pair of black socks. This item was determined to have no probative value.
- 220
- 221 Item 18- One Glock model 22 pistol in .40 S&W [REDACTED] with surefire weapon light.

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222 The following are the items I booked into evidence which were associated with Sgt. Swithenbank,
 223
 224 Item 19- One black basket weave duty belt which contained one double magazine pouch, one X26
 225 Taser holster, one radio holder, one baton ring, one key keeper, one pistol holster, two flashlight
 226 holders, one O.C. spray canister holster, and one double handcuff case.
 227
 228 Item 20- One key ring with 10 keys of various sizes and types. This item was determined to have
 229 no probative value and was released back to Sgt. Swithenbank shortly after processing.
 230
 231 Item 21- Two sets of nickel/stainless handcuffs. Both Peerless brand link handcuffs. This item was
 232 determined to have no probative value.
 233
 234 Item 22- Five belt keepers and one "tactical" handcuff key. This item was determined to have no
 235 probative value.
 236
 237 Item 23- One pelican flashlight and one Mini-Mag flashlight. This item was determined to have no
 238 probative value.
 239
 240 Item 24- One Motorola XTS 2500 portable radio (ser# [REDACTED]). This item was determined to
 241 have no probative value.
 242
 243 Item 25- One Point Blank body armor vest constructed with a customized carrier.
 244
 245 Item 26- One black large men's Calvin Klein t-shirt. This item was determined to have no probative
 246 value.
 247
 248 Item 27- One pair of men's green 5.11 uniform pants size 31.5 with black basket weave belt
 249 attached. The lower left pant leg of these pants were torn and scraped.
 250
 251 Items 28 and 29 were not items I had processed.
 252
 253 Item 30- One men's green long sleeve Flying Cross brand uniform shirt with "K. Swithenbank"
 254 embroidered above right breast pocket, one HSCO Sergeant Deputy Sheriff Badge numbered
 255 "519", and HSCO patches with stripes on both upper sleeves. This uniform shirt had faint black
 256 powder residue on the lower right portion toward the back of the shirt.
 257
 258 Item 31- The contents from shirt pockets of item 30 consisting of a 2014 pocket planner, two pens,
 259 various resource information cards, contact cards, and a "Mead Marble Memo" notebook. This
 260 notebook did not contain any noticeable references to the incident or notes regarding Nelson. This
 261 item was determined to have no probative value.
 262

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263 Item 32- The contents from the pockets of item 27. This item was determined to have no probative
 264 value.
 265
 266 Item 33- One yellow/black X26 Taser w/ two cartridges and one battery.
 267
 268 Item 34- One Red/black O.C. Spray canister. This item was determined to have no probative
 269 value.
 270
 271 Item 35- One pair of black leather Danner boots men's size 9. This item was determined to have
 272 no probative value.
 273
 274 Item 36- One Glock model 22 pistol in .40 S&W [REDACTED] with one 15 rd magazine
 275 containing 15 rounds of .40 S&W ammunition, plus one loose round. The 15 rounds contained in
 276 the magazine and the one loose round were all similar in appearance and were marked
 277 "Winchester 40 S&W".
 278
 279 There was no item 37 due to a clerical error.
 280
 281 Item 38- One Glock 15rd capacity .40 S&W magazine containing 7 rounds of .40 S&W ammunition.
 282 This magazine was labeled as being collected from the bottom magazine pouch on item 19. The 7
 283 rounds contained in the magazine were all similar in appearance and were marked "Winchester 40
 S&W".
 285
 286 Item 39- One Glock 15rd capacity .40 S&W magazine containing 15 rounds of .40 S&W
 287 ammunition. This magazine was labeled as being collected from the top magazine pouch on item
 288 19. The 15 rounds contained in the magazine were all similar in appearance and were marked
 289 "Winchester 40 S&W".
 290
 291 Item 40- One Glock model 27 pistol in .40 S&W ([REDACTED])
 292
 293 Item 41- One Glock 9rd capacity .40 S&W magazine containing 9 rounds of .40 S&W ammunition.
 294 This magazine collected with item 40. The 9 rounds contained in the magazine were all similar in
 295 appearance and were marked "Winchester 40 S&W".
 296
 297 The following are the items I booked into evidence which were associated with [REDACTED] that were
 298 collected by Detectives Harpham and Musson at St. Joseph Hospital.
 299
 300 Item 42- One men's gray flannel L.L. Bean "union suit" underwear. This item had a heavy odor of
 301 feces and sweat.
 302
 303 Item 43- One pair of black sock's with fecal matter smeared on them.

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304 Item 44- One tan men's XL short sleeve L.L. Bean brand button up shirt.

305

306 Item 45- One pair of landscaping gloves.

307

308 Item 46- One pair of blue men's large Patagonia brand rain pants.

309

310 Item 47- One brown men's large L.L. Bean brand fleece vest.

311

312 Item 48- One gray men's XL Northface brand jacket

313

314 Item 49- One pair of men's Rockport brand shoes size 10.

315

316 Item 50- One Galco shoulder pistol holster with double magazine pouch

317

318 Item 51- Red medical bandage tape with cotton swab.

319

320 All these items were secured into evidence by Braud. I later booked the images of the items in as
321 evidence at EPD headquarters.

322

323 On 5/8/2014 I returned to the HCSO and processed Sgt. Swithenbank's patrol vehicle which had
324 been towed there and was secured in the lower parking garage. I was assisted by HSCO Detective
Fulton. I approached the vehicle and observed all the doors, truck, and rear hatch were tape
325 sealed and were locked. The front driver's side door had three tape seals, two of which were
326 broken. Detective Fulton told me he had broken the seal on the door in order to position the
327 vehicle in the garage when it arrived by tow and resealed it with the third piece of tape.

328

329 After photographing the exterior of the vehicle, I unlocked the vehicle using the remote keyless
330 entry given to me by HCSO Sergeant Freese. I opened the driver's door and photographed the
331 interior. The interior of the front compartment had a few piles of paper, a notepad, a digital camera,
332 and two long guns secured in the rack. I looked through a pile of paperwork in the visor on the
333 driver's side but was unable to locate anything relevant to this incident. The notepad, which was
334 mounted to the dash appeared clean.

335

336 Between the driver's seat and front passenger seat, I located a single crumpled piece of lined
337 paper. This paper had a rough hand drawn sketch of the area around [redacted] residence. I
338 collected the paper and later booked it in as evidence with assistance from Detective Fulton (Item
339 JG-5). I continued to search the front compartment of the vehicle and located a stack of papers on
340 the passenger seat. These papers included a restraining order to be served to [redacted] along with a
341 "Trip Ticket" with Nelson's address and a Cal-Photo printout for Nelson with his picture. I collected
342 the paperwork and sealed them in an envelope which was booked into evidence by Detective
343 Fulton (Item JG-3).

344

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OFFICER: J. Gordon #K47 *16* IBM NO: 498 REPORT DATE: 5/6/2014 SUPERVISOR REVIEW: *[Signature]* IBM NO: 447 REVIEW DATE: 5-17-14

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EUREKA POLICE DEPARTMENT

604 C Street, Eureka, CA 95501
CA0120300



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SUPPLEMENTAL REPORT

345 I searched the glove box, center console, and the rest of the interior of the vehicle's front
346 compartment but could not locate items with any probative value to the investigation.

347
348 I removed the two long guns from the rack. The first long gun was a Remington 870 Magnum 12
349 gauge shotgun [REDACTED]. With assistance from Detective Fulton, I unloaded the firearm
350 and saw it contained five shells of 12 gauge buckshot in the tube magazine and one shell of the
351 same in the chamber. The stock had a shell holder attached to the butt stock which contained four
352 shells of 12 gauge slugs. This shotgun was photographed and released to the HSCO to be
353 returned to Deputy Cao.

354
355 The second long gun was a Colt M16 A2 5.56mm Semi-automatic rifle [REDACTED]. This rifle
356 had a 20 rd capacity magazine which contained 19 rounds of .223 ammunition and one .223 round
357 in the chamber. This rifle was photographed and returned to the rack in the vehicle.

358
359 I then opened the rear driver's side passenger door and saw a red biohazard bag seated on the
360 back seat. I removed the bag and later inspected its contents. The back seat was clean and I could
361 not locate any other items relevant to the case.

362
363 I opened the back hatch to the vehicle and saw several gear bags, miscellaneous items, and
364 another shotgun. I removed the shotgun and inspected it with assistance from Detective Fulton. I
365 saw the shotgun was a Remington 870 Wingmaster 12 gauge (ser# [REDACTED] and it had six shells
366 loaded in the magazine tube. Five of the shells were 12 gauge buckshot. The second shell in the
367 tube was a 12 gauge slug. The shotgun had an external shell holder mounted to the butt stock
368 which contained three more shells of 12 gauge slugs. This shotgun was photographed and secured
369 back in the vehicle.

370
371 Continuing my search of the back of the vehicle, I located a metal pole, similar to a jack handle,
372 which was taped on one end with "evidence" tape and had a HCSO evidence barcode sticker. The
373 sticker designated the pole as item #2 associated with HSCO case # 201304869. I photographed
374 the pole and returned it to the vehicle after determining it had no probative value to this case.

375
376 I searched the rest of the bags and boxes in the back of the vehicle and was unable to locate any
377 further evidence related to this investigation.

378
379 I then took the red biohazard bag that I had located in the back seat of the vehicle to the CIS offices
380 of the HCSO for processing. I opened the bag and, with the assistance of Detective Fulton, laid out
381 its contents on a table. I saw the bag contained a Point Blank Brand Kevlar ballistics vest and one
382 HCSO uniform shirt.

383
384 I saw the vest had a hole on the right side of the front panel and what appeared to be blood on the
385 interior side of the front panel. I also observed what appeared to be blood transfer on the interior

1. Cleared by Arrest	6. Documentation	11. Cleared: Recovery	16. To: Property Clerk	21. Cleared: Court Booking	26. Cleared Other Charge(s)
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3. Book Cite Released	8. Open	13. Cleared: Other Agency	18. To: Other Agency	23. To: CID	
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SUPPLEMENTAL REPORT

386 back panel of the vest. I photographed the vest with scale and began removing the Kevlar inserts.
387 I photographed the insert and could feel the bullet was still inside near the hole. Detective Fulton
388 assisted me in removing the bullet from the vest which I then sealed in a tube as evidence (Item
389 JG-2). I then placed the complete ballistics vest in a bag and taped sealed the bag (Item JG-1).
390

391 The HCSO uniform shirt I removed from the bag was a tan Flying Cross brand short sleeve button
392 up shirt with HSCO patches on each sleeve and "B. CAO" embroidered above the right breast
393 pocket. The shirt had an approximate 1/2" hole in the right chest pocket. I placed this shirt a
394 separate bag and sealed it with tape (Item JG-4).
395

396 I placed the red bio-hazard bag into another bag and sealed it with tape. (Item JG-6)
397

398 Upon my return to EPD headquarters, I booked the digital photos I had taken throughout the
399 investigation in as evidence. While booking the photos, I noticed the time/date settings on my
400 camera were incorrect. I took an additional photo using the same camera and noted the actual
401 time was 14 hours ahead of the camera's time. (Ex. The camera displayed a time of 5/8/2014 at
402 2359 hour. The actual time was 5/9/2014 at 1359 hours.)
403

404 On 5/13/2014, I received voicemail messages from [REDACTED] stating she was responding to the
405 business card I had left at her residence at [REDACTED] Toth. I called [REDACTED] back and spoke with her about
406 the incident and her history with [REDACTED]. [REDACTED] told me the following in summary.

408 [REDACTED] told me she was at her house the day of the incident [REDACTED] husband had just arrived at the
409 house when they heard "bang, bang, bang, bang, bang". [REDACTED] believed she heard about nine
410 consecutive gunshots. [REDACTED] looked to her husband and asked if he heard the gunfire. [REDACTED] was
411 somewhat accustomed to hearing gunshots in her area do to several neighbors having "grows" and
412 did not pay much attention to them until she heard indiscernible shouting following the shots. [REDACTED]
413 and her husband exited their house to see what had happened and saw a police car on Toth Road
414 at Kelly. [REDACTED] heard more shouting and decided to go inside her house. [REDACTED] opened a window
415 and tried to listen for further from inside. [REDACTED] heard an officer shout at a passerby to slow down
416 but did not hear much else. Approximately 10 minutes later [REDACTED] telephoned [REDACTED] to see if he knew
417 what was going on. [REDACTED] told her that [REDACTED] had shot at police while they were trying to serve him
418 papers. [REDACTED] knew that [REDACTED] was going to be served papers since [REDACTED] partner, [REDACTED]
419 [REDACTED] had left him a week prior. [REDACTED] told [REDACTED] that an officer had been shot so [REDACTED] closed
420 her windows and doors and sheltered in place. Later, [REDACTED] phoned [REDACTED] and told her [REDACTED]
421 was still on the loose and cautioned her to stay inside and lock her doors. [REDACTED] told [REDACTED]
422 that [REDACTED] had been going out at night and had buried supplies along a trail by her house and
423 believed [REDACTED] had a preplanned escape route that went behind her house. Sgt. Swithenbank
424 then phoned around 1620 hours and told [REDACTED] to leave her residence. [REDACTED] did not have any
425 personal problems with [REDACTED] but stated he had recently shot an unknown person in the foot and
426 had shot and killed [REDACTED] cat. [REDACTED] described [REDACTED] as "gun crazy".

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1

OFFICER J. Gordon #K47	IBM NO. 498	REPORT DATE 5/6/2014	SUPERVISOR REVIEW <i>[Signature]</i>	IBM NO. 447	REVIEW DATE 5-17-14						
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SUPPLEMENTAL REPORT

427

428 I also received a voicemail message from [REDACTED] stating he was returning my call
429 regarding [REDACTED]. I spoke with [REDACTED] by telephone and he told me the following.

430

431 [REDACTED] told me he has been a neighbor of [REDACTED] for several years. [REDACTED] owns a parcel of
432 property nearby [REDACTED] at an unknown address. Often, when [REDACTED] would make noise by
433 working on his property or riding his motorcycle, [REDACTED] would fire his gun in his direction.
434 [REDACTED] would not confront [REDACTED] about it believing [REDACTED] was unstable. [REDACTED] stopped
435 shooting after he was arrested for shooting at the cellular tower. [REDACTED] knew [REDACTED] frequently
436 carried a gun on his person and recalled times when [REDACTED] confronted people with his gun. On
437 one occasion, a friend of [REDACTED] rode by [REDACTED] home on a bicycle and [REDACTED] stopped him
438 and questioned him about what he was doing with his gun out. [REDACTED] was known to threaten
439 people with his gun who were "spinning donuts" in the lot nearby. [REDACTED] referred to [REDACTED]
440 activities as "regulation the neighborhood with a gun". The day of the incident, [REDACTED] was
441 working on his property when he heard several gunshots coming from [REDACTED] property but
442 believed it was just [REDACTED] shooting again until he later heard sirens. [REDACTED] referred to the shot
443 as a "flurry" of shots. [REDACTED] said it was a quick succession of rapid firing with no breaks in
444 between shots.

445

446 I booked audio recordings of the interviews with [REDACTED] in as
447 evidence.

448 **DISPOSITION:**

450 Cleared by arrest.

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CASE NUMBER: 3014-3952

ASSOCIATED CASE: _____

EUREKA POLICE DEPARTMENT
PROPERTY / EVIDENCE BOOKING AND RELEASE REPORT

- PROPERTY CODES * 178
- S - Stolen
- R - Recovered for Return
- RA - Recovered (For Other Agency)
- RE - Recovered Evidence
- F - Found
- D - Damaged
- L - Lost
- E - Evidence
- K - Safekeeping
- C - Contraband For Disposal

DATE STORED <u>5/15/14</u>	TIME STORED <u>1600</u>	DATE OF INCIDENT <u>5/6/14</u>	CRIME <u>PC664/B7, ETC</u>
(VICTIM) LAST NAME <u>BANG</u>	FIRST <u>CAO</u>	MIDDLE <u>—</u>	ADDRESS <u>HCSO</u>
(FINDER) LAST NAME <u>—</u>	FIRST <u>—</u>	MIDDLE <u>—</u>	ADDRESS <u>—</u>
LOCATION PROPERTY WAS FOUND / INCIDENT OCCURRED (LOCATION TYPE 3*) <u>KELLY</u>			

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

PROPERTY / EVIDENCE LISTING

CODE	ITEM NO.	ARTICLE	BRAND/MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE	ENTERED NCIC	LAB WORK	STORAGE LOCATION	DISPOSITION
E	J1	IMAGES	DIGITAL	423	DIGITAL IMAGES OF EVIDENCE FROM	[REDACTED]				MSOLV	1+LD
E	J2	AUDIO	DIGITAL	1	INTERVIEW	[REDACTED]					
E	J3	AUDIO	DIGITAL	1	INTERVIEW	[REDACTED]					
E	J4	AUDIO	DIGITAL	1	INTERVIEW	[REDACTED]					
E	J5	AUDIO	DIGITAL	1	INTERVIEW	[REDACTED]					

PROPERTY/EVIDENCE ASSOCIATED TO

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

REQUEST FOR LAB EXAMINATION

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

REQUESTING AGENCY CASE NO.
201402046

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

BFS CASE NUMBER
EU-14-000590-0001

ATTN: Det. Musson
Humboldt County Sheriff's Office
826 Fourth Street
Eureka, CA 95501

COPIES:

FIELD INVESTIGATION REPORT

OFFENSE: OFFICER INVOLVED
SHOOTING

OFFICER: CAO, BANG; SWITHENBANK, KENNETH

OFFENSE DATE: MAY 6, 2014

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

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

BACKGROUND

On May 6, 2014, Humboldt County Sheriff's Office (HCSO) Lt. Hanson notified the DOJ Eureka Laboratory of an officer involved shooting incident. The suspect surrendered to officers in the early morning hours of May 7, 2014. Senior Criminalist [REDACTED] and I attended a briefing on May 7, 2014, and then departed for the scene. We were told the following information at the briefing:

On May 6, 2014, HCSO Sgt. Swithenbank and Deputy Cao went to the residence of [REDACTED] at [REDACTED] Kelley Rd, Shelter Cove, to serve papers. After Sgt. Swithenbank knocked, there was a verbal and gunfire exchange between [REDACTED] and the officers. One round struck Deputy Cao, striking his vest and injuring him. The officers retreated from the scene by jumping down a retaining wall and kicking out a portion of the fence to get to the road. Officer Cao was airlifted for medical attention. [REDACTED] apparently retreated into the wooded area around his property. Control of the area was established with the assistance of law enforcement personnel from Mendocino County. [REDACTED] wearing a head covering, night vision goggles, and his firearm, surrendered to assisting officers from the Mendocino County Sheriff's Office.

Evidence technicians from the Arcata Police Department (APD) and Humboldt State University Police Department (HSUPD) would be present to search and document the suspect's residence. We were requested to process the shooting scene and retain that portion of the evidence recovered. HCSO Undersheriff Honsal and Eureka Police Department (EPD) Officer Jones were to document the scene with a total station unit.

FIELD ACTIVITIES

We arrived at [REDACTED] Kelley Rd., Shelter Cove, at approximately 1150 hours. Present were Undersheriff Honsal, Lt. Hanson, Sgt. Freese, Det. Fulton, Det. Kirkpatrick, and Officer Dastol from HCSO, Det. Dockweiler and Evidence Technician [REDACTED] from APD, Evidence Technician [REDACTED] from HSUPD, Det. Gordon and Officer Jones from EPD, and Investigators Cox and Cooke and Deputy DA Brownfield from the Humboldt County District Attorney's Office.

The scene consisted of a tri-level house, a smaller second structure, and two greenhouses. The house was surrounded on three sides by a wooden fence that also enclosed some of the rest of the property. We accessed the property through a sliding gateway in the fence on the south side of the property. This gateway was accessed from an unpaved driveway off Kelley Road. A graveled path led from the gateway to an enclosed porch at the southeast corner of the house. At the porch area, the path formed a "V" and another graveled path led from the porch past the greenhouses to the smaller second structure. A large amount of wire mesh was located in the yard between the house and the southern fence. On the south side of the house was a concrete parking area (henceforth called a "carport") that could be accessed from Kelley Road through a gate in the fence. The carport had an approximate six foot high concrete block retaining wall on both the east and south sides. Above the carport was a door in the house that had no reasonable means of egress (i.e., it opened to the six-foot drop-off to the carport). An entrance to the house was located on the lower level of the west side. Boards in a portion of the fence at the northwest corner were broken outwards.

An entrance to the house other than the lower level of the carport was from the porch located at the southeast corner. The porch was enclosed on three sides with an open doorway on the south side. The porch was accessed up a flight of three steps from a concrete pad to a landing. From the enclosed porch, a door with a window opened into the laundry area. From the laundry area, a door opened to the rest of the house. The master bedroom was located on the northeast side and had a broken sliding glass door that opened to a deck having solid walls. An upright mattress leaned against the north wall of the deck.

The smaller structure was located down the graveled path past the greenhouses. The area under the structure could be accessed and this part of the property was densely wooded. Law enforcement personnel searched this area for additional evidence. Located on the ground and on a bench outside of this structure were the items Nelson had when he surrendered. On the bench were a Glock 10mm auto handgun Model 20 S/N [REDACTED], one cartridge, three loaded magazines, an ammunition holder with 19 cartridges (and packaging), money, night vision goggles, a wallet, and a backpack containing foodstuffs, beverages and other miscellaneous items. On the ground was a shirt tied to form a head and/or face cover, watch, black disposable gloves, and a headlamp. All of the items except the backpack and its contents were collected. The backpack was given #DOJ-35 for documentation purposes and it's contents were photographed. Sr. Criminalist [REDACTED] and Undersheriff Honsal counted the money which totaled \$2360 (\$860 in 20 dollar bills, \$1100 in 100 dollar bills, and \$400 in 50 dollar bills). The signed tally sheet was retained with the money.

Senior Criminalist [REDACTED] and I processed the scene, including aerial photographs taken by [REDACTED] from the Coast Guard helicopter, measurements, and determination of trajectories. We made the observations given on the following pages.

FIELD ACTIVITIES (Cont'd)

A total of sixteen .40 caliber cartridge cases were recovered on the exterior of the residence. Of these, fourteen were located between the house and the south fence, west of the gravel path (#s DOJ-2 through DOJ-14 and DOJ-37). Many of this group of fourteen were within the area of the wire mesh. One cartridge case was located just inside the entrance gateway in the south fence, on the east side of the graveled path (#DOJ-1). One cartridge case was located on the concrete floor of the carport near the tire of a motorcycle (#DOJ-27).

Outside of the porch area, one piece of copper jacket was located on the concrete slab present at the foot of the steps, one bullet was located just north of the slab, and two bullets were located north of the slab below the porch area.

Porch Area:

The porch was enclosed on the north, east, and west sides. The doorway on the south side was fully open (no door was present). The porch was accessed up a flight of three steps starting from a concrete pad to a landing on the south side of the doorway. A newel post was located at each step and handrails were affixed to the newel posts on both the north and south sides. The ground south of the porch was irregular; therefore, measurements were taken from the concrete pad and nearby supporting pillars having the same height. The top of the pillars were approximately 6 inches above the surrounding ground level. The landing to the porch was approximately 33.5 inches up from the concrete pad. The porch had a window on the east side that looked out to the property and another on the north side that faced the deck off the master bedroom. The north facing window had two panes of glass with an air space in between. The back side of the north facing window was covered with wooden boards that prevented any view of the deck off the master bedroom from inside the porch.

Deck:

The deck was located off the master bedroom and accessed from a sliding glass door that was partially open. The floor of the deck was a few inches below the floor of house (i.e. a small step down). The majority of the glass had been broken out of the sliding door. The glass of the stationary portion of the door was intact. One 10mm cartridge case was located on the rug in the room. One empty magazine was present just inside the sliding glass door. A large pile of the broken glass from the sliding door was present on the floor inside the room and a smaller pile was located on the deck just outside the room. Both piles of glass were at the area of the broken portion of the slider, and the slider tracks were relatively free of glass. The piles of glass and tracks indicate the door was open and in its current position when broken. Located within the pile of glass on the inside of the room were two apparent bullet fragments. Four 10mm cartridge cases were located on the deck just outside the door. No nominal .40 caliber bullets were observed on the deck. The deck had solid walls (as opposed to railing) that were approximately 40.5 inches high. The spacing between the boards of the deck floor were not large enough to allow passage of a nominal .40 caliber bullet or cartridge case.

Trajectories:

Seven trajectories could be established from the area of the porch toward the area of the deck. The trajectories are listed below in the order they were established. The order listed does not relate to a possible order of shots fired. In examining the scene for possible trajectories, a number of holes were noted and probed in various areas and were determined not be bullet holes. These included holes in the railings, holes in the porch area, and holes in the lower supports of the deck. All of these holes had a similar round, smooth appearance, a probe only entered a short distance, and no sign of a bullet was present in or near the hole.

FIELD ACTIVITIES (Cont'd)Trajectory #'s 1, 2, and 3:

These three trajectories enter on the hand rails of the steps leading up to the porch landing and terminate on the exterior of the east wall of the porch below the window. The general direction of the trajectories is slightly southeast to northwest. One or more of the bullets located on the concrete pad and under the porch are could be from these trajectories.

- Trajectory #1: Above the approximate area of the second step, the trajectory is through the top of the left (south) hand rail, through the lower area of the right (north) hand rail to the porch wall. This trajectory is slightly upward from horizontal.
- Trajectory #2: Above the approximate area of the third step, the trajectory is through the center of the left (south) rail, through the lower portion of the right (north) rail and its supporting newel post to the porch wall. This trajectory starts relatively horizontal and then diverts downward after exiting the rail.
- Trajectory #3: Above the approximate area of the second step, the trajectory is through the lower part of the right (north) rail, through the newel post, to the porch wall. This trajectory is generally downward from horizontal.

Possible Shooter Locations for trajectory #'s 1, 2, and 3:

For trajectory #'s 1 and 2: The shooter would be south of the steps.

For trajectory #3: The shooter could be south of the steps or possibly on the steps.

Trajectory #'s 4 through 7:

These four trajectories enter from the area of the north facing window on the inside the porch and exit through the wood backing of the window, northward toward the area of the deck. The orientation of the trajectories is from the perspective of standing inside the porch facing the blocked north facing window.

- Trajectory #4: Through the left frame of the window approximately 48 inches up from the floor, through the wood backing, and terminating at the eave at the northeast corner of the house. The trajectory is generally parallel to the house and upward. A bullet fragment was collected from the eave by Det. Fulton who cut out the portion of the eave containing the fragment.
- Trajectory #5: Through the edge of the left frame by the glass (i.e., a hole in both the frame edge and glass) approximately 40.5 inches up from the floor, through the wood backing, to the top of the south rail of the deck near the wall of the bedroom. The trajectory is generally horizontal and slightly inward toward the house. It may be possible that this bullet could have struck the sliding glass door.
- Trajectories #6 and #7: These two trajectories cross, merge, then separate. Their entrance holes are in the lower window panes approximately 37-38 inches from the floor. The glass between the two entrance holes had broken out so that the two holes essentially formed a single large hole with two visible entrances. This large hole formed in the glass allowed the rods to be somewhat loose.

Trajectory #6 goes right to left through the lower window panes, through the wood backing and then passes through the siding trim at the northeast corner of the house. The trajectory is generally upward and inward toward the house.

Trajectory #7 goes left to right through the lower window panes, through the wood backing, and through the outside corner of the mattress located on the north side of the deck. The trajectory is generally upward and outward from the house.

FIELD ACTIVITIES (Cont'd)

Possible Shooter Locations for trajectories #'s 4, 5, 6, and 7:

For trajectory #'s 4, 6, and 7: The shooter could be either inside the porch, on the landing, or standing at ground level south of the porch area.

For trajectory #5: The shooter could be in the porch area or on the landing.

An apparent bullet fragment was located on the interior side of the sliding gateway of the south fence approximately two to three feet from ground level. If this fragment is related to this incident, then it was from a general north to south direction and could have come from the deck.

We left at approximately 1930 hours with the evidence related to the shooting scene and the suspect's surrender to law enforcement. Evidence Technicians from APD and HSUPD documented the interior of the residence; they and other law enforcement personnel also collected additional evidence and property, including numerous firearms. These items were retained by the Humboldt County Sheriff's Office.

EVIDENCE

The following evidence was recovered at the scene and transported to the Laboratory on May 7, 2014:

- DOJ-1) 40 caliber cartridge case
- DOJ-2) 40 caliber cartridge case
- DOJ-3) 40 caliber cartridge case
- DOJ-4) 40 caliber cartridge case
- DOJ-5) 40 caliber cartridge case
- DOJ-6) 40 caliber cartridge case
- DOJ-7) 40 caliber cartridge case
- DOJ-8) 40 caliber cartridge case
- DOJ-9) 40 caliber cartridge case
- DOJ-10) 40 caliber cartridge case
- DOJ-11) 40 caliber cartridge case
- DOJ-12) 40 caliber cartridge case
- DOJ-13) 40 caliber cartridge case
- DOJ-14) 40 caliber cartridge case
- DOJ-15) Piece of copper jacket
- DOJ-16) Bullet
- DOJ-17) Bullet
- DOJ-18) Bullet
- DOJ-19) 10mm cartridge case – bedroom floor
- DOJ-20) Magazine – bedroom

EVIDENCE (Cont'd)

- DOJ-21) 10mm cartridge case – deck
- DOJ-22) 10mm cartridge case – deck
- DOJ-23) 10mm cartridge case – deck
- DOJ-24) 10mm cartridge case – deck
- DOJ-25) Metal fragment from glass
- DOJ-26) Metal fragment from glass
- DOJ-27) 40 caliber cartridge case
- DOJ-28) Glock handgun, Model 20, 10mm automatic, [REDACTED]
- DOJ-29) 10mm cartridge
- DOJ-30) 3 magazines
- DOJ-31) Ammunition box with 19 cartridges (includes packaging)
- DOJ-32) Money and tally
- DOJ-33) Night vision goggles
- DOJ-34) Wallet
- DOJ-36) Shirt, watch, gloves, and headlamp
- DOJ-37) 40 caliber cartridge case
- DOJ-38) Metal fragment from fence gateway
- DOJ-39) Bullet from eave

The following evidence was prepared at the DOJ Eureka Laboratory:

- CD-1) CD with 275 images

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on the listed dates:

Evidence received May 23, 2014:

- 125002) Blood sample from Officer Cao

Evidence received May 15, 2014:

- 125003) Blood sample from Sgt. Swithenbank

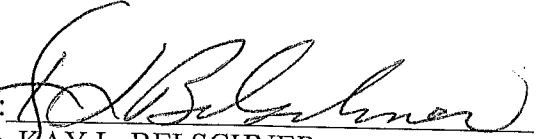
Evidence received June 10, 2014:

- 124980) Glock 22 [REDACTED] from Officer Cao
- 125024) Glock 22 [REDACTED] from Sgt. Swithenbank
- 125031) Glock 27 [REDACTED] from Sgt. Swithenbank
- 125086) Projectile from Officer Cao's vest

DISPOSITION

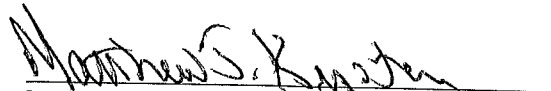
The evidence from the scene, CD-1, and projectile from Officer Cao's vest are being held at the DOJ Eureka Laboratory pending examination or release to the HCSO. The blood samples from Officer Cao and Sgt. Swithenbank were sent to DOJ Toxicology on June 5, 2014, via GSO. The three firearms were returned to HCSO on June 19, 2014.

EXAMINED BY:



RAY L. BELSCHNER
Senior Criminalist

Date of Report: July 7, 2014



MATTHEW J. KIRSTEN
Senior Criminalist

Technical review by: Wsc Date: 7/9/14

Administrative review by: Wsc Date: 7/9/14

KL B : klb

AGENCY CASE NUMBER
20142046

DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS CASE NUMBER
EU-14-000590-0005

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: 5/6/2014

SUMMARY:

The blood sample (Item 124952_01) of [REDACTED] contained 0.00% (W/V) alcohol.

On 10/28/2014, the following [REDACTED] was received from [REDACTED] of the Humboldt County Sheriff's Office, Eureka:

Submission 124952: One [REDACTED] envelope containing one tube of blood from the [REDACTED]
Item 124952_01: One tube of blood from the [REDACTED]

DISPOSITION:

The case [REDACTED] will be returned to your agency in the normal course of business.

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice, Bureau of Forensic Services (BFS); (2) I am qualified to engage in forensic alcohol analysis as a Forensic Alcohol Supervisor, Analyst, or as a Trainee under supervision pursuant to Title 17 of the CA Code of Regulations; (3) I performed an analysis of the material described above during the regular course of my duties according to approved laboratory procedures; (4) The recording of the analytical results was done at the time the analysis was performed and included creation of contemporaneous documentation; (5) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record; (6) This laboratory report has been prepared and retained by BFS in the normal course of business according to BFS' regular practices and procedures. This Laboratory is accredited by American Society of Crime Laboratory Directors/Laboratory Accreditation Board.

DATE ANALYSIS COMPLETE: 10/29/2014
DATE OF REPORT: 10/30/2014

Technical Reviewer: [REDACTED]

Administrative Reviewer: [REDACTED]

[REDACTED]
Senior Criminalist

cc: DOJ Alcohol Report Recipient DAHUMB [REDACTED]

201402046

RELATED BFS CASE #

BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

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

INFORMATION AND
REPORT SECURITY

ROUTINE

AGENCY ONLY

AGENT ONLY



SUBMITTING AGENCY: Humboldt County Sheriffs Office

AGENCY CASE NO: 201402046

COUNTY OF PROSECUTION: Humboldt

RELATED AGENCIES/CASE NUMBER(S):

OFFENSE(S): OJS

DATE OF INCIDENT: 05/06/14

DATE NEEDED: When Poss REASON: Investigation

INVESTIGATING OFFICER: Todd Fulton

PHONE: 707-445-7251

FAX: 707-445-7298

INVESTIGATING OFFICER - EMAIL ADDRESS:

[Redacted]				
	Cao	Bang		
	Swithenbank	Kenneth		

EVIDENCE SUBMITTED:

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1	125086 ✓	Projectile from Cao's Vest	
2	124980 ✓	Cao's Glock 22 Duty Weapon/Surefire Light [Redacted]	
3	125024 ✓	Swithenbank's Glock 22 [Redacted]	
4	125031 ✓	Swithenbank Glock 27, 40 Caliber [Redacted]	

Chain of custody for items listed above

Line/Item NUMBER	Received From	Delivered to	DATE
Items 1-4	[Redacted]	[Redacted]	6/10/14

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

201402046

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #

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

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

SUBMITTING AGENCY: Humboldt County Sheriffs Office AGENCY CASE NO: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 05/06/2014 DATE NEEDED: When Poss REASON: Investigation

INVESTIGATING OFFICER: Todd Fulton PHONE: 707-445-7251 FAX: 707-445-7298

INVESTIGATING OFFICER - EMAIL ADDRESS:

[Redacted]				
	Bang	Cao		

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1	125002	Blood Draw Taken From Cao Bang	

Chain of custody for items listed above:

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
line 1	[Redacted]		5/23/14

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

201402046

1. PEOPLE OF THE STATE OF CALIFORNIA,

AFFIDAVIT OF INVESTIGATING OFFICER

2. Plaintiff

3. [REDACTED]

7. SUPERIOR COURT, STATE OF CALIFORNIA

8. COUNTY OF HUMBOLDT

9. On 5-6, 2014, agents of the Humboldt County Sheriff's Office seized marijuana
10. pursuant to Case Number 201402046, Search Warrant Number _____, located
11. at [REDACTED] Kelly Rd Shelter Cove

12. ~~1)~~ At least five (5) random and representative samples have been taken for evidentiary
13. purposes. In addition, one (1) ten (10) pound minimum sample has been retained from the
14. total amount of suspected controlled substance to be destroyed.

16. 2) Photographs have been taken which reasonably demonstrate the total amount of the
17. suspected controlled substance sampled and to be destroyed.

19. 3) The gross weight of the suspected controlled substance has been determined to be
20. 53 lbs., Number of plants: 2041

21. I DECLARE UNDER PENALTY OF PERJURY that the foregoing is true and correct.

22. Executed at EKA, California on 5-6-14 at 2330 a.m./p.m.
(City) (Date) (Time)

23. [Signature]
SIGNED by the Investigating Officer

24. * 51 lbs. of the above mentioned MJ WAS
25. UN-TRIMMED Marijuana bud!

1 AFFIDAVIT OF

2
3 Based upon the Declaration of

T. Felton

Investigating Officer's Signature

4 It is my information and therefore my belief that the Humboldt County Sheriff's Department has complied
5 with Section 11479 of the Health and Safety Code.

6 The Sheriff of Humboldt County had determined that it is not reasonably possible to preserve the
7 marijuana in place or at another location. This determination was based on the fact that Humboldt
8 County does not have adequate storage facilities, or sufficient personnel to guard the marijuana. In
9 addition, recently harvested marijuana gives off great volumes of heat and may erupt into fire.

10 On _____, 20____, all of the marijuana in excess of the ten (10) pounds was
11 destroyed. The remaining marijuana is retained by the Humboldt County Sheriff's Department at Eureka,
12 California.

13 I DECLARE UNDER PENALTY OF PERJURY, that the foregoing is true and correct.

14
15 Executed at _____, California on _____ at _____ a.m./p.m.
16 (City) (Date) (Time)

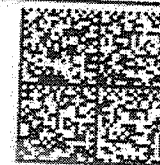
17 Signed: _____
18
19
20
21
22
23
24

201402046



Forensic Analytical Sciences, Inc.

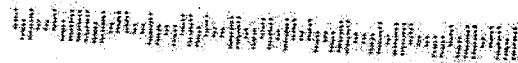
3777 Depot Rd., Suite 403
Hayward, CA 94545-2761



UNITED STATES POSTAGE
PITNEY BOWES
02 IP \$000.69⁰⁰
0001012484 OCT 03 2014
MAILED FROM ZIP CODE 94545

Humboldt County Sheriff Dept.
[Redacted]
1007th Street
Eureka, CA. 95501
/Property

05501051626



14-278
10/02/14



SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516 PHONE (707) 445-7251

Forensic Analytical Sciences

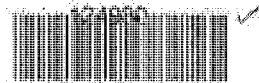
I have been requested to transmit the following items to your office.

HCSO Case #201402046

The item itself was packaged by the booking deputy below is his description of the item.

Firearms

CAO, BANG GLOCK 22 DUTY WEAPON W/SUREFIRE



LIGHT

Firearms

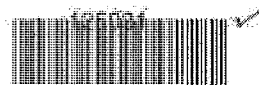
SWITHENBANK GLOCK 22 W/15 ROUND MAGAZINE



PLUS 1 IN

Firearms

SWITHENBANK GLOCK 27 40 CALIBER



Ammunition

PROJECTILE FROM CAO'S VEST



DOJ Lab Generated Evidence

AMMO BOX W/19 CARTRIDGES & PACKAGING



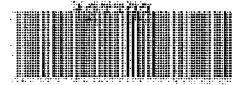
DOJ Lab Generated Evidence



SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

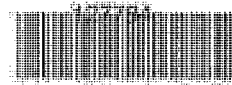
826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516 PHONE (707) 445-7251

3 MAGAZINES



DOJ Lab Generated Evidence

10MM CARTRIDGE



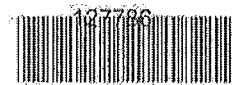
Firearms

GLOCK HANDGUN MODEL 20 [REDACTED]



Ammunition

40 CALIBER CARTRIDGE CASE



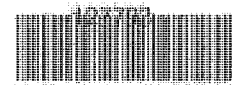
Miscellaneous

METAL FRAGMENT FROM FENCE GATEWAY



Ammunition

BULLET FROM EAVE



DOJ Lab Generated Evidence

3 CARTRIDGE CASES & 3 BULLETS TEST FIRED S/N

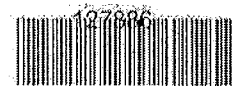
[REDACTED]



DOJ Lab Generated Evidence

3 CARTRIDGE CASES & 3 BULLETS TEST FIRED S/N

[REDACTED]



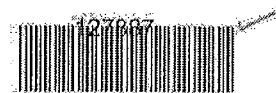


SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516 PHONE (707) 445-7251

DOJ Lab Generated Evidence

3 CARTRIDGES & 3 BULLETS TEST FIRED S/N [REDACTED]



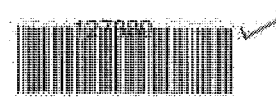
DOJ Lab Generated Evidence

3 CARTRIDGE CASES & 3 BULLETS TEST FIRED S/N [REDACTED]



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



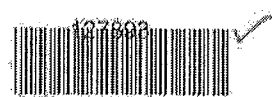
DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



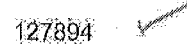
DOJ Lab Generated Evidence

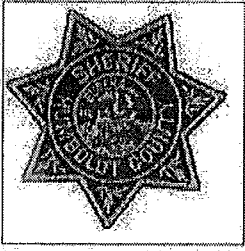
40 CAL CARTRIDGE CASE



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE

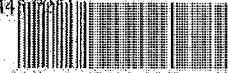




SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

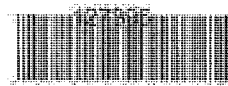
826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516

PHONE (707) 448-7201



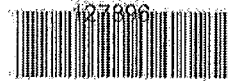
DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



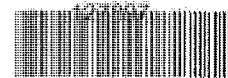
DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



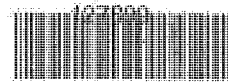
DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



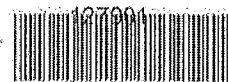
DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



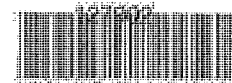


SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516 PHONE (707) 445-7251

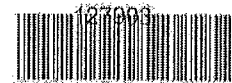
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40 CAL CARTRIDGE CASE



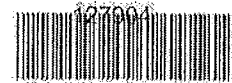
DOJ Lab Generated Evidence

PIECE OF COPPER JACKET



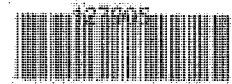
DOJ Lab Generated Evidence

BULLET



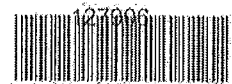
DOJ Lab Generated Evidence

BULLET



DOJ Lab Generated Evidence

BULLET



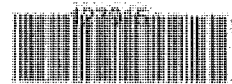
DOJ Lab Generated Evidence

10MM CARTRIDGE CASE - BEDROOM



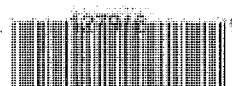
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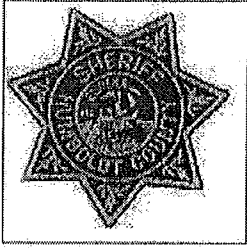
MAGAZINE



DOJ Lab Generated Evidence

10MM CARTRIDGE CASE



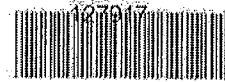


SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516 PHONE (707) 445-7251

DOJ Lab Generated Evidence

10MM CARTRIDGE CASE



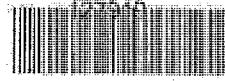
DOJ Lab Generated Evidence

10MM CARTRIDGE CASE



DOJ Lab Generated Evidence

10MM CARTRIDGE CASE



DOJ Lab Generated Evidence

METAL FRAGMENT



DOJ Lab Generated Evidence

METAL FRAGMENT



DOJ Lab Generated Evidence

40 CAL CARTRIDGE CASE



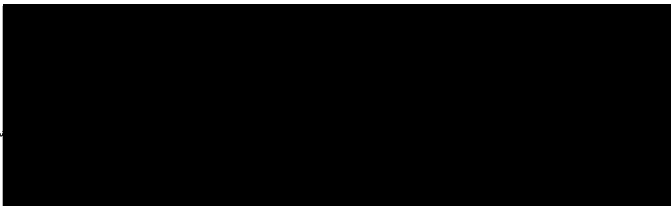


SHERIFF'S OFFICE
COUNTY OF HUMBOLDT

826 FOURTH STREET
EUREKA, CALIFORNIA 95501-0516 PHONE (707) 445-7251

Please sign and return this page to verify full receipt of the items.

X



10/02/14
Date

September 30, 2014

Property Technician
Humboldt County Sheriff's Department
826 Fourth Street
Eureka CA 95501

201402046

FedEx Express NEW Package US Airbill

FedEx Tracking Number

8010 3943 7132

1 From Please print and press hard.

Date 9/30/14

Sender's FedEx Account Number

SENDER'S FEDEX ACCOUNT NUMBER ONLY 14117-1377-4

Sender's Name Property Dept

Phone (707) 268-3617

Company HUMBOLDT CTY SHERIFF DEPT

Address 826 4TH ST

City EUREKA

State CA

ZIP 95501-0516

2 Your Internal Billing Reference

201402046

3 To Recipient's Name

Company Forensic Analytical Sciences

Address [Redacted]

Address [Redacted]

Use this line for the HOLD location address or for continuation of your shipping address.

City Hayward

State CA

ZIP 94545

0456121977

The FedEx US Airbill has changed. See Section 4.
For shipments over 150 lbs., order the new FedEx Express Freight US Airbill.

0215

Sender's Copy

4 Express Package Service

NOTE: Service order has changed. Please select carefully.

Packages up to 150 lbs. For packages over 150 lbs., use the new FedEx Express Freight US Airbill.

Next Business Day

FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Priority Overnight
Next business morning. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Standard Overnight
Next business afternoon. Saturday Delivery NOT available.

2 or 3 Business Days

NEW FedEx 2Day A.M.
Second business morning. Saturday Delivery NOT available.

FedEx 2Day
Second business afternoon. Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.

FedEx Express Saver
Third business day. Saturday Delivery NOT available.

5 Packaging *Declared value limit \$500.

FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

6 Special Handling and Delivery Signature Options

SATURDAY Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

No Signature Required
Package may be left without obtaining a signature for delivery.

Direct Signature
Someone at recipient's address may sign for delivery. Fee applies.

Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.

Does this shipment contain dangerous goods?
One box must be checked.

No Yes
As per attached Shipper's Declaration.

Yes
Shipper's Declaration not required.

Dry Ice
Dry Ice, 2, UN 1845

Cargo Aircraft Only

7. Payment Bill to:

Sender
Acct. No. in Section 1 will be billed.

Recipient Third Party Credit Card Cash/Check

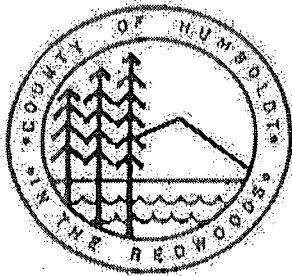
Enter FedEx Acct. No. or Credit Card No. below.

Total Packages Total Weight Total Declared Value

Your liability is limited to \$100 unless you declare a higher value. See back for details. By using this Airbill you agree to the service conditions on the back of this Airbill and in the current FedEx Service Guide, including terms that limit our liability.

611

PULL AND RETAIN THIS COPY BEFORE AFFIXING TO THE PACKAGE. NO POUCH NEEDED.



CONFLICT COUNSEL
COUNTY OF HUMBOLDT

935 THIRD STREET, EUREKA, CA 93501
TELEPHONE (707) 445-7475 FAX (707) 445-7507

FAX COVER SHEET

DATE: ~~xx~~ 09/24/2014 DESTINATION FAX NO.: 707/445-7298

TO: [REDACTED] DEPARTMENT: HCSO Evidence Section

PHONE NUMBER: 707/268-3651

FROM: Cisco Lassiter, Investigator, Conflict Counsel's Office (707) 445-7475
Fax No. (707) 445-7507

COMMENTS OR INSTRUCTIONS: Hello [REDACTED] This fax includes the
stipulation and order re: People v. [REDACTED] to send evidence
to Forensic Analytical in Hayward. The Superior Court case # is:
CR1402184. The S.O. case # is 201402046.

If you have any questions, (and I expect you will), please feel
free to call me at the above number.

Best, Cisco

NUMBER OF PAGES: 8
(including cover sheet)

RESPONSE REQUIRED: [] YES, [] NO, BY (DATE)

Confidentiality Note

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FILED
AUG 27 2014
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

GREGORY J. ELVINE-KREIS (SBN 220775)
CONFLICT COUNSEL OF HUMBOLDT COUNTY
935 3rd Street
Eureka, California 95501
Telephone: (707) 445-7475

Attorney for [REDACTED]

AUG 27 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

HUMBOLDT COUNTY
CONFLICT COUNSEL

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Case No. CR1402184

Plaintiff,

vs.

[REDACTED]

Defendant.

STIPULATION AND ORDER TO SEND
SPECIFIC EVIDENCE FROM THE
HUMBOLDT COUNTY SHERIFF'S
OFFICE OR THE CALIFORNIA
DEPARTMENT OF JUSTICE EVIDENCE
FACILITY TO DEFENSE EXPERT
LABORATORY, FORENSIC
ANALYTICAL SCIENCES, FOR
TESTING BY DEFENSE

Good cause having been shown, the Court finds there is a need for the Humboldt County Sheriff's Office, or the California Department of Justice, wherever requested evidence is currently housed, to send to the laboratory of the defense expert Forensic Analytical Sciences [REDACTED]

[REDACTED] the following items:

1. Any and all evidence listed in the California Department of Justice Bureau of Forensic Services Report (See attached Department of Justice Report).

The Court further orders that the defendant will be responsible for all costs arising from this order.

If any such item of physical evidence is lost, destroyed, or altered during the time it is in the possession of the defense, a defense agent, or a defense consultant, the defense agrees to accept the results of the testing thereon by the prosecution and that the report of the testing of the sample by the Department of Justice may be introduced without objection in any further proceedings, including trial, for the purpose of proving the contents of the report, if said evidence is otherwise admissible.

1 If any such item of evidence is unavailable at the time of the prosecution witness testifying
2 because it is in the custody of the above defense lab, such item may be introduced without objection
3 in any further proceedings, including trial, for the purpose of proving the contents of the report, if said
4 evidence is otherwise admissible.

5 Dated: 8/20/14

6
7
8 
9 GREGORY J. ELVINE-KREIS
HUMBOLDT COUNTY CONFLICT COUNSEL

10
11 Dated: 8/25/2014

12
13 
14 DEPUTY DISTRICT ATTORNEY

15
16 IT IS SO ORDERED.

17
18 Dated: 8/27/14

19
20 MARILYN B. MILES

21 JUDGE OF THE SUPERIOR COURT
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REQUESTING AGENCY CASE NO.
701402046

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

BFS CASE NUMBER
EU-14-000390-0004

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

DISCOVERY

AUG 12 2014

COPIES: Humboldt County District Attorney's Office

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DISTRICT ATTORNEY

PHYSICAL EVIDENCE EXAMINATION REPORT

AUG 11 2014

DISTRICT ATTORNEY

OFFENSE: PC 664/187

BANG CAO, KENNETH SWITENBANK

OFFENSE DATE: MAY 6, 2014

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

SUMMARY/RESULTS

Item 124980 is a Glock model 22 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 124980: DOJ-01, DOJ-02, DOJ-03, DOJ-04, DOJ-06, DOJ-07, DOJ-09, and DOJ-10.

Item 125024 is a Glock model 22 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 125024: DOJ-05, DOJ-08, DOJ-11, DOJ-12, DOJ-13, DOJ-14, DOJ-27, and DOJ-37.

Item 125031 is a Glock model 27 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. No cartridge cases were identified as having been fired in item 125031.

127785
Item DOJ-28 is a Glock model 20 pistol, serial number [REDACTED] chambered for the 10 mm Automatic cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that items DOJ-19 and DOJ-21 through DOJ-24 were fired in item DOJ-28.

Items DOJ-15, DOJ-17, DOJ-18, and DOJ-39 are each expended jacketed hollow point bullets weighing approximately 180 or 181 grains. Items DOJ-16, and 125086 are both full metal jacket bullets weighing approximately 200 grains. All of the listed bullets are nominal 10 millimeter/40 caliber with right hand twist polygonal rifling impressions. None of the test-fired bullets were suitable for comparison; therefore, no comparisons between test-fired bullets and evidence bullets were conducted. Items DOJ-16 and 125086 share design and weight class characteristics with bullets from item DOJ-31; however, these bullets were not identified as having come from a common source.

DISCOVERY

AUG 12 2014

EVIDENCE

The following evidence was recovered at the scene and transported to the Eureka Laboratory by Senior Criminalists [REDACTED] on May 7, 2014.

DISTRICT ATTORNEY

- | | | | |
|--------------|---------------------------|--------------|--|
| Item DOJ-01: | 40 caliber cartridge case | Item DOJ-20: | Magazine |
| Item DOJ-02: | 40 caliber cartridge case | Item DOJ-21: | 10mm cartridge case |
| Item DOJ-03: | 40 caliber cartridge case | Item DOJ-22: | 10mm cartridge case |
| Item DOJ-04: | 40 caliber cartridge case | Item DOJ-23: | 10mm cartridge case |
| Item DOJ-05: | 40 caliber cartridge case | Item DOJ-24: | 10mm cartridge case |
| Item DOJ-06: | 40 caliber cartridge case | Item DOJ-25: | Metal fragment from glass |
| Item DOJ-07: | 40 caliber cartridge case | Item DOJ-26: | Metal fragment from glass |
| Item DOJ-08: | 40 caliber cartridge case | Item DOJ-27: | 40 caliber cartridge case |
| Item DOJ-09: | 40 caliber cartridge case | Item DOJ-28: | Glock model 20 pistol, serial number [REDACTED] |
| Item DOJ-10: | 40 caliber cartridge case | Item DOJ-29: | 10mm cartridge |
| Item DOJ-11: | 40 caliber cartridge case | Item DOJ-30: | 3 magazines |
| Item DOJ-12: | 40 caliber cartridge case | Item DOJ-31: | Ammunition box with 19 cartridges (includes packaging) |
| Item DOJ-13: | 40 caliber cartridge case | Item DOJ-37: | 40 caliber cartridge case |
| Item DOJ-14: | 40 caliber cartridge case | Item DOJ-38: | Metal fragment from fence gateway |
| Item DOJ-15: | Piece of copper jacket | Item DOJ-39: | Bullet from cave |
| Item DOJ-16: | Bullet | | |
| Item DOJ-17: | Bullet | | |
| Item DOJ-18: | Bullet | | |
| Item DOJ-19: | 10mm cartridge case | | |

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on June 10, 2014:

- Item 124980: Glock model 22 pistol, serial number [REDACTED] from Officer Cao
- Item 125024: Glock model 22 pistol, serial number [REDACTED] from Sgt. Swithenbank
- Item 125031: Glock model 27 pistol, serial number [REDACTED] from Sgt. Swithenbank
- Item 125086: Projectile from Officer Cao's vest

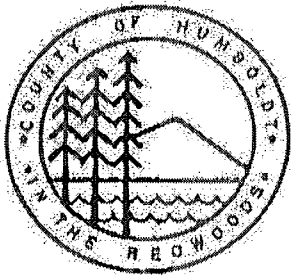
I generated the following evidence during my examination of the deputies' pistols listed above on June 16, 2014:

- Item 124980t: Cast of chamber, three cartridge cases and three bullets fired in item 124980
- Item 125024t: Cast of chamber, three cartridge cases and three bullets fired in item 125024
- Item 125031t: Cast of chamber, three cartridge cases and three bullets fired in item 125031

I generated the following evidence during my examination of item DOJ-28 on June 30, 2014:

- Item DOJ-28t: Cast of chamber and barrel, three cartridge cases and three bullets fired in item DOJ-28

See requests EU-14-000590-0001 through EU-14-000590-0003 for a listing of other items submitted in this case.



CONFLICT COUNSEL
COUNTY OF HUMBOLDT

935 THIRD STREET, EUREKA, CA 95501

TELEPHONE (707) 445-7475 FAX (707) 445-7507

FAX COVER SHEET

DATE: ~~xx~~ 09/24/2014 DESTINATION FAX NO.: 707/445-7298

TO: [REDACTED] DEPARTMENT: HCSO Evidence Section

PHONE NUMBER: 707/268-3651

FROM: Cisco Lassiter, Investigator, Conflict Counsel's Office (707) 445-7475
Fax No. (707) 445-7507

COMMENTS OR INSTRUCTIONS: Hello [REDACTED] This fax includes the
stipulation and order re: People v. [REDACTED] to send evidence
to Forensic Analytical in Hayward. The Superior Court case # is:
CR1402184. The S.O. case # is 201402046

If you have any questions, (and I expect you will), please feel
free to call me at the above number.

Best, Cisco

NUMBER OF PAGES: 8
(including cover sheet)

RESPONSE REQUIRED: [] YES, [] NO, BY (DATE) _____

Confidentiality Note

The information contained in this telecopy message is being transmitted to and is intended only for the use of the individual named above. If the reader of this message is not the intended recipient, you are hereby advised that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and destroy this telecopy message.

FILED
AUG 27 2014

GREGORY J. ELVINE-KREIS (SBN 220775)
CONFLICT COUNSEL OF HUMBOLDT COUNTY
935 3rd Street
Eureka, California 95501
Telephone: (707) 445-7475

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Attorney for Defendant: [REDACTED]

AUG 27 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

HUMBOLDT COUNTY
CONFLICT COUNSEL

THE PEOPLE OF THE STATE OF CALIFORNIA,) Case No. CR1402184

Plaintiff,

vs.

Defendant.

STIPULATION AND ORDER TO SEND
SPECIFIC EVIDENCE FROM THE
HUMBOLDT COUNTY SHERIFF'S
OFFICE OR THE CALIFORNIA
DEPARTMENT OF JUSTICE EVIDENCE
FACILITY TO DEFENSE EXPERT
LABORATORY, FORENSIC
ANALYTICAL SCIENCES, FOR
TESTING BY DEFENSE

Good cause having been shown, the Court finds there is a need for the Humboldt County Sheriff's Office, or the California Department of Justice, wherever requested evidence is currently housed, to send to the laboratory of the defense expert Forensic Analytical Sciences, [REDACTED]

[REDACTED] the following items:

- 1. Any and all evidence listed in the California Department of Justice Bureau of Forensic Services Report (See attached Department of Justice Report).

The Court further orders that the defendant will be responsible for all costs arising from this order.

If any such item of physical evidence is lost, destroyed, or altered during the time it is in the possession of the defense, a defense agent, or a defense consultant, the defense agrees to accept the results of the testing thereon by the prosecution and that the report of the testing of the sample by the Department of Justice may be introduced without objection in any further proceedings, including trial, for the purpose of proving the contents of the report, if said evidence is otherwise admissible.

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2 because it is in the custody of the above defense lab, such item may be introduced without objection
3 in any further proceedings, including trial, for the purpose of proving the contents of the report, if said
4 evidence is otherwise admissible.

5 Dated: 8/20/14

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7 
8 _____
9 GREGORY J. ELVINE-KREIS
HUMBOLDT COUNTY CONFLICT COUNSEL

10 Dated: 8/25/2014

11
12 
13 _____
14 DEPUTY DISTRICT ATTORNEY

15
16 IT IS SO ORDERED,

17
18 Dated: 8/27/14

19
20 _____
21 MARILYN B. MILES
22 JUDGE OF THE SUPERIOR COURT

REQUESTING AGENCY CASE NO.
1402046

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
EUREKA REGIONAL CRIMINALISTICS LABORATORY
1011 West Wabash Ave. Eureka, CA 95501-2121
Phone No. (707) 445-5682 FAX No. (707) 445-6688

BFS CASE NUMBER
EU-14-000590-0004

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

Discovery
AUG 12 2014

COPIES: Humboldt County District Attorney's Office

RECEIVED

AUG 11 2014

DISTRICT ATTORNEY

PHYSICAL EVIDENCE EXAMINATION REPORT

DISTRICT ATTORNEY

OFFENSE: PC 664/187

OFFENSE DATE: MAY 6, 2014

BANG CAO, KENNETH SWITHEHBANK

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

SUMMARY/RESULTS

Item 124980 is a Glock model 22 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 124980: DOJ-01, DOJ-02, DOJ-03, DOJ-04, DOJ-06, DOJ-07, DOJ-09, and DOJ-10.

Item 125024 is a Glock model 22 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 125024: DOJ-05, DOJ-08, DOJ-11, DOJ-12, DOJ-13, DOJ-14, DOJ-27, and DOJ-37.

Item 125031 is a Glock model 27 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. No cartridge cases were identified as having been fired in item 125031.

Item DOJ-28 is a Glock model 20 pistol, serial number [REDACTED] chambered for the 10 mm Automatic cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that items DOJ-19 and DOJ-21 through DOJ-24 were fired in item DOJ-28.

Items DOJ-15, DOJ-17, DOJ-18, and DOJ-39 are each expended jacketed hollow point bullets weighing approximately 180 or 181 grains. Items DOJ-16, and 125086 are both full metal jacket bullets weighing approximately 200 grains. All of the listed bullets are nominal 10 millimeter/40 caliber with right hand twist polygonal rifling impressions. None of the test-fired bullets were suitable for comparison; therefore, no comparisons between test-fired bullets and evidence bullets were conducted. Items DOJ-16 and 125086 share design and weight class characteristics with bullets from item DOJ-31; however, these bullets were not identified as having come from a common source.

EXAMINATION

AUG 12 2014

Item 124980 is a Glock model 22 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. A "Surefire" flashlight was attached to the accessory rail. The pistol was received without a magazine; capacity was not determined. The pistol had a measured trigger pull of seven to seven and one-half pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory reference ammunition. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as sub-item 124980t. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

Item 125024 is a Glock model 22 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was received without a magazine; capacity was not determined. The pistol had a measured trigger pull of six to six and one-half pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory reference ammunition. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as sub-item 125024t. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

Item 125031 is a Glock model 27 pistol, serial number [REDACTED] chambered for the 40 Smith and Wesson cartridge. The pistol was received without a magazine; capacity was not determined. The pistol had a measured trigger pull of six and one-half to seven pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory reference ammunition. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as sub-item 125031t. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

Items DOJ-01 through DOJ-14, DOJ-27, and DOJ-37 are each expended cartridge cases with "WINCHESTER" "40 S&W" head stamps. These cartridge cases were compared to cartridge cases test-fired in items 124980, 125024, and 125031. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 124980: DOJ-01, DOJ-02, DOJ-03, DOJ-04, DOJ-06, DOJ-07, DOJ-09, and DOJ-10. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 125024: DOJ-05, DOJ-08, DOJ-11, DOJ-12, DOJ-13, DOJ-14, DOJ-27, and DOJ-37. No cartridge cases were identified as having been fired in item 125031.

Item DOJ-28 is a Glock model 20 pistol, serial number [REDACTED] chambered for the 10 mm Automatic cartridge. The pistol was received without a magazine; capacity was not determined. The pistol was equipped with a six-inch Glock barrel which extended approximately two inches beyond the slide when the pistol was in battery. The pistol had a measured trigger pull of four and one-half to five and one-half pounds. I function tested and test-fired the pistol three times using the pistol magazine submitted as item DOJ-20 and three cartridges from item DOJ-31. No failures or malfunctions were encountered during function testing or test firing. Casts of the barrel/chamber and the breech face were made following test firing of the pistol. The casts of the barrel, casts of the breech face, test-fired bullets, and test-fired cartridge cases were retained as sub-item DOJ-28t. The intact cartridges taken from item DOJ-31 each had "CCI" "N" "R" "10mm AUTO" head stamps and flat-nose full metal jacket bullets weighing approximately 200 grains. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

DISCOVERY

AUG 12 2014

EXAMINATION (continued)

Items DOJ-19 and DOJ-21 through DOJ-24 are each expended cartridge cases with "CCI" "N" "R" "10mm AUTO" head stamps. These cartridge cases were compared to cartridge cases test-fired in item DOJ-28. Based on matching class and individualizing characteristics, I determined that items DOJ-19 and DOJ-21 through DOJ-24 were fired in item DOJ-28.

Item DOJ-20 is a single empty Glock pistol magazine. Markings on the magazine indicate it is designed to contain ten 10 mm Automatic cartridges. This item was used to test fire item DOJ-28.

Item DOJ-30 contained three Glock pistol magazines. Markings on the magazines indicate they are designed to contain ten 10 mm Automatic cartridges each. Each of the magazines contained eight cartridges.

- Magazine A contained eight cartridges consisting of the following two types:
 - Four with flat-nose full metal jacket bullets set in cartridge cases with "CCI" "N" "R" "10mm AUTO" head stamps, and
 - Four with soft point bullets set in cartridge cases with "WINCHESTER" "10mm AUTO" head stamps.
- Magazine B contained eight cartridges consisting of the following three types:
 - One with a flat-nose full metal jacket bullet set in a cartridge case with a "CCI" "N" "R" "10mm AUTO" head stamp, and
 - One with a jacketed hollow point bullet set in a cartridge case with a "*" "*" "10mm AUTO" head stamp, and
 - Six with jacketed hollow point bullets set in cartridge cases with "HORNADY" "10mm AUTO" head stamps.
- Magazine C contained eight cartridges of the same following type:
 - Jacketed hollow point bullets set in a cartridge cases with "*" "*" "10mm AUTO" head stamps

The magazines and cartridges were not examined further.

Item DOJ-31 contained a plastic tray with nineteen intact cartridges. The following three different cartridge types were identified:

- Three with flat-nose full metal jacket bullets set in cartridge cases with "CCI" "N" "R" "10mm AUTO" head stamps,
- Ten with soft point bullets set in cartridge cases with "WINCHESTER" "10mm AUTO" head stamps, and
- Six with jacketed hollow point bullets set in cartridge cases with "HORNADY" "10mm AUTO" head stamps.

Based on similarities to other submitted cartridge cases and bullets, the three "CCI" cartridge cases were chosen for test firing item DOJ-28.

Items DOJ-15, DOJ-17, DOJ-18, and DOJ-39 are each expended nominal 10 millimeter/40 caliber JHP bullets weighing approximately 180 or 181 grains with right-hand twist polygonal rifling impressions. Items DOJ-16, and 125086 are both expended nominal 10 millimeter/40 caliber full metal jacket bullets weighing approximately 200 grains with right-hand twist polygonal rifling impressions. None of the bullets test-fired from the submitted pistols were suitable for comparison; therefore, no comparisons between test-fired bullets and evidence bullets were conducted. Items DOJ-16 and 125086 share design and weight class characteristics with bullets from item DOJ-31; however, these bullets were not identified as having come from a common source.

Items DOJ-25, DOJ-26, and DOJ-38 are each expended bullet fragments. These items were not suitable for comparison.

(EXAMINATION (continued)

Item DOJ-29 is an intact 10mm Automatic cartridge. This item was not examined.

DISPOSITION

Item 124980, item 125024, and item 125031 were returned to [REDACTED] of the Humboldt County Sheriff's Office on June 19, 2014. The remaining items listed in the evidence section of this report will be returned to the submitting agency in the normal course of business.

EXAMINED BY [REDACTED]

Date of Report: July 25, 2014

Senior Criminalist

Technical review by: DD Date: 8/4/14

Administrative review by: JH Date: 8/6/14

DG: dc

DISCOVERY
AUG 12 2014

DISTRICT ATTORNEY

201402046

RELATED BFS CASE #

BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

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

INFORMATION AND REPORT SECURITY ROUTINE AGENCY ONLY AGENT ONLY

SUBMITTING AGENCY: Humboldt County Sheriffs Office AGENCY CASE NO: 201402046

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

OFFENSE(S): Officer Involved Inc DATE OF INCIDENT: 05/06/2014 DATE NEEDED: When Poss REASON: Investigation

INVESTIGATING OFFICER: Todd Fulton PHONE: 707-445-7251 FAX: 707-445-7298

INVESTIGATING OFFICER - EMAIL ADDRESS:

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	Swithenbank	Kenneth			

EVIDENCE SUBMITTED:

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1	125003	Blood Draw	

Chain of custody for items listed above:

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
Line 1	[REDACTED]	[REDACTED]	5/15/14


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

CASE NUMBER: 201402046

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

STATE OF CALIFORNIA
BANG CAO

PROPERTY/EVIDENCE LISTING

BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 125093	JA-1	Akana, Jason - 1351 05/07/2014 Recovery Address: TOTH RD. @ WILLOW GLEN RD., SHELTER COVE Recovery Location: HCSO COMMAND VAN	Miscellaneous Each MISC. DOCUMENTATION GENERATED THROUGH ATTEMPTED NEGOTIATIONS



Humboldt County Sheriff's Office

826 Fourth Street, Eureka, CA 95501

Date: 05-7-2014

From: Lt. Steve Knight
(707) 268-3630

Subject: Officer Shot

Case: 201402046 update

FOR IMMEDIATE RELEASE

On 05-07-2014, at approximately 3:30 a.m., [REDACTED] 55 years old was taken into custody at the Kelly Lane property. [REDACTED] was arrested for attempted murder of a police officer and using a firearm in the commission of a felony. [REDACTED] was not injured. He was transported to the Humboldt County Correctional Facility where he was booked. His bail was set at two million dollars.

A Humboldt County Superior Court Search Warrant has been obtained and was served on the Kelly road residence and property. Humboldt County Sheriff's Detectives, California Department of Justice, Humboldt County District Attorney's Investigators are on scene continuing with the investigation.

The deputy who was shot has been released from the hospital and is recovering from his injuries.

Humboldt County Sheriff Michael Downey will be holding a news conference to further discuss the incident at 2 p.m. today, 05-07-2014 in the Humboldt County Correctional Facility Conference room. Media are invited to attend.

Previous

On 05-06-2014, at approximately 2:45 p.m., a Humboldt County Sheriff's Deputy and a Sergeant arrived at a residence on Kelly Lane, Shelter Cove to serve a court order civil eviction. When deputies arrived at the residence the [REDACTED] and homeowner, who has been identified as [REDACTED] years old, shot at the officers with a firearm. [REDACTED] shot one of the deputies in the chest. Both deputies returned fire while fleeing from the residence. It is unknown whether the deputies struck [REDACTED] when they returned fire. The deputies immediately radioed for assistance.

Additional deputies, California Highway Patrol Officers (C.H.P.), the Humboldt County Sheriff's Office S.W.A.T. Team, the Humboldt County Sheriff's Office Crisis Response Team (Negotiators) and medical personnel responded to the scene. The Humboldt County Critical Incident Response Team (C.I.R.T) was activated and also responded to the scene to assist. The C.I.R.T. consists of investigators from local law enforcement agencies.

The deputy who was shot was airlifted by a California Highway Patrol Helicopter to a local hospital. The deputy's ballistic vest is credited with saving his life.

Residents in the area have been asked to shelter in place. Reverse 911 was initiated to area residences.

Shelter Cove Road at Willow Glenn, and Shelter Cove Road at Toth Road are both closed at this time. [REDACTED] condition and location is unknown at this time. He is believed to be in the residence.

[REDACTED] is described as 55 years old, white male, 6'0" tall, 165 lbs, blue eyes,
blondish strawberry colored hair.

The investigation is continuing.

Mike Downey
Sheriff

####

MENDOCINO COUNTY SHERIFF'S OFFICE

CASE REPORT

CASE# 2014-00029229

951 Low Gap Road
Ukiah, CA 95482

EVENT	REPORTED DATE/TIME	10/30/2014 10:21	OCCURRED INCIDENT TYPE	ASSIST
	OCCURRED FROM DATE/TIME	05/06/2014 18:00	OCCURRED THRU DATE/TIME	05/07/2014 03:20
			LOCATION OF OCCURRENCE	SHELTER COVE CA 95589-

OFFENSES	STATUTE/DESCRIPTION	ATTEMPT/COMMIT
	DOC/DEPT INCIDENT	COMMITTED
	DOCUMENTATION REPORT	

SUBJECT	SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)		PRIMARY PHONE				
	ADDRESS (STREET, CITY, STATE, ZIP)	SHELTER COVE, CA 95589		PHONE #2				
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	SSN		ALIAS (LAST, FIRST, MIDDLE)				
	EMPLOYER NAME AND ADDRESS							

SUBJECT	SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)		PRIMARY PHONE				
	ADDRESS (STREET, CITY, STATE, ZIP)	WITNESS		PHONE #2				
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	SSN		ALIAS (LAST, FIRST, MIDDLE)				
	EMPLOYER NAME AND ADDRESS							

SUBJECT	SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)		PRIMARY PHONE				
	ADDRESS (STREET, CITY, STATE, ZIP)	WITNESS		PHONE #2				
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	DL NUMBER/STATE	SSN		ALIAS (LAST, FIRST, MIDDLE)				
	EMPLOYER NAME AND ADDRESS							

To: Humboldt City SO
CONTROLLED

REPORTING OFFICER	DATE	REVIEWED BY	
CAUDILLO, JASON	10/30/2014	CAUDILLO, JASON	10/30/2014

DOCUMENT DO NOT DUPLICATE

BY: *CD # 3683*
1 OF 3

MENDOCINO COUNTY SHERIFF'S OFFICE

CASE REPORT

961 Low Gap Road
Ukiah, CA 95482

CASE# 2014-00029229

NARRATIVE

On 05/06/14, at approximately 1500 hours, the Humboldt County Sheriff's Office requested mutual aid from the Mendocino County SWAT Team in order to assist in the apprehension of [REDACTED]

Captain Greg Van Patten (Mendocino County Sheriff's Office) advised me that two Humboldt County Sheriff's Deputies had gone to [REDACTED] in Shelter Cove at 1446 hours in an attempt to serve civil papers on [REDACTED]. [REDACTED] produced a handgun and fired at one of the deputies, striking him in the chest. Captain Van Patten stated the round was stopped by the deputies bulletproof vest and both deputies were able to withdraw from the property.

I initiated a call out of Mendocino County SWAT and headed to the Shelter cove area with the following team members:

- Sgt. Joseph Comer (MCSO)
- Sgt. Dustin Lorenzo (MCSO)
- Sgt. Jon Anderson (Willits Police Department)
- Dep. Zemanuel Lima (MCSO)
- Dep. Michael McBride (MCSO)
- Dep. Christian Denton (MCSO)
- Dep. James Elmore (MCSO)
- Dep. Clint Wyant (MCSO)

At approximately 0010 hours, on 05/07/14, the above listed personnel relieved the Humboldt County SWAT Team who had been maintaining a perimeter around [REDACTED] residence. [REDACTED] was last known to be inside the residence, at the time of the initial shooting, but had not been heard or seen inside the residence since the initial perimeter was established. Humboldt County SWAT attempted to make contact with [REDACTED] by way of a remote controlled robot, which was unsuccessful.

Sgt. Comer and I took a possession on the northeast corner of the main residence. we were inside of an old marijuana growing structure that was partially covered with visqueen. We were positioned in a manner that allowed us to watch the front door of the multi-story structure. This front door was the location of the initial shooting and was on the southeast wall of the residence. Behind our position was a small shed type

CONTROLLED DOCUMENT

DO NOT DUPLICATE

REPORTING OFFICER

CAUDILLO, JASON

DATE

10/30/2014

REVIEWED BY

CAUDILLO, JASON

10/30/2014

BY: [Signature]

MENDOCINO COUNTY SHERIFF'S OFFICE

CASE REPORT

951 Low Gap Road
Ukiah, CA 95482

CASE# 2014-00029229

NARRATIVE (continuation)

structure that appeared to be used as a detached bedroom. The terrain to the northeast of this shed was a steep downward slope that consisted of thick trees and brush.

Almost immediately after occupying our position we began to hear movement in the low ground below our position. Humboldt County SWAT had advised us that they cleared the low ground prior to establishing their initial perimeter. Sgt. Comer and I maintained security on the residence and on the low ground to our northeast.

At approximately 0320 hours Sgt. Comer and I heard additional movement down below us. We began to monitor a small trail that ran between the shed structure and our position with night vision goggles. Sgt. Comer picked up movement coming up the trail and we illuminated the area with the white lights from our rifles. We observed a white male adult walking up the trail, approximately 15 yards from our position. Sgt. Comer ordered this male adult to show us his hands while we came on line and began to advance towards him. The white male adult put his hands up and began stating, "Don't shoot me, Don't shoot me!" He was ordered to lay face down on the ground and he complied. I pulled security on him while I asked him his name. He replied, [REDACTED]. Deputy Lima then approached [REDACTED] and placed him into handcuffs. Deputy Lima asked [REDACTED] if he was armed and [REDACTED] replied that he was.

Deputy Lima unzipped the jacket [REDACTED] was wearing and located a Glock 10mm semi-automatic pistol in a shoulder holster. Deputy Lima also located a pair of night vision goggles on [REDACTED] person.

The command post was contacted and advised that [REDACTED] was in custody. Deputies from Humboldt County responded to the scene and took custody of [REDACTED] and of the evidence located on his person.

Case status: Cleared as Agency Assist.

CONTROLLED DOCUMENT

DO NOT DUPLICATE

REPORTING OFFICER

CAUDILLO, JASON

DATE

10/30/2014

REVIEWED BY

CAUDILLO, JASON

10/30/2014

BY: [Signature]

REQUESTING AGENCY CASE NO.
201402046

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

BFS CASE NUMBER
EU-14-000590-0004

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

COPIES: Humboldt County District Attorney's Office

PHYSICAL EVIDENCE EXAMINATION REPORT

OFFENSE: PC 664/187

BANG CAO, KENNETH SWITHENBANK

OFFENSE DATE: MAY 6, 2014

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

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

SUMMARY/RESULTS

Item 124980 is a Glock model 22 pistol, serial number [REDACTED], chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 124980: DOJ-01, DOJ-02, DOJ-03, DOJ-04, DOJ-06, DOJ-07, DOJ-09, and DOJ-10.

Item 125024 is a Glock model 22 pistol, serial number [REDACTED], chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 125024: DOJ-05, DOJ-08, DOJ-11, DOJ-12, DOJ-13, DOJ-14, DOJ-27, and DOJ-37.

Item 125031 is a Glock model 27 pistol, serial number [REDACTED], chambered for the 40 Smith and Wesson cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. No cartridge cases were identified as having been fired in item 125031.

Item DOJ-28 is a Glock model 20 pistol, serial number [REDACTED], chambered for the 10 mm Automatic cartridge. The pistol was found to be functional with no malfunctions encountered during test firing. Based on matching class and individualizing characteristics, I determined that items DOJ-19 and DOJ-21 through DOJ-24 were fired in item DOJ-28.

Items DOJ-15, DOJ-17, DOJ-18, and DOJ-39 are each expended jacketed hollow point bullets weighing approximately 180 or 181 grains. Items DOJ-16, and 125086 are both full metal jacket bullets weighing approximately 200 grains. All of the listed bullets are nominal 10 millimeter/40 caliber with right hand twist polygonal rifling impressions. None of the test-fired bullets were suitable for comparison; therefore, no comparisons between test-fired bullets and evidence bullets were conducted. Items DOJ-16 and 125086 share design and weight class characteristics with bullets from item DOJ-31; however, these bullets were not identified as having come from a common source.

EVIDENCE

The following evidence was recovered at the scene and transported to the Eureka Laboratory by Senior Criminalists [REDACTED] on May 7, 2014:

Item DOJ-01:	40 caliber cartridge case	Item DOJ-20:	Magazine
Item DOJ-02:	40 caliber cartridge case	Item DOJ-21:	10mm cartridge case
Item DOJ-03:	40 caliber cartridge case	Item DOJ-22:	10mm cartridge case
Item DOJ-04:	40 caliber cartridge case	Item DOJ-23:	10mm cartridge case
Item DOJ-05:	40 caliber cartridge case	Item DOJ-24:	10mm cartridge case
Item DOJ-06:	40 caliber cartridge case	Item DOJ-25:	Metal fragment from glass
Item DOJ-07:	40 caliber cartridge case	Item DOJ-26:	Metal fragment from glass
Item DOJ-08:	40 caliber cartridge case	Item DOJ-27:	40 caliber cartridge case
Item DOJ-09:	40 caliber cartridge case	Item DOJ-28:	Glock model 20 pistol, serial number [REDACTED]
Item DOJ-10:	40 caliber cartridge case		
Item DOJ-11:	40 caliber cartridge case	Item DOJ-29:	10mm cartridge
Item DOJ-12:	40 caliber cartridge case	Item DOJ-30:	3 magazines
Item DOJ-13:	40 caliber cartridge case	Item DOJ-31:	Ammunition box with 19 cartridges (includes packaging)
Item DOJ-14:	40 caliber cartridge case		
Item DOJ-15:	Piece of copper jacket	Item DOJ-37:	40 caliber cartridge case
Item DOJ-16:	Bullet	Item DOJ-38:	Metal fragment from fence gateway
Item DOJ-17:	Bullet		
Item DOJ-18:	Bullet	Item DOJ-39:	Bullet from eave
Item DOJ-19:	10mm cartridge case		

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on June 10, 2014:

Item 124980: Glock model 22 pistol, serial number [REDACTED], from Officer Cao
 Item 125024: Glock model 22 pistol, serial number [REDACTED], from Sgt. Swithenbank
 Item 125031: Glock model 27 pistol, serial number [REDACTED], from Sgt. Swithenbank
 Item 125086: Projectile from Officer Cao's vest

I generated the following evidence during my examination of the deputies' pistols listed above on June 16, 2014:

Item 124980t: Cast of chamber, three cartridge cases and three bullets fired in item 124980
 Item 125024t: Cast of chamber, three cartridge cases and three bullets fired in item 125024
 Item 125031t: Cast of chamber, three cartridge cases and three bullets fired in item 125031

I generated the following evidence during my examination of item DOJ-28 on June 30, 2014:

Item DOJ-28t: Cast of chamber and barrel, three cartridge cases and three bullets fired in item DOJ-28

See requests EU-14-000590-0001 through EU-14-000590-0003 for a listing of other items submitted in this case.

EXAMINATION

Item 124980 is a Glock model 22 pistol, serial number [REDACTED], chambered for the 40 Smith and Wesson cartridge. A "Surefire" flashlight was attached to the accessory rail. The pistol was received without a magazine; capacity was not determined. The pistol had a measured trigger pull of seven to seven and one-half pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory reference ammunition. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as sub-item 124980t. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

Item 125024 is a Glock model 22 pistol, serial number [REDACTED], chambered for the 40 Smith and Wesson cartridge. The pistol was received without a magazine; capacity was not determined. The pistol had a measured trigger pull of six to six and one-half pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory reference ammunition. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as sub-item 125024t. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

Item 125031 is a Glock model 27 pistol, serial number [REDACTED], chambered for the 40 Smith and Wesson cartridge. The pistol was received without a magazine; capacity was not determined. The pistol had a measured trigger pull of six and one-half to seven pounds. I function tested and test-fired the pistol three times using a laboratory reference magazine and laboratory reference ammunition. No failures or malfunctions were encountered during function testing or test firing. The test-fired bullets and cartridge cases were retained as sub-item 125031t. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

Items DOJ-01 through DOJ-14, DOJ-27, and DOJ-37 are each expended cartridge cases with "WINCHESTER" "40 S&W" head stamps. These cartridge cases were compared to cartridge cases test-fired in items 124980, 125024, and 125031. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 124980: DOJ-01, DOJ-02, DOJ-03, DOJ-04, DOJ-06, DOJ-07, DOJ-09, and DOJ-10. Based on matching class and individualizing characteristics, I determined that the following cartridge cases were fired in item 125024: DOJ-05, DOJ-08, DOJ-11, DOJ-12, DOJ-13, DOJ-14, DOJ-27, and DOJ-37. No cartridge cases were identified as having been fired in item 125031.

Item DOJ-28 is a Glock model 20 pistol, serial number [REDACTED], chambered for the 10 mm Automatic cartridge. The pistol was received without a magazine; capacity was not determined. The pistol was equipped with a six-inch Glock barrel which extended approximately two inches beyond the slide when the pistol was in battery. The pistol had a measured trigger pull of four and one-half to five and one-half pounds. I function tested and test-fired the pistol three times using the pistol magazine submitted as item DOJ-20 and three cartridges from item DOJ-31. No failures or malfunctions were encountered during function testing or test firing. Casts of the barrel/chamber and the breech face were made following test firing of the pistol. The casts of the barrel, casts of the breech face, test-fired bullets, and test-fired cartridge cases were retained as sub-item DOJ-28t. The intact cartridges taken from item DOJ-31 each had "CCI" "N" "R" "10mm AUTO" head stamps and flat-nose full metal jacket bullets weighing approximately 200 grains. Cartridge cases test-fired in the pistol were compared to each other; reproducible markings suitable for comparison were identified. Attempts to identify bullets test-fired from the pistol to each other failed; the bullets are not suitable for comparison.

EXAMINATION (continued)

Items DOJ-19 and DOJ-21 through DOJ-24 are each expended cartridge cases with "CCI" "N" "R" "10mm AUTO" head stamps. These cartridge cases were compared to cartridge cases test-fired in item DOJ-28. Based on matching class and individualizing characteristics, I determined that items DOJ-19 and DOJ-21 through DOJ-24 were fired in item DOJ-28.

Item DOJ-20 is a single empty Glock pistol magazine. Markings on the magazine indicate it is designed to contain ten 10 mm Automatic cartridges. This item was used to test fire item DOJ-28.

Item DOJ-30 contained three Glock pistol magazines. Markings on the magazines indicate they are designed to contain ten 10 mm Automatic cartridges each. Each of the magazines contained eight cartridges.

- Magazine A contained eight cartridges consisting of the following two types:
 - Four with flat-nose full metal jacket bullets set in cartridge cases with "CCI" "N" "R" "10mm AUTO" head stamps, and
 - Four with soft point bullets set in cartridge cases with "WINCHESTER" "10mm AUTO" head stamps.
- Magazine B contained eight cartridges consisting of the following three types:
 - One with a flat-nose full metal jacket bullet set in a cartridge case with a "CCI" "N" "R" "10mm AUTO" head stamp, and
 - One with a jacketed hollow point bullet set in a cartridge case with a "*-*" "10mm AUTO" head stamp, and
 - Six with jacketed hollow point bullets set in cartridge cases with "HORNADY" "10mm AUTO" head stamps.
- Magazine C contained eight cartridges of the same following type:
 - Jacketed hollow point bullets set in a cartridge cases with "*-*" "10mm AUTO" head stamps

The magazines and cartridges were not examined further.

Item DOJ-31 contained a plastic tray with nineteen intact cartridges. The following three different cartridge types were identified:

- Three with flat-nose full metal jacket bullets set in cartridge cases with "CCI" "N" "R" "10mm AUTO" head stamps,
- Ten with soft point bullets set in cartridge cases with "WINCHESTER" "10mm AUTO" head stamps, and
- Six with jacketed hollow point bullets set in cartridge cases with "HORNADY" "10mm AUTO" head stamps.

Based on similarities to other submitted cartridge cases and bullets, the three "CCI" cartridge cases were chosen for test firing item DOJ-28.

Items DOJ-15, DOJ-17, DOJ-18, and DOJ-39 are each expended nominal 10 millimeter/40 caliber JHP bullets weighing approximately 180 or 181 grains with right-hand twist polygonal rifling impressions. Items DOJ-16, and 125086 are both expended nominal 10 millimeter/40 caliber full metal jacket bullets weighing approximately 200 grains with right-hand twist polygonal rifling impressions. None of the bullets test-fired from the submitted pistols were suitable for comparison; therefore, no comparisons between test-fired bullets and evidence bullets were conducted. Items DOJ-16 and 125086 share design and weight class characteristics with bullets from item DOJ-31; however, these bullets were not identified as having come from a common source.

Items DOJ-25, DOJ-26, and DOJ-38 are each expended bullet fragments. These items were not suitable for comparison.

EXAMINATION (continued)

Item DOJ-29 is an intact 10mm Automatic cartridge. This item was not examined.

DISPOSITION

Item 124980, item 125024, and item 125031 were returned to [REDACTED] of the Humboldt County Sheriff's Office on June 19, 2014. The remaining items listed in the evidence section of this report will be returned to the submitting agency in the normal course of business.

EXAMINED BY: [REDACTED]

Date of Report: July 25, 2014

Technical review by: DD Date: 8/4/14

Administrative review by: [Signature] Date: 8/6/14

DC : dc

201402046

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-590

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

INFORMATION AND REPORT SECURITY ROUTINE AGENCY ONLY AGENT ONLY

SUBMITTING AGENCY: Humboldt County SO AGENCY CASE NO.: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 5/6/14 DATE NEEDED: REASON:

INVESTIGATING OFFICER: Det. Musson PHONE: FAX:

INVESTIGATING OFFICER - EMAIL ADDRESS:

OTHER OFFICER	Last name	First Name	MI	DATE OF BIRTH	CIU# (LATENTS AND DNA)

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1 ✓	DOJ-28 X	Glock handgun Model 20	
2 ✓	DOJ-29 X	10mm cartridge	
3 ✓	DOJ-30 X	3 magazines	
4 ✓	DOJ-31 X	Ammunition box with 19 cartridges & pkging	
5	DOJ-32	Money and tally	
6	DOJ-33	Night vision goggles	
7	DOJ-34	Wallet	
8	DOJ-36	Shirt, watach, gloves, headlamp	
9 ✓	DOJ-37 X	40 caliber cartridge case	

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
Line 1-9 Item 1-4 & 9			7-14 9/16/14

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

201402046

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-590

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

INFORMATION AND REPORT SECURITY ROUTINE AGENCY ONLY AGENT ONLY

SUBMITTING AGENCY: Humboldt County SO AGENCY CASE NO: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 5/6/14 DATE NEEDED: REASON:

INVESTIGATING OFFICER: Det. Musson PHONE: FAX:

INVESTIGATING OFFICER - EMAIL ADDRESS:

OTHER OFFICER	Last name	First Name	MI	DATE OF BIRTH	CIU# (LATENTS AND DNA)

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1	DOJ-38 ✓	Metal fragment from fence gateway	
2	DOJ-39 ✓	Bullet from eave	
3	CD-1 ✓	CD with 275 images	

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
1-2			5-7-14
3			7-7-14
line 1-3			9/16/14

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

201402046

Eureka Laboratory

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services



EJ-14-000590

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

INFORMATION AND REPORT SECURITY	ROUTINE <input checked="" type="checkbox"/>	AGENCY ONLY <input type="checkbox"/>	AGENT ONLY <input type="checkbox"/>
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SUBMITTING AGENCY: Humboldt County Sheriffs Office AGENCY CASE NO: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 05/06/14 DATE NEEDED: When Poss REASON: Investigation

INVESTIGATING OFFICER: Todd Fulton PHONE: 707-445-7251 FAX: 707-445-7298

INVESTIGATING OFFICER - EMAIL ADDRESS:

OTHER OFFICER	Last name	First Name	MI	DATE OF BIRTH	CI# (LATENTS AND DNA)

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1	125086 ✓	Projectile from [redacted] Vest	
2	124980 ✓	[redacted] Glock 22 Duty Weapon/Surefire Light [redacted]	
3	125024 ✓	[redacted] Glock 22 [redacted]	
4	125031 ✓	[redacted] Glock 27, 40 Caliber [redacted]	
5	124980E ✓	CASIS OF CHAMBER, 3 BULLETS/CARTRIDGE CASIS FILED IN ITEM 124980	
6	125024E ✓	CASIS OF CHAMBER, 3 BULLETS/CARTRIDGE CASIS FILED IN ITEM 125024	
7	125031E ✓	CASIS OF CHAMBER, 3 BULLETS/CARTRIDGE CASIS FILED IN ITEM 125031	
8	DDJ28E ✓	CASIS OF CHAMBER/RAMREL, 3 BULLETS/CARTRIDGE CASIS FILED IN ITEM DDJ28	

Chain of custody for items listed above.

Line/Item NUMBER	Received From (SIGN NAME & LEGIBLE)	Delivered to (SIGN NAME & LEGIBLE)	DATE
Lines 1-4	[redacted]	[redacted]	6/10/14
Lines 2-4	[redacted]	[redacted]	6/19/14
Lines 5-7	[redacted]	[redacted]	6/16/14
Line 8	[redacted]	[redacted]	6/30/14
Line 1, 5-8	[redacted]	[redacted]	2833 9/16/14

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

201402046

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-590

Physical Evidence Submission Form
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INFORMATION AND REPORT SECURITY: ROUTINE: AGENCY ONLY: AGENT ONLY:

SUBMITTING AGENCY: Humboldt County SO AGENCY CASE NO: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 5/6/14 DATE NEEDED: REASON:

INVESTIGATING OFFICER: Det. Musson PHONE: FAX:

INVESTIGATING OFFICER - EMAIL ADDRESS:

	DATE OF BIRTH	CIU# (LATENTS AND DNA)
Officer Gao	Bang	
Officer Swithenbank	Kenneth	

EVIDENCE SUBMITTED:

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
✓ 1	DOJ-1	40 caliber cartridge case	
✓ 2	DOJ-2	40 caliber cartridge case	
✓ 3	DOJ-3	40 caliber cartridge case	
✓ 4	DOJ-4	40 caliber cartridge case	
✓ 5	DOJ-5	40 caliber cartridge case	
✓ 6	DOJ-6	40 caliber cartridge case	
✓ 7	DOJ-7	40 caliber cartridge case	
✓ 8	DOJ-8	40 caliber cartridge case	
✓ 9	DOJ-9	40 caliber cartridge case	

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGNATURE REQUIRED)	Delivered to (SIGNATURE REQUIRED)	DATE
Line 1-9	[Redacted]	[Redacted]	5-7-14
Line 1-9	[Redacted]	[Redacted]	9/16/14

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

201402046

RELATED BFS CASE #

BFS CASE #
EU-14-590

State of California
Department of Justice
Bureau of Forensic Services

Physical Evidence Submission Form
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INFORMATION AND REPORT SECURITY ROUTINE AGENCY ONLY AGENT ONLY

SUBMITTING AGENCY: Humboldt County SO AGENCY CASE NO.: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 5/6/14 DATE NEEDED: REASON:

INVESTIGATING OFFICER: Det. Musson PHONE: FAX:

INVESTIGATING OFFICER - EMAIL ADDRESS:

OTHER OFFICER	Last name	First Name	MI	DATE OF BIRTH	CHI# (LATENTS AND DNA)

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1	DOJ-10 X	40 caliber cartridge case	
2	DOJ-11 T	40 caliber cartridge case	
3	DOJ-12 X	40 caliber cartridge case	
4	DOJ-13 X	40 caliber cartridge case	
5	DOJ-14 X	40 caliber cartridge case	
6	DOJ-15 X	Piece of copper jacket	
7	DOJ-16 X	Bullet	
8	DOJ-17 X	Bullet	
9	DOJ-18 X	Bullet	

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to (SIGN NAME LEGIBLY)	DATE
Line 1-9			2-14-15 9/10/14

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

201402046

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services

BFS CASE #
EU-14-590

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

INFORMATION AND REPORT SECURITY	ROUTINE <input checked="" type="checkbox"/>	AGENCY ONLY <input type="checkbox"/>	AGENT ONLY <input type="checkbox"/>
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SUBMITTING AGENCY: Humboldt County SO AGENCY CASE NO: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 5/6/14 DATE NEEDED: REASON:

INVESTIGATING OFFICER: Det. Musson PHONE: FAX:

INVESTIGATING OFFICER - EMAIL ADDRESS:

	SUBJECTS			DATE OF BIRTH	CIT# (LATENTS AND DNA)
	Last name	First Name	MI		
Officer	Cao	Bang			
Officer	Swithenbank	Kenneth			

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE*
1	DOJ-19 ✓	10mm cartridge case - bedroom	
2	DOJ-20 ✓	Magazine	
3	DOJ-21 ✓	10mm cartridge case	
4	DOJ-22 ✓	10mm cartridge case	
5	DOJ-23 ✓	10mm cartridge case	
6	DOJ-24 ✓	10mm cartridge case	
7	DOJ-25 ✓	Metal fragment	
8	DOJ-26 ✓	Metal fragment	
9	DOJ-27 ✓	40 caliber cartridge case	

Chain of custody for items listed above

Line/Item NUMBER	Received From (SIGN NAME LEGIBLY)	Delivered to: (SIGN NAME LEGIBLY)	DATE

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

REQUESTING AGENCY CASE NO:
J1402046

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

BFS CASE NUMBER
EU-14-000590-0001

ATTN: Det. Musson
Humboldt County Sheriff's Office
826 Fourth Street
Eureka, CA 95501

COPIES:

FIELD INVESTIGATION REPORT

SUSPECT:

[REDACTED]

OFFENSE:

OFFICER INVOLVED
SHOOTING

OFFICER:

[REDACTED]

OFFENSE DATE: MAY 6, 2014

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

BACKGROUND

On May 6, 2014, Humboldt County Sheriff's Office (HCSO) Lt. Hanson notified the DOJ Eureka Laboratory of an officer involved shooting incident. The [REDACTED] surrendered to officers in the early morning hours of May 7, 2014. Senior Criminalist [REDACTED] and I attended a briefing on May 7, 2014, and then departed for the scene. We were told the following information at the briefing:

On May 6, 2014, HCSO Sgt. Swithenbank and Deputy Cao went to the residence of [REDACTED] at [REDACTED] Shelter Cove, to serve papers. After Sgt. Swithenbank knocked, there was a verbal and gunfire exchange between [REDACTED] and the officers. One round struck Deputy Cao, striking his vest and injuring him. The officers retreated from the scene by jumping down a retaining wall and kicking out a portion of the fence to get to the road. Officer Cao was airlifted for medical attention. [REDACTED] apparently retreated into the wooded area around his property. Control of the area was established with the assistance of law enforcement personnel from Mendocino County. [REDACTED] wearing a head covering, night vision goggles, and his firearm, surrendered to assisting officers from the Mendocino County Sheriff's Office.

Evidence technicians from the Arcata Police Department (APD) and Humboldt State University Police Department (HSUPD) would be present to search and document the suspect's residence. We were requested to process the shooting scene and retain that portion of the evidence recovered. HCSO Undersheriff Honsal and Eureka Police Department (EPD) Officer Jones were to document the scene with a total station unit.

FIELD ACTIVITIES

We arrived at ██████████ Shelter Cove, at approximately 11:50 hours. Present were Undersheriff Honsal, Lt. Hanson, Sgt. Freese, Det. Fulton, Det. Kirkpatrick, and Officer Dastol from HCSO, Det. Dockweiler and Evidence Technician ██████████ from APD, Evidence Technician ██████████ from HSUPD, Det. Gordon and Officer Jones from EPD, and Investigators Cox and Cooke and Deputy DA Brownfield from the Humboldt County District Attorney's Office.

The scene consisted of a tri-level house, a smaller second structure, and two greenhouses. The house was surrounded on three sides by a wooden fence that also enclosed some of the rest of the property. We accessed the property through a sliding gateway in the fence on the south side of the property. This gateway was accessed from an unpaved driveway off Kelley Road. A graveled path led from the gateway to an enclosed porch at the southeast corner of the house. At the porch area, the path formed a "V" and another graveled path led from the porch past the greenhouses to the smaller second structure. A large amount of wire mesh was located in the yard between the house and the southern fence. On the south side of the house was a concrete parking area (henceforth called a "carport") that could be accessed from Kelley Road through a gate in the fence. The carport had an approximate six foot high concrete block retaining wall on both the east and south sides. Above the carport was a door in the house that had no reasonable means of egress (i.e., it opened to the six-foot drop-off to the carport). An entrance to the house was located on the lower level of the west side. Boards in a portion of the fence at the northwest corner were broken outwards.

An entrance to the house other than the lower level of the carport was from the porch located at the southeast corner. The porch was enclosed on three sides with an open doorway on the south side. The porch was accessed up a flight of three steps from a concrete pad to a landing. From the enclosed porch, a door with a window opened into the laundry area. From the laundry area, a door opened to the rest of the house. The master bedroom was located on the northeast side and had a broken sliding glass door that opened to a deck having solid walls. An upright mattress leaned against the north wall of the deck.

The smaller structure was located down the graveled path past the greenhouses. The area under the structure could be accessed and this part of the property was densely wooded. Law enforcement personnel searched this area for additional evidence. Located on the ground and on a bench outside of this structure were the items ██████████ had when he surrendered. On the bench were a Glock 10mm auto handgun Model 20 ██████████ one cartridge, three loaded magazines, an ammunition holder with 19 cartridges (and packaging), money, night vision goggles, a wallet, and a backpack containing foodstuffs, beverages and other miscellaneous items. On the ground was a shirt tied to form a head and/or face cover, watch, black disposable gloves, and a headlamp. All of the items except the backpack and its contents were collected. The backpack was given #DOJ-35 for documentation purposes and its contents were photographed. Sr. Criminalist ██████████ and Undersheriff Honsal counted the money which totaled \$2360 (\$860 in 20 dollar bills, \$1100 in 100 dollar bills, and \$400 in 50 dollar bills). The signed tally sheet was retained with the money.

Senior Criminalist ██████████ and I processed the scene, including aerial photographs taken by ██████████ from the Coast Guard helicopter, measurements, and determination of trajectories. We made the observations given on the following pages.

FIELD ACTIVITIES (Cont'd)

A total of sixteen .40 caliber cartridge cases were recovered on the exterior of the residence. Of these, fourteen were located between the house and the south fence, west of the gravel path (#s DOJ-2 through DOJ-14 and DOJ-37). Many of this group of fourteen were within the area of the wire mesh. One cartridge case was located just inside the entrance gateway in the south fence, on the east side of the gravel path (#DOJ-1). One cartridge case was located on the concrete floor of the carport near the tire of a motorcycle (#DOJ-27).

Outside of the porch area, one piece of copper jacket was located on the concrete slab present at the foot of the steps, one bullet was located just north of the slab, and two bullets were located north of the slab below the porch area.

Porch Area:

The porch was enclosed on the north, east, and west sides. The doorway on the south side was fully open (no door was present). The porch was accessed up a flight of three steps starting from a concrete pad to a landing on the south side of the doorway. A newel post was located at each step and handrails were affixed to the newel posts on both the north and south sides. The ground south of the porch was irregular; therefore, measurements were taken from the concrete pad and nearby supporting pillars having the same height. The top of the pillars were approximately 6 inches above the surrounding ground level. The landing to the porch was approximately 33.5 inches up from the concrete pad. The porch had a window on the east side that looked out to the property and another on the north side that faced the deck off the master bedroom. The north facing window had two panes of glass with an air space in between. The back side of the north facing window was covered with wooden boards that prevented any view of the deck off the master bedroom from inside the porch.

Deck:

The deck was located off the master bedroom and accessed from a sliding glass door that was partially open. The floor of the deck was a few inches below the floor of house (i.e. a small step down). The majority of the glass had been broken out of the sliding door. The glass of the stationary portion of the door was intact. One 10mm cartridge case was located on the rug in the room. One empty magazine was present just inside the sliding glass door. A large pile of the broken glass from the sliding door was present on the floor inside the room and a smaller pile was located on the deck just outside the room. Both piles of glass were at the area of the broken portion of the slider, and the slider tracks were relatively free of glass. The piles of glass and tracks indicate the door was open and in its current position when broken. Located within the pile of glass on the inside of the room were two apparent bullet fragments. Four 10mm cartridge cases were located on the deck just outside the door. No nominal .40 caliber bullets were observed on the deck. The deck had solid walls (as opposed to railing) that were approximately 40.5 inches high. The spacing between the boards of the deck floor were not large enough to allow passage of a nominal .40 caliber bullet or cartridge case.

Trajectories:

Seven trajectories could be established from the area of the porch toward the area of the deck. The trajectories are listed below in the order they were established. The order listed does not relate to a possible order of shots fired. In examining the scene for possible trajectories, a number of holes were noted and probed in various areas and were determined not be bullet holes. These included holes in the railings, holes in the porch area, and holes in the lower supports of the deck. All of these holes had a similar round, smooth appearance, a probe only entered a short distance, and no sign of a bullet was present in or near the hole.

FIELD ACTIVITIES (Cont'd)Trajectory #'s 1, 2, and 3:

These three trajectories enter on the hand rails of the steps leading up to the porch landing and terminate on the exterior of the east wall of the porch below the window. The general direction of the trajectories is slightly southeast to northwest. One or more of the bullets located on the concrete pad and under the porch are could be from these trajectories.

- Trajectory #1: Above the approximate area of the second step, the trajectory is through the top of the left (south) hand rail, through the lower area of the right (north) hand rail to the porch wall. This trajectory is slightly upward from horizontal.
- Trajectory #2: Above the approximate area of the third step, the trajectory is through the center of the left (south) rail, through the lower portion of the right (north) rail and its supporting newel post to the porch wall. This trajectory starts relatively horizontal and then diverts downward after exiting the rail.
- Trajectory #3: Above the approximate area of the second step, the trajectory is through the lower part of the right (north) rail, through the newel post, to the porch wall. This trajectory is generally downward from horizontal.

Possible Shooter Locations for trajectory #'s 1, 2, and 3:

For trajectory #'s 1 and 2: The shooter would be south of the steps.

For trajectory #3: The shooter could be south of the steps or possibly on the steps.

Trajectory #'s 4 through 7:

These four trajectories enter from the area of the north facing window on the inside the porch and exit through the wood backing of the window, northward toward the area of the deck. The orientation of the trajectories is from the perspective of standing inside the porch facing the blocked north facing window.

- Trajectory #4: Through the left frame of the window approximately 48 inches up from the floor, through the wood backing, and terminating at the eave at the northeast corner of the house. The trajectory is generally parallel to the house and upward. A bullet fragment was collected from the eave by Det. Fulton who cut out the portion of the eave containing the fragment.
- Trajectory #5: Through the edge of the left frame by the glass (i.e., a hole in both the frame edge and glass) approximately 40.5 inches up from the floor, through the wood backing, to the top of the south rail of the deck near the wall of the bedroom. The trajectory is generally horizontal and slightly inward toward the house. It may be possible that this bullet could have struck the sliding glass door.
- Trajectories #6 and #7: These two trajectories cross, merge, then separate. Their entrance holes are in the lower window panes approximately 37-38 inches from the floor. The glass between the two entrance holes had broken out so that the two holes essentially formed a single large hole with two visible entrances. This large hole formed in the glass allowed the rods to be somewhat loose.

Trajectory #6 goes right to left through the lower window panes, through the wood backing and then passes through the siding trim at the northeast corner of the house. The trajectory is generally upward and inward toward the house.

Trajectory #7 goes left to right through the lower window panes, through the wood backing, and through the outside corner of the mattress located on the north side of the deck. The trajectory is generally upward and outward from the house.

FIELD ACTIVITIES (Cont'd)

Possible Shooter Locations for trajectories #'s 4, 5, 6, and 7:

For trajectory #'s 4, 6, and 7: The shooter could be either inside the porch, on the landing, or standing at ground level south of the porch area.

For trajectory #5: The shooter could be in the porch area or on the landing.

An apparent bullet fragment was located on the interior side of the sliding gateway of the south fence approximately two to three feet from ground level. If this fragment is related to this incident, then it was from a general north to south direction and could have come from the deck.

We left at approximately 1930 hours with the evidence related to the shooting scene and the [REDACTED] surrender to law enforcement. Evidence Technicians from APD and HSUPD documented the interior of the residence; they and other law enforcement personnel also collected additional evidence and property, including numerous firearms. These items were retained by the Humboldt County Sheriff's Office.

EVIDENCE

The following evidence was recovered at the scene and transported to the Laboratory on May 7, 2014:

- DOJ-1) 40 caliber cartridge case
- DOJ-2) 40 caliber cartridge case
- DOJ-3) 40 caliber cartridge case
- DOJ-4) 40 caliber cartridge case
- DOJ-5) 40 caliber cartridge case
- DOJ-6) 40 caliber cartridge case
- DOJ-7) 40 caliber cartridge case
- DOJ-8) 40 caliber cartridge case
- DOJ-9) 40 caliber cartridge case
- DOJ-10) 40 caliber cartridge case
- DOJ-11) 40 caliber cartridge case
- DOJ-12) 40 caliber cartridge case
- DOJ-13) 40 caliber cartridge case
- DOJ-14) 40 caliber cartridge case
- DOJ-15) Piece of copper jacket
- DOJ-16) Bullet
- DOJ-17) Bullet
- DOJ-18) Bullet
- DOJ-19) 10mm cartridge case -- bedroom floor
- DOJ-20) Magazine -- bedroom

EVIDENCE (Cont'd)

- DOJ-21) 10mm cartridge case - deck
- DOJ-22) 10mm cartridge case - deck
- DOJ-23) 10mm cartridge case - deck
- DOJ-24) 10mm cartridge case - deck
- DOJ-25) Metal fragment from glass
- DOJ-26) Metal fragment from glass
- DOJ-27) 40 caliber cartridge case
- DOJ-28) Glock handgun, Model 20, 10mm automatic, [REDACTED]
- DOJ-29) 10mm cartridge
- DOJ-30) 3 magazines
- DOJ-31) Ammunition box with 19 cartridges (includes packaging)
- DOJ-32) Money and tally
- DOJ-33) Night vision goggles
- DOJ-34) Wallet
- DOJ-36) Shirt, watch, gloves, and headlamp
- DOJ-37) 40 caliber cartridge case
- DOJ-38) Metal fragment from fence gateway
- DOJ-39) Bullet from eave

The following evidence was prepared at the DOJ Eureka Laboratory:

- CD-1) CD with 275 images

The following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office on the listed dates:

Evidence received May 23, 2014:

- 125002) Blood sample from Officer Cao

Evidence received May 15, 2014:

- 125003) Blood sample from Sgt. Swithenbank

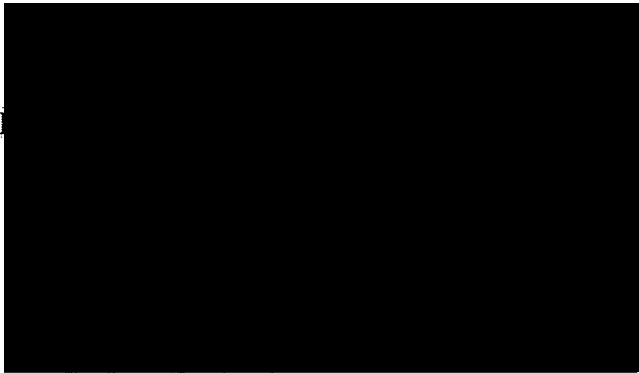
Evidence received June 10, 2014:

- 124980) Glock 22 [REDACTED] from Officer Cao
- 125024) Glock 22 [REDACTED] from Sgt. Swithenbank
- 125031) Glock 27 [REDACTED] from Sgt. Swithenbank
- 125086) Projectile from Officer Cao's vest

DISPOSITION

The evidence from the scene, CD-1, and projectile from Officer Cao's vest are being held at the DOJ Eureka Laboratory pending examination or release to the HCSO. The blood samples from [REDACTED] were sent to DOJ Toxicology on June 5, 2014, via GSO. The three firearms were returned to HCSO on June 19, 2014.

EXAMINED



Date of Report: July 7, 2014

Senior Criminalist

Technical review by: WBC Date: 7/9/14

Administrative review by: WBC Date: 7/9/14

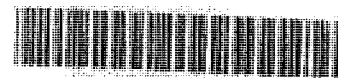
KLB:klb

201402046

Eureka Laboratory

RELATED BFS CASE #

State of California
Department of Justice
Bureau of Forensic Services



EU-14-000590

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

INFORMATION AND REPORT SECURITY ROUTINE AGENCY ONLY AGENT ONLY

SUBMITTING AGENCY: Humboldt County Sheriffs Office AGENCY CASE NO: 201402046

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

OFFENSE(S): OIS DATE OF INCIDENT: 05/06/14 DATE NEEDED: When Poss REASON: Investigation

INVESTIGATING OFFICER: Todd Fulton PHONE: 707-445-7251 FAX: 707-445-7298

INVESTIGATING OFFICER - EMAIL ADDRESS:

SUBJECTS	SUBJECTS			DATE OF BIRTH	CII # (LATENTS AND DNA)
	Last name	First Name	MI		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		

EVIDENCE SUBMITTED

LINE	ITEM NUMBER	DESCRIPTION OF EVIDENCE (ONE ITEM PER LINE WHEN POSSIBLE)	COMMENTS OR REQUESTS FOR SERVICE
1	125086	Projectile from Cao's Vest	
2	124980	Cao's Glock 22 Duty Weapon/Surefire Light [REDACTED]	
3	125024	Swithenbank's Glock 22 [REDACTED]	
4	125031	Swithenbank Glock 27, 40 Caliber [REDACTED]	

Chain of custody for items listed above

Line/Item NUMBER	Received From	Delivered to	DATE
lines 1-4	[REDACTED]	[REDACTED]	6/10/14
lines 2-4	[REDACTED]	[REDACTED]	6/19/14

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

AGENCY CASE NUMBER
20142046

DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS CASE NUMBER
EU-14-000590-0002

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

SUBJECT: BANG H CAO

OFFENSE DATE: 5/6/2014

SUMMARY:

The sample (Item 125002_01) of BANG H CAO contained 0.00% (W/V) alcohol.

The blood sample will be forwarded to the BFS Toxicology Laboratory for analysis.

EVIDENCE:

On 5/23/2014, the following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office, Eureka:

Commission 125002: One evidence envelope containing one tube of blood from the [REDACTED]
Item 125002_01: One tube of blood from [REDACTED]

DISPOSITION:

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

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice, Bureau of Forensic Services (BFS); (2) I am qualified to engage in forensic alcohol analysis as a Forensic Alcohol Supervisor, Analyst, or as a Trainee under supervision pursuant to Title 17 of the CA Code of Regulations; (3) I performed an analysis of the material described above during the regular course of my duties according to approved laboratory procedures; (4) The recording of the analytical results was done at the time the analysis was performed and included creation of contemporaneous documentation; (5) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record; (6) This laboratory report has been prepared and retained by BFS in the normal course of business according to BFS' regular practices and procedures. This Laboratory is accredited by American Society of Crime Laboratory Directors/Laboratory Accreditation Board.

DATE ANALYSIS COMPLETE: 5/29/2014
DATE OF REPORT: 5/30/2014

Technical Reviewer:

Administrative Reviewer:

cc: DOJ Alcohol Report Recipient DAHUMB 707-445-7416

[REDACTED]
Criminalist

A/ NCY CASE NUMBER
20142046

DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS CASE NUMBER
EU-14-000590-0003

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

SUBJECT: KENNETH SWITHENBANK

OFFENSE DATE: 5/6/2014

SUMMARY:

The sample (Item 125003_01) of KENNETH SWITHENBANK contained 0.00% (W/V) alcohol.

EVIDENCE:

On 5/15/2014, the following evidence was received from [REDACTED] of the Humboldt County Sheriff's Office, Eureka:

Submission 125003: One evidence envelope containing one tube of blood from the [REDACTED]
Item 125003_01: One tube of blood from [REDACTED]

DISPOSITION:

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

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice, Bureau of Forensic Services (BFS); (2) I am qualified to engage in forensic alcohol analysis as a Forensic Alcohol Supervisor, Analyst, or as a Trainee under supervision pursuant to Title 17 of the CA Code of Regulations; (3) I performed an analysis of the material described above during the regular course of my duties according to approved laboratory procedures; (4) The recording of the analytical results was done at the time the analysis was performed and included creation of contemporaneous documentation; (5) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record; (6) This laboratory report has been prepared and retained by BFS in the normal course of business according to BFS' regular practices and procedures. This Laboratory is accredited by American Society of Crime Laboratory Directors/Laboratory Accreditation Board.

DATE ANALYSIS COMPLETE: 6/4/2014

DATE OF REPORT: 6/9/2014

Technical Reviewer:

DD

Administrative Reviewer:

DD

[REDACTED]
Senior Criminalist

cc: DOJ Alcohol Report Recipient DAHUMB 707-445-7416

69 INTERVIEW

70 Introduction

- 71 1) No video recording of cops. Audio record only.
- 72 2) Advise that you are the lead investigator and will be conducting the
- 73 interview. Introduce me as an assistant investigator.
- 74 3) Verbally identify everybody in the room and their purpose for being
- 75 in the interview. Make sure victim officer is okay with all in the
- 76 room. If they object to me being in room, advise I will not
- 77 participate in the interview but for the sake of transparency, I will
- 78 remain in the room. If they still object, offer them other members of
- 79 the team from other agencies.

80

81

82 Set parameters and Beheler admonishment

- 83 1) You are considered [REDACTED] At this time no evidence suggest
- 84 otherwise.
- 85 2) Confirm that the [REDACTED] is volunteering to give a statement and not
- 86 compelled.
- 87 3) Advise that they have a far better understanding of what happened
- 88 then I do. I have seen the scene and have a basic understanding of
- 89 what the scene says but not a complete understanding. You may say
- 90 things that do not fit what I think I know. I will be inquisitive at that
- 91 point. If my line of question makes you uncomfortable at any time
- 92 you have a right to stop the interview and leave.

93

94 Make the officer aware of risks

- 95 1) Using your firearm is deadly force. In this incident, deadly force was
- 96 used by you, your partner and [REDACTED] The goal of the
- 97 investigation is to determine whether the use of deadly force was
- 98 legal and justified. We will collect the facts which include your
- 99 statements and the story will be presented to the District attorney for
- 100 review.

Det. RONALD B HARPHAM 447 05/09/2014 Supervisor

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

DISTRIBUTION 1. Briefing 3. D.A. 5. Probation 7. Coroner 9. Other COPIED BY
 2. CID 4. Parole 6. CPS 8. ABC

- 101 2) As far as the use of deadly force is concerned, the only thing that
- 102 matters to the facts of legal or illegal use of force, is what occurred
- 103 one second prior to your decision to act.
- 104 3) Ask attorney if he has any questions. Ask the [REDACTED] if he is willing
- 105 to give a statement.
- 106
- 107 >Determine what they were wearing and how they were equipped. This
- 108 includes firearm type and bullet counts in the magazines and firearm <
- 109
- 110 >ask [REDACTED] what his experiences were with [REDACTED] This would include
- 111 second hand information<
- 112
- 113 >What was the nature of the call and how did you arrive<
- 114
- 115 >Tell me the story from the point of parking your vehicle<
- 116
- 117 >use props to help you make your understanding clear. If the [REDACTED] marks
- 118 the prop, have him sign it<
- 119
- 120 >focus on the one second before he decided to fire. Get specific details of
- 121 what he was thinking, emotions he felt. Use the concepts of condition
- 122 white/yellow/orange/red. You want to hear things like I was afraid. You
- 123 want to show signs of stress such as tachi phychea, auditory exclusion,
- 124 tunnel vision, adrenaline pump. Ask him how they felt leaving the
- 125 property. Ask how they felt immediately afterwards? Were they shaking,
- 126 sick to their stomach, euphoric <
- 127
- 128 >ask them where they displaced to and why they chose that location<
- 129
- 130 >ask them if they have any questions about the investigation<
- 131
- 132 >Get medical release form signed by Cao<
- 133

DISPOSITION:

Det. RONALD B HARPHAM 447 05/09/2014 Supervisor

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

DISTRIBUTION 1. Briefing 3. D.A. 5. Probation 7. Coroner 9. Other COPIED BY
 2. CID 4. Parole 6. CPS 8. ABC

STATE OF CALIFORNIA - COUNTY OF HUMBOLDT
SEARCH WARRANT and AFFIDAVIT

SW No. _____

(AFFIDAVIT)

Jack R. Bernstein, swears under oath that the facts expressed by him/her in the attached and incorporated statement of probable cause are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the location(s) set forth below. Wherefore, affiant requests that this Search Warrant be issued.

[Signature]
(SIGNATURE OF AFFIANT) (DATE)
Kelly Niel 5/12/14 1pm
REVIEWING DEPUTY ASSISTANT DISTRICT ATTORNEY

NIGHT SEARCH REQUESTED
 YES NO
HOBBS SEALING REQUESTED
 YES NO

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF HUMBOLDT: proof by affidavit having been made before me by Jack R. Bernstein, that there is probable cause to believe that the property described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

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

COPY

YOU ARE THEREFORE COMMANDED TO SEARCH: ATTACHMENT "A", attached hereto and incorporated by reference

FOR THE FOLLOWING PROPERTY: ATTACHMENT "A", attached hereto and incorporated by reference

AND SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to be true and subscribed before me this 12 day of MAY, 2014, at 1:05 [] am [] pm. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

[Signature]
Judge of the Superior Court of Humboldt County

NIGHT SEARCH APPROVED
 YES NO
HOBBS SEALING APPROVED
 YES NO

1 STATE OF CALIFORNIA - COUNTY OF HUMBOLDT
2 **SEARCH WARRANT and AFFIDAVIT**

3 ATTACHED AND INCORPORATED

4 SW No. _____

5 ***Attachment "A"***

6
7
8 **Location:** [REDACTED] Kelly Road, Shelter Cove, California. Further described as the
9 **following:** A Multi-story wood sided residence painted pale yellow. The residence has a
10 small potential third story and a metal stove pipe coming through the roof on the front
11 side of the residence. There is a greenhouse in the rear portion of the property. The
12 residence has composite shingle roofing and is surrounded by a wooden fence. The
13 residence has a side gated entrance for vehicle entry.

14 Assessor's parcel number 110-111-011

15
16 **Property:** Videotape evidence. Reenactment of shooting incident with Officers Cao and
17 Swithenback.

18
19
20 **PERSON: None**

21
22 **Vehicles:** Any vehicles located on scene that might reveal evidence associated with this case.
23 This shall include trailers, cars, motorcycles and other vehicles in various states of repair. For
24 purpose of videotaping locations, damage or evidence associated with the shooting incident at
25 the location listed above.

Humboldt County Sheriff's Office Operation Plan

Date: 05-13-2014		Time:		Case#: 2014-2046		Investigator: G. Musson	
TYPE OF OPERATION:	<input type="checkbox"/> Barricaded Subject		<input type="checkbox"/> Arrest Warrant		<input type="checkbox"/> Marijuana Op		<input type="checkbox"/> Hostage Situation
	<input checked="" type="checkbox"/> Search Warrant		<input type="checkbox"/> Prob. Search		<input type="checkbox"/> Parole Search		<input type="checkbox"/> Other
PERSONNEL	CALL #	PAGER #		VEHICLE	ASSIGNMENT		
Inv. G. Musson	K-21			Un-marked	Case Agent/Entry		
Inv. R Harpham				Un-marked	CIRT Investigator/Entry		
Inv. T. Fulton	K-25			Un-Marked	CIRT Investigator/Entry		
Sgt. T. Dockweiler	2X8			Un-Marked	CIRT Investigator/Entry		
Lt. W. Hanson	A-7			Un-Marked	Supervisor		
Chief W. Cox	7K1			Un-Marked	DA-Investigator		
DA. Inv. M. Kirkpatrick	7K7			Un-Marked	DA-Investigator		
Special Services X-1				Marked/HCSO	Entry		
Garberville Patrol X-1 <i>(if available)</i>				Marked/HCSO	Entry		
ADA Kelly Neel				With/Cox	Walk Through		
ADA Jackie Pizzo				With/Cox	Walk Through		
APD [REDACTED]					Video		
J. Bernstein	7K4			Un-Marked	DA-Investigator/SW Prep		

Commands To Occupants	VERBAL:	EMERGENCY:
	VISUAL:	
	HOSTAGE: * See Contingency Plan - Page 3	
[REDACTED] (Name & description - attach photograph if available)		
[REDACTED]		
[REDACTED]		
LOCATION(S) (Address - attach map, diagram & photograph if available)		
[REDACTED] Kelly Rd., Shelter Cove		
[REDACTED]		
VEHICLE(S) (License number/state - color, year, make and model)		
N/A		
[REDACTED]		
[REDACTED]		
[REDACTED]		

OPERATIONS PLAN PAGE 2

BACKGROUND: On 5-06-2014, two Deputies from HCSO, Swithenbank and Cao, attempted to serve a DV Move-out restraining order on [REDACTED] who was residing at [REDACTED] Kelly Rd. in Shelter Cove. During the attempted service of this order, Deputies became involved in a shooting with [REDACTED] resulting in one of the Deputies being shot.

MISSION: (Purpose/objective of operation.)

Execute a search warrant at the [REDACTED] Kelly Rd., residence to conduct a walk through with the involved Deputies, their attorneys and . CIRT Investigators while DA Investigators and ADA's wait in Shelter Cove until initial walk through in completed.

SPECIAL PROBLEMS/CONSIDERATIONS:

<input checked="" type="checkbox"/> Weapons	<input type="checkbox"/> Fortifications	<input checked="" type="checkbox"/> Guard Dogs	<input type="checkbox"/> History of Violence
<input type="checkbox"/> Mental Condition	<input type="checkbox"/> Drug/Alcohol Abuse	<input checked="" type="checkbox"/> Children	<input type="checkbox"/> Elderly/Infirmed
<input type="checkbox"/> Other:			

EXECUTION: (Mechanics of operation.)

Make entry into the residence and secure it of persons. Conduct walk through with Deputies. At conclusion of walk through DA Investigators and ADAs will conduct an additional walk through without Deputies.

PRIMARY RALLY POINT: Kelly Rd @ Radio Towers SECONDARY RALLY POINT: Shelter Cove Rd.

COMMUNICATIONS:

PRIMARY: Clemar	SECONDARY: Nalemar	EMERGENCY: HCSO-E
Frequency:	Frequency:	Frequency:

AL EMERGENCIES:

EMT/MEDIC <input type="checkbox"/> YES <input type="checkbox"/> NO		
NEAREST TRAUMA CENTER: (Name, address & directions - attach map) Mad River hospital 3800 Janes Rd. Arcata		
Redwood Memorial Hospital, 3300 Renner Dr, Fortuna, CA 95540		
St. Joseph Hospital, 2700 Dolbeer Ave, Eureka, CA		
[REDACTED]	CHP DISPATCH 445-6663	EUREKA PD.441-4044
CITY AMBULANCE 445-4907	ARCATA PD 822-2422	HCSO 445-7251

.E. JURISDICTION:

<input type="checkbox"/> Police Department	<input checked="" type="checkbox"/> Sheriff's Office	CHP/_____ (Local Dispatch)
NOTIFIED: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	Date/Time: 05-12-14 1100 hours,	Notified by: T. Fulton
Intelligence Notifications _____ WSIN _____ <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Date/Time:	By:
Swat Notification Agency: HCSO	Contact Person: Lt. Cavinta	Date/Time: By:

INDIVIDUAL EQUIPMENT:

<input type="checkbox"/> BDU's (Black/Camo)	<input type="checkbox"/> Vest	<input type="checkbox"/> Helmet	<input checked="" type="checkbox"/> Raid Jacket/Jersey	<input type="checkbox"/> NVG
<input checked="" type="checkbox"/> Personal Trauma Packet	<input checked="" type="checkbox"/> Portable Radio	<input checked="" type="checkbox"/> Spare Battery	<input checked="" type="checkbox"/> Flashlight	<input type="checkbox"/>
<input type="checkbox"/> OC Spray	<input checked="" type="checkbox"/> Handcuffs	<input checked="" type="checkbox"/> Ammunition	<input type="checkbox"/> Baton	<input type="checkbox"/>
<input type="checkbox"/> Nomex Clothing	<input type="checkbox"/> Gas Mask	<input checked="" type="checkbox"/> Gloves	<input type="checkbox"/> Goggles	<input type="checkbox"/>

SPECIAL EQUIPMENT:

<input type="checkbox"/> Shield	<input type="checkbox"/> Ram	<input type="checkbox"/> Hooligan	<input type="checkbox"/> Pry Bar	<input type="checkbox"/> D. D.
<input type="checkbox"/> Hook	<input type="checkbox"/> Cutters	<input type="checkbox"/> Trauma Kit	<input checked="" type="checkbox"/> Evidence Kit	<input type="checkbox"/> Pole Camera
<input type="checkbox"/> 37mm Launcher	<input type="checkbox"/> Pepper Ball	<input type="checkbox"/> Ladder(s)	<input type="checkbox"/> Throw Phone	<input type="checkbox"/> Video camera

CONTINGENCY PLANS:

IF SHOTS ARE FIRED ANNOUNCE LOUDLY WHAT WAS SHOT (IE: ACCIDENTAL, DOG, OFFICER, SUSPECT, ETC.)

SHOTS FIRED PRIOR TO ENTRY

React to threat
 Establish perimeter or move to Rally Point
 Account for personnel
 Establish Command Post with responding agency

SHOTS FIRED AFTER ENTRY or BARRICADED SUSPECT

React to threat
 Hold existing positions or move to Rally Point
 If necessary, withdraw and establish exterior perimeter
 Account for personnel
 Establish Command Post with responding agency

OFFICER DOWN INTERIOR OR EXTERIOR

React to threat
 Evacuate injured personnel
 Hold existing positions or move to Rally Point
 If necessary, withdraw and establish exterior perimeter
 Account for personnel
 Establish Command Post with responding agency

TACTICAL ENTRY

React to threat
 Work in pairs
 Announce cleared rooms
 Do not enter or exit through rear doors unless previously planned

HOSTAGE SITUATION

React to threat
 Contain/secure immediate area
 Commence negotiations
 If hostage is in vehicle, agent should attempt to disable vehicle by throwing keys out of vehicle

Hostage Rescue

Hostage will give α Hostage Signal
 Rescue team leader will give same signal back to hostage advising that team is ready
 When hostage is ready, hostage will drop/fall to ground allowing a clear target of the subject

HOSTAGE SIGNALVERBAL:

CRITICAL INCIDENT CHECKLIST:

- LIFE SAVING EFFORTS – FIRST PRIORITY.
- INFORM LOCAL JURISDICTION OF INCIDENT.
- REQUEST ADDITIONAL LAW ENFORCEMENT ASSISTANCE.
- ASSIGN OPERATOR WITH TAPE RECORDER TO RIDE IN AMBULANCE WITH INJURED.
- PROTECT SENSITIVE INVESTIGATIVE INFORMATION; USE HARD LINE TELEPHONE.
- ASK INVOLVED OPERATOR QUESTIONS WHICH ARE NECESSARY TO MANAGE THE SCENE AND ENSURE PUBLIC SAFETY.
- IDENTIFY AND SECURE ALL SCENES, FELONY SCENE; ESCAPE/CHASE ROUTE; FATAL SCENE; COLLISIONS SCENE, ETC.
- LIMIT ENTRY INTO SCENE(s)
- HAVE SCENE LOG STARTED TO RECORD EVERY ENTRY AND EXIT AT SCENE (WHO, WHEN, WHY)
- PHOTOGRAPH, COLLECT, PRESERVE PERISHABLE EVIDENCE.
- COLLECT SHOOTING OPERATOR(s) WEAPON IF IN POSSESSION; LEAVE IN HOLSTER, COLLECT AT APPROPRIATE TIME AND PLACE, IN AN APPROPRIATE MANNER.
- CHECK FIREARMS OF ALL WITNESS OPERATORS. DOCUMENT OBSERVATIONS.
- HAVE INVOLVED OPERATOR(s) TAKEN TO DESIGNATED LOCATION BY COMPANION AGENT.
- HAVE INVOLVED OPERATOR(s) SEQUESTERED WITH COMPANION AGENT UNTIL INTERVIEWED.
- LOCATE, IDENTIFY, DETAIN, AND SEQUESTER ALL WITNESSES. INTERVIEW WITNESSES, TAPE RECORD, IF POSSIBLE.
- OKAY TO PHOTOGRAPH SCENE WITHOUT DISTURBING, CONTAMINATING, OR COLLECTING, UNTIL LABORATORY TECHNICIAN ARRIVES.
- START AREA CANVASS FOR: WITNESSES, EVIDENCE, VEHICLES, WEAPONS, ETC.
- NOTIFY COMMAND STAFF.
- REFER NEWS MEDIA TO PIO.

ATTACHMENTS: Page 5

- [] PHOTOGRAPH OF CI
- [] PHOTOGRAPH(S) OF SUBJECT(S)
- [] MAP OF OPERATIONAL AREA
- [] PHOTOGRAPH AND/OR DIAGRAM OF LOCATION
- [] MAP TO NEAREST TRAUMA CENTER

OPERATIONS PLAN REVIEWED AND APPROVED BY

SGT: Freese 0896 DATE 5/12/14

SUPERIOR COURT OF CALIFORNIA
County of Humboldt

SEARCH WARRANT RETURN
and
INVENTORY

FILED

MAY 19 2014

RENDAN N.
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Search Warrant No. SW 1400177
Address of place searched: ██████ Kelly Road, Shelter Cove, California
Issuing Magistrate: Dale Reinholtzen
Name of affiant: Jack R. Bernstein
Date warrant issued: May 12th, 2014
Date warrant executed: May 13th, 2014
Person served and title: Jack R. Bernstein Investigator
Manner of warrant service: Personal service Mail Fax

I, the affiant for this search warrant, state the following:

(1) The information listed above is correct.

(2) During the execution of the search warrant, the following property was seized:

[Videotaped evidence of scene]

I declare under penalty of perjury that the foregoing is true.

Date: 5/19/2014


Affiant

Penal Code § 1537

STATE OF CALIFORNIA - COUNTY OF HUMBOLDT
SEARCH WARRANT and AFFIDAVIT

MAY 19 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT
SW No. SW 40017

(AFFIDAVIT)

Jack R. Bernstein, swears under oath that the facts expressed by him/her in the attached and incorporated statement of probable cause are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the location(s) set forth below. Wherefore, affiant requests that this Search Warrant be issued.

[Signature]
(SIGNATURE OF AFFIANT) (DATE)
Kelly Niel 5/12/14 1pm
REVIEWING DEPUTY ASSISTANT DISTRICT ATTORNEY

NIGHT SEARCH REQUESTED
 YES NO
HOBBS SEALING REQUESTED
 YES NO

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF HUMBOLDT: proof by affidavit having been made before me by Jack R. Bernstein, that there is probable cause to believe that the property described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

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

YOU ARE THEREFORE COMMANDED TO SEARCH: ATTACHMENT "A", attached hereto and incorporated by reference

FOR THE FOLLOWING PROPERTY: ATTACHMENT "A", attached hereto and incorporated by reference

AND SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to be true and subscribed before me this 12 day of May, 2014, at 1:05 [] am [x] pm. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

[Signature]
Judge of the Superior Court of Humboldt County

NIGHT SEARCH APPROVED
 YES NO
HOBBS SEALING APPROVED
 YES NO

1 STATE OF CALIFORNIA - COUNTY OF HUMBOLDT
2 **SEARCH WARRANT and AFFIDAVIT**

3 ATTACHED AND INCORPORATED

4 SW No. _____

5 **Attachment "A"**

6
7
8 **Location:** [REDACTED] Kelly Road, Shelter Cove, California. Further described as the
9 **following:** A Multi-story wood sided residence painted pale yellow. The residence has a
10 small potential third story and a metal stove pipe coming through the roof on the front
11 side of the residence. There is a greenhouse in the rear portion of the property. The
12 residence has composite shingle roofing and is surrounded by a wooden fence. The
13 residence has a side gated entrance for vehicle entry.

14 Assessor's parcel number [REDACTED]

15
16 **Property:** Videotape evidence. Reenactment of shooting incident with Officers Cao and
17 Swithenback.
18
19

20 **PERSON: None**

21
22 **Vehicles:** Any vehicles located on scene that might reveal evidence associated with this case.
23 This shall include trailers, cars, motorcycles and other vehicles in various states of repair. For
24 purpose of videotaping locations, damage or evidence associated with the shooting incident at
25 the location listed above.
26
27
28
29
30

1 STATE OF CALIFORNIA – COUNTY OF HUMBOLDT SW NO. _____

2 ATTACHED AND INCORPORATED

3 **STATEMENT OF PROBABLE CAUSE:**

4
5 Your Affiant, Jack R. Bernstein, is a sworn California Peace Officer as defined under the
6 authority of California Penal Code Section 830.1, and as such, the delegated authority of these
7 peace officer extends to any place in the state, as to any public offense committed or which
8 there is probable cause to believe has been committed within the designated jurisdiction and or
9 political subdivision that employs the peace officer or in which the peace officer serves. Your
10 Affiant is employed by the Humboldt County District Attorney's Office as a Criminal Investigator
11 and has been so employed since September 2009.

12
13 Your Affiant has been continually employed as a California Peace Officer since March of
14 1997 in assignments that include patrol officer (Fortuna Police), police sergeant (Fortuna
15 Police), drug task force agent (Fortuna Police) investigator (Fortuna Police) and sworn District
16 Attorney Investigator (Humboldt County Counsel). I am currently assigned to consumer fraud
17 and financial crimes investigations with the Humboldt County District Attorneys Office.

18
19 Your Affiant's formal education and training history includes an Associate of Arts degree
20 (Social Science) from College of the Redwoods, a Bachelor of Science degree from California
21 State University, Long Beach (Vocational arts) and a Master's degree (Criminal Justice) from
22 Western Oregon University. Your Affiant completed the basic police academy at College of the
23 Redwoods and has obtained (basic, intermediate, advanced and supervisor) Certification from
24 California Peace Officer Standards and Training (POST). I have completed the following college
25 level courses in criminal justice; narcotics investigations, introductions to investigations, aspects
26 of evidence, juvenile justice systems, introduction to administration of Justice and principals and
27 procedures of the justice system, research in Criminal justice, ethics and leadership in criminal
28 justice, theory and research in criminal justice, offender treatment, and theory of criminal law.

1 Your Affiant has drafted, participated in the drafting, service of and execution of
2 numerous search warrants, subpoenas, arrest warrants, Ramey warrants, administrative
3 subpoena's , and inspection warrants. Your Affiant has personally written over 120 search
4 warrants since becoming a sworn law enforcement officer. Your Affiant has testified as an
5 expert witness on several occasions in the Superior Courts of Humboldt County.

6
7 Your Affiant has received hundreds of hours of advanced officer training since becoming
8 a full time law enforcement officer including but not limited to the following courses.

9
10 POST Training

- 11 ➤ ICI Homicide Investigation (80) Hours. Sacramento
- 12 ➤ ICI Financial Crimes Investigation (40) Hours: San Jose
- 13 ➤ Forensic Interviewing of Children (40) Hours. Alabama
- 14 ➤ Social Network Investigation (8) Hours, Sacramento
- 15 ➤ Child Abuse Conference (40) Hours, San Diego
- 16 ➤ Drug Endangered Children (8) Hours, Red Bluff
- 17 ➤ Mental Health Crisis Intervention (40) hours. Humboldt County
- 18 ➤ Police Supervisors Course (80) hours Santa Rose Junior College
- 19 ➤ ICI Core Investigators course (80) hours San Jose State University
- 20 ➤ High Risk Warrant Service (16) hours Cal Narcotic Officers Association
- 21 ➤ Academy Facilitators Course (40) hours Napa College
- 22 ➤ Investigation and Trial Preparation (80) hours Golden West College
- 23 ➤ Narcotic Investigation (80) hours Department of Justice
- 24 ➤ Field Evidence Technician (60) hours Department of Justice
- 25 ➤ Arson Investigation , 1B, 2A & 2B, (120) hours State Fire Marshal
- 26 ➤ FBI Interview and Interrogation (24) hours FBI
- 27 ➤ Analytical Interviewing (40) hours Los Medanos College
- 28 ➤ Traffic Accident Investigation (40) hours California Highway Patrol
- 29 ➤ Arrest and Control Instructor (80) hours Los Angeles PD
- 30 ➤ 11550 H&S Drug evaluator (24) hours Santa Rosa Junior College
- Search warrant preparation (16) hours Cal Narcotic Officer Association
- Advanced Surveillance techniques (36) hours Department of Justice
- Field Training Officer (40) hours Napa College
- Officer Involved Shooting (24) hours Cal Peace Officer Association
- Juvenile Arson Investigations (16) hours State Fire Marshal
- Gang Investigations (16) Hours DOJ and CDCR

1 On May 6th, 2014 at approximately 1446 hours members of the Humboldt County
2 Sheriff's Department responded to [REDACTED] **Kelly Road, Shelter Cove**, to consummate the eviction
3 process of [REDACTED] from his residence. During this process Humboldt County
4 Sheriff's Deputy Bang Cao was shot in the torso with an unknown caliber handgun and has
5 been airlifted to St. Joseph Hospital in Eureka for treatment. Humboldt County Sheriff's case
6 number **20142046**

7 Humboldt County Sheriff's Sergeant Swithenbank was accompanying Deputy Cao on
8 the service of the eviction and has indicated to his superiors that he and Cao returned fire
9 toward [REDACTED] and it is unknown if [REDACTED] was hit by that gunfire. [REDACTED] last known and
10 observed whereabouts was inside his residence, [REDACTED] **Kelly Road, Shelter Cove**. I later spoke
11 with Sgt. Swithenbank who provided a description of the residence and told me that he did not
12 see [REDACTED] at the time of the shooting however heard his voice just before he began shooting.
13 Sgt. Swithenbank has been familiar with [REDACTED] for many years.

14 Your Affiant is familiar with [REDACTED] and has on at least one occasion met with
15 [REDACTED] who is known to have an extensive criminal history associated with firearms. [REDACTED]
16 criminal record indicates charges for possession of a loaded rifle in a vehicle, assault with a
17 firearm on a person, carrying a loaded firearm in a public place, willful discharge of a firearm in
18 a negligent manner, possession of an assault weapon, shooting at an occupied dwelling, and
19 felon in possession of a firearm.

20 Deputy Cao was not familiar with [REDACTED] and was later shown a photo-lineup in which he
21 was unable to identify [REDACTED]. Deputy Cao was medicated at the time of the line-up. Law
22 enforcement has a long history with [REDACTED] and he is known to live at [REDACTED] **Kelly Way, Shelter
23 Cove** and has been contacted there by law enforcement numerous times.

24 On May 6th, 2014 the Honorable Judge Watson issued Your Affiant a search warrant for
25 evidence related to the shooting investigation. That warrant (**SW1400172**) later served on the
26 residence and items of evidence have been obtained.

27 On May 7th, 2014 [REDACTED] was taken into custody by law enforcement officers
28 that were surrounding his residence, [REDACTED] **Kelly Way, Shelter Cove**. [REDACTED] was armed with a
29 handgun and was taken into custody without incident. [REDACTED] was later interviewed and made
30 statements that on the day of the shooting he observed Deputy Cao on his property and knew
Deputy Cao to be a Deputy Sheriff. [REDACTED] recognized Deputy Cao from a previous stay in the
Humboldt County Jail where he knew Deputy Cao had been employed. [REDACTED] admitted that he
recognized Cao was in full uniform and upon seeing Deputy Cao, [REDACTED] retreated into his
bedroom and retrieved a Glock handgun.

1 [REDACTED] returned to where Deputy Cao was in the front patio outside the residence and
2 [REDACTED] yelled at Deputy Cao to leave the property. [REDACTED] claims Deputy Cao fired upon him
3 and [REDACTED] admitted that he exchanged gunfire with Deputy Cao estimating he fired 7-8 rounds
4 at the Deputy. [REDACTED] than fled the residence on foot remaining hidden for several hours before
5 being arrested. [REDACTED] admitted that the weapon he was found to be in possession of was the
6 same weapon he used to exchange gun fire with Deputy Cao.

7 Based on the above investigation that is on-going your affiant is requesting a search
8 warrant be issued for the residence [REDACTED] **Kelly Road, Shelter Cove**. For the purpose of
9 investigating the shooting of Deputy Cao. This warrant is necessary to conduct a videotaped
10 reenactment of the shooting with Deputies Cao and Swithenback. In addition, this evidence
11 could reveal the officers' actions in returning fire. I known based on my training and experience
12 in conducting officer involved shooting investigations a thorough videotaped reenactment will
13 assist in determining the actions of the Deputies as well as the [REDACTED]

14 Therefore, I wish to have the residence at [REDACTED] **Kelly Road, Shelter Cove**. Searched for
15 the following items.

- 16 1) Photograph and take video footage of the residence to include property, vehicles,
17 Deputies description of events and relevant landmarks and or evidence.
- 18 2) This videotaping of the reenactment will require investigators to bring in special video
19 equipment and have persons on scene assisting in the videotaping. Your Affiant
20 requests if necessary to bring onto the property equipment and persons who will
21 engage in the videotaping of the reenactment.

22 Based on the facts contained herein, I believe that I have probable cause to believe that
23 items at the residence at [REDACTED] **Kelly Road, Shelter Cove** that constitutes evidence that is
24 material to the shooting of Deputy Cao. In addition, evidence of the officer involved shooting
25 investigation that will be conducted in accordance with County protocol.

26 Therefore, based on my training and experience, and the above facts, I believe that I
27 have probable to believe the pertinent information relevant to this investigation will be obtained
28 by examining the crime scene. Based on the aforementioned information and investigation, I
29 **Investigator Jack R. Bernstein** believe that grounds for the issuance of a search warrant exist
30 as set forth in Penal Code Section 1524.

I, **Investigator Jack R. Bernstein**, hereby request that a search warrant be issued for
the seizure of said property, or any part thereof, from said property at any time of the day or

1 night as Officers are now standing by at the described premises and no purpose would be
2 served by having them wait until daylight hours to serve the warrant.

3 **NIGHT SERVICE:** Not requested

4 In the event video reenactment cannot be completed during one tour of duty, I request
5 that the court authorize re-entry to the crime scene for further processing after it has been
6 secured.

7 WHEREFORE. Affiant prays that a search warrant issue commanding the immediate
8 search of the premises above designated for the information above described, and that such
9 evidence and measurements be brought before a magistrate or retained as provided in Section
10 1536 of the California Penal Code.

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FILED

RECEIVED

STATE OF CALIFORNIA - COUNTY OF HUMBOLDT
SEARCH WARRANT and AFFIDAVIT

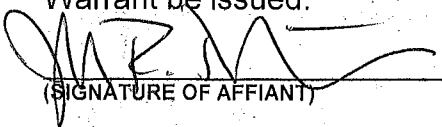
MAY 19 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SW No. SW1400172

(AFFIDAVIT)

Jack R. Bernstein, swears under oath that the facts expressed by him/her in the attached and incorporated statement of probable cause are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the location(s) set forth below. Wherefore, affiant requests that this Search Warrant be issued.


(SIGNATURE OF AFFIANT)

5/6/2014
(DATE)

NIGHT SEARCH REQUESTED
 YES NO
HOBBS SEALING REQUESTED
 YES NO

REVIEWING DEPUTY ASSISTANT DISTRICT ATTORNEY

(SEARCH WARRANT)

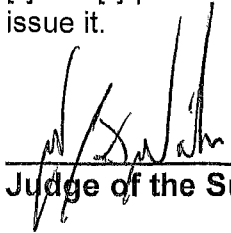
THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF HUMBOLDT: proof by affidavit having been made before me by Jack R. Bernstein, that there is probable cause to believe that the property described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

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

YOU ARE THEREFORE COMMANDED TO SEARCH: ATTACHMENT A, attached hereto and incorporated by reference

FOR THE FOLLOWING PROPERTY: ATTACHMENT B, attached hereto and incorporated by reference

AND SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to be true and subscribed before me this 5/6/14 day of May, 2014.
[] am [] pm. Wherefore, I find probable cause for the issuance of this Search Warrant and issue it.



Judge of the Superior Court of Humboldt County

NIGHT SEARCH APPROVED
 YES NO
HOBBS SEALING APPROVED
 YES NO

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

MAY 07 2014

RECEIVED

1 STATE OF CALIFORNIA - COUNTY OF HUMBOLDT
2 **SEARCH WARRANT and AFFIDAVIT**

3 ATTACHED AND INCORPORATED

4 SW No. _____

5 **Attachment "A"**

6
7
8 **Location:** [REDACTED] Kelly Road, Shelter Cove, California. Further described as the
9 **following:** A Multi-story wood sided residence painted pale yellow. The residence has a
10 small potential third story and a metal stove pipe coming through the roof on the front
11 side of the residence. There is a greenhouse in the rear portion of the property. The
12 residence has composite shingle roofing and is surrounded by a wooden fence. The
13 residence has a side gated entrance for vehicle entry.

14 Assessor's parcel number [REDACTED]

15
16 **PERSON:** [REDACTED] White Male Adult, 6' tall, 165
17 Pounds, long hair, Blue Eyes, [REDACTED]

18
19 **Vehicles:** Any vehicles located on scene that might reveal evidence associated with this case.
20 This shall include trailers, cars, motorcycles and other vehicles in various states of repair.
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1 STATE OF CALIFORNIA - COUNTY OF HUMBOLDT
2 **SEARCH WARRANT and AFFIDAVIT**

3
4 ATTACHED AND INCORPORATED

5 SW No. _____

6 **Attachment "B"**

7
8
9 **PROPERTY:**

10 Included will be items to establish custody and control of said premises, to include but not limited to: Rent
11 receipts, utility bills, canceled mail, canceled checks and above items that would tend to show ownership
12 and control of rental properties owned and / or controlled by the person in control of the residence to be
13 searched.

14 **Biological evidence:** Search for and seize trace evidence, which is often small, sometimes
15 invisible to the naked eye, such as but not limited to, latent fingerprints, fibers and DNA and is
16 easily eliminated by environmental changes or can be accidentally altered by persons about the
17 premises. This evidence collection will be done by outside experts and crime scene experts.
18 Storage of this evidence will be in a manner to preserve the evidence for later analysis.

19 **Firearms/Ammunition:** all firearms, ammunition, magazines, expended shell casings,
20 holsters, scopes, shooting supplies, storage containers, documentation of purchase, Law
21 enforcement can search in areas that firearms are commonly stored such as safes, containers,
22 and military style containers.

23 **Computers:** Cellular phones and other devices used for communication, video, photographing that
24 might harbor evidence of the incident under investigation, Computer hardware, software and data
25 including, but not limited to, central processing units (CPU's), hard disks, hard disk drives, floppy disk
26 drives, tape drives, CD-ROM/DVD drives, thumb drives, display screens, keyboards, printers, modems,
27 scanning devices, personal digital assistants (PDA's), digital cameras, and other image capturing /
28 reproducing devices, magnetic tapes, cassette tapes, and floppy disks found together or separately from
29 one another.

30 **Written documentation,** whether typed or hand written, including, but not limited to, computer
manuals and instructions for the use of any computers and their accessories as well as documentation
containing passwords.

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

1 STATE OF CALIFORNIA – COUNTY OF HUMBOLDT SW NO. _____

2 ATTACHED AND INCORPORATED

3 **STATEMENT OF PROBABLE CAUSE:**

4
5 Your Affiant, Jack R. Bernstein, is a sworn California Peace Officer as defined under the
6 authority of California Penal Code Section 830.1, and as such, the delegated authority of these
7 peace officer extends to any place in the state, as to any public offense committed or which
8 there is probable cause to believe has been committed within the designated jurisdiction and or
9 political subdivision that employs the peace officer or in which the peace officer serves. Your
10 Affiant is employed by the Humboldt County District Attorney's Office as a Criminal Investigator
11 and has been so employed since September 2009.

12
13 Your Affiant has been continually employed as a California Peace Officer since March of
14 1997 in assignments that include patrol officer (Fortuna Police), police sergeant (Fortuna
15 Police), drug task force agent (Fortuna Police) investigator (Fortuna Police) and sworn District
16 Attorney Investigator (Humboldt County Counsel). I am currently assigned to consumer fraud
17 and financial crimes investigations with the Humboldt County District Attorneys Office.

18
19 Your Affiant's formal education and training history includes an Associate of Arts degree
20 (Social Science) from College of the Redwoods, a Bachelor of Science degree from California
21 State University, Long Beach (Vocational arts) and a Master's degree (Criminal Justice) from
22 Western Oregon University. Your Affiant completed the basic police academy at College of the
23 Redwoods and has obtained (basic, intermediate, advanced and supervisor) Certification from
24 California Peace Officer Standards and Training (POST). I have completed the following college
25 level courses in criminal justice; narcotics investigations, introductions to investigations, aspects
26 of evidence, juvenile justice systems, introduction to administration of Justice and principals and
27 procedures of the justice system, research in Criminal justice, ethics and leadership in criminal
28 justice, theory and research in criminal justice, offender treatment, and theory of criminal law.
29
30

1 Your Affiant has drafted, participated in the drafting, service of and execution of
2 numerous search warrants, subpoenas, arrest warrants, Ramey warrants, administrative
3 subpoena's , and inspection warrants. Your Affiant has personally written over 120 search
4 warrants since becoming a sworn law enforcement officer. Your Affiant has testified as an
5 expert witness on several occasions in the Superior Courts of Humboldt County.

6
7 Your Affiant has received hundreds of hours of advanced officer training since becoming
8 a full time law enforcement officer including but not limited to the following courses.

9
10 POST Training

- 11 ➤ ICI Homicide Investigation (80) Hours. Sacramento
- 12 ➤ ICI Financial Crimes Investigation (40) Hours: San Jose
- 13 ➤ Forensic Interviewing of Children (40) Hours. Alabama
- 14 ➤ Social Network Investigation (8) Hours, Sacramento
- 15 ➤ Child Abuse Conference (40) Hours, San Diego
- 16 ➤ Drug Endangered Children (8) Hours, Red Bluff
- 17 ➤ Mental Health Crisis Intervention (40) hours. Humboldt County
- 18 ➤ Police Supervisors Course (80) hours Santa Rose Junior College
- 19 ➤ ICI Core Investigators course (80) hours San Jose State University
- 20 ➤ High Risk Warrant Service (16) hours Cal Narcotic Officers Association
- 21 ➤ Academy Facilitators Course (40) hours Napa College
- 22 ➤ Investigation and Trial Preparation (80) hours Golden West College
- 23 ➤ Narcotic Investigation (80) hours Department of Justice
- 24 ➤ Field Evidence Technician (60) hours Department of Justice
- 25 ➤ Arson Investigation , 1B, 2A & 2B, (120) hours State Fire Marshal
- 26 ➤ FBI Interview and Interrogation (24) hours FBI
- 27 ➤ Analytical Interviewing (40) hours Los Medanos College
- 28 ➤ Traffic Accident Investigation (40) hours California Highway Patrol
- 29 ➤ Arrest and Control Instructor (80) hours Los Angles PD
- 30 ➤ 11550 H&S Drug evaluator (24) hours Santa Rosa Junior College
- Search warrant preparation (16) hours Cal Narcotic Officer Association
- Advanced Surveillance techniques (36) hours Department of Justice
- Field Training Officer (40) hours Napa College
- Officer Involved Shooting (24) hours Cal Peace Officer Association
- Juvenile Arson Investigations (16) hours State Fire Marshal
- Gang Investigations (16) Hours DOJ and CDCR

May JRS

1 On ~~June~~ 6th, 2014 at approximately 1446 hours members of the Humboldt County
2 Sheriff's Department responded to [REDACTED] **Kelly Road, Shelter Cove**, to consummate the eviction
3 process of [REDACTED] from his residence. During this process Humboldt County
4 Sheriff's Deputy Bang Cao was shot in the torso with an unknown caliber handgun and has
5 been airlifted to St. Joseph Hospital in Eureka for treatment. Humboldt County Sheriff's case
6 number **20142046**

7 Humboldt County Sheriff's Sergeant Swithenbank was accompanying Deputy Cao on
8 the service of the eviction and has indicated to his superiors that he and Cao returned fire
9 toward [REDACTED] and it is unknown if [REDACTED] was hit by that gunfire. [REDACTED] last known and
10 observed whereabouts was inside his residence, [REDACTED] **Kelly Road, Shelter Cove**. I later spoke
11 with Sgt. Swithenbank who provided a description of the residence and told me that he did not
12 see [REDACTED] at the time of the shooting however heard his voice just before he began shooting.
13 Sgt. Swithenbank has been familiar with [REDACTED] for many years.

14 Your Affiant is familiar with [REDACTED] and has on at least one occasion met with
15 [REDACTED] who is known to have an extensive criminal history associated with firearms. [REDACTED]
16 criminal record indicates charges for possession of a loaded rifle in a vehicle, assault with a
17 firearm on a person, carrying a loaded firearm in a public place, willful discharge of a firearm in
18 a negligent manner, possession of an assault weapon, shooting at an occupied dwelling, and
19 felon in possession of a firearm.

20 Deputy Cao was not familiar with [REDACTED] and was later shown a photo-lineup in which he
21 was unable to identify [REDACTED]. Deputy Cao was medicated at the time of the line-up. Law
22 enforcement has a long history with [REDACTED] and he is known to live at [REDACTED] **Kelly Way, Shelter
23 Cove** and has been contacted there by law enforcement numerous times.

24 This investigation will include an officer involved shooting protocol response and a multi-
25 agency investigative team will conduct the investigation. Due to the unknown nature of the
26 status of the [REDACTED] a Special Weapons and Tactics (SWAT) team from the Humboldt County
27 Sheriff's Department will serve this warrant. As part of the nature of such events a negotiations
28 team has been deployed and will be utilized in an effort to have the [REDACTED] exit the
29 residence. Once the residence has been determined to be safe a complete investigation and
30 evidence collection effort will begin.

I known based on my training and experience in conducting officer involved shooting
investigations a thorough examination of the crime scene will be conducted and evidence will be
collected. Including weapons, bullets, shell casings, weapon magazines, forensic evidence,

1 witness statements, diagrams of the scene, photographs and other evidence to determine the
2 actions of the involved law enforcement personnel as well as the [REDACTED]

3 Based on the above investigation that is on-going your affiant is requesting a search
4 warrant be issued for the residence [REDACTED] **Kelly Road, Shelter Cove**. For the purpose of
5 investigating the shooting of Deputy Cao. I know based on my training and experience that the
6 search of the location described in Attachment "A" could reveal evidence of the shooting
7 including but not limited to weapons used, biological evidence, electronic evidence, DNA
8 evidence and other forensic evidence. These items of evidence will be crucial in the
9 investigation of the shooting of Deputy Cao. In addition, this evidence could reveal the officers'
actions in returning fire.

10 Based upon my experience and training, I know that a detailed examination and
11 documentation of the scene of an officer involved shooting is essential for a better
12 understanding of the events as they occurred. This is particularly true in the preliminary stages
13 of an investigation. My training and experience has taught me that the longer the delay in
14 collecting and examining the evidence, the greater the chance that the evidence present will be
15 moved, damaged or tainted thereby diminishing the odds that the case will not be solved. By
16 collecting any evidence that may be present, suspect information can begin to be developed.
17 Latent fingerprints, as well as other trace evidence and documentary evidence often lead to the
18 identification of the [REDACTED]. In addition, should the [REDACTED] or witnesses be contacted before
19 the search, an officer's questioning ability is severely handicapped without having knowledge of
20 the physical evidence revealed at the scene. Relevant questions of the witnesses or [REDACTED]
cannot be asked if the interviewer isn't armed with the facts.

21 Therefore, I wish to have the residence at [REDACTED] **Kelly Road, Shelter Cove**. Searched for
22 the following items.
23

- 24 1) Photograph and take video footage of the residence to include closets, the attic,
25 basement and garage, the back yard and any associated outbuildings and vehicles.
- 26 2) Diagram and measure the residence and the positions of furniture and any objects
27 that appear to be material to the investigation ~~at the scene of the victim.~~
28 *of any shooting.* JRB
- 29 3) Examine and seize any journals and/or diary, written, and/or printed documents of
30 any sort, photographs, and CDs, DVDs and any other media upon which images

1 may have been recorded in the belief that examination of these items may lead me
2 to persons having information about the [REDACTED] activities and actions that may
3 have lead up to the shooting of Deputy Cao.

4
5 4) Search for and seize trace evidence, which is often small, sometimes invisible to the
6 naked eye, such as but not limited to, latent fingerprints, fibers and DNA and is easily
7 eliminated by environmental changes or can be accidentally altered by persons
8 about the premises.

9 5) Search for and seize any items that appear to be evidence of the incident under
10 investigation.

11
12 6) To open any locked objects including but not limited to briefcases, file cabinets,
13 rooms, closets, safes and storage boxes. .

14 7) To seize, examine and answer any telephones, telephone answering machines,
15 computers and other recording devices. Video surveillance, cellular phones,
16 video equipment or other such devices.

17
18 Based on the facts contained herein, I believe that I have probable cause to believe that
19 items at the residence at [REDACTED] **Kelly Road, Shelter Cove** that constitutes evidence that is
20 material to the shooting of Deputy Cao. In addition, evidence of the officer involved shooting
21 investigation that will be conducted in accordance with County protocol.

22 Therefore, based on my training and experience, and the above facts, I believe that I
23 have probable to believe the pertinent information relevant to this investigation will be obtained
24 by examining the crime scene. Based on the aforementioned information and investigation, I
25 **Investigator Jack R. Bernstein** believe that grounds for the issuance of a search warrant exist
26 as set forth in Penal Code Section 1524.

27 I, **Investigator Jack R. Bernstein**, hereby request that a search warrant be issued for
28 the seizure of said property, or any part thereof, from said property at any time of the day or
29 night as Officers are now standing by at the described premises and no purpose would be
30 served by having them wait until daylight hours to serve the warrant.

NIGHT SERVICE: Your Affiant requests the warrant be issued with night service due to
the following facts and circumstances. The crime scene is in a rural portion of Humboldt County

1 and will require a great amount of time to travel and execute the warrant. This travel time,
2 negotiation time, and service preparation time make it very possible that the time of warrant
3 service could be late into the evening or early morning hours. Therefore, your Affiant requests
4 the permission to serve the warrant if necessary during the hours not usually permitted.

5 In the event that processing of the crime scene cannot be completed during one tour of
6 duty, I request that the court authorize re-entry to the crime scene for further processing after it
7 has been secured.

8 WHEREFORE. Affiant prays that a search warrant issue commanding the immediate
9 search of the premises above designated for the information above described, and that such
10 evidence and measurements be brought before a magistrate or retained as provided in Section
11 1536 of the California Penal Code.
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SUPERIOR COURT OF CALIFORNIA
County of Humboldt

FILED

BRENDA N.

MAY 10 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SEARCH WARRANT RETURN
and
INVENTORY

Search Warrant No. SW1400172

Address of place searched: ██████ Kelly Road, Shelter Cove, California

Issuing Magistrate: W. Bruce Watson

Name of affiant: Jack R. Bernstein

Date warrant issued: May 6th, 2014

Date warrant executed: May 7th, 2014

Person served and title: Jack R. Bernstein Investigator

Manner of warrant service: Personal service Mail Fax

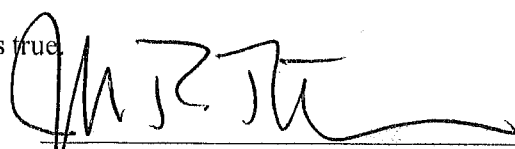
I, the affiant for this search warrant, state the following:

- (1) The information listed above is correct.
- (2) During the execution of the search warrant, the following property was seized:

[Insert items and or attached property sheet]

I declare under penalty of perjury that the foregoing is true.

Date: 5/19/2014


Affiant

Penal Code § 1537


SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5/7/14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS _____

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION 

Kelly Road Shelter Cove

1R122 - Ammo box w/ 1630
round 44cal

1R123 - 2150 rounds .223
in ammo box

1R124 - Ammo box
w/ ~~208~~ 2054 rounds
.223 ammo

1R125 - 2090 rounds
.223 ammo in ammo box


1R126 - (3) scopes, misc
gun repair/cleaning
supplies in ammo box


1R127 - H&K. Supplies and
magazines

1R128 - 396 rounds of
308 in ammo box


1R129 - 296 rounds
.223 ammo in ammo box

1R130 - 1830 rounds
44cal ammo in ammo box

1R131 - Indicia - (2)
passports, Texas birth
certificate, HI Drivers license
for 

2R201 - ⁵¹Apple Mac Book¹¹ A1297
laptop 
and charger

2R401 - (6) Bags vacuum
sealed processed marijuana

2R402 - (2) turkey bags
containing marijuana bud in
paper grocery bag 

2R403 - digital scale "myweight" 12 lbs
and packaging materials
in paper bag.

3R301 - Grocery bag w/
(2) plastic bags processed
marijuana

5/7/14 1525

 557 ADD

DATE

TIME

SIGNATURE OF DEPUTY SHERIFF

PINH

DISTRIBUTION: ORIGINAL - LEAVE AT SCENE OF SEARCH WARRANT SERVICE

YELLOW - RETURN TO COURT WITH ORIGINAL SEARCH WARRANT

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5/7/14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS _____

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION _____

3R101 - Verbatim silver external hard drive

1R101 - Steyr Mannlicher mod. S&W .308

1R111 - Swarovski OPTIK

[REDACTED]

1R112 - Aimpoint scope

1R102 - Glock 357

1R113 - Aimpoint scope

[REDACTED]

1R114 - Ziplock bag with Indicia Hayd

1R103 - (5) magazines in food saver

1R115 - Pack w/ (50)

1R104 - (20) rounds 308

rounds 308 ammunition

ammunition in food saver

1R116 - Glock manual

1R105 - Belt clip with

1R117 - Glock gen 4 manual

ammunition in food saver

1R118 - Tactical bag

1R106 - Box of Hornaday (20 rounds)

1R119 - Ammo box

308 ammunition in food saver

containing 1220 rounds 308

1R107 (4) Boxes of Hornaday

1R120 - Ammo Box w/

308 ammunition (20 each)

1440 .308 ammo

1R108 - (20) rounds 308 ammunition in belt pouch

1R121 - Ammo box w/

1R109 - (13) rounds 223

560 rounds .308 and

ammunition in Ziplock

800 rounds 81-19

1R110 - (21) rounds 308 ammunition in ammo box/ziplock

[REDACTED]

DATE _____ TIME _____

SIGNATURE OF DEPUTY SHERIFF S37 ADP PIN# _____

DISTRIBUTION: ORIGINAL - LEAVE AT SCENE OF SEARCH WARRANT SERVICE

YELLOW - RETURN TO COURT WITH ORIGINAL SEARCH WARRANT

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5/7/14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS _____

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION [REDACTED] Kelly Road

~~BR 2R101 - Pump action~~ (u)

~~pellet gun, unknown
make/model RWS~~

~~mod 32 "Diana"~~ (u)

2R102 - Netgear - router

2R404 - food saver^{MVP} V3880
vacuum sealer

2R405 - Box food saver
bags

2R202 - (2) note books
w/ handwritten notes

2R406 - Blk bag unprocessed
marijuana

2R203 - AT&T cordless (u)

^{MVP} CC02501 [REDACTED] landline

3R301 - (17) Black garbage
bags of dried unprocessed
marijuana

2R203 - Blk bag w/
dried marijuana

DATE _____ TIME _____ SIGNATURE OF DEPUTY SHERIFF [REDACTED] APD 537 PIN# _____

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

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5-7-14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS 1394/DOJ

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION

[Redacted] Kelly, & Green House

1) 2041 MARIJUANA PLANTS

Greenhouse

DOJ 1-24 CARTRIDGE CASE

BACK YARD AREA

DOJ 15 COPPER JACKET

" " "

DOJ 16-18 BULLET PROJECTILE

" " "

DOJ 19 CARTRIDGE CASE

Bedroom BACK of HOUSE

DOJ 20 MAGAZINE HANDGUN

Bedroom BACK of HOUSE

DOJ 21-24 CARTRIDGE CASE

BACK Deck

DOJ 25-26 Fragment Bullet

Class inside Bedroom back of House

DOJ 27 cartridge case

CAR Port Area

DOJ 28 GLOCK HANDGUN

Tree House AREA

DOJ 29 1 LOADED ROUND

Tree House AREA

DOJ 30 3 HANDGUN MAGAZINES

Tree House AREA

DOJ 31 14 rds 10mm

Tree House AREA

DOJ 32 Euros currency

Tree House Area

DOJ 33 Night vision goggles

Tree House Area

DOJ 34 WALLET

Tree House Area

DOJ ~~35~~ 37 CARTRIDGE CASE

BACK yard Area

DOJ 36 watch & clothing items Headlamp

Tree House Area

DOJ 39 Projectile from eye camera

BACK of House

DOJ 35 Fragment from fence

Fence Back of House

DATE 5-7-14 TIME _____

SIGNATURE OF DEPUTY SHERIFF [Signature] PIN# 1394

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

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5-7-14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS 1394

SEARCH WARRANT NUMBER

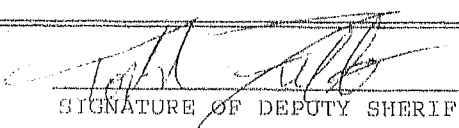
ITEMS REMOVED FROM ADDRESS/LOCATION [REDACTED]

Ford Truck [REDACTED]

- ① Benelli shotgun 12 gauge
- ② 12 gauge Ammo
- ③ 10mm Ammo Berer
- ④ indicia [REDACTED]

- Ford Truck [REDACTED]
- Ford Truck [REDACTED]
- Ford Trucks [REDACTED]
- Ford Truck [REDACTED]

DATE _____ TIME _____

 1394
SIGNATURE OF DEPUTY SHERIFF PIN#

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

SUSPECT INFORMATION (Photo is attached)

FILED

MAY 07 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Full name: [redacted] Aliases: Unknown
Res. Add.: [redacted] Kelly Road, Shelter Cove, California
Bus. Add.: Unknown
Sex: Male Race: White Birthdate: [redacted] Age: 55
Birthplace: Unknown Hair color: Blond Eye color: Blue
Height: 6'0 Weight: 165 pounds Unusual features: None Known
Marks/scars: CII No.: [redacted] FBI No.: [redacted]
Drivers license State/No.: [redacted] Social Security No.: [redacted]

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF HUMBOLDT

THE PEOPLE OF THE STATE OF CALIFORNIA,

No.: RW 1400011

vs

WARRANT OF ARREST

People v. Ramey (1976) 16 Cal. App. 3d 263
People v. Case (1980) 105 Cal. App. 3d 826
Penal Code section 817

County of Humboldt:

THE PEOPLE OF THE STATE OF CALIFORNIA to any Peace Officer in the State:

Pr [redacted] by declaration under penalty of perjury having been made this day to me by Humboldt County District Attorney Investigator Wayne Cox, I find that there is probable cause to believe that the crime(s) of: **PC664/187 PC Attempted Murder on a peace officer, 12022.53 (c) firearms enhancement** has been committed and accusing the above named: [redacted] thereof, YOU ARE THEREFORE COMMANDED forthwith to arrest the above-named individual and bring him /-her before me at Eureka, California, or in case of my absence or inability to act, before the nearest or most accessible magistrate pursuant to Sections 821, 825, 826 and 848 of the Penal Code.

The complaint underlying this arrest warrant does not initiate a criminal proceeding.

Bail is set in the sum of \$ 2,000,000.

BM FOR GOOD CAUSE SHOWN, I direct that this warrant may be served at any hour of the day or night.

Dated: 5/6/14 at Eureka, California

Time: 6:45 a.m. / 5:45 p.m.

[Signature]
Magistrate
Judge of the Superior Court of California
County Of Humboldt

CERTIFICATE OF PEACE OFFICER - 26609 GC

I hereby certify that I received the within warrant and that I served the same by arresting the within named defendant on _____ and bringing the defendant before a magistrate of the Superior Court In the County of Humboldt. Booking the defendant at the _____ jail on _____ in the County of _____. Promise to appear issued; pursuant to 853.6/818 P.C. []. Warrant served by _____. Date: _____ Peace Officer: _____

CERTIFICATE OF PEACE OFFICER - DEFENDANT'S RIGHTS - 821/822 PC

[] I hereby certify that the within named defendant has been informed in writing of his/her right to be taken before a magistrate in the arresting county.

CERTIFICATE OF MAGISTRATE OF ANOTHER COURT - 823 PC

I hereby certify that the defendant named in the within warrant was this day brought before me and that I ordered the defendant be admitted to bail in the sum shown on same warrant.

[] Bail not endorsed on warrant; bail set in the amount of \$_____

[] Bail given. Appearance date set below.

[] Bail not given. Defendant remanded to custody of _____

[] Defendant released on his/her promise to appear. Appearance date set below.

(Date) (Title and Court) (Signature of Magistrate)

BAIL INFORMATION - PC

Bail: Posted \$_____ By: _____ Address: _____

APPEARANCE SCHEDULE - 821/822 PC

Date _____ Time _____ COURT HOURS: _____

TRAFFIC: _____

CRIMINAL- Named Court: _____

JUVENILE: _____

RETURN WITHOUT SERVICE - 26609 GC

[] Recalled by Court [] Recalled by Responsible Date _____

Agency - Date _____ Other (Explain) _____

SUSPECT INFORMATION (Photo is attached)

FILED

MAY 07 2014

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Full name: [REDACTED] Aliases: Unknown
Res. Add.: [REDACTED] Kelly Road, Shelter Cove, California
Bus Add.: Unknown
Sex: Male Race: White Birthdate: [REDACTED] Age: 55
Birthplace: Unknown Hair color: Blond Eye color: Blue
Height: 6'0 Weight: 165 pounds Unusual features: None Known
Marks/scars: CII No.: [REDACTED] FBI No.: [REDACTED]
Drivers license State/No.: California [REDACTED] Social Security No.: [REDACTED]

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF HUMBOLDT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs

RW 1400011

DECLARATION IN SUPPORT
OF WARRANT OF ARREST

People v. Ramey (1976) 16 Cal. App 3d 263
People v. Case (1980) 105 Cal. App. 3d 826

[REDACTED] Defendant./

Humboldt County District Attorney Investigator Wayne Cox, declares under penalty of perjury, that the following is true and correct:

That he has and there is probable cause to believe, and that he does believe, that the crime(s) of **664/187 PC Attempted Murder on Peace Officer, 12022.53 (c) Firearms enhancement**, has been committed by [REDACTED] and probable cause exists for his arrest.

Your declarant bases this belief on the following facts:

Refer to attached Statement of Probable Cause

STATEMENT OF PROBABLE CAUSE

Your Affiant, Jack R. Bernstein, is a sworn California Peace Officer as defined under the authority of California Penal Code Section 830.1, and as such, the delegated authority of these peace officer extends to any place in the state, as to any public offense committed or which there is probable cause to believe has been committed within the designated jurisdiction and or political subdivision that employs the peace officer or in which the peace officer serves. Your Affiant is employed by the Humboldt County District Attorney's Office as a Criminal Investigator and has been so employed since September 2009.

Your Affiant has been continually employed as a California Peace Officer since March of 1997 in assignments that include patrol officer (Fortuna Police), police sergeant (Fortuna Police), drug task force agent (Fortuna Police) investigator (Fortuna Police) and sworn District Attorney Investigator (Humboldt County Counsel). I am currently assigned to consumer fraud and financial crimes investigations with the Humboldt County District Attorney's Office.

Your Affiant's formal education and training history includes an Associate of Arts degree (Social Science) from College of the Redwoods, a Bachelor of Science degree from California State University, Long Beach (Vocational arts) and a Master's degree (Criminal Justice) from Western Oregon University. Your Affiant completed the basic police academy at College of the Redwoods and has obtained (basic, intermediate, advanced and supervisor) Certification from California Peace Officer Standards and Training (POST). I have completed the following college level courses in criminal justice; narcotics investigations, introductions to investigations, aspects of evidence, juvenile justice systems, introduction to administration of Justice and principals and procedures of the justice system, research in Criminal justice, ethics and leadership in criminal justice, theory and research in criminal justice, offender treatment, and theory of criminal law.

Your Affiant has drafted, participated in the drafting, service of and execution of numerous search warrants, subpoenas, arrest warrants, Ramey warrants, administrative subpoena's , and inspection warrants. Your Affiant has personally written over 120 search warrants since becoming a sworn law enforcement officer. Your Affiant has testified as an expert witness on several occasions in the Superior Courts of Humboldt County.

Your Affiant has received hundreds of hours of advanced officer training since becoming a full time law enforcement officer including but not limited to the following courses.

POST Training

- ICI Homicide Investigation (80) Hours. Sacramento
- ICI Financial Crimes Investigation (40) Hours: San Jose
- Forensic Interviewing of Children (40) Hours. Alabama
- Social Network Investigation (8) Hours, Sacramento
- Child Abuse Conference (40) Hours, San Diego
- Drug Endangered Children (8) Hours, Red Bluff
- Mental Health Crisis Intervention (40) hours. Humboldt County
- Police Supervisors Course (80) hours Santa Rose Junior College
- ICI Core Investigators course (80) hours San Jose State University
- High Risk Warrant Service (16) hours Cal Narcotic Officers Association
- Academy Facilitators Course (40) hours Napa College
- Investigation and Trial Preparation (80) hours Golden West College
- Narcotic Investigation (80) hours Department of Justice
- Field Evidence Technician (60) hours Department of Justice
- Arson Investigation , 1B, 2A & 2B, (120) hours State Fire Marshal
- FBI Interview and Interrogation (24) hours FBI
- Analytical Interviewing (40) hours Los Medanos College
- Traffic Accident Investigation (40) hours California Highway Patrol
- Arrest and Control Instructor (80) hours Los Angeles PD
- 11550 H&S Drug evaluator (24) hours Santa Rosa Junior College
- Search warrant preparation (16) hours Cal Narcotic Officer Association
- Advanced Surveillance techniques (36) hours Department of Justice
- Field Training Officer (40) hours Napa College
- Officer Involved Shooting (24) hours Cal Peace Officer Association
- Juvenile Arson Investigations (16) hours State Fire Marshal
- Gang Investigations (16) Hours DOJ and CDCR

On ~~June~~ ^{MAY} 6th, 2014 at approximately 1446 hours members of the Humboldt County Sheriff's Department responded to [REDACTED] **Kelly Road, Shelter Cove**, to consummate the eviction process of [REDACTED] from his residence. During this process Humboldt County Sheriff's Deputy Bang Cao was shot in the torso with an unknown caliber handgun and has been airlifted to St. Joseph Hospital in Eureka for treatment. Humboldt County Sheriff's case number **20142046**.

The extent of Deputy Cao's injuries are unknown at this time.

Humboldt County Sheriff's Sergeant Swithenbank was accompanying Deputy Cao on the service of the eviction and has indicated to his superiors that he and Cao returned fire toward [REDACTED] and it is unknown if [REDACTED] was hit by that gunfire. [REDACTED] last known and observed whereabouts was inside his residence, [REDACTED] **Kelly Road, Shelter Cove**. I later spoke with Sgt. Swithenbank who provided a description of the residence and told me that he did not see [REDACTED] at the time of the shooting however heard his voice just before he began shooting. Sgt. Swithenbank has been familiar with [REDACTED] for many years. Sgt. Swithenbank knows [REDACTED] to live at the residence and was at the residence to evict [REDACTED]

Deputy Cao was not familiar with [REDACTED] and was later shown a photo-lineup in which he was unable to identify [REDACTED]. Deputy Cao was medicated at the time of the line-up. Law enforcement has a long history with [REDACTED] and he is known to live at [REDACTED] **Kelly Way, Shelter Cove** and has been contacted there by law enforcement numerous times.

Your Affiant is familiar with Deputy Cao was not familiar with [REDACTED] and was later shown a photo-lineup in which he was unable to identify [REDACTED]. Deputy Cao was medicated at the time of the line-up. Law enforcement has a long history with [REDACTED] and he is known to live at [REDACTED] **Kelly Way, Shelter Cove** and has been contacted there by law enforcement numerous times.

Your Affiant is familiar with [REDACTED] and has on at least one occasion met with [REDACTED] who is known to have an extensive criminal history associated with firearms. [REDACTED] criminal record indicates charges for possession of a loaded rifle in a vehicle, assault with a firearm on a person, carrying a loaded firearm in a public place, willful discharge of a firearm in a negligent manner, possession of an assault weapon, shooting at an occupied dwelling, and felon in possession of a firearm.

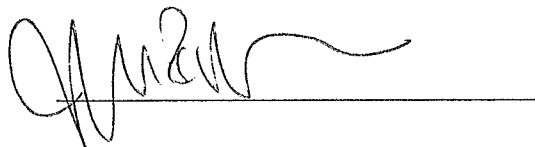
The information contained in this affidavit is true and correct to the best of my knowledge and belief.

Your declarant has reasonable cause to believe that grounds exist for the issuance of a warrant of arrest, as set forth in Sections 813, 817 and 952 of the Penal Code, based upon the aforementioned information, facts and circumstances.

Your declarant prays that a warrant of arrest be issued, based upon the facts, for the arrest of said person (in the daytime) (at any time of the day or night, good cause being shown therefore).

I declare under penalty of perjury that the foregoing is true and correct.

Dated : 05-06-2014 at Eureka, California.



Declarant – Investigator Jack R. Bernstein - HCDA

SUSPECT INFORMATION (Photo is attached)

Full name: [redacted] Aliases: Unknown
Res. Add.: [redacted] Kelly Road, Shelter Cove, California
Current Add.: Unknown
Sex: Male Race: White Birthdate: 10/20/1958 Age: 55
Birthplace: Unknown Hair color: Blond Eye color: Blue
Height: 6'0 Weight: 165 pounds Unusual features: None Known
Marks/scars: CII No.: [redacted] FBI No.: [redacted]
Drivers license State/No.: [redacted] Social Security No.: [redacted]

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF HUMBOLDT

THE PEOPLE OF THE STATE OF CALIFORNIA,

No.:

vs

WARRANT OF ARREST

People v. Ramey (1976) 16 Cal. App. 3d 263.
People v. Case (1980) 105 Cal. App. 3d 826
Penal Code section 817

County of Humboldt:

THE PEOPLE OF THE STATE OF CALIFORNIA to any Peace Officer in the State:

I, [redacted] County of Humboldt District Attorney Investigator Wayne Cox, find that there is probable cause to believe that the crime(s) of: **PC664/187 PC Attempted Murder on a peace officer, 12022.53 (c) firearms enhancement** has been committed and accusing the above named: [redacted] thereof, YOU ARE THEREFORE COMMANDED forthwith to arrest the above-named individual and bring him / her before me at Eureka, California, or in case of my absence or inability to act, before the nearest or most accessible magistrate pursuant to Sections 821, 825, 826 and 848 of the Penal Code.

The complaint underlying this arrest warrant does not initiate a criminal proceeding.

Bail is set in the sum of \$ 2,000,000

BM FOR GOOD CAUSE SHOWN, I direct that this warrant may be served at any hour of the day or night.

Dated: 5/6/14 at Arleta, California

Time: 6:45 a.m. / p.m. [Signature]

Magistrate
Judge of the Superior Court of California
County Of Humboldt

CERTIFICATE OF PEACE OFFICER - 26609 GC

hereby certify that I received the within warrant and that I served the same by arresting the within named defendant on _____ and bringing the defendant before a magistrate of the _____ Superior Court in the County of Humboldt. Booking the defendant at the _____ jail on _____ in the County of _____. Promise to appear issued; Pursuant to 853.6/818 P.C. []. Warrant served by _____. Date: _____ Peace Officer: _____

CERTIFICATE OF PEACE OFFICER - DEFENDANT'S RIGHTS - 821/822 PC

I hereby certify that the within named defendant has been informed in writing of his/her right to be taken before a magistrate in the arresting county.

CERTIFICATE OF MAGISTRATE OF ANOTHER COURT - 823 PC

hereby certify that the defendant named in the within warrant was this day brought before me and that I ordered the defendant be admitted to bail in the sum shown on same warrant.

- Bail not endorsed on warrant; bail set in the amount of \$_____
- Bail given. Appearance date set below.
- Bail not given. Defendant remanded to custody of _____
- Defendant released on his/her promise to appear. Appearance date set below.

(Date) _____ (Title and Court) _____ (Signature of Magistrate)

BAIL INFORMATION - PC

Bail: Posted \$_____ By: _____ Address: _____

APPEARANCE SCHEDULE - 821/822 PC

Date _____ Time _____ COURT HOURS: _____
TRAFFIC: _____
CRIMINAL- Named Court: _____
JUVENILE: _____

RETURN WITHOUT SERVICE - 26609 GC

Recalled by Court [] Recalled by Responsible Date _____
Agency - Date _____ Other (Explain) _____

SUSPECT INFORMATION (Photo is attached)

Full name: [REDACTED] Aliases: Unknown
Res. Add.: [REDACTED] Kelly Road, Shelter Cove, California
Bus. Add.: Unknown
Sex: Male Race: White Birthdate: [REDACTED] Age: 55
Birthplace: Unknown Hair color: Blond Eye color: Blue
Height: 6'0 Weight: 165 pounds Unusual features: None Known
Marks/scars: CII No.: [REDACTED] FBI No.:
Drivers license State/No.: California [REDACTED] Social Security No.: [REDACTED]

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF HUMBOLDT

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs

DECLARATION IN SUPPORT
OF WARRANT OF ARREST
People v. Ramey (1976) 16 Cal. App 3d 263
People v. Case (1980) 105 Cal. App. 3d 826

[REDACTED] Defendant./

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Your declarant bases this belief on the following facts:

Refer to attached Statement of Probable Cause

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Your Affiant, Jack R. Bernstein, is a sworn California Peace Officer as defined under the authority of California Penal Code Section 830.1, and as such, the delegated authority of these peace officer extends to any place in the state, as to any public offense committed or which there is probable cause to believe has been committed within the designated jurisdiction and or political subdivision that employs the peace officer or in which the peace officer serves. Your Affiant is employed by the Humboldt County District Attorney's Office as a Criminal Investigator and has been so employed since September 2009.

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The extent of Deputy Cao's injuries are unknown at this time.

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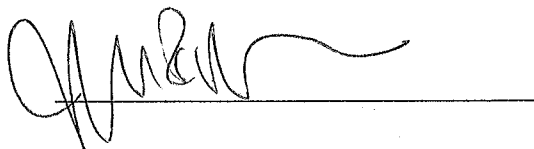
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Your declarant prays that a warrant of arrest be issued, based upon the facts, for the arrest of said person (in the daytime) (at any time of the day or night, good cause being shown therefore).

I declare under penalty of perjury that the foregoing is true and correct.

Dated : 05-06-2014 at Eureka, California.



Declarant – Investigator Jack R. Bernstein - HCDA

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5/7/14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS _____

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION _____

3R101 - Verbatim silver external hard drive

1R111 - Swarovski OPTIK

1R112 - Aimpoint scope

1R113 - Aimpoint scope

1R114 - Ziplock bag with Indicia Hoyd

1R115 - Pack w/ (50) rounds 308 ammunition

1R116 - Glock manual

1R117 - Glock gen 4 manual

1R118 - Tacticle bag

1R119 - Ammo box containing 1220 rounds 308

1R120 - Ammo Box w/ 1440 .308 ammo

1R121 - Ammo box w/

560 rounds .308 and

800 rounds 81-19

1R101 - Steyr Mannlicher mod SSB.09 308

ser# [REDACTED]

1R102 - Glock 357

ser [REDACTED]

1R103 - (3) magazines in food saver

1R104 - (20) rounds 308 ammunition in food saver

1R105 - Belt clip with ammunition in food saver

1R106 - Box of Hornaday (20 rounds)

308 ammunition in food saver

1R107 (4) Boxes of Hornaday 308 ammunition (20 each)

1R108 - (20) rounds 308 ammunition in belt pouch

1R109 - (13) rounds 223 ammunition in ziplock

1R110 - (21) rounds 308 ammunition in ammo box/ziplock

DATE _____ TIME _____

[REDACTED] S37 ADD
FF PIN#

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

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5/7/14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS _____

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION [REDACTED] Kelly Road Shelter Cove

1R122 - Ammo box w/ 1630 round 44cal

1R123 - 2150 rounds .223 in ammo box

1R124 - Ammo box w/ ~~2054~~ 2054 rounds .223 ammo

1R125 - 2090 rounds .223 ammo in ammo box

1R126 - (3) scopes, misc gun repair/cleaning supplies in ammo box

1R127 - H&K Supplies and magazines

1R128 - 396 rounds of 308 in ammo box

1R129 - 296 rounds .223 ammo in ammo box

1R130 - 1830 rounds 44cal ammo in ammo box

1R131 - Indicia - (2) passports, texas birth certificate, HI Drivers license for [REDACTED]

2R201 - Apple Mac Book # A1297 laptop Ser# [REDACTED] and charger

2R401 - (6) Bags vacuum sealed processed marijuana

2R402 - (2) turkey bags containing marijuana bud in paper grocery bag [REDACTED]

2R403 - digital scale "myweigh" 12500 and packaging materials in paper bag.

3R301 - Grocery bag w/ (2) plastic bags processed marijuana

5/7/14 1525

[REDACTED] S37 APD

DATE _____ TIME _____ SIGNATURE OF DEPUTY SHERIFF _____ PIN# _____

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

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5/7/14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS _____

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION 

Kelly Road

~~AR 2101 - Pump action~~ (C)

~~pellet gun, unknown~~

~~make/model RWS~~ (C)

~~mod 32 "Diana"~~

~~AR 102 - Netgear - router~~

~~AR 404 - food saver ^{M10} V3800~~

~~Vacuum sealer~~

~~AR 405 - Box food saver~~

~~bags~~

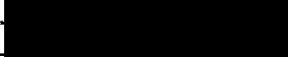
~~IR 202 - (2) note books~~

~~w/ handwritten notes~~

~~AR 406 - Blk bag unprocessed~~

~~marijuana~~

~~AR 203 - At&T cordless~~ (C)

~~MW CL 82301  landline~~

~~3R301 - (17) Black garbage~~

~~bags of dried unprocessed~~

~~marijuana~~

~~AR 203 - Blk bag w/~~

~~dried marijuana~~

DATE

TIME

SIGNATURE OF DEPUTY SHERIFF

PIN#

APD 537

DISTRIBUTION: ORIGINAL - LEAVE AT SCENE OF SEARCH WARRANT SERVICE

YELLOW -- RETURN TO COURT WITH ORIGINAL SEARCH WARRANT

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5-7-14

CASE NUMBER 201402046

DEPUTY SHERIFF SEIZING ITEMS 1394

SEARCH WARRANT NUMBER _____

ITEMS REMOVED FROM ADDRESS/LOCATION [REDACTED] Ford Truck [REDACTED]

- ① Benelli Shotgun 12 gauge
- ② 12 gauge Ammo
- ③ 10mm Ammo Berzer
- ④ Indicia [REDACTED]

- Ford Truck [REDACTED]
- Ford Truck [REDACTED]
- Ford Truck [REDACTED]
- Ford Truck [REDACTED]

DATE

TIME

[Signature]
SIGNATURE OF DEPUTY SHERIFF

1394
PIN#

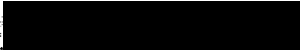
DISTRIBUTION: ORIGINAL - LEAVE AT SCENE OF SEARCH WARRANT SERVICE

YELLOW - RETURN TO COURT WITH ORIGINAL SEARCH WARRANT


CASE NUMBER: 201402046

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT











Victim:
Victim:
Suspect 1:



PROPERTY/EVIDENCE LISTING

BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description	Each
 124952	1	Henderson, Destry - 1949 06/07/2014 Recovery Address: 2700 DOLBEER ST Recovery Location: EMERGENCY ROOM #10	Biological Evidence VIAL OF [REDACTED] BLOOD	Each

PROPERTY/EVIDENCE LISTING











BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 124952	1	Henderson, Destry - 1949 06/07/2014 Recovery Address: 2700 DOLBEER ST Recovery Location: EMERGENCY ROOM #10	Biological Evidence Each VIAL OF [REDACTED] BLOOD
 124960	1	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Clothing CAO,BANG DUTY BELT WITH HOLSTERS
 124961	2	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Weapons - Other CAO, BANG X26 TASER
 124962	3	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Weapons - Other CAO,BANG PEPPERSPRAY
 124963	4	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Miscellaneous [REDACTED] (NICKEL) AND [REDACTED] (BLK) CAO, BANG 2 PAIRS OF HANDCUFFS
 124964	5	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Electronics [REDACTED] CAO, BANG KENWOOD PORTABLE RADIO
 124965	6	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Clothing CAO,BANG ELBECO TEK TWILL SIZE 35R UNIFORM PANTS
 124966	7	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Ammunition CAO,BANG MAGAZINE FROM BELT W/15 ROUNDS
 124968	8	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Ammunition CAO,BANG ROUND FROM CHAMBER IN PISTOL FROM HOLSTER
 124969	9	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Ammunition CAO,BANG MAGAZINE AND 15 ROUNDS FROM PISTOL IN HOLSTER

CASE NUMBER: 201402046

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

BANG CAO
KENNETH SWITHENBANK

PROPERTY/EVIDENCE LISTING









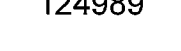
BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 124970	10	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Ammunition CAO,BANG MAGAZINE FROM LEFT CARGO POCKET TACTICAL RELOAD 5 ROUNDS
 124973	11	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Indicia CAO,BANG CALENDAR AND CARDS FROM FRONT RIGHT UNIFORM POCKET
 124974	12	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Clothing CAO,BANG 5 BELT KEEPERS
 124975	13	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Miscellaneous CAO,BANG BADGE
 124976	14	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Indicia CAO,BANG PATROL NOTEBOOK
 124977	15	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Clothing CAO,BANG UNDERSHIRT SIZE MED
 124978	16	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Clothing CAO,BANG BLACK DANNER PATROL BOOTS
 124979	17	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Clothing CAO,BANG 1 PAIR OF BLK SOCKS
 124980	18	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Firearms CAO,BANG GLOCK 22 DUTY WEAPON W/SUREFIRE LIGHT
 124981	19	05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Clothing SWITENBANK DUTY BELT WITH HOLSTERS

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 124982	20	Musson, Gregory - 1701 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Miscellaneous SWITHENBANK KEY RING WITH 10 KEYS
 124983	21	Musson, Gregory - 1701 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Miscellaneous SWITHENBANK 2 PAIRS OF NICKEL HANDCUFFS
 124984	22	Musson, Gregory - 1701 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Miscellaneous SWITHENBANK 5 BELT KEEPERS AND 1 HANDCUFF KEY
 124985	23	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Miscellaneous SWITHENBANK PELICAN AND MAGLITE FLASHLIGHT
 124986	24	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Electronics SWITHENBANK MOTOROLA XTS 2500 RADIO
 124987	25	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Clothing SWITHENBANK POINT BLANK BODY ARMOR VEST W/CUSTOM CARRIER
 124988	1R111	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE 1ST FLOOR	Miscellaneous SWAROSKI OPTIK
 124989	1R112	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: INSIDE SAFE	Miscellaneous AIMPOINT SCOPE
 124990	1R113	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Miscellaneous AIMPOINT SCOPE

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 124991	26	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	SWITHENBANK BLACK CALVIN KLEIN LARGE TSHIRT
 124992	1R114	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Miscellaneous ZIPLOCK BAG WITH INDICIA IN [REDACTED] NAME
 124993	27	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Clothing SWITHENBANK 5-11 UNIFORM PANTS SIZE 31.5 W/BELT
 124994	1R115	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location:	Ammunition 50 PACK WITH 50 LIVE ROUNDS .308 AMMO
 124995	1R116	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE	Indicia GLOCK MANUAL
 124996	1R117	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Indicia GLOCK GEN 4 MANNUAL
 124997	1R118	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE	Miscellaneous TACTICAL BAG
 124998	1R119	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 1220 AMO BOX CONTAINING 1220 ROUNDS OF .308
 124999	1R120	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 1440 AMO BOX CONT. 1440 .308 AMO

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 125000	1R121	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE.	Ammunition 560 560 ROUNDS .308 IN AMO BOX ALONG WITH 800 ROUNDS OF 81-19
 125001	1R101	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE	Firearms STEYR MANNLICHER MOD SS669 .308 Ser #: [REDACTED] WITH SCOPE
 125002	28	Fulton, Todd - 1394 05/06/2014 Recovery Address: 2700 DOLBEER Recovery Location: ST JOSEPH HOSPITAL	Biological Evidence BLOOD DRAW TAKEN FROM CAO, BANG
 125003	29	Fulton, Todd - 1394 05/06/2014 Recovery Address: GERALD PHELPS HOSPITAL Recovery Location:	Biological Evidence BLOOD DRAW TAKEN FROM SWITHENBANK, KENNETH
 125004	30	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Clothing SWITHENBANK FLYING CROSS LONG SLEEVE UNIFORM SHIRT W/BADGE
 125005	1R102	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE	Firearms GLOCK 357 [REDACTED] BLACK
 125006	1R103	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE	Miscellaneous (3) MAGAZINES IN FOOD SAVER
 125007	1R104	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 20 20 ROUNDS .308 AMMUNITION IN FOOD SAVER BAG
 125009	31	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Miscellaneous SWITHENBANK UNIFORM SHIRT POCKET CONTENTS

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 125010	1R105	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 1 BELT CLIP WITH AMMO IN FOOD SAVER BAG
 125011	1R106	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE	Ammunition 20 BOX OF HORNADAY 20 ROUNDS .308 IN FOOD SAVER
 125012	1R107	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: FROM SAFE	Ammunition HORNADAY 4 BOX OF HORNADAY 20 ROUNDS EACH
 125013	1R108	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Animal Remains 20 ROUNDS .308 AMMUNITION IN BELT POUCH
 125014	1R109	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 13 ROUNDS ROUNDS OF .223 IN ZIPLOCK
 125015	32	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location: [REDACTED]	Miscellaneous SWITHENBANK PANTS POCKETS CONTENTS (SPARE FORD KEY
 125016	R110	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 21 21 ROUNDS OF .308 AMMO IN ZIPLOCK AND AMMO BOX
 125017	33	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location: [REDACTED]	Miscellaneous [REDACTED] SWITHENBANK X26 TASER
 125018	1R122	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 1630 AMMO BOX WITH 1630 ROUNDS .44

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 125020	34	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Miscellaneous SWITHENBANK OC SPRAY
 125021	1R123	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 2150 2150 ROUNDS OF .223 AMO ON AMO CAN
 125022	1R124	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Ammunition 2654 ROUNDS IN AMMO CAN
 125023	35	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Clothing SWITHENBANK DANNER SIZE 9 BOOTS
 125024	36	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Firearms [REDACTED] SWITHENBANK GLOCK 22 W/15 ROUND MAGAZINE PLUS 1 IN THE CHAMBER
 125025	38	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Ammunition SWITHENBANK PISTOL MAGAZINE FROM BOTTOM POUCH W/7 ROUNDS
 125027	1R125	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	2090 ROUNDS .223 AMO IN AMO BOX
 125029	39	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Ammunition SWITHENBANK PISTOL MAG FROM TOP POUCH WITH 15 ROUNDS
 125030	1R126	Freese, Diana - 0896 05/08/2014 Recovery Address: [REDACTED] KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Miscellaneous (3) SCOPES, MISC GUN REPAIR /CLEANINGS

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 125031	40	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Firearms SWITHENBANK GLOCK 27 40 CALIBER
 125032	1R127	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Miscellaneous H&K SUPPLIES AND MAGAZINES
 125033	41	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	Ammunition SWITHENBANK GLOCK 27 MAGAZINE 9 ROUNDS PLUS 1 FROM CHAMBER
 125034	1R128	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location:	Ammunition 396 IN AMO BOX
 125035	1R129	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location:	Ammunition 296 ROUNDS 223
 125036	1R130	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	1830 1830 ROUNDS OF .44 CAL AMMO IN AMMO BOX
 125037	1R131	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location: IN SAFE	Indicia PASPORT, TAX BILL BIRTH CIRTIFICIT AND HI DL IN
 125038	42	Fulton, Todd - 1394 05/06/2014 Recovery Address: DYERVILLE LOOP ROAD Recovery Location:	SOILED LL BEAN UNION SUIT
 125039	2R201	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location: MASTER BEDROOM ON BOOK SHELVE	Electronics APPLE MAC BOOK AND CHARGER

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 125040	43	Fulton, Todd - 1394 05/06/2014 Recovery Address: D Recovery Location:	Clothing 1 PAIR OF BLACK SOCKS W/FECES ON THEM
 125041	2R401	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location:	Miscellaneous 6 6 BAGS OF VACCUM BAGS OF PROCESSED MARIJUANA
 125042	44	Fulton, Todd - 1394 05/06/2014 Recovery Address: \\ Recovery Location:	Clothing LL BEAN MENS SHORT SLEEVE SHIRT SIZE XL
 125043	2R402	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location:	Drugs/Narcotics TWO TURKEY BAGS CONT. MARIJUANA BUD IN BROWN PAPER BAG
 125044	2R403	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location: ON TABLE	Miscellaneous DIGITAL SCALES AND PACKAJING BAGS IN PAPER BAG
 125045	3R301	Freese, Diana - 0896 05/08/2014 Recovery Address: KELLY ROAD, SHELTER COVE Recovery Location:	Drugs/Narcotics MARIJUANA IN GROCERY BAG W/2 PLASTIC CLIPS
 125046	45	Fulton, Todd - 1394 05/06/2014 Recovery Address: \\ Recovery Location:	Clothing ONE PAIR OF LARGE LANDSCAPE GLOVES
 125047	46	Fulton, Todd - 1394 05/06/2014 Recovery Address: \\ Recovery Location:	Clothing PATAGONIA MENS LARGE RAIN PANTS
 125048	47	Fulton, Todd - 1394 05/06/2014 Recovery Address: \\ Recovery Location:	Clothing LL BEAN BROWN VEST SIZE LARGE

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 125049	48	Fulton, Todd - 1394 05/06/2014 Recovery Address: \ Recovery Location:	Clothing MENS NORTHFACE GRY SIZE XL JACKET
 125050	49	Fulton, Todd - 1394 05/06/2014 Recovery Address: \ Recovery Location:	Clothing ROCKPORT MENS SHOES SIZE 10
 125051	50	Fulton, Todd - 1394 05/06/2014 Recovery Address: \ Recovery Location:	Miscellaneous GALCO SHOULDER HOLSTER WITH DOUBLE MAG POUCH
 125052	51	Fulton, Todd - 1394 05/06/2014 Recovery Address: \ Recovery Location:	Miscellaneous RED BANDAGE
 125053	2R102	Fulton, Todd - 1394 05/06/2014 Recovery Address: KELLY RD Recovery Location: RESIDENCE	Electronics Each NETGEAR ROUTER
 125054	2R404	Fulton, Todd - 1394 05/06/2014 Recovery Address: KELLY RD Recovery Location: RESIDENCE	Miscellaneous Each FOOD SAVER VACCUM SEALER
 125055	2R405	Fulton, Todd - 1394 05/06/2014 Recovery Address: KELLY RD Recovery Location: RESIDENCE	Miscellaneous Each BOX OF FOOD SAVER BAGS
 125056	2R202	Fulton, Todd - 1394 05/06/2014 Recovery Address: KELLY RD Recovery Location: RESIDENCE	Miscellaneous 2 Each 2 NOTEBOOKS W/HAND WRITTEN NOTES
 125057	2R406	Fulton, Todd - 1394 05/06/2014 Recovery Address: KELLY RD Recovery Location: RESIDENCE	Drugs/Narcotics Marijuana Each BLACK BAG CONTAINING UNTRIMMED MARIJUANA BUD
 125058	3R301	Fulton, Todd - 1394 05/06/2014 Recovery Address: KELLY RD Recovery Location: RESIDENCE	Drugs/Narcotics Marijuana 17 Each BLACK BAGS OF UNPROCESSED MARIJUANA BUD

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 125059	2R203	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: RESIDENCE	Drugs/Narcotics Marijuana 1 Each BLACK PLASTIC BAG OF UNPROCESSED MARIJUANA BUD
 125060	TF-1	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: FORD TRUCK [REDACTED]	Firearms BENELLI M3 SUPER 90 Caliber: 12 GA Ser #: [REDACTED] Each BENELLI 12GA SHOTGUN
 125061	TF-2	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: FORD TRUCK [REDACTED]	Ammunition Caliber: 12 GA 6 Each 6 BAGS OF 12 GA AMMUNITION
 125062	TF-3	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: FORD TRUCK [REDACTED]	Ammunition Caliber: 10 mm 3 Each 3 BOXES OF 10MM AMMUNITION
 125063	TF-4	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: FORD TRUCK [REDACTED]	Indicia Each INDICIA FOR [REDACTED] PASSPORT /MISC PAPERWORK
 125064	TF-5	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: GREENHOUSE	Drugs/Narcotics Marijuana 2041 Each MARIJUANA PLANTS
 125085	JG-1	Fulton, Todd - 1394 05/09/2014 Recovery Address: HCSO Recovery Location: SWITHENBANKS PATROL VEHICLE	Clothing 1 Each CAO'S BODY ARMOR
 125086	JG-2	Fulton, Todd - 1394 05/09/2014 Recovery Address: HCSO Recovery Location: CAO'S VEST	Ammunition 1 Each PROJECTILE FROM CAO'S VEST
 125087	JG-3	Fulton, Todd - 1394 05/09/2014 Recovery Address: HCSO Recovery Location: SWITHENBANK'S PATROL VEHICLE	Miscellaneous Each CIVIL PAPERS

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 125088	JG-4	Fulton, Todd - 1394 05/09/2014 Recovery Address: HCSO Recovery Location: SWITHENBANK'S PATROL VEHICLE	Clothing 1 Each CAO'S UNIFORM SHIRT WITH PEN
 125089	JG-5	Fulton, Todd - 1394 05/09/2014 Recovery Address: HCSO Recovery Location: CENTER CONSOLE OF SWITHENBANK'S PATROL VEHICLE	Miscellaneous Each HAND WRITTEN MAP OF AREA
 125090	JG-6	Fulton, Todd - 1394 05/09/2014 Recovery Address: HCSO Recovery Location: SWITHENBANK'S PATROL VEHICLE	Miscellaneous Each BIO HAZARD BAG THAT CONTAINED SHIRT AND VEST
 125091	DF-1	Freese, Diana - 0896 05/07/2014 Recovery Address: [REDACTED] KELLY RD. Recovery Location: BURIED BEHIND GREEN HOUSE	Ammunition 1 Each 5 GALLON BUCKET OF 10MM
 125092	DF-2	Freese, Diana - 0896 05/07/2014 Recovery Address: [REDACTED] KELLY RD. Recovery Location: BURIED BEHIND GREENHOUSE	Ammunition 1 Each 5 GALLON BUCKET OF 308 AMMUNITION
 125093	JA-1	Akana, Jason - 1351 05/07/2014 Recovery Address: TOTH RD. @ WILLOW GLEN RD., SHELTER COVE Recovery Location: HCSO COMMAND VAN	Miscellaneous Each MISC. DOCUMENTATION GENERATED THROUGH ATTEMPTED NEGOTIATIONS
 125126	TF-6	Fulton, Todd - 1394 05/06/2014 Recovery Address: FORD TRUCK [REDACTED] Recovery Location: LOCKBOX IN BACK SEAT	Miscellaneous Each 2 LARGE BLACK DUFFLE BAGS
 125127	TF-7	Fulton, Todd - 1394 05/06/2014 Recovery Address: FORD TRUCK [REDACTED] Recovery Location: LOCKBOX IN THE BACK SEAT.	Weapons - Other Each GLOCK 10MM GLOCK 10MM MAGAZINE WITH 8 ROUNDS AND LOADER.

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 125128	TF-8	Fulton, Todd - 1394 05/06/2014 Recovery Address: FORD TRUCK [REDACTED] Recovery Location: LOCKBOX IN BACK SEAT	Miscellaneous Each NIGHT VISION HEAD MOUNT
 125129	TF-9	Fulton, Todd - 1394 05/06/2014 Recovery Address: FORD TRUCK [REDACTED] Recovery Location: LOCKBOX IN BACKSEAT	Miscellaneous MILT SPARKS G-19/21 Each BLACK LEATHER HOLSTER FOR GLOCK HANDGUN
 125130	TF-10	Fulton, Todd - 1394 05/06/2014 Recovery Address: FORD TRUCK [REDACTED] Recovery Location: LOCKBOX IN BACKSEAT	Drugs/Narcotics Marijuana 1 Each SANDWICH SIZE ZIPLOC BAG CONTAINING MARIJUANA SEEDS
 125131	TF-11	Fulton, Todd - 1394 05/06/2014 Recovery Address: FORD TRUCK [REDACTED] Recovery Location: LOCKBOX IN BACKSEAT AREA	Miscellaneous Each 2 BELT CLIPS
 125243	GM1	Musson, Gregory - 1701 05/07/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID INTERVIEW ROOM.	Audio/Video Media Each 2 AUDIO/VIDEO DVD'S OF INTERVIEW 1, PART 1
 125244	GM2	Musson, Gregory - 1701 05/07/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID INTERVIEW ROOM.	Audio/Video Media Each 2 DVD'S OF AUDIO VIDEO INTERVIEW #1, PART 2 OF [REDACTED]
 125245	GM3	Musson, Gregory - 1701 05/08/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID INTERVIEW ROOM.	Audio/Video Statements - Agency Created Each 2 AUDIO/VIDEO DVD'S OF DAY 2 INTERVIEW OF [REDACTED]
 125246	GM4	Musson, Gregory - 1701 05/07/2014 Recovery Address: [REDACTED] KELLY ROAD SHELTER COVE, CA Recovery Location: INSIDE RESIDENCE/ OUTSIDE RESIDENCE	Photo CD - Agency Created 2 Each 2 CD'S CONTAINING EVIDENCE PHOTOGRAPHS FROM ARCATA [REDACTED]

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 125247	GM5	Musson, Gregory - 1701 05/06/2014 Recovery Address: [REDACTED] KELLY ROAD SHELTER COVE, CA Recovery Location: STREET, RESIDENCE.	Photo CD - Agency Created 1 Each DIGITAL PHOTOS OF SGT. SWITHENBANK'S VEHICLE, RESIDENCE.
 125254	DA125245	Musson, Gregory - 1701 05/08/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID INTERVIEW ROOM.	Audio/Video Statements - Agency Created Each 2 AUDIO/VIDEO DVD'S OF DAY 2 INTERVIEW OF [REDACTED]
 125260	DA125244	Musson, Gregory - 1701 05/07/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID INTERVIEW ROOM.	Audio/Video Media Each 2 DVD'S OF AUDIO VIDEO INTERVIEW #1, PART 2 OF [REDACTED]
 125261	TF-12	Fulton, Todd - 1394 05/13/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: INCIDENT LOCATION	Audio/Video Statements - Agency Created Each 2 CD/DVD PRODUCED BY APD VIDEO OF WALK THROUGH
 125262	TF-13	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: GROW, FOUND AMMO, SCANNER	Photo CD - Agency Created 1 Each CD CONTAINING IMAGES OF GROW, AMMO AND SCANNER
 125263	TF-14	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: FORD TRUCK	Photo CD - Agency Created 1 Each CD CONTAINING IMAGES OF TRUCK AND CONTENTS
 125264	TF-15	Fulton, Todd - 1394 05/06/2014 Recovery Address: [REDACTED] KELLY RD Recovery Location: ST JOSEPH'S HOSPITAL	Photo CD - Agency Created 1 Each CD CONTAINING IMAGES OF CAO AT HOSPITAL.
 125269	DA125243	Musson, Gregory - 1701 05/07/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID INTERVIEW ROOM.	Audio/Video Media Each 2 AUDIO/VIDEO DVD'S OF INTERVIEW 1, PART 1
 125270	DA125246	Musson, Gregory - 1701 05/07/2014 Recovery Address: [REDACTED] KELLY ROAD SHELTER COVE, CA Recovery Location: INSIDE RESIDENCE/ OUTSIDE RESIDENCE	Photo CD - Agency Created 2 Each 2 CD'S CONTAINING EVIDENCE PHOTOGRAPHS FROM ARCATA [REDACTED]

BANG CAO
KENNETH SWITHENBANK

PROPERTY/EVIDENCE LISTING







BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 125272	DA125247	Musson, Gregory - 1701 05/06/2014 Recovery Address: █████ KELLY ROAD SHELTER COVE, CA Recovery Location: STREET, RESIDENCE.	Photo CD - Agency Created 1 Each DIGITAL PHOTOS OF SGT. SWITHENBANK'S VEHICLE, RESIDENCE.
 125273	DA125263	Fulton, Todd - 1394 05/06/2014 Recovery Address: █████ KELLY RD Recovery Location: FORD TRUCK	Photo CD - Agency Created 1 Each CD CONTAINING IMAGES OF TRUCK AND CONTENTS
 125274	DA125262	Fulton, Todd - 1394 05/06/2014 Recovery Address: █████ KELLY RD Recovery Location: GROW, FOUND AMMO, SCANNER	Photo CD - Agency Created 1 Each CD CONTAINING IMAGES OF GROW, AMMO AND SCANNER
 125275	DA125264	Fulton, Todd - 1394 05/06/2014 Recovery Address: █████ KELLY RD Recovery Location: ST JOSEPH'S HOSPITAL	Photo CD - Agency Created 1 Each CD CONTAINING IMAGES OF CAO AT HOSPITAL.
 125276	DA125261	Fulton, Todd - 1394 05/13/2014 Recovery Address: █████ KELLY RD Recovery Location: INCIDENT LOCATION	Audio/Video Statements - Agency Created Each 2 CD/DVD PRODUCED BY APD VIDEO OF WALK THROUGH
 125284	GM6	Musson, Gregory - 1701 05/12/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: C.I.D. CONFERENCE ROOM	Audio/Video Statements - Agency Created Each ONE CD CONTAINING AUDIO OF DEPUTY CAO INTERVIEW.
 125285	GM7	Musson, Gregory - 1701 05/12/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID CONFERENCE ROOM.	Audio/Video Statements - Agency Created Each ONE CD CONTAINING AUDIO OF INTERVIEW WITH SGT. SWITHENBANK.
 125286	GM8	Musson, Gregory - 1701 05/07/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID INTERVIEW ROOM.	Miscellaneous Each ONE HAND DRAWN DIAGRAM OF SCENE BY ██████████

CASE NUMBER: 201402046

HUMBOLDT COUNTY SHERIFF'S OFFICE
PROPERTY/EVIDENCE BOOKING REPORT

BANG, CAO
KENNETH SWITHENBANK

PROPERTY/EVIDENCE LISTING

BarCode	Item #	Recovering Officer / Date / Address	Item Type / Description
 125294	DA125284	Musson, Gregory - 1701 05/12/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: C.I.D. CONFERENCE ROOM	Audio/Video Statements - Agency Created Each ONE CD CONTAINING AUDIO OF DEPUTY CAO INTERVIEW.
 125295	DA125285	Musson, Gregory - 1701 05/12/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID CONFERENCE ROOM.	Audio/Video Statements - Agency Created Each ONE CD CONTAINING AUDIO OF INTERVIEW WITH SGT. SWITHENBANK.
 125398	TF-16	Fulton, Todd - 1394 05/06/2014 Recovery Address: HCSO Recovery Location: LT. MOREY'S OFFICE	Audio/Video Statements - Agency Created Each CD CONTAINING INTERVIEW WITH LT. MOREY
 125468	GM9	Musson, Gregory - 1701 05/12/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: HCDA'S OFFICE	Miscellaneous Each CD CONTAINING DA'S OFFICE COMPUTER FORENSIC REPORT FOR [REDACTED] LAPTOP.
 125528	GM10	Musson, Gregory - 1701 06/02/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: CID OFFICE	Audio/Video Statements - Agency Created Each ONE CD CONTAINING AUDIO INTERVIEWS WITH [REDACTED] AND [REDACTED]
 125616	GM11	Musson, Gregory - 1701 05/06/2014 Recovery Address: 826 4TH STREET, EUREKA, CA Recovery Location: DISPATCH CENTER	Audio/Video Statements - Agency Created Each 13 CD'S CONTAINING DISPATCH AUDIO RECORDING OF INCIDENT.



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SUPPLEMENT 1 - P.C.664/187

201402046

On 5-6-2014 at around 1507 hours, I (Investigator Greg Musson) was in the Criminal Investigations Division office at the Humboldt County Sheriff's Office main office in Eureka when I heard via the Sheriff's Office radio that shots were fired. I checked the call for service computer screen, finding the incident was taking place at [redacted] Kelly Road in Shelter Cove. I checked the call screen, hereinafter referred to as CAD and found that HCSO units X-5 and Q-31 were on scene at [redacted] Kelly Road. I know that X-5 is Sgt. Kenneth Swithenbank and Q-31 is Deputy Bang Cao who are both assigned to the southern Humboldt beat area. Upon researching the CAD screen, I found that Sgt. Swithenbank and Deputy Cao were attempting the service of a domestic violence move out order (CP140224) to [redacted] [redacted] for the Sheriff's Office Civil Division.

Listening to the radio and monitoring the CAD screen I learned that Deputy Cao had been shot and both Sgt. Swithenbank and Deputy Cao had been able to retreat from the immediate area. I learned that medical aid was in route to tend to Deputy Cao's gunshot wound which was originally reported to be a graze wound to the head, then was changed to a gunshot to the chest. (Refer to Humboldt County Sheriff's Office dispatch recording for details.)

I was contacted by Detective Sergeant D. Freese who told me that I was going to be the lead investigator in the Critical Incident Response Team Investigation. Investigator T. Fulton was tasked to be my second. At 1627 hours, a briefing was held at the C.I.D. conference room for members of the C.I.R.T. response. Present during the meeting were Eureka Police Department Detective R. Harpham, Detective J. Gordon, HCDA's Office Investigators M. Kirkpatrick, J. Bernstein, HCSO Sgt. D. Freese, Lt. W. Hanson, Investigator T. Fulton and I. I tasked Investigator Fulton and Detective Harpham with meeting Deputy Cao who was now being transported via helicopter to St. Joseph's Hospital in Eureka. Investigator Fulton and Detective Harpham were instructed to obtain a public safety statement if not already obtained, photograph Deputy Cao and obtain a legal blood draw, and collect his uniform and equipment.

I tasked Investigator Kirkpatrick and Detective Gordon with going to the command post which was set up by the incident location in Shelter Cove and obtain a public safety statement if not already obtained. Photograph, collect Deputy Cao's uniform and equipment, and obtain a legal blood draw.

I tasked Investigator Bernstein with obtaining a search warrant for the property at [redacted] Kelly Road and obtaining a Ramey warrant for the [redacted] who was reported to be [redacted] [redacted] Sgt. Freese remained at the office to facilitate any needs of the team. I also headed to the command post in Shelter Cove which was set up at the intersection of Toth Road at Seneca Court.

I arrived at the command post at 1903 hours, where I found Investigator Kirkpatrick and Detective

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Prepared By: 1701 MUSSON, GREGORY

Date: 05/08/2014

Approved By: 0896 FREESE, DIANA M

Date: 06/03/2014



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201402046

Gordon with Sgt. Swithenbank and his union representative Sgt. E. Stewart. I noticed that Sgt. Swithenbank's marked Sheriff's Office Ford Expedition was parked in front of the command van on Toth Road facing Seneca Court. The vehicle's front windows were rolled down. Sgt. Swithenbank asked if he was going to be allowed to drive his vehicle home. I advised Sgt. Swithenbank that the vehicle was going to be secured by me and towed for evidence, as I was advised Deputy Cao's ballistic vest he was wearing at the time was in the vehicle. Sgt. Swithenbank also advised me that he and Deputy Cao drove the vehicle from [REDACTED] Kelly Road to its current location. Sgt. Swithenbank asked that he be allowed to obtain his wallet and check book from between the front seats. I took photographs of the wallet and checkbook then gave them to Sgt. Swithenbank. I rolled up the windows and placed evidence tape on the doors and hood. I was later advised that [REDACTED] girlfriend's contact information was on the trip ticket for the civil papers, which were on the front seat. In the presence of Undersheriff W. Honsal I cut the evidence tape on the passenger side front door and checked the paperwork for the contact phone number. After obtaining the information, I resealed the door.

Investigator Kirkpatrick and Detective Gordon followed Sgt. Swithenbank, who was driven by Sgt. Stewart to Gerald Phelps Hospital for a legal blood draw. Investigator Kirkpatrick and Detective Gordon then obtained photographs and collected Sgt. Swithenbank's clothing and gear. (see Investigator Kirkpatrick and Detective Gordon's reports for details.)

While at the command post, I observed HCSO and Mendocino County SWAT units deploy towards [REDACTED] Kelly Road. I overheard via radio that SWAT units had established a perimeter around the [REDACTED] Kelly Road property.

At about 2050 hours, I received a phone call from Sgt. Freese advising me that a Ramey warrant was issued for [REDACTED] [REDACTED] [REDACTED] by the Honorable Judge Watson at 2045 hours for 2 million dollars. Sgt. Freese advised me that Judge Watson also signed a search warrant for the property at [REDACTED] Kelly Road at the same time. I informed Sgt. B. Quenell who was manning the command post of the signed warrants. (See Investigator Bernstein's report's for details.)

At 2206 hours, Brown's Towing driver, [REDACTED] arrived on scene to tow Sgt. Swithenbank's patrol vehicle. Based on the positioning of the patrol vehicle, I had to cut the tape on the driver's side door and back the vehicle up so the driver could place the vehicle on a dolly for retrieval. I re-secured the door with evidence tape and marked the tape with my initials and date. I instructed the driver he was not allowed to enter the vehicle as it was evidence. At 2228 hours, I left the scene and headed towards my residence for the night. The Expedition was towed to the HCSO main office basement where it was stored.

At around 2345 hours, I spoke with Investigator Fulton who told me that Deputy Cao had been shot

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one time in the right chest area. Deputy Cao had 3 stitches under his right nipple and bruising from where the bullet had struck Deputy Cao's ballistic vest and injury to his ankle.

I was informed by Detective Harpham on the morning of Wednesday 5-7-2014 that he observed where the bullet had entered Deputy Cao's uniform shirt, right chest pocket, penetrating a pocket calendar that was inside the right chest pocket. (See Detective Harpham's report for details.)

On 5-7-2014 at around 0325 hours, I received a phone call from HCSO Lt. W. Hanson who advised me that [REDACTED] had been taken into custody by SWAT units on the back side of the property at [REDACTED] Kelly Road. See Sgt. Miller's report for details of arrest by SWAT and their operation.)

Lt. Hanson advised me that [REDACTED] had been located with a loaded 10 mm Glock pistol in a shoulder holster. Lt. Hanson advised me I needed to respond to the office to attempt an interview with [REDACTED] at around 0500 hours. I was notified by Lt. Hanson that Detective Harpham would be responding to assist with the interview. Lt. Hanson told me that patrol units were transporting [REDACTED] to St. Joseph's Hospital for a legal blood draw, then to the CID office. At 0547 hours, Corporal D. Henderson and his trainee, Deputy Filippine arrived at the office with [REDACTED] in double-locked handcuffs.

I activated the audio/video recorder in the CID interview room and had [REDACTED] brought into the CID interview room by Corporal Henderson. The following is a summary of [REDACTED] statement: (Refer to DVD's for verbatim conversation.) The video begins with [REDACTED] and Corporal Henderson talking. Corporal Henderson tells [REDACTED] that they were respectful to him. [REDACTED] says "this has been coming for a long time." Detective Harpham entered the interview room and introduced himself to [REDACTED]. Detective Harpham removed the handcuffs from [REDACTED] when I entered the room. I asked [REDACTED] if he was treated all right by the transporting deputies, he said he was, and was uninjured. Detective Harpham advised [REDACTED] that he has been detained, maybe arrested, as Harpham did not know that yet. Harpham did tell [REDACTED] he was not free to leave. [REDACTED] began saying he was hesitant to talk to us, then said he wanted to cooperate with police. [REDACTED] said he told Sgt. Swithenbank 7 years ago that he wanted to join the police, then Swithenbank set him up. [REDACTED] said that was what he was really doing here, meaning the HCSO Office, as far as he was concerned. [REDACTED] said there were some dirty cops down there, and if we didn't clean it up, more shit was going to happen. [REDACTED] said the cops were killing people, sometimes getting rid of people. [REDACTED] said a cop stole marijuana from his greenhouse packing a gun a few years ago. [REDACTED] then said, "it's time to throw down!" [REDACTED] said he wrote the District Attorney a while ago saying "let's throw down mother fucker; I'm off probation in 3 days, no fuckin' violations!" [REDACTED] went on about how he had been extorted and witnesses lied on the stand. [REDACTED] then said they "sent this little fuckin' chink out there today and he opened up, he just fuckin' opened up on my ass!" [REDACTED] made the motion of a pistol being pointed. (It should be

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noted that Deputy Cao is of Asian American heritage.) [REDACTED] said he didn't want to say too much more, he wanted to see an attorney. [REDACTED] apologized for getting mad, saying there was a lot of years of steam, as he has been "fucked around" by the police. [REDACTED] then went on about D.A. Gallegos leaving because he couldn't get a handle on the corruption and alluded to marijuana. [REDACTED] blamed D.A. Gallegos for not dealing with his case properly. [REDACTED] spoke about his plans to leave the country. [REDACTED] told Harpham and me about the strobe light outside his window and his problems in his family right now saying they had some major problems.

Detective Harpham read [REDACTED] the Miranda admonishment from his department issued card at 7 minutes and 9 seconds on the DVD's clock. Detective Harpham advised [REDACTED] that we needed to collect his clothing and photograph him. I had a jumpsuit and sandals ready for [REDACTED] in the room. [REDACTED] was wearing a blue pair of pants, grey short sleeve one-piece top/bottom underwear with a black pair of boxer type shorts underneath. [REDACTED] was also wearing black socks and black shoes. Detective Harpham collected a black leather shoulder holster with two semi-auto pistol magazine pouches. Upon initially entering the interview room, [REDACTED] was also wearing a light colored short sleeve button up shirt with a blue or black jacket down at his handcuffs which Harpham allowed [REDACTED] to take off when his handcuffs were removed. Detective Harpham collected each item of clothing placing them in paper evidence bags. I photographed all of the clothing items, as well as [REDACTED] person. (I later booked the CD containing these photos into evidence as well as printed the pictures and attached them to this case.) The evidence was later placed in the HCSO drying evidence room and secured by Detective Harpham with evidence clerk [REDACTED] present.

While the clothing was being collected, Detective Harpham advised [REDACTED] about the gunshot residue kit, then asked [REDACTED] if he had fired any guns in the last day or two. [REDACTED] said, "uh yea I shot at that cop, I shot right at his ass." [REDACTED] then said "that mother fucker drew down on my ass, he pulled out his gun and fuckin' started shooting at me for no fuckin' reason." Based on [REDACTED] admission of firing at law enforcement, the G.S.R. test was not performed.

Detective Harpham spoke to [REDACTED] about how he was happy that [REDACTED] had turned himself in. [REDACTED] said he would have turned himself in earlier, but was afraid of getting shot, that was why he snuck up on the SWAT cops. At around this time Detective Harpham was placing the shoulder holster in an evidence bag. Detective Harpham asked [REDACTED] what type of gun he carried in the holster. [REDACTED] said a Glock Model 20, 10mm. Detective Harpham asked [REDACTED] if that was the gun [REDACTED] shot the Deputy with. [REDACTED] asked if the Deputy got hit. Harpham said the Deputy was hit but was ok. [REDACTED] made a sigh of relief as he lowered his head. [REDACTED] said "I'm not worried about shit anymore, he's gonna be fine...alright!" [REDACTED] then said "the rest is all small fuckin' potatoes" [REDACTED] then said "maybe something will happen good here, maybe I'll get some resolve, maybe I can take Cao

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out and buy him some dinner, fuck!" I asked [redacted] take who out? [redacted] said "that Chink who came over and tried to shoot me, his names Cao." Detective Harpham said you know him? [redacted] said he knew Cao from the jail. [redacted] said Cao was a psycho. [redacted] said Deputy Cao was untrained. I asked [redacted] why he would say that. [redacted] said Deputy Cao pulled out his gun and started shooting at him while he was telling Cao to get out of his yard. [redacted] said he didn't have a gun or nothing. Detective Harpham asked [redacted] if he had the shoulder holster on at the time. [redacted] said "hell no, he started shooting at me, I dove into the fuckin' room." [redacted] said the window exploded and he thought Cao was trying to kill him, so he returned fire. Detective Harpham asked [redacted] how many rounds he thought Deputy Cao fired. [redacted] said 4 or 5 in quick order. [redacted] said he thinks Deputy Cao may have emptied his clip, saying that was a bit excessive.

[redacted] told us he wrote letters to [redacted] [redacted] about plea deals being extorted from him. [redacted] said the letters were on his Apple laptop computer in his house. [redacted] said 3 letters were written, with 2 being mailed to [redacted] [redacted] went on about how he was unfairly prosecuted by Judge M. Miles and witnesses were caught lying on the stand. [redacted] was referring to a case where he was tried for shooting the "E" repeater tower, which is next door to his home.

[redacted] referred to how his 4-wheeler was taken by law enforcement and was not being returned to him. [redacted] said, "they stole it, its felony theft."

[redacted] said a couple of days after sending a letter to [redacted] a couple of cops showed up, stating about a week ago. [redacted] said he had them on a camera that was inside the tree house at the back of his property. [redacted] said the cops tore up the tree house like a jail cell without a warrant. Detective Harpham asked [redacted] if there was surveillance of the incident with Deputy Cao, he said no. [redacted] said a few days later Deputy Cao showed up.

Detective Harpham asked [redacted] who owned the home at [redacted] Kelly Road. [redacted] said he and [redacted] the mother of his child and the granddad owned the home. Harpham asked [redacted] if he had been served any eviction papers, [redacted] said no. Detective Harpham asked [redacted] if he was being evicted. [redacted] said he was trying to lease the house out, so he could get out of Humboldt County. Detective Harpham asked [redacted] if he knew why Deputy Cao and Sgt. Swithenbank were at his house on May 6th. Detective Harpham then said you didn't know Swithenbank was there did you, [redacted] said no. [redacted] then said, Swithenbank was with Cao? When they came to the house? [redacted] then said "Oooh that's kinky, I wonder why he didn't come around back?" [redacted] said, "That explains it." Detective Harpham asked [redacted] if he didn't get along with Swithenbank. [redacted] expressed how he wanted Swithenbank's job and wanted to sue him for millions of dollars, and wanted him in jail. [redacted] referred to a case with [redacted] who is allegedly related to Swithenbank. [redacted] said [redacted] is

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now [redacted]. [redacted] said Sgt. Swithenbank and Max Cardoza from the D.A.'s Office were somewhat to blame for that. [redacted] said he went to the Sheriff's Department and gave a statement "like a stupid fool," about the case. [redacted] said when the case went to court he found that Sgt. Swithenbank "dedacted" information from the report. [redacted] said that was "illegal as hell." [redacted] told Harpham and I that he was never in fights, never in bars and had no trouble until the [redacted] case when [redacted] was 48 years old, now he's some gangland criminal, "I don't fuckin' think so, I got set up!"

Detective Harpham said [redacted] looked pretty clear headed. [redacted] stated he "was pissed." Detective Harpham asked [redacted] about drug and alcohol use. [redacted] said he smokes marijuana all day, every day, but he doesn't get stoned like Harpham would, [redacted] said he doesn't drink alcohol or use drugs.

Detective Harpham asked [redacted] before Deputy Cao started shooting at him, did he tell [redacted] why. [redacted] said Deputy Cao told him come out of the house. [redacted] said "Fuck you, get out of my yard!" [redacted] said that was when Deputy Cao pulled out his gun.

[redacted] said he heard a bang, bang, bang type of knocking. [redacted] went to the area he refers to as the laundry room area where he looked out and saw Deputy Cao standing outside. [redacted] said that was weird. [redacted] said he was suspicious after the letters he had written; he wasn't going out the door. [redacted] walked around through the house to the sliding glass door and opened it, which leads out to an elevated deck. [redacted] said something like what the fuck do you want? [redacted] was not exactly sure what he said. Deputy Cao told [redacted] get out of the house. [redacted] said fuck you I'm not coming out of my house! [redacted] said Deputy Cao pulled out his gun. [redacted] said he did tell Deputy Cao in a forceful way to "get the fuck out of my yard, don't ever come back!"

Detective Harpham asked [redacted] if he was on the porch when Deputy Cao fired at him. [redacted] said he was in the doorway of the sliding glass door. [redacted] said he was pretty sure Cao's gun was a 45, as he looked right down the barrel. Detective Harpham asked [redacted] if he was unarmed and had to retreat to get a weapon, [redacted] said yea. [redacted] said he dove into the room.

Detective Harpham asked [redacted] if he believed it would be wrong to shoot another human being for no reason, [redacted] said yes. Harpham asked [redacted] if he knew he hit Deputy Cao. [redacted] said no. [redacted] said Deputy Cao sprayed rounds at him. [redacted] then said he leaned out and fired back at Deputy Cao while looking right down Deputy Cao's gun barrel. [redacted] said Deputy Cao was about 30 feet away. Detective Harpham asked [redacted] if he heard anyone else shooting, he said no. Detective Harpham asked [redacted] if he was surprised he wasn't hit, [redacted] said yes. [redacted] said Deputy Cao had a control grip with two hands, and was standing about 30 feet away. [redacted] went on to talk about Deputy Cao being a bad shot, and glad Deputy Cao was not firing in an area were the rounds could

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1701 MUSSON, GREGORY

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Approved By:

0896 FREESE, DIANA M

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have hit other people. [redacted] said you don't want people who don't know how to shoot guns. Detective Harpham asked [redacted] if he believed it was wrong for cops to call him out and shoot for no reason. [redacted] said "yea kinda." [redacted] said, "I wanna go home after this." Detective Harpham asked [redacted] if he knew the difference between right and wrong. [redacted] said, "you're damn right I do!" [redacted] went on to say that was why he tried to help [redacted] in the past. [redacted] talked about how Sgt. Swithenbank was associated with [redacted] a family relation.

Detective Harpham asked [redacted] if he knew Deputy Cao. [redacted] said he knew him from the jail. Harpham asked [redacted] if he thinks Deputy Cao just got scared and drew his weapon. [redacted] said when he was in jail; Cao was looking for any reason to get people in trouble. If Cao caught someone doing something, he would send them to "max" or take privileges away. Detective Harpham asked [redacted] if he knew Deputy Cao's first name and race, he said no. Harpham asked why he called Deputy Cao a "Chink." [redacted] said he was mad, he didn't really feel that way. [redacted] said it was a long day. Harpham asked [redacted] what time of the day the incident took place. [redacted] said it was in the late afternoon. Harpham asked [redacted] what he was doing when it started. [redacted] said he was taking a nap. Harpham asked who was home. [redacted] said it was just he and the dog that were home at the time. Harpham asked if [redacted] left the dog when he left, he said yes. [redacted] then said he yelled out "knock this shit off, no more shooting, quit, what the fuck is wrong with you!" [redacted] poked his head out and didn't see anyone. [redacted] grabbed his shoulder holster and pants and ran off. Harpham asked [redacted] if he had any long guns in the house. [redacted] said "they took my gun rights on the [redacted] trial." [redacted] said he wrote in one of the letters that he was owed a clean record and his gun rights back. [redacted] said there were a couple of long guns that were locked up.

[redacted] stated he was finally getting his life back "after 7 or 8 years of getting' dicked around by these clowns over here." Detective Harpham asked [redacted] if the Glock was the only gun that was not locked up. [redacted] said yes. Harpham asked [redacted] if that was the same gun he used to shoot Deputy Cao with, he said yes for "self defense."

[redacted] said he wanted to turn himself in but feared for his safety. Detective Harpham asked [redacted] if he had a landline phone in his house, he said yes. Harpham asked why [redacted] didn't call 911 for help. [redacted] said his only thought was to get out. Harpham asked [redacted] what he was thinking. [redacted] said he was irritated there were cops in his yard. Harpham asked if he was irritated that a "jail cop" was in [redacted] yard. Harpham asked if there were any cops he liked. [redacted] said he liked Billy Honsal. Harpham asked if this was about Deputy Cao. [redacted] said it was about Deputy Cao pulling his gun. [redacted] reiterated he knew Deputy Cao from the jail.

Detective Harpham asked [redacted] when he first saw Deputy Cao if Cao had a gun in his hand, he said

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no. [redacted] said he knew who Cao was when he saw him by the laundry room, then went to the sliding door where he came out and told him to get the fuck out of his yard.

[redacted] insisted that without provocation, Deputy Cao drew his pistol, took a two-hand grip and fired at [redacted] for no reason. [redacted] stated that as far as he knew, Deputy Cao was there to get rid of [redacted] at Sgt. Swithenbank's behest. Detective Harpham said it sounded like [redacted] was saying this was an attempted cold-blooded murder. [redacted] said, "That's what I'm telling you alright." Detective Harpham asked [redacted] if [redacted] really believed that. [redacted] said he did.

Detective Harpham asked [redacted] why he came back to the house that morning when he was taken into custody. [redacted] said being on the run was not going work. [redacted] went back to Sgt. Swithenbank having it out for him, and stated Swithenbank was telling other cops to shoot him on sight during a marijuana raid in the past. Detective Harpham asked [redacted] again about returning to the house and if he knew the cops were at his house. [redacted] said he had a really good hunch the cops would be in his house. [redacted] said he knew what cops do in that situation. [redacted] said he knew the cops were in his greenhouse because he could smell them. [redacted] said he crawled right up on the SWAT cops using his night vision glasses. [redacted] said he called up to the cops saying he was turning himself in. Harpham said he heard [redacted] was coming back to get some buried guns. Harpham asked how he got back to his house. [redacted] said he saw the cops on Toth Road and thought about turning himself in, but thought they may freak out and shoot him. [redacted] said it took about 2 hours to sneak around the cops on Toth Road. I later learned it was Toth Road at Shelter Cove Road. [redacted] said something didn't seem right with the guys on Toth Road. Detective Harpham asked [redacted] what generation night vision he had. [redacted] said gen 3. [redacted] stated he trains to walk and shoot wearing the glasses.

Detective Harpham asked [redacted] if he had been in the military. [redacted] said he couldn't pass the military entrance exam but was in military school. [redacted] said he wanted to be a Navy S.E.A.L.

I asked [redacted] if he had ever been shot at before, he said he had been shot at several times before. I asked [redacted] what he was thinking at the time of the shooting. [redacted] said he didn't have time to think, as Deputy Cao just drew and fired on him. I asked [redacted] what the rate of fire was coming from Deputy Cao. [redacted] stood up and demonstrated Deputy Cao firing at least 3 times in rapid succession.

[redacted] said he was glad he was at the sheriff's office talking to us. [redacted] stated he was inside the sliding door, maybe a foot outside when Deputy Cao started firing. [redacted] asked for a piece of paper to draw the scene for Harpham and I. I provided pen and paper to [redacted] diagramed where Deputy Cao was standing, the house and porch I collected this paper for evidence. [redacted] reiterated that Deputy Cao was about 30 feet away. [redacted] said you could tell "I was fuckin' freakin dude, or I would have put every fuckin' shot between his eyes if I was like tryin' to shoot." [redacted] said it

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happened too fast, he was nervous. Harpham asked [redacted] where the gun was. [redacted] said the gun was in a chair inside the room off the porch. [redacted] said we would be able to tell where Deputy Cao was standing when we dug the bullets out of the wall. Harpham asked how far away [redacted] gun was when Deputy Cao fired. [redacted] said he dove to the gun. Harpham asked if [redacted] used a one or two hand-grip when he shot. [redacted] said one. [redacted] said he was a "crack shot." (Clock time 1 hour 58 seconds.) [redacted] said he has learned to shoot in stressful situations.

Detective Harpham explained to [redacted] that all Glock pistols eject the spent casings to the right and the rear. Detective Harpham pointed to the area to the right of where [redacted] indicated Deputy Cao was standing and where [redacted] was standing. Harpham asked if we were going to find casings in that area. [redacted] said we should, maybe with the exception of one that bounced off the wall or something. [redacted] argued that Deputy Cao was not carrying a Glock. (Deputy Cao was carrying a Glock pistol.)

I asked [redacted] to clarify how he was positioned when he fired. I demonstrated how a different body position would change the ejection pattern of the casings. [redacted] said his dog was wondering around in the house, and the cops were probably kicking the casings around. Harpham described how there would be a pattern where the casings landed. So we would be able to tell where the shots were fired from. [redacted] stood up and demonstrated how he shot his gun. Harpham asked what [redacted] emotional state was. [redacted] said he was convinced the cops were there to kill him. [redacted] went back into how Sgt. Swithenbank set him up in the past referring to the [redacted] case.

Detective Harpham asked what if Deputy Cao said [redacted] drew his gun first. [redacted] said he didn't give a fuck what Cao said. [redacted] said again that Deputy Cao pulled his gun first and Deputy Cao would be lying. Harpham asked what if Deputy Cao said [redacted] came to the door with the gun. [redacted] said "why wouldn't I shoot them if that's the case?" [redacted] argued that he did not have a gun and was wearing his long underwear. Harpham asked [redacted] why Deputy Cao would come there alone. Harpham said he had heard that Sgt. Swithenbank told Deputy Cao to watch [redacted] hands. [redacted] said he never heard Swithenbank. [redacted] said maybe Swithenbank was trying to get Deputy Cao to draw and shoot. I asked [redacted] if he ever had any bad dealings with Deputy Cao, he said no. I asked [redacted] if he believed that Deputy Cao would not have a "bone to pick" with [redacted] he said that was correct.

Detective Harpham told [redacted] that it didn't sound like he was really afraid during this incident. [redacted] said he was afraid the whole time as soon as he saw Deputy Cao, wondering what they were doing in his yard. Harpham said it didn't sound like intense fear. [redacted] said it got intense when the gun came out. [redacted] said he didn't think Deputy Cao would start shooting. Harpham asked [redacted] if he brandished the gun when he told Deputy Cao to get off his property. [redacted] said "I don't brandish guns, I pull out a gun, it's gonna get used probably. Otherwise why pull it out?" (Clock time 1 hour 14

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minutes.)

Detective Harpham asked [redacted] if he was possibly brandishing the gun, causing Deputy Cao to be afraid and pull his gun. [redacted] was adamant that he did not brandish a gun at Deputy Cao. [redacted] said if it had been Bill Honsal who showed up on his property, he would have invited him in for coffee. [redacted] said the situation was weird and out of place. I explained to [redacted] that I regularly had my pistol down at my side or drawn in general when I felt that a situation was most likely dangerous, especially if another deputy said watch his hands. [redacted] asked what Sgt. Swithenbank was even doing on his property. [redacted] said he never heard Sgt. Swithenbank say anything. I asked [redacted] if any law enforcement officer who read his letters would think they warranted officer safety. [redacted] said he didn't send threatening letters, they were business letters. [redacted] was asking for resolve on his cases in the letters. [redacted] said 2 of the letters he wrote were to [redacted] [redacted]. The 3rd letter stated something to the effect that this was a "10 day notice mother fucker!" [redacted] said that letter to [redacted] [redacted] was still on his Apple laptop computer in the house, and he was not going to keep that verbiage in the letter. [redacted] said it was time to speak up about the extorted plea deals he had made on the [redacted] case and the shooting of the tower light case. [redacted] then went on about the strobe light coming from the tower across from his child's room window. [redacted] said he didn't know the State of California could abuse a child like that. [redacted] said he did shoot at that light in the past, but anyone in that position would have.

I asked [redacted] if anyone else was in his home during the incident, he said no. I asked [redacted] if there was surveillance footage of the incident, he said no. Detective Harpham asked [redacted] how many rounds he fired at Deputy Cao. [redacted] said maybe 7 or 8 rounds. Detective Harpham asked [redacted] how many rounds he kept in his magazines. [redacted] said they were 10 round magazines, but he only kept 8 rounds in them. Detective Harpham asked one round in the chamber, 7 in the magazine? [redacted] said yes. [redacted] said that was for reliability, and a person doesn't need a million bullets. Detective Harpham asked [redacted] if the slide locked to the rear during the gunfight. [redacted] was unsure if needed to reload. [redacted] said he was scared for his life, so he was unsure if he reloaded. Detective Harpham asked if there were one or two magazines in the shoulder holster. [redacted] said there was one magazine. Detective Harpham asked if there would be an empty magazine in the house. I asked [redacted] if his Glock went back into battery when a fresh magazine was put into the gun. [redacted] said his gun did that. I asked [redacted] if he did a tactical reload. [redacted] said he didn't recall reloading the gun. I asked [redacted] if it was agreed that a gun with the slide locked back could not be properly holstered, [redacted] said yes. I explained to [redacted] what a tactical reload was. [redacted] said he didn't do that.

I reminded [redacted] that he stated he was looking down the barrel of Deputy Cao's pistol and thought it was 45 caliber. [redacted] stated that was what he said. I explained to [redacted] how the human body

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usually reacts during a high stress situation. Detective Harpham asked if time slowed down during the incident for [REDACTED] he said "it didn't slow down at all this time man, this was weird." Detective Harpham asked [REDACTED] if he had auditory exclusion, meaning he didn't hear the shots. [REDACTED] said his adrenaline was going and didn't hear the shots.

Detective Harpham spoke about [REDACTED] mistrust of law enforcement and maybe this kind of situation was coming. Harpham asked if it was reasonable that another part owner may be trying to evict [REDACTED] so they could sell it out from under him. [REDACTED] said he was not aware of anyone trying to evict him. Detective Harpham asked if we were going to find documentation that he had been previously served a notice of eviction. [REDACTED] said we would not. Detective Harpham and I informed [REDACTED] that Sgt. Swithenbank and Deputy Cao were on his property to serve civil papers to him. Detective Harpham asked what would happen if he was served with an eviction notice. [REDACTED] said he would call a lawyer and file a quick claim deed so he wouldn't have to leave. [REDACTED] said he has been trying to leave for some time. [REDACTED] stated he has been trying stay out of trouble and put [REDACTED] his baby's mother in a financial position to be taken care of. [REDACTED] said he has someone who is going to lease the house for a large sum of money, so he can take care of [REDACTED] Detective Harpham asked [REDACTED] if the legal wrangling didn't work, would he allow the corrupt process to kick him out of the house. [REDACTED] said he would file the quick claim deed. Harpham reminded [REDACTED] that there was a tit for every tat in the legal process and he may have to move out. [REDACTED] said he would move out because he was leaving anyway to move out of Humboldt County. [REDACTED] said he would swallow his pride once again.

[REDACTED] spoke about how he has been taking care of [REDACTED] and his [REDACTED] [REDACTED] for several years, and feels like he has been raising two [REDACTED] [REDACTED] stated [REDACTED] has no work ethic and couldn't live on a \$10.00 an hour job in Shelter Cove. [REDACTED] stated he has been under a lot of pressure lately. [REDACTED] said "No matter what, I'm not going to bail on my [REDACTED]" Detective Harpham mentioned the letters to [REDACTED] [REDACTED] and he was getting pushed. [REDACTED] said he was getting pushed and totally threatened. [REDACTED] said he was concerned that as soon as he left his house, the local cop may plant a gun in his house. Detective Harpham if [REDACTED] was referring to Sgt. Swithenbank, he said yes. [REDACTED] said he hoped this incident was going to start an investigation on Sgt. Swithenbank. Detective Harpham said he had a sense that [REDACTED] didn't trust the cops. [REDACTED] said that was not true, stating he trusted Harpham and I. [REDACTED] said there were good cops in the area. [REDACTED] said again he wanted to be a sheriff at one time. [REDACTED] said Max Cardoza was worried the truth was going to come out on the [REDACTED] case. [REDACTED] said he was blackmailed into pleading to having a firearm. [REDACTED] expressed displeasure with the conviction over shooting the radio tower. Detective Harpham asked if the Glock was stolen since he lost his gun rights. [REDACTED] said he doesn't steal. Detective

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1701 MUSSON, GREGORY

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Harpham asked [redacted] if he believed that stealing was wrong, he said yes. [redacted] said he didn't want to go into how he obtained his guns.

I asked [redacted] what [redacted] involvement was. [redacted] said [redacted] was the prosecutor on the tower shooting case. [redacted] said he felt that [redacted] treated him like a human being, so [redacted] believed that [redacted] may be receptive to the letters he wrote to get some resolve.

Detective Harpham asked [redacted] when he fled the property, if he knew he had killed somebody. [redacted] said "I was fuckin' worried man." [redacted] said he "was worried sick." [redacted] thought there was no way he would have missed. Detective Harpham asked [redacted] why he felt he wouldn't have missed. [redacted] said he never misses. [redacted] said "He's lucky, he's...he's lucky that I did miss this fuckin' time." [redacted] stated I didn't hit him with 8 rounds did I? [redacted] said the Deputy was still alive and that was all that really mattered. I asked [redacted] how fast he thought he fired? [redacted] demonstrated a very fast rate of fire. [redacted] said he was so nervous he didn't aim. Detective Harpham asked [redacted] if he had ever shot a person before. [redacted] said he didn't want to answer that.

Detective Harpham asked [redacted] what he believed should happen to him now. [redacted] said he should be allowed to go home. Detective Harpham informed [redacted] there was so much investigating to be done, so [redacted] was going to be arraigned and possibly released, he didn't know. Detective Harpham confirmed with [redacted] the he didn't believe he did anything wrong and should be released. [redacted] said he should be set free. Detective Harpham asked [redacted] what he thought should happen to deputy Cao. [redacted] said he should be thrown in jail for trying to kill him. [redacted] said "what the fuck was he doing missing me anyways.....you know, what was that all about man? That is some weird shit." [redacted] said Deputy Cao must have been "tripped out." Detective Harpham asked [redacted] if he would be willing to take a lie detector test referring to who pulled their gun and shot first. [redacted] said he didn't know if he would do that. [redacted] spoke about his distrust of the test. Detective Harpham explained the test would not be used against him if he failed it and asked if he was concerned with failing the test. [redacted] said he didn't need the test, he knew what happened and reiterated that Sgt. Swithenbank was a crook. [redacted] went on to say Sgt. Swithenbank was probably trying to get someone to shoot him in the back just like during the earlier mentioned Ettersberg incident. [redacted] said Sgt. Swithenbank was a "loose screw." [redacted] argued he was the citizen here and didn't do anything wrong.

Detective Harpham asked [redacted] why he believed that Deputy Cao would just shoot at him. [redacted] came back with why would I do that? Detective Harpham said because [redacted] was a liberty minded person who has property rights and liberty, who believes he wasn't bothering anyone, and unless someone had legitimate business on his property they needed to stay away. Harpham said [redacted] was

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watching T.V. and now he has a cop banging on his door, now he's pissed. [REDACTED] told the cop to leave and was now being told to come out of his house. [REDACTED] was pushed by everybody and was fed up. [REDACTED] didn't think he could trust the Sheriff's Office or the D.A. so he had nowhere to turn. [REDACTED] said he agreed with all of that, he a principal guy, but isn't the type of guy who shoots at cops. [REDACTED] said he target shoots, but doesn't hunt because he doesn't like killing stuff. [REDACTED] said he wasn't just going to "draw down on some cop, that's crazy!" I asked [REDACTED] what the normal situation would be if someone pulled a gun on a cop. [REDACTED] said it depended on the situation. Detective Harpham asked [REDACTED] if any other force option was drawn on him like pepper spray. [REDACTED] said just the gun.

I informed [REDACTED] that the Critical Incident Response Team was investigating the incident so he would get a fair shake. [REDACTED] said he thought that was great idea. [REDACTED] then said we were going to hand the case to Paul Gallegos and he was going to throw him in jail. [REDACTED] said he wasn't going to plead out anymore.

Detective Harpham asked if [REDACTED] agreed it was wrong for a citizen to kill someone without justification, he said yes. Detective Harpham said it was a hundred times if it's worse when government kills a citizen. [REDACTED] said he thinks so. [REDACTED] went back to how he was "fucked around" by Gallegos, Swithenbank and Cardoza.

Detective Harpham advised [REDACTED] how cops are trained, that they never want to be involved in a shooting, and it's the last resort. Harpham said he is going by what he knows, and faith that Deputy Cao did not pull out his gun and shot at him for just yelling at him and [REDACTED] was unarmed. Harpham asked [REDACTED] how can you convince me? [REDACTED] said he didn't have any reason to shoot at Deputy Cao. [REDACTED] said he doesn't just shoot at people because he is frustrated. Harpham said people have their breaking point. [REDACTED] says his breaking point is when he is shot at. Harpham asked [REDACTED] if he believed that Deputy Cao was a cold blooded throat cutter who is going to shoot at him for no reason. [REDACTED] said that was not was he was saying. [REDACTED] said Deputy Cao may have just been nervous as he sprayed bullets everywhere. [REDACTED] again said he was looking down the barrel of Deputy Cao's gun. Detective Harpham again stated that Deputy Cao has been trained over and over again how serious it is to shoot someone. [REDACTED] said we didn't know how much training he has had. [REDACTED] stated he has more discipline than Harpham has any idea. [REDACTED] said he has more discipline than Deputy Cao.

Detective Harpham asked [REDACTED] what he was doing for work. [REDACTED] admitted that he is growing and selling marijuana like everyone else in Humboldt County. [REDACTED] says he has a bright future in real estate.

Detective Harpham reiterated to [REDACTED] that he was being pushed and pushed; now there was a foreigner on his property calling him out on his property. Detective Harpham went on again how no

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cop wants to be involved in a shooting, including Deputy Cao. [redacted] said he has restraint. Detective Harpham said [redacted] showed no restraint by shooting the light on the tower. [redacted] said he tried to get legal action against the light on the tower. [redacted] went on about how the light went through the dry wall and his eyelids, keeping his kid up for two weeks. [redacted] went back to talking about bad cops who have shot people for no reason. [redacted] and I got into a heated exchange about how it was not fair to convict someone over a video that was shot in New Mexico, and it was not fair to say he was guilty until the investigation was finished. (This was referring to a recent officer involved shooting in New Mexico.) I told [redacted] that I thought it was "bullshit" that [redacted] was painting a picture that Deputy Cao just showed up to shoot [redacted]

At this point 2 hours, 15 seconds, into the interview, we took a break where I took [redacted] to the bathroom and provided him with water to drink.

At 2 hours, 19 minutes, 12 seconds on the video clock, the interview resumed. [redacted] expressed concern about being dressed in an orange jumpsuit for the purposes of a trial. [redacted] said he could tell we didn't believe all of what he had to say, but respected our opinion.

Detective Harpham went back to how he was a field training officer in the past, and how he expressed to every recruit that you never ever want to be involved in a shooting in the line of duty, unless there was no other choice. Detective Harpham didn't believe that Deputy Cao just drew and fired without justification. Detective Harpham said he did believe that Deputy Cao may have pulled out his gun and ordered [redacted] to show him his hands. Detective Harpham said it was inconceivable to him that Deputy Cao just shot. [redacted] said it was inconceivable to him as well. Detective Harpham said it was also inconceivable to him that [redacted] went back in the house to get the gun, believing that [redacted] already was armed with the gun on the porch when the first shot was fired. [redacted] asked why it was inconceivable. Harpham said Deputy Cao would not have been there, meaning that cops are trained to retreat to a place of cover or retreat altogether, not stand in the line of fire or chase after someone inside. Harpham said there was no way Deputy Cao was standing around as [redacted] went back in to get a gun, then return and shoot at him. Detective Harpham said he wished [redacted] would take a lie detector test. [redacted] said, have Deputy Cao and Sgt. Swithenbank take one first. [redacted] said he wanted to ask the questions on the test if Sgt. Swithenbank and Deputy Cao took the test. Harpham called out [redacted] saying that was a diversion. [redacted] said he didn't trust lie detector tests and never will, stating he has done that before. [redacted] said the last time he took the test "it was bullshit," and was never going to let his guard down again. [redacted] said he wasn't going to expose himself like that, it was ridiculous.

I explained to [redacted] that this was the only time the 3 of us would have a "no bullshit conversation."

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This was the time to tell us the exact truth regardless of how it looks. I explained Detective Harpham and I have not been to the scene and spoke to the neighbors yet. I told [REDACTED] it was my job to get to the truth good bad or otherwise. If we found discrepancies in [REDACTED] story, how that would look to a Judge and a Jury. [REDACTED] said we were not going to find many discrepancies in his story. [REDACTED] said we will find broken glass.

Detective Harpham asked what we would find on his computer. [REDACTED] said we would find the letter to [REDACTED] [REDACTED] that he spoke of. I explained that a majority of the time people come forward that heard or saw what happened. I told [REDACTED] that his body language was telling me that he was not being truthful. [REDACTED] said he was wondering if we were being truthful with him. I told [REDACTED] that everything that Detective Harpham and I had told him so far was the complete truth, and he would see that in 6 months. I again expressed to [REDACTED] that now was the time to tell his side of the story and be truthful.

I told [REDACTED] that I didn't like being told by the government what to do and what I could own, just like him. I told [REDACTED] that I had a lot of the same beliefs that he has, and believe he is under a lot of stress. Having said that, I believed everyone has a point where if he were backed into a corner they would come out swinging. I told [REDACTED] that he had painted a good picture of how he may have just had it, and that was better than lying. I reaffirmed that I didn't believe that Deputy Cao had just drew his gun and shot at [REDACTED] with no justification. I told [REDACTED] that if it was just a case of a lot of stress, and the belief that Sgt. Swithenbank had done him wrong I understood that. [REDACTED] said Sgt. Swithenbank had done the whole justice system wrong. [REDACTED] said he has been under so much pressure lately, he has thought of killing himself over the last couple of years. [REDACTED] said he "got fucked by the law," and they had to break the law to do it. [REDACTED] said guys like me wanted to hear what I wanted to hear, and didn't want to hear that Deputy Cao may have messed up. [REDACTED] said he didn't know what Deputy Cao's motives were, maybe he was nervous. [REDACTED] said maybe with Swithenbank saying watch his hands, watch his hands, "maybe that's all it took." [REDACTED] said Billy Honsal asked him one time if he would shoot a cop. [REDACTED] said "fuck no, I wouldn't shoot a cop!" "I'm not gonna do it."

Detective Harpham explained if he wrote something on a piece of paper really bad that no one knows about, would he give it to [REDACTED] to read. Harpham said he knew that was what he was asking [REDACTED] to do, in a manner of speaking. Detective Harpham said it was probably something like, Deputy Cao was brandishing a gun at him, and [REDACTED] responded by shooting at Deputy Cao. Harpham said he knew that was difficult, as that would be saying something that would incur consequences to [REDACTED] if he told us what happened. Detective Harpham explained that if [REDACTED] was not telling the truth, that may cause harm to Deputy Cao who didn't deserve that. [REDACTED] said, why I would tell a lie to

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cover Deputy Cao's ass? [REDACTED] said he didn't know what happened out at his property, saying maybe Deputy Cao made a mistake, got nervous or heard about "so called [REDACTED] as he was referred to in court during the [REDACTED] trial. Detective Harpham asked if [REDACTED] was comfortable leaving with Deputy Cao being accused of attempted murder. [REDACTED] said no, he didn't feel comfortable that it happened. [REDACTED] said he has to call it like it was. Now that he knows that Sgt. Swithenbank was on scene, it makes it a wow. [REDACTED] said maybe Deputy Cao slipped a round, causing a negligent discharge, or was nervous. I explained to [REDACTED] that we as law enforcement are trained to keep our finger off the trigger until we make a decision to fire the weapon. Detective Harpham demonstrated how law enforcement is trained to handle a pistol when it is brandished. [REDACTED] said that sounded like some "damn good training." [REDACTED] said he was only going to speak of this one situation.

Detective Harpham spoke about [REDACTED] lack of trust with southern Humboldt cops. [REDACTED] said he trusted some cops, including us and Bill Honsal. [REDACTED] said he knew some good correctional officers and cops that he would love to have as neighbors. Detective Harpham began talking about [REDACTED] reclusive lifestyle and his problems with neighbors. [REDACTED] said he was also a social guy. [REDACTED] said he wanted to get out of Humboldt County, as he has become a slave to [REDACTED]. Detective Harpham said he knew [REDACTED] side of the story of what happened involving the shooting incident, and had doubt about how Deputy Cao shot at [REDACTED] first. Harpham said he believed that it was possible that Deputy Cao may have had his pistol drawn first, giving [REDACTED] commands to show his hands. Detective Harpham spoke about his knowledge of [REDACTED] shooting out the light on the radio tower, and knew [REDACTED] had been a competitive shooter in the past. Detective Harpham said it may be possible that Deputy Cao may state he did shoot first, and articulate why he did so. Harpham painted the picture of a man who is under a lot of pressure, who is a skilled gunman, and has guns for hunting and survival. [REDACTED] said he has guns to protect [REDACTED] and his son [REDACTED]. [REDACTED] said he loves target shooting as well. Harpham brought up how [REDACTED] is involved in the dope trade and the pistol is a self-defense weapon. [REDACTED] said he has been ripped off before, but lets it go. Detective Harpham spoke about how [REDACTED] had not been shot and Deputy Cao had minor injuries from being shot. [REDACTED] said he was lucky he had not been shot. Detective Harpham said he didn't want to walk away believing we had not obtained the real story.

[REDACTED] spoke about canvassing the neighborhood and how he hated his neighbor, [REDACTED]. [REDACTED] said [REDACTED] is a Peeping Tom who had been caught doing so in the past. Detective Harpham asked [REDACTED] if any of his neighbors were going to say [REDACTED] had threatened them, or threatened to kill them, [REDACTED] said no. [REDACTED] said he didn't know his neighbors. [REDACTED] said only [REDACTED] may come out with some wild stories. [REDACTED] said ask [REDACTED] about [REDACTED], she will tell us how [REDACTED] is. [REDACTED] said he was sorry to give us the bad news, but the account he gave was the real story.

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Prepared By:

1701 MUSSON, GREGORY

Date:

05/08/2014

Approved By:

0896 FREESE, DIANA M

Date:

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I advised [REDACTED] that he is giving a statement of record, and made sure that [REDACTED] was stating he was not armed, and did not have a holster on when Deputy Cao shot at him. [REDACTED] said he was wearing full length long johns, laying on a cot, petting his dog when the incident took place, and was not armed, at first. I asked [REDACTED] if he had anything on that could be construed as a firearm, or within reach, he said no. I asked [REDACTED] if he knew what a furtive movement was, he said no. I explained what the definition of a furtive movement was to [REDACTED] and asked him if it was possible he made a furtive movement. [REDACTED] said "you know, when I, the deck, that might have been what freaked him, ok because he couldn't see my hands, because of the deck rail, you know what I mean, except I was pointin' at him." ([REDACTED] indicated he was pointing with his right index finger.) [REDACTED] said so he wouldn't have had a gun his hand. [REDACTED] indicated he shoots with his right hand. I explained to [REDACTED] that I personally train to shoot with both of my hands in case one is injured or the environment dictates. [REDACTED] said he does not have confidence shooting with his left hand, so he would use his right hand to shoot.

I asked [REDACTED] to describe how he addressed Deputy Cao, as I stood and took a bladed stance, then a squared off stance. [REDACTED] said he was looking directly at Deputy Cao stating "he knew it was me, I knew it was him." [REDACTED] said "Hey Cao get the fuck out of my yard." I confirmed with [REDACTED] that he had used a non-friendly tone. [REDACTED] said he could see how Deputy Cao may have been nervous, he was only speculating, but Deputy Cao looked "bewildered." [REDACTED] said he was trying to help us figure out why Deputy Cao shot at him. I explained to [REDACTED] that he was a formidable person who doesn't back down. I told [REDACTED] that he was a "scary dude" when he was upset. When he told Deputy Cao to "get the fuck off my property," standing on the patio. [REDACTED] said "yea I think he freaked a little bit." [REDACTED] contended that Deputy Cao freaked out, drew his pistol, possibly had an accidental discharge and kept firing at [REDACTED] said this was the first time he had ever experience anything like that, as it happened so fast he didn't see him.

Detective Harpham called [REDACTED] out at this point, retrieving the drawing that [REDACTED] had sketched. Harpham recalled that [REDACTED] said he first saw Deputy Cao at the door to the mud room then retreated back into the bedroom where [REDACTED] had the pistol. [REDACTED] said he retreated back to the bedroom so there would be a buffer between he and Deputy Cao, because he didn't trust Cao. [REDACTED] said Deputy Cao couldn't just grab [REDACTED] because the deck is elevated and puts space between them. [REDACTED] said seeing Cao there was like see Swithenbank there, from his experiences in the the jail with Cao. Harpham said you retreated back and got that gun. Harpham said he may not have pulled it first, but he was yelling at Cao while holding that gun in his hand. Deputy Cao probably saw the gun and started pulling his gun out, that's when [REDACTED] started firing at Deputy Cao. [REDACTED] stated when we see the deck and how the rail is built, we will see that Deputy Cao couldn't have seen his

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1701 MUSSON, GREGORY

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hands. [REDACTED] pointed to the spot where he alleged Deputy Cao was standing on top of the coiled hose. Detective Harpham repeated that [REDACTED] retreated back to where the gun was. [REDACTED] said he retreated back to where he was taking a nap. [REDACTED] said the gun is always in that room. Harpham said [REDACTED] could have addressed Deputy Cao at the door to the mud room, but chose to go to the bedroom and the deck. [REDACTED] said yes, but he chose to address Deputy Cao at the deck. Detective Harpham continued to insist that [REDACTED] had the gun with him when [REDACTED] was standing on the deck. Detective Harpham demonstrated a furtive movement hypothesis. [REDACTED] continued to deny having the gun, and stated Cao may have misread, and made a mistake. [REDACTED] described how the rail was solid, therefore making it impossible for Deputy Cao to see [REDACTED] holding a gun. Detective Harpham said then [REDACTED] would have had to raise the pistol up for Deputy Cao to see the gun, [REDACTED] said yes. [REDACTED] said Harpham wanted to believe that he had the gun on the porch, because Cao was a cop, but that was not true. [REDACTED] said Deputy Cao was not infallible, and may have made a mistake and shot at [REDACTED]

I confirmed with [REDACTED] that there was no long standing bad blood between him and Deputy Cao, he said yes. I told [REDACTED] that Deputy Cao was a nice guy, and by [REDACTED] own accord there was no ill will between them. I explained that there was no motive for Deputy Cao to shoot at [REDACTED] for no reason. I told [REDACTED] that Deputy Cao was there to serve civil papers, and that was the only reason he was there. I explained to [REDACTED] that he had confirmed to me earlier, that he knew that Deputy Cao was a Deputy Sheriff that he knew from the jail, and confirmed that Deputy Cao was dressed in full uniform, so he knew Deputy Cao was not an imposter. Having said that, [REDACTED] knew it was not a ruse to rip him off for marijuana or money. I then explained to [REDACTED] that he had the high ground looking down on Deputy Cao from the patio, thereby affording [REDACTED] the tactical advantage, so it didn't make sense that Deputy Cao shot at him.

I asked [REDACTED] to walk me through the scene again. [REDACTED] said he met Deputy Cao at the mud room door where the two met eyes. [REDACTED] then walked back to the bedroom where he slid open the sliding glass door, and leaned out saying "Get off my goddamn property right fuckin' now!" Detective Harpham asked what the difference was between other times law enforcement was on his property and the day of the shooting. [REDACTED] said he had sent letters to [REDACTED] [REDACTED] exposing the wrongs against him. [REDACTED] stated right after he sent the first letter, the two cops (Deputies McCall and Moore) showed up at his house. Detective Harpham asked if [REDACTED] felt the tension between he and the Sheriff's Office had been ratcheted up. [REDACTED] said he felt that Deputy Cao was there to get rid of him. [REDACTED] said he felt Deputy Cao was the perfect guy for the job of doing the dirty work. Detective Harpham asked [REDACTED] why he felt Deputy Cao was the right guy for the job. [REDACTED] said because of the way Cao was in the jail, being a "fuckin' asshole" beating all the prisoners down all the time.

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Prepared By: 1701 MUSSON, GREGORY

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Approved By: 0896 FREESE, DIANA M

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█████ said "The guy was a fuckin' power trippin' asshole." █████ said he thought what kind of a person beats someone down while they are having a hard time in jail? █████ said his respect level for Deputy Cao was not very high, and may have been different if they hadn't met in the jail. I asked █████ what he meant by Deputy Cao was sent to do the dirty work. █████ then said he didn't mean that. █████ stated if it had been Sgt. Swithenbank and a couple of guys he would have been thinking they were there to kill him. █████ was adamant that he never saw Sgt. Swithenbank during the incident.

I explained to █████ when the hair on the back of my neck stands up, I know something is not right. I believed that █████ was like me in that he does not live in "Condition white," unaware of his surroundings. Detective Harpham asked █████ if he believed that the cops were there to kill him, why wouldn't he pick up the gun to protect himself? █████ said for the reason that he is not the killing type, especially cops. Detective Harpham said if what █████ was thinking was true about them being Swithenbank's cronies, they were not cops. █████ agreed. █████ said it was different with Cao, if it had been Swithenbank, he doesn't know what he would have done. █████ said he saw it was Deputy Cao, he was just someone he had a hard time with in jail. █████ said he didn't see Deputy Cao being in cahoots with the D.A. to set someone up for the rest of their life. █████ said it was the timing of the letters and Deputy Cao showing up, it was strange. █████ said "it didn't give me the red alert like Swithenbank would have." It was enough to get █████ out on his patio telling Deputy Cao to go away though. Detective Harpham asked why █████ didn't just ask what Deputy Cao wanted, instead of going to the patio. █████ said he wanted to know what Deputy Cao was doing there, but he was "kinda pissed." In the back of his mind, █████ wanted to know what Deputy Cao was doing there. █████ said he just got off of probation. Detective Harpham asked, what would you have done if Deputy Cao came over the wall of the patio? █████ avoided the question and went to saying Deputy Cao should have said he had some papers to serve, he never heard that. █████ said Deputy Cao told him "Get out of your house!"

I told █████ that he had painted a very articulate picture as to why he believed that the cops were there to possibly kill him. █████ articulated how he had been "fucked over twice" and things are going down. I told █████ that he had a solid belief that this was his house and it was time to defend himself. █████ said he doesn't point guns at people, he doesn't look at people through rifle scopes and he doesn't point guns at cops, it's just something he doesn't do. █████ said he would protect his family. Detective Harpham asked if he heard something go bump in the night, would he go check it out with a firearm. █████ said he would get his night vision and a stick and go check it out. █████ said he doesn't feel he needs to take a gun every time, he may take a rock and his night vision. I told █████ that I didn't believe that he would take a stick to an unknown threat, and that was "bullshit." I told

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1701 MUSSON, GREGORY	05/08/2014	0896 FREESE, DIANA M	06/03/2014



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█ that the fact that he couldn't legally own a firearm was a procedural thing. I believed it was better to be tried by 12, than carried by 6. █ said he couldn't agree with me more. Detective Harpham said it didn't make either he or Deputy Cao wrong if he did have the gun on the patio.

█ said it would show a state of mind. Detective Harpham said █ believed that he may think there is an increased consequence to admitting he had the gun at the door, but there was not. █ said we just wanted to get Deputy Cao out of trouble. Detective Harpham said we just wanted the truth.

█ said he was from Texas where gun rights are a big deal, and if you take someone's rights away you may as well take them out. █ said he is now moving away from guns. █ said he didn't answer the door with a gun, and doesn't keep guns hidden all over the place like he used to. █ said he now wanted an office job and thought having guns was a hassle. █ did say it was good to have something buried in case things go down.

Detective Harpham said going back to the bedroom served two purposes, by allowing access to the gun, and prevent Deputy Cao from possibly taking him into custody. Other than being a felon in possession of a firearm, it didn't make █ wrong by having the gun. Detective Harpham reiterated that he wasn't accusing █ of pointing the gun first. Detective Harpham said he didn't know why █ would not admit the truth. █ said if it was a mistake that Deputy Cao drew and shot first, he and Deputy Cao could be friends and he could forgive him. Harpham again told █ that admitting to having the gun didn't make the consequences worse. █ said it did to him, as it showed a whole different intent. █ said he really wanted Deputy Cao to leave, and wanted to know why he was there. █ said when he went into the other room, he didn't even think of the gun. Harpham said a guy who keeps a gun nearby always thinks of a gun when things get hairy. I told █ that he had a problem if he stuck with his story, and we find that his story was false. I explained that his story was going to be vetted. Detective Harpham explained that his story would have a pause between the gunshots. If the neighbors all say there was a string of gunshots, and no pause, we would know he was not being truthful. █ went on about the wind and geography. Detective Harpham called bullshit to that distraction. █ said he believed that Detective Harpham and I didn't want to think his story was true, and were trying to protect Deputy Cao. Detective Harpham said █ telling the true story would probably be favorable to Deputy Cao.

I was informed by Detective Turner that the DVD needed to be switched as to not lose any footage. I stopped the interview at 3 hours, 49 minutes, 01 seconds on the timer. At this time, a break for beverages and bathroom were offered to █

At 0943 hours, Detective Harpham and I resumed the interview with █ Detective Harpham

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resumed with how it would be rational for [REDACTED] to answer the door with a gun after what he had articulated. [REDACTED] said he didn't think it would be rational to do that with a cop at the door. [REDACTED] said the cop is there to protect and serve him. Detective Harpham asked if the use of marijuana may have the sequence of events messed up. [REDACTED] said it was possible to overlook something. Detective Harpham asked if it would be ok to speak to him the next day. [REDACTED] said he would talk to us.

I explained to [REDACTED] that I had some paperwork to do and left the room. Detective Harpham and [REDACTED] made small talk about clothing and other things. Detective Harpham asked [REDACTED] if he did all the marijuana growing on the property on Kelly Road. [REDACTED] said he did all the farming. [REDACTED] said he was going to fix up the house this summer, but all these problems were holding him back. Detective Harpham asked about [REDACTED] criminal record. [REDACTED] mentioned a DUI, and then said his trouble started during the [REDACTED] case in 2008. [REDACTED] said it was a scam to take away his gun rights.

I reentered the room and informed [REDACTED] that a search warrant had been obtained for his property. I asked [REDACTED] for the combination to the gun safes on the property. [REDACTED] provided the combination to the safe. [REDACTED] asked about the \$2400 dollars he had on his person when he was arrested. I informed [REDACTED] it was booked into property or evidence. I asked if there were any booby traps on the property, [REDACTED] said no. I asked about the laptop computer he had with the letters on it. [REDACTED] said the computer was in the bedroom. I informed [REDACTED] that he was going to be booked for P.C.664/187. I explained to [REDACTED] that this didn't mean he was guilty. [REDACTED] said he felt we had already made a decision about his guilt. Detective Harpham informed [REDACTED] there was a lot of investigating to be done, and probable cause to arrest was different than to convict. [REDACTED] said all he did was trying not to get his ass shot off. I explained our duty to protect the public. Detective Harpham cleared the matter by informing [REDACTED] that he was arrested due to legal standing. [REDACTED] again stated he wanted to talk to us after we had a chance to visit his property to investigate the scene.

I placed [REDACTED] into double-locked handcuffs, checking them for proper fit. I walked [REDACTED] over to the HCCF where he was booked for P.C.664/187 and P.C. 12022.53(c) without incident. I stopped the recorder at 24 minutes, 31 seconds. I later booked this DVD along with the part 1 DVD into evidence.

On 5-08-2014 at around 1153 hours, I brought [REDACTED] [REDACTED] [REDACTED] back to the HCSO interview room for another interview. The interview was recorded on both video and audio on to DVD. The following is a summary of the interview with [REDACTED] (Refer to DVD for verbatim conversation.)

While walking [REDACTED] into the interview room, he was talking about his bullet collection. Detective Harpham entered the room and told [REDACTED] that he did see his bullet collection. [REDACTED] said he has cataloged the bullets, and has been collecting them for around 30 years, as they may provide income for him at a later date. Detective Harpham read [REDACTED] the Miranda warning from his issued card,

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asking him if he understood his rights, [redacted] said yes. [redacted] said he knew a lawyer would not want him speaking to the police, but he didn't trust lawyers. [redacted] said he trusted guys like Detective Harpham and I more than lawyers and asked if we sensed that about him. Detective Harpham brought up the notion that [redacted] had some mistrust for a few cops who [redacted] felt were criminal towards him. Detective Harpham said it was really the attorneys who cost him with the deals that were made. [redacted] said he would not have been plied to those deals if the cops had been honest. [redacted] said he was a peace loving, good hearted person who was not the guy that this was making him out to be. [redacted] said if Deputy Cao would have been killed, [redacted] might have killed himself because he didn't think he could have lived with that. [redacted] said he was telling us and the camera that "I would never try to kill that son of a bitch.....that person, excuse me, never!" "You couldn't pay me to kill a cop, so this is bullshit!" According to [redacted] anyone who knows him would know he would not shoot a cop. [redacted] said he is 56 years old, if he was going to do something like that, he would have done something already. [redacted] said he has "always been cool with the cops."

Detective Harpham informed [redacted] that we have had time to find out who [redacted] was by reading reports and talking to people. Detective Harpham told [redacted] that he believes [redacted] is a self-reliant person who is a skilled gunman, maybe even a professional gunman, and an excellent woodsman. [redacted] said you do uh? [redacted] then said "in other words, principled." Detective Harpham said he also felt that [redacted] was capable of lying to us. [redacted] said he had an honesty problem with us from the day before. [redacted] said that stemmed from his belief that we told him he may go home after the first interview. Detective Harpham informed [redacted] that when the investigation was over the charges alleged against him may not bear fruit. Detective Harpham told [redacted] about the transparency of the C.I.R.T. investigation. [redacted] was also informed that officers and deputies have been fired for impropriety in the past.

I had a conversation about my personal credibility and what that meant to me with [redacted] [redacted] said that made him feel better. Detective Harpham explained to [redacted] what a photo lineup was, and the admonition that came with the lineup. The admonition states it is equally important to free suspicion on the innocent as to catch the offender. Harpham said that same principal applies to Deputy Cao and [redacted] Harpham said he was not there to protect law enforcement. Harpham said he was there to see if it may have just been a tragic mistake or misunderstanding. [redacted] said we definitely had that. [redacted] said he was not a killer, and believed it may have been a mistake or misunderstanding. [redacted] said he would never think of shooting a cop or anybody else. [redacted] said people may "talk a little shit" sometimes, but that was his way of blowing off steam. [redacted] said he blows off some steam, and then he is cool. Detective Harpham said in the interest of honesty, he could kill someone. [redacted] said he probably could too, but he wouldn't like it. [redacted] said honestly he

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couldn't kill someone, maybe if his family was in danger, or if someone was trying to kill him he could. Detective Harpham mentioned that [REDACTED] shot Deputy Cao the day before, [REDACTED] said "fuck he shot at me man, for no reason, bastard!"

Detective Harpham brought up how deputies were at his house on April 24th of 2014, HCSO case 201401808, where they took some items of evidence. Harpham asked [REDACTED] if he was there at the time. [REDACTED] said in a surprised manner, "they took stuff, what did they take?" [REDACTED] was told the deputies took some ammunition. Harpham asked how he knew the cops were there as [REDACTED] said the day before, he knew they were there. [REDACTED] said he could smell them, as they wore cheap jail house cologne. [REDACTED] said he wasn't even on the property when the cops were there, he must have just missed them. I brought up the fact that [REDACTED] stated the day before that he had the cops on a game camera. I asked [REDACTED] when he was supposed to be off of probation. [REDACTED] said on April 14th he was off of probation. [REDACTED] said he was not living at [REDACTED] Kelly Road, so it was not his address. Detective Harpham told [REDACTED] the civil papers Deputy Cao had was a domestic violence restraining, moving out order. Harpham asked [REDACTED] if he knew that was coming, he said no. Harpham asked what the domestic violence incident that allowed [REDACTED] to get the order was about. [REDACTED] said he didn't know, but [REDACTED] was trying to "put him together," for a long time.

[REDACTED] said [REDACTED] had some bad habits he didn't want taught to his son. [REDACTED] expressed his belief that [REDACTED] was trying to keep him in a situation where he would stay on probation. [REDACTED] said [REDACTED] needs him around to guard the place. [REDACTED] believed [REDACTED] would have a free house if he was gone as well. [REDACTED] asked if we hauled off the marijuana, I said yes. [REDACTED] said [REDACTED] was "fucked" financially then. Detective Harpham asked if [REDACTED] believed the cops were coming to shoot him because he was getting off of probation. [REDACTED] said after what happened with Deputy Cao he does.

I went back to the incident's beginning where his dog alerted and [REDACTED] heard banging on the wall. [REDACTED] said he went to the window at the laundry room, mud room. Detective Harpham provided a picture of the southeast side of the residence taken by Detective Harpham. [REDACTED] said he was standing at the area in the hallway where the electric meter was on the outside wall when he saw Deputy Cao standing on the gravel pathway. [REDACTED] said the washer dryer were in this area. [REDACTED] said he looked out the door's window from 6'-10' feet from the door, where he saw Deputy Cao's entire body. I asked [REDACTED] if he has ever witnessed law enforcement activity in Shelter Cove, allowing him the opportunity to know how the cops operate, he said yes. I asked [REDACTED] if the cops usually operate in 2 persons or more in Shelter Cove. [REDACTED] said he could not say.

I went back to the incident. [REDACTED] said he heard the bang, bang, bang, and then his dog alerted. [REDACTED] went to the area of the door to investigate the banging where he saw a Deputy who he knew

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as Deputy Cao. [redacted] said he looked straight out the door and saw Deputy Cao standing in the gravel. (It should be noted that the door and the outside of the mudroom window is 4 feet apart.) [redacted] said the second time [redacted] saw Deputy Cao, Cao had moved forward several feet to where the hose was coiled up on the gravel.

[redacted] expressed that I seemed upset with him the previous day because I didn't believe his story. I explained different perspectives and how I felt that day with [redacted] painting a picture that Deputy Cao had maliciously drew his gun and fired at him for no reason. I asked [redacted] if we could agree that a bullet usually causes significant injury or death, he said yes. I told [redacted] that his accusation did upset me, as I found it hard to believe. Detective Harpham expressed that he wanted to get this investigation right and the evidence would show who was right at in the end. Detective Harpham explained that the first time we had a conversation; Harpham had not been to the scene and therefore had not seen the evidence. Now Detective Harpham and I had been there and could now call [redacted] out on a lie if we detected one. Detective Harpham said now that he has been there, he now really finds it hard to believe that Deputy Cao had just opened fire on [redacted] for no reason. Harpham said Deputy Cao must have seen something. [redacted] expressed that he wanted to get this case resolved, and that was why he gave us a statement. Detective Harpham told [redacted] to keep in mind that Deputy Cao may have done something wrong, and if that's true, that's what we will find out.

Detective Harpham asked [redacted] if when Sgt. Swithenbank was banging on the wall, if he ever heard any voices yelling to him. [redacted] said Swithenbank never pounded on the wall or said anything, because [redacted] would have heard it. [redacted] said the sound traveled in the house. [redacted] clarified that he believed Sgt. Swithenbank or whoever, pounded on the door rather than the wall. Both Detective Harpham and I clarified that it was our understanding that the pounding was on the wall next to the porch. [redacted] said it could have been the wall, but was by the porch. [redacted] was adamant he never heard any voice. Harpham told [redacted] that Sgt. Swithenbank heard [redacted] voice in response. [redacted] said he believed the pounding was at the door, because the door is flimsy and makes a different sound than the wall would have. [redacted] said he thought the door was going to be knocked down. By the time [redacted] came to the door, he only saw Deputy Cao. [redacted] said he walked to the sliding glass door and poked his head out. I referred to the picture and asked [redacted] if the picture was an accurate representation of what was seen standing on the porch outside the sliding glass door, [redacted] agreed it was. I pointed to the area where the hose was on the ground by the orange rototiller. [redacted] said the rototiller was where it was at the time of the incident. [redacted] said Deputy Cao was standing on the hose in the picture. [redacted] said it was about 20 feet away from the porch. I believed it was closer than that. [redacted] then said he stuck his head out of the sliding door where he said "I better just tell this guy

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1701 MUSSON, GREGORY

Date:

05/08/2014

Approved By:

0896 FREESE, DIANA M

Date:

06/03/2014



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just tell this guy to get the fuck outta my yard you know what I mean, I don't know what he's doing here, but I'm off probation, I don't like this particular guy too much, you know what I mean, I don't have a chip on my shoulder about him."

█████ said when he got out of jail he made Cao jokes with his kid █████ telling him Cao was an asshole who he hated. █████ said he told Deputy Cao to get the fuck out of his yard, the next thing he knew he was looking down the barrel of a 45. █████ said he dove back into the house, and that was probably why he missed hitting █████ I confirmed with █████ that Deputy Cao was standing on the hose when he fired at █████ I asked █████ if he remembered if Deputy Cao had fired at him prior to diving back into the house. █████ said he thinks Deputy Cao got a couple of shots off because he was pretty quick. █████ said he was so surprised. █████ dove back into the house where he retrieved his gun from the chair inside the door, and returned outside where he fired a couple of shots, and a couple shots came back at him. █████ said he thought maybe some S.W.A.T. cops were going to come swarming in on him. █████ said he had to get to somebody so he could tell his story, as he felt he was being set up and he will be gotten rid of. █████ thought it was a perfect time to get rid of him, as there were no witnesses. █████ said had he seen Swithenbank, then he might have reacted different then, this was a hit squad. █████ went on again about how Swithenbank was out to get him. I confirmed with █████ that if he had seen Swithenbank, he would have believed the cops were there to kill him, he would have been really scared. I confirmed that █████ had never seen Sgt. Swithenbank.

I asked █████ to demonstrate how his body was positioned when he returned outside and returned fire as he contended. █████ said he was pretty sure he had a leg out of the door, but he wasn't going to expose his body to fire. I asked █████ if he knew what cover and concealment was. █████ articulated what concealment was. █████ said cover was something to keep you from getting hit. I explained that shooting from his left hand would offer better cover from the door. █████ said he was right handed and shot with his right hand. █████ contended he shot using his right hand. I asked █████ if we could agree that a Glock pistol ejects the spent casings to the right and rear, he said "I think so." I explained how if the gun was tilted over to the left the casings would eject to the top. I asked █████ how many rounds he fired. █████ said he fired a few, unknown amount. After the shooting stopped, █████ grabbed his pants, coat and peeked outside of the sliding door with just his head and yelled "knock it off fuckers!" █████ didn't see anyone so he leaped off the deck and ran off. Detective Harpham asked about the night vision glasses. █████ said that was stashed elsewhere. Detective Harpham asked if he grabbed the shoulder holster when he left, he said yes.

Detective Harpham asked where █████ went after the shooting. █████ said he walked towards Paradise Ridge. █████ said he could hear sirens. Detective Harpham asked if he knew he killed a cop.

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█████ said he hoped he missed because it was not like range shooting. █████ said he didn't look down his sights, but he never does when shooting. I asked █████ how far as a bird flies he went from his house. █████ said he made it down to Chemise Mountain Road in about an hour or two until dark. █████ said he didn't have a plan at the time. Detective Harpham said you had a go bag ready but didn't have a plan past escaping. █████ said he didn't see the need for that, he plans for forest fires and other emergencies. █████ said the night vision was a great way to look on creepers at night and avoid trouble. █████ said he never had this contingency in mind. At some point while at Chemise Mountain Road, █████ said he thought he felt betrayed by everyone, and wondered who he could trust. █████ said he started making his way back towards his house. █████ said he knew the cops were probably at his house, but he was concerned about his dog. █████ came across law enforcement officers at Toth Road and Shelter Cove Road with their lights on. █████ went around those guys within about 20 feet. █████ said something didn't feel right about those guys, he was kind of scared so he didn't turn himself in to them. █████ thought to himself what am I going to do, he wasn't a cop killer. █████ said he has seen the police brutality on T.V. and had it on his mind when he was making his way back home. █████ said he discovered the S.W.A.T. cops in the greenhouse by the treehouse, so he thought he would sneak up to the treehouse and turn himself in. █████ said he was using his night vision glasses and could hear the cops stepping around in the greenhouse. █████ said after passing the cops on Toth at Shelter Cove Rad, he walked along the road all the way to his back fence where there is a hole in the fence. █████ said he walked up to the treehouse with his night vision on. █████ said he was going to the house to get some resolve, meaning he wanted to tell his story.

Detective Harpham said that story didn't make sense as there were places he could have call for help. Detective Harpham said he knew █████ was caught trying to sneak up on the S.W.A.T. cops when he was caught. █████ denied he was caught, he turned himself in. █████ stated he didn't really like the term, "turning himself in" as that would indicate he committed a crime. █████ said he preferred trying to get a hold of someone with a badge and enough people around. █████ said he was trying to figure out a way to approach the cops without being murdered. Detective Harpham told █████ that sneaking around the perimeter made no sense. I said I had a problem with the fact that █████ bypassed the cops at Toth and Shelter Cove Road, and then made his way onto his property while still armed with the same 10mm Glock pistol that he shot Deputy Cao with, that was irrational. █████ said he had the gun zipped up in his coat when he was taken into custody. I asked █████ if the Glock pistol was loaded when he was arrested, he said he didn't know. █████ and I both agreed that an unloaded pistol was a "fancy hammer" and therefore useless. █████ said he was searched 4 or more times then transported to Eureka.

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Detective Harpham explained what cognitive dissidence was to [REDACTED] explaining how if you flip a light switch on; you expect the light to turn on. Harpham said this was not cognitive dissidence. Harpham said the neighbors that were interviewed in this case all said they heard one string of shots, rather than shots with a pause then more shots. That did not match up with being shot at, diving inside to get his gun and returning fire which would have a pause. Harpham then went into the pattern of the ejected shells on the ground. Detective Harpham showed [REDACTED] the photograph of the scene with the casings on the ground, pointing to where they were located, and where [REDACTED] said Deputy Cao was standing. Detective Harpham showed [REDACTED] that there were no casings where they would be if Deputy Cao had been standing where [REDACTED] said he was. It would be cognitive dissidence that the casings would be in a predicted place. [REDACTED] said surmised that the wind blew the casings to where they were located. [REDACTED] got upset stating his window was shot out by Deputy Cao from where he was standing. [REDACTED] said "figure it out!" [REDACTED] said he has shot Glock's "a million fuckin' times" and has watched where the casings land, demonstrating shooting and looking over his shoulder. [REDACTED] showed where the cases landed in the area of the rear and right. At this point [REDACTED] and I got into a contentious argument over where the casings were located. I told [REDACTED] I was throwing the "bullshit flag" based on the fact that [REDACTED] said he was 6-10 feet back from the door when he saw Deputy Cao's full body outside. I believed that it was impossible for [REDACTED] to see all of deputy Cao based on the fact that Deputy Cao is 5'-08" tall, and [REDACTED] said he was at least 10 feet including the distance of the mud room which is around 4 feet off the ground at the floor. [REDACTED] then said he saw Deputy Cao's torso. [REDACTED] contended he saw Deputy Cao standing on the gravel.

Detective Harpham told [REDACTED] that he believed that [REDACTED] saw Deputy Cao by the door, then retreated back to his bedroom with his gun, or he obtained his gun. After obtaining the gun, [REDACTED] walked out onto the porch where he started shooting at Cao. Deputy Cao retreated back. Sgt. Swithenbank was back at the mud room where he started shooting back, along with Deputy Cao. Detective Harpham said that was why there were bullet holes through the handrail on the stairs of the mudroom. Based on the physical evidence that was what the facts were. [REDACTED] repeated he never knew Sgt. Swithenbank was there, he never saw him. Detective Harpham said the physical evidence showed he was not telling the truth. [REDACTED] went back to how the strong wind has knocked very heavy items over on his property. [REDACTED] believed the wind blew the casings across the yard, indicating the wind would have been blowing from northeast to southwest. Detective Harpham brought up bullet trajectories that D.O.J. had mapped. The trajectories matched with where the casings would have been ejected by a Glock pistol. Detective Harpham told [REDACTED] he was lying and that was why he didn't want to take lie detector test. [REDACTED] then said maybe Deputy Cao was standing on the gravel. Detective Harpham said he had physical evidence that showed [REDACTED] was lying. [REDACTED] asked why Swithenbank was standing behind the wood shooting at what he couldn't see.

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Detective Harpham said that was called cover fire. [redacted] then went to saying he thought we must have talked to his neighbor [redacted] he would say anything. Detective Harpham said I'm starting think you're going to have a problem if [redacted] stuck with his story. [redacted] asked who cared if deputy Cao was standing 10 feet from where [redacted] said Cao was standing. Detective Harpham said he cared. [redacted] said it happened in a split second so he wasn't sure. I reminded [redacted] that he stated the day before that he was looking straight down the barrel of a 45. I believed that he would not have had time to see it was a 45 if it happened to fast to be sure.

I explained how the trajectory of a bullet worked and asked [redacted] agreed with my definition, he said yes. I explained again that D.O.J. mapped the trajectories of every round the cops fired. All the rounds were accounted for with the shell casings and the bullet holes. I explained that none of the trajectories matched where [redacted] said Deputy Cao fired from. Detective Harpham showed [redacted] a picture of the scene at this time and said again that [redacted] was lying. [redacted] said Deputy Cao shot out the sliding glass door, not Sgt. Swithenbank.

Detective Harpham demonstrated how 4 of [redacted] shell casings probably bounced off the wall where they landed on the porch. I told [redacted] that he was going to look foolish in court when the map of the trajectories showed he was lying. [redacted] said Deputy Cao shot out the glass door while he was standing on the porch. [redacted] said he saw Deputy Cao make that shot. [redacted] asked if Deputy Cao was shooting a 45 and asked if the barrel was stainless steel as it was shiny. I told [redacted] it was a standard issue Glock barrel. I asked [redacted] if we could agree that he hadn't been 100% honest, [redacted] said he didn't agree. I told [redacted] that evidence and science do not lie. Detective Harpham said he believed and the evidence will show that [redacted] stepped out on the porch and opened up on Deputy Cao when he stepped into his line of sight from his secondary shooting position on the porch. Detective Harpham reiterated that [redacted] was going to have a problem when this case was submitted in court. Harpham also stated if the cops' statements don't match the evidence, they too would have a problem. Harpham asked [redacted] at what point do you become a good person and own up to it. Harpham asked, is it when you are found guilty? Are you going to say something like, I was having a bad day, I thought I was going to be killed. [redacted] said "yea that's what I thought." [redacted] went back to the lack of trust between him and Sgt. Swithenbank and law enforcement. Detective Harpham said all of the uninvolved witnesses described a continuous string of shots, rather than and break in the shots as would have matched [redacted] story. [redacted] maintained the same story, and then said it didn't matter if Deputy Cao was standing at the gate when he shot. Detective Harpham said he understood how [redacted] felt that he had been the victim of shenanigans by law enforcement and how he was under a lot of pressure. Now the cops were coming to take everything away from him again. [redacted] said he waited 7 years to get the "leaches off his back." If [redacted] came to the door with a gun he knew

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that would not end well so he did not do that. Detective Harpham told [REDACTED] that cops get killed serving eviction papers. [REDACTED] said not at my house. [REDACTED] then went back to talking about the strong wind possibly blowing the shell casings around. [REDACTED] asked what the trajectory of the round that took out the sliding glass door. [REDACTED] asked if I thought he wanted to go to jail. I explained how people commonly mitigate their actions when faced with consequences. I also explained that [REDACTED] articulated his actions better than a lot of cops do.

[REDACTED] brought up the SWAT cops walking around that night. [REDACTED] hypothesized that the SWAT cops may have tracked the casings. I asked [REDACTED] if he reloaded ammunition or had picked up spent casings, he said he used to but not anymore. I discussed with [REDACTED] that when someone is shooting several rounds they will step or kick the casings. If the casing is kicked or stepped on the casing will be squashed or scarring. None of the casings found matched that description. [REDACTED] said maybe they weren't tracked, but went back to the wind blew the casings around. Detective Harpham brought up the fact that Sgt. Swithenbank's casings would have been blown over by the retaining wall using [REDACTED] theory, they were not. Harpham brought up the fact that the casings were located where the trajectories showed they would be found. Again Detective Harpham said [REDACTED] was not being truthful and he was going to have a problem in court with his statement not matching the evidence. Detective Harpham said he understood why [REDACTED] "bush wacked" Deputy Cao because every time [REDACTED] felt like the cops kept coming at him and lost every time. Harpham said he didn't agree with that action. [REDACTED] asked why Swithenbank was not in jail then. [REDACTED] said the reason why he wrote the letters to [REDACTED] was so hopefully he would get a fair shake with Swithenbank. Harpham said attorneys only cared about being paid and didn't care what [REDACTED] said until they got paid. Harpham brought the conversation back to the incident at hand and said [REDACTED] shot at Deputy Cao then Cao fired back. [REDACTED] said again he did not fire first. [REDACTED] got upset and yelled "he tried to murder me goddamn it!" Harpham said he wished he had physical evidence to support that, then Deputy Cao would be getting grilled. Harpham said if he had evidence of Sgt. Swithenbank committing a crime he should have gone to the D.A.'s Office with the evidence. Sgt. Swithenbank would have been arrested then if there was evidence of a crime.

I asked [REDACTED] how old his son was, [REDACTED] said [REDACTED]. I asked [REDACTED] how his son was going to feel when it comes out in court that he was lying. I explained that his son was going to pay the price through peer pressure in the community. [REDACTED] said his son has already suffered and his family has been destroyed. I explained how a bad decision was just that. Continuing to do bad things was called a character flaw. If this incident was just a bad decision, I got that.

Detective Harpham said he was now leaving [REDACTED] as a liar, rather than a man who owned up to his

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actions. At this time, [REDACTED] was placed back in to the handcuffs and walked back towards the HCCF.

While walking back to the HCCF through the office, I noticed that [REDACTED] pace was extremely slow compared to the other times I had walked with him. [REDACTED] and I got to the edge of the C.I.D. portion of the office when he said he had to tell me something. I told [REDACTED] I didn't want to hear another word out of his mouth until we got back into the interview room. [REDACTED] said he understood. I walked [REDACTED] back into the interview room at 1431 hours. The audio/video was still running as it had not been turned off.

I confirmed with [REDACTED] that I instructed him not to talk until we were back in the interview room. [REDACTED] asked if he had to wear the handcuffs. The handcuffs were once again removed. [REDACTED] said he was afraid to say what he had to say, very afraid. [REDACTED] started with "Yea I did shoot at him." "when I got out on the porch, I did shoot at him." " I was afraid that fucker was there to kill my ass, it no uncertain terms." [REDACTED] said he had been driven insane by the hell he had been put through. [REDACTED] stated it has been over 7 years, he has written letters, he believed the sheriff's office was there to kill him. "What's a guy supposed to do, you're goddamn right I stepped out there and opened up, I'm sorry that I lied, but I feel like I've been reduced to that because I feel I can't trust the fuckin' cops!" "And that's a bad feeling, because I wanna be able to trust cops!" [REDACTED] stated he didn't like no telling truth, but he was afraid. At this point, [REDACTED] broke down and began crying with his hand on his forehead. [REDACTED] said, "you saw the strobe lights!" [REDACTED] indicated the strobe lights wrecked his family.

Detective Harpham asked [REDACTED] to tell us what happened. [REDACTED] said Deputy Cao walked up and knocked on the door. [REDACTED] said he came out with his gun just like we had been theorizing. [REDACTED] said get the fuck out of my yard! Deputy Cao began to draw his gun with [REDACTED] pulling his gun out. [REDACTED] said Deputy Cao didn't see [REDACTED] gun because of the solid railing on the porch. [REDACTED] said he was looking down the barrel of Deputy Cao's gun before he stuck his gun over the deck. [REDACTED] said he was "coming clean," because he has a conscious and a child he would like to spend some time with him. "Somebody would have to fuckin' push me hard in order to get me to come out with a gun Goddamn it!" [REDACTED] said he has a gun so he wouldn't need one was his mind set. [REDACTED] went back to the [REDACTED] case and how corrupt Sgt. Swithenbank was. [REDACTED] said the last time he made a statement, they tried to kill him. [REDACTED] then began to cry again saying he would never try to kill him, meaning Deputy Cao. I told [REDACTED] that now he has been truthful, he has redeemed himself. [REDACTED] said he was surprised he has held out as long as he has. [REDACTED] said he has thought he may have to go to Garberville and speak with Swithenbank to get some resolve. [REDACTED] told Harpham and I that he doesn't think about shooting people, especially cops and wanted us to know that. [REDACTED] wanted Harpham and I to know that the shooting was an accident. [REDACTED] admitted he had pulled the trigger,

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but he was really afraid. [REDACTED] said he hoped Deputy Cao was ok and didn't want to go to jail.

Detective Harpham asked [REDACTED] if he pointed at Deputy Cao with his left hand while he was standing on the deck. [REDACTED] was unsure. [REDACTED] then stated if he was a cop and someone had yelled him like [REDACTED] did, he may have pulled his gun out. Detective Harpham asked [REDACTED] to confirm if Deputy Cao was drawing from his holster. [REDACTED] said by the time he got his gun up, Deputy Cao was already firing at him. Detective Harpham asked [REDACTED] if he may have the sequence of events mixed up due to the stress. [REDACTED] then stated "I got to be honest man, I don't recall who got the first shot off." Detective Harpham went back to the physical evidence and how Deputy Cao was shot and retreated. [REDACTED] said he did remember Deputy Cao shooting a retreating. [REDACTED] said he didn't want anything to do with a gun fight and that was why he yelled back to the cop to stop shooting.

[REDACTED] said he stuck his head out to run finding no one there, and then ran away from the property. [REDACTED] contended that he came back to his house to possibly use the phone. When [REDACTED] returned to his property, he walked up the hill under the treehouse, when he was spotted by the S.W.A.T. cops and taken into custody. [REDACTED] asked if we believed he didn't want to hurt Deputy Cao. Detective Harpham said he believed that [REDACTED] acted out of stress and anxiety. [REDACTED] again stated he didn't want to hurt Deputy Cao, and wanted us to know he was not a bully.

I showed [REDACTED] the photo again and asked him where Deputy Ca was standing when the shooting took place. [REDACTED] reaffirmed that he believed that Deputy Cao was standing on the wound up hose. I asked [REDACTED] where Deputy Cao was standing when he saw him at the mud room door. [REDACTED] pointed to the southeast corner. [REDACTED] said he should have dealt with his fear in a different way, but he was afraid. [REDACTED] said he felt like a new man since he had come out with the truth, as he felt really bad since the incident occurred.

Detective Harpham and I provided [REDACTED] our business cards and discussed having coffee with [REDACTED] at some point and ended the interview. I placed [REDACTED] back into double-locked handcuffs and walked him back over to the HCCF.

On 5-08-2014 at about 1010 hours, I was provided with HCSO report 201401808 written by Deputy C. Moore. Deputy Moore wrote about how on 4-21-2014 at 1156 hours, he and Corporal J. McCall went to [REDACTED] Kelly Road in Shelter Cove to serve the same domestic violence move out order that Sgt. Swithenbank and Deputy Cao were attempting to serve on 5-6-2014. Deputy Moore cited that [REDACTED] was on felony probation (C1006629BP3 and CR093529SP).

On 5-14-2014 at around 0830 hours, Arcata P.D. Sgt. Dockweiler provided the evidence report written by Arcata P.D. Evidence technician [REDACTED] I attached that report to this case. I was also provided

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a CD that was attached to the evidence report which I booked into evidence.

Disposition: Closed by report. Additional information will be submitted via supplemental report.

(Note: this report has not been fully proof read as of 5-19-2014 due to time constraints. A fully proofread report will be added to R.M.S. and submitted.)

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SUPPLEMENT 2 - SUPPLEMENTAL REPORT - NEGOTIATIONS

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On 05/06/2014 at about 1520 hours I was notified of a deputy involved shooting in Shelter Cove and I was to report for a Crisis Negotiation call out.

I was advised by Lt. KNIGHT to get an additional negotiator and notify mental health personnel of what was occurring and put the mental health workers on stand by for a call out. I contacted Deputy Julie OLIVEIRA, (OLIVEIRA), who is a crisis negotiator and asked OLIVEIRA if she was available for a negotiator call out and she told me that she was. I then began calling mental health workers and was able to make contact with [REDACTED] both of which have trained in crisis negotiation situations. After confirming that they were both available for call out I advised them that they were on stand by and that I would call them back when I had further information.

I was called by Sgt. Ernie STEWART, STEWART gave me the location where he wanted the negotiation team to meet and told me to notify the mental health personnel which I did.

At about 1638 hours, OLIVEIRA, and I, along with S.W.A.T. Team member Deputy K. HOLT responded to the Shelter Cove area, arriving on scene at about 1820 hours. OLIVEIRA and I met with Sgt. STEWART and Sgt. STEWART told me that since I had prior experience and dealings with the [REDACTED] that I should be primary negotiator and OLIVEIRA should be secondary. Sgt. STEWART directed OLIVEIRA and I to set up our negotiation equipment in the rear of the Sheriff's office command van and stand by for further directions which we did. Shortly after getting the negotiation equipment set up mental health workers [REDACTED] arrived on scene. OLIVEIRA, [REDACTED] and I discussed possible negotiation strategies, and knowledge of the [REDACTED] told me that she was also very familiar with [REDACTED] from his previous times in jail. We then awaited further instructions from Sgt. STEWART.

Sgt. STEWART eventually provided me with a phone number to the residence where [REDACTED] was believed to be. The phone number was [REDACTED]

At about 1950 hours, we were given the "go ahead" to begin making calls to the residence. At about 1955 hours, I made the first of several calls to which there was no response. For a complete list of call times and responses please see the negotiation log which I booked into evidence as evidence.

At about 2200 hours, Lt. Kym THOMPSON told OLIVEIRA, [REDACTED] and myself to go home for the night and report back to the command van at 0800 hours on 5/7/2014.

At about 0815 hours, on 5/7/2014, OLIVEIRA and I arrived back at the shelter cove area and were told that [REDACTED] had been caught earlier in the morning. I then collected our negotiation notes and later booked them into evidence as evidence.

CONTROLLED DOCUMENT

Prepared By: 1351 AKANA, JASON

Date: 05/09/2014

Approved By: 1025 MILLER, KEVIN A

Date: 05/09/2014



HUMBOLDT COUNTY SHERIFF'S OFFICE

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

201402046

SUPPLEMENT 7 - LT MOREY'S INTERVIEW.

On 05-08-2014 at about 0845 hours, EPD Investigator R. Harpham and I met with HCSO Lt. Dave Morey in his office. We conducted an interview with Lt. Morey to ascertain what was told to him as a Public Safety Statement from Sgt. K. Swithenbank. Below is a synopsis of that interview, which is to be used as an investigative aid for the investigator of this case. This interview was audio recorded, utilizing my digital recorder then downloaded to CD and entered into evidence. For full details regarding this interview see evidence CD.

Lt Morey told us he first heard about the incident while sitting in Undersheriff Honsal's Office listening to radio traffic. It was decided that Lt. Morey and Lt. K. Thompson would respond as a single unit to the incident location, arriving at about 1700 hours. Lt. Morey advised upon his arrival Deputy Cao had already been evacuated from the incident location and was either en-route to St Joseph's Hospital via CHP helicopter or just about ready to leave from the Shelter Cove Airport. Morey said he located Sgt. Swithenbank and several other Deputies from this office, Henderson, Filippini, Tomlin, Mathieson and possibly others but wasn't sure, at the intersection of Toth Rd. and Kelly Road. Lt. Morey said, there had been no perimeter set up around the suspect's residence prior to his arrival, although shortly after he arrived Sgt. K. Miller and Deputy Mowrey arrived and began to suit up for a type of reconnaissance of the residence. During this portion of the interview Lt. Morey remembered that Sgt. B. Quenell was also on scene, upon his arrival. Lt. Morey stated, prior to obtaining a public safety statement from Sgt. Swithenbank. Sgt. Swithenbank showed Lt. Morey that Deputy Cao's soft body armor with imbedded bullet and other personal items of Deputy Cao's were inside a plastic bag located in the back seat portion of Sgt. Swithenbank's patrol vehicle. Swithenbank informed Lt. Morey that Deputy Cao had been shot and that Deputy Cao had a small laceration in his right breast from the incident.

Prior to Lt. Morey telling us what Sgt. Swithenbank told him, Lt. Morey advised us, either the day of 05-05-2014 or 05-06-2014, Sgt. Swithenbank and Sgt. Miller were supposed to switch duty's. Sgt. Swithenbank had approached Lt. Morey and asked if he could postpone the switch for some time, so he could complete some follow-up in the Shelter Cove area. Lt. Morey vaguely remembers Sgt. Swithenbank possibly mentioning needing to be the one to serve [redacted] with some civil papers because he had a rapport with him. Lt. Morey recalls hearing Sgt. Swithenbank on "E repeater" doing stuff in the Shelter Cove area all day, not related to this incident. Lt. Morey remembers hearing Sgt. Swithenbank putting out a "code 33" (restricting radio traffic) request on the radio. Lt. Morey asked Sheriff Downey what the "code 33" was for and was told, Sgt. Swithenbank and Deputy Cao were doing an eviction in Shelter Cove. At the time Lt. Morey was not aware the eviction/restraining order was for [redacted] and he thought Sgt. Swithenbank and Deputy Cao were assisting the Civil Deputies with the service of the restraining/move out order. Lt Morey stated that Sgt. Swithenbank told him, he and Deputy Cao had talked about strategies and tactics in preparation for the service of the civil papers and the potential for resistance/violence. Sgt. Swithenbank told Lt. Morey, they approached [redacted] residence from a side entrance. When they approached the side door to the residence, Sgt. Swithenbank knocked on the side of the house and requested [redacted] to come to the door. At some point [redacted] came to one of the doors (unknown which one) and then retreated back inside the residence. Sgt. Swithenbank told Lt. Morey he never saw [redacted] during the incident but recognized his voice. [redacted] came to an undisclosed door and engages Deputy Cao in conversation. Sgt. Swithenbank told Deputy Cao to watch [redacted] hands. Shortly after telling Deputy Cao to watch [redacted] hands an exchange of gun fire had occurred. Sgt. Swithenbank said he didn't know if Deputy Cao fired first or if it was [redacted] Sgt. Swithenbank said Deputy Cao fired at least one round. Sgt. Swithenbank said he returned fire at

CONTROLLED DOCUMENT

Prepared By:

1394 FULTON, TODD

Date:

05/22/2014

Approved By:

0896 FREESE, DIANA M

Date:

06/03/2014



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

SUPPLEMENT 7 - LT MOREY'S INTERVIEW.

201402046

██████████ suspected location with an unknown number of rounds. After this burst of gunfire Sgt. Swithenbank and Deputy Cao retrograded the scene by climbing off a large retaining wall located next to the residence's right side and exiting the property, returning to their patrol vehicle.

No other information was obtained by Lt. Morey in regards to this case. This synopsis report is an investigative aid for the investigator in this case.

Nothing further.

CONTROLLED DOCUMENT

Prepared By:
1394 FULTON, TODD

Date:
05/22/2014

Approved By:
0896 FREESE, DIANA M

Date:
06/03/2014



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201402046

SUPPLEMENT 3 - S.W.A.T. CALL OUT

On 05/06/2014 at approximately 1520 HRS, the Humboldt County Sheriff's Office Special Weapons and Tactics Team was dispatched to [redacted] Kelly RD in Shelter Cove, CA for an officer involved shooting. Information received from Dispatch was that two deputies were fired upon with a hand gun by (S) [redacted] and the deputies had returned gun fire with the [redacted]

Sergeant Quenell briefed the team on the mission. The S.W.A.T. Team's mission was to surround the residence located at [redacted] Kelly RD and establish a perimeter in order to secure the residence for negotiations. A search warrant was signed for the residence at [redacted] Kelly RD and an arrest warrant had been signed for [redacted]

Assignments: Sergeant Quenell was the tactical commander on scene.

Team One: Sergeant Ireland, team leader
Officer T. Braud, assistant team leader

Team Two: Sergeant Miller, team leader
Deputy J. Braud, assistant team leader

Deputy Massaro was assigned as the Team Medic. Corporal Barney and Deputies Brawner, Gomes, Mowrey, Jager, Holt and Officers Sopoaga and Omev were assigned to perimeter.

Elements of Mendocino County Sheriff's S.W.A.T. Team arrived to assist with extended operations.

The residence was a three story residence with the first floor exposed at the front of the house and underground at the rear of the house.

The perimeter was established around the residence at approximately 2000 Hrs. Several phone calls were made into the residence by the negotiation team. Perimeter Units were able to hear the phone ringing from inside the residence; however, no contact was made. At approximately 2100 Hrs, Perimeter Units inserted a remote controlled robot (Avatar) through a broken sliding glass door on the west side of the house which was the rear facing area of the residence. Deputy Massaro operated the Avatar and began checking the residence for occupants. No occupants were located on the first floor or the second floor. The Avatar was unable to climb the stairs to the third floor. Deputy Massaro made a total of eight surrender announcements using the Avatar's public announcement system over the span of fifteen minutes. There was no response to these announcements. A large dog was scene roaming the interior of the residence.

At approximately 2300 HRS, Mendocino S.W.A.T. Team took over the perimeter responsibilities. On 05/07/2014 at approximately 0320 HRS, Sergeant Quenell announced that Mendocino S.W.A.T. was in contact with [redacted] [redacted] Mendocino S.W.A.T. Team detained [redacted] in handcuffs. [redacted] was taken into custody by the Humboldt County S.W.A.T. Team. [redacted] was in possession of 10 mm Glock hand gun and night vision goggles at the time of arrest.

On 05/07/2014 at approximately 0723 HRS, the Humboldt County S.W.A.T. Team made entry into the residence at [redacted] Kelly RD. Deputy Mowrey knocked and gave verbal notice prior to entry. H.C.S.O. S.W.A.T. Team checked the residence and found no subjects inside. H.C.S.O. S.W.A.T. maintained scene security.

At approximately 1000 HRS, the crime scene was turned over to Lieutenant Hanson and D.A. Investigator Cook.

No further action taken.

CONTROLLED DOCUMENT

Prepared By:	Date:	Approved By:	Date:
1340 IRELAND, KERRY	05/11/2014	0896 FREESE, DIANA M	06/03/2014



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

201402046

SUPPLEMENT 4 - SUPPLEMENTAL INFO

On 05-06-2014 I was assigned to assist Investigator G. Musson on an officer involved shooting that had occurred earlier that day. Deputy B. Cao and Sgt. K. Swithenbank of the Humboldt County Sheriff's Office were in the process of serving [REDACTED] with a DV Restraining Order accompanied with a Move-Out Order. Sgt. Swithenbank and Deputy Cao, located [REDACTED] at his residence, located at [REDACTED] Kelly Rd., in Shelter Cove. As Sgt. Swithenbank and Deputy Cao attempted to contact [REDACTED] at the residence, [REDACTED] opened fire on Sgt. Swithenbank and Deputy Cao, hitting Cao with a single round on the left chest portion of his person. Deputy Cao was to be transported to St. Joseph's Hospital in Eureka via, CHP helicopter.

A briefing at the Sheriff's Office, Criminal Investigation's Bureau was conducted and assignments were made. EPD. Detective J. Gordon and DA. Investigator M. Kirkpatrick were assigned to respond to the initial scene and contact Sgt. Swithenbank for a Public Safety Statement and to collect any items of evidence from Sgt. Swithenbank. EPD. Investigator R. Harpham and I were assigned to respond to St. Joseph's Hospital and contact Deputy Cao for a public Safety Statement and to collect any items of evidence.

As per policy I obtained two Glock firearms from the Sheriff's armory.

1. Serial number [REDACTED] replacement firearm for Sgt. Swithenbank. This firearm was given to Investigator Kirkpatrick to give to Sgt. Swithenbank after obtaining the firearm used during the shooting.
2. Serial number [REDACTED] replacement firearm for Deputy Cao.

Investigator Harpham and I meet with Cao at the hospital to assess his wellbeing and to obtain a public safety statement from him. Deputy Cao appeared to be coherent and was willing to provide us with the necessary items and statement. While being assessed by nursing staff at the hospital, Investigator Harpham obtained a brief Public Safety Statement from Deputy Cao. We also obtained Deputy Cao's loaded duty belt, uniform pants, undershirt, Danner patrol boots, pair of black socks, Sheriff's badge, a partially loaded Glock magazine that Cao had removed from his left cargo pant pocket, pocket calendar and a vial of blood obtained from a blood draw. All above mentioned items were retained as evidence and entered into the Sheriff's Office evidence storage facility. Photographs of Cao and his injuries were taken at the hospital. These photographs were downloaded to CD and entered into evidence. For the full Public Safety Statement and further information regarding contact with Deputy Cao, see Investigator R. Harpham's report. I offered Deputy Cao the replacement firearm I had previously obtained from the armory. Deputy Cao declined the firearm at this time and stated he

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Prepared By: 1394 FULTON, TODD

Date: 05/15/2014

Approved By: 0896 FREESE, DIANA M

Date: 05/20/2014



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SUPPLEMENT 4 - SUPPLEMENTAL INFO

201402046

would take it at a later date.

On 05-07-2014 at about 0005 hours, Sgt. Swithenbank's vehicle arrived at the Sheriff's Office. Sgt. Swithenbank's vehicle was collected at the scene and sealed closed by Investigator G. Musson. It was learned at the scene of the incident that Sgt. Swithenbank's vehicle contained, Deputy Cao's vest and other items of potential evidence. The vehicle was being towed by Brown's Towing of Myers Flat. After the vehicle was removed from the towing dolly I cut the evidence tape on the driver's door. This was done so I could drive the vehicle into the Sheriff's Office basement where it could be secured. I parked the vehicle in front of the basement evidence room. The vehicle was locked closed, I then resealed the driver's door with evidence tape, signing and dating it, this was done at 0109 hours. It should be noted that Detective Gordon and Investigator Kirkpatrick had returned to this office and Detective Gordon was present during the unsealing, parking and resealing of Sgt. Swithenbank's vehicle.

On 05-07-2014 at 1225 hours, Sgt. D. Freese of this office gave knock notice at the [REDACTED] Kelly Rd., residence. Entry was made into the residence to assure safety. No other persons were located inside or outside the residence during the initial entry. The below persons were on scene during the search of the residence and incident location. Sgt. D. Freese, DOJ personnel Kay Belschner and Matt Kirsten both senior criminalists, APD Sgt. T. Dockweiler, DA Chief Investigator W. Cox, ADA L. Brownfield, EPD Officer T. Jones, HCSO US. W. Honsal, HSUPD Evidence Technician Z. Mendoncia, APD Evidence Technician [REDACTED] and myself. Officer Jones and Under Sheriff Honsal conducted a Total Station examination of the shooting location with the assistance of Chief Cox. DOJ personnel conducted a forensic examination of the shooting location while Sgt. Freese, Sgt. Dockweiler, HSU ET. Mendoncia, APD ET [REDACTED] and I searched the residence for additional evidence. All evidence was documented and collected by [REDACTED] and retained by me. See their respective reports for further evidentiary information.

In the backyard portion of the property, approximately 40' from the exterior of the residence, I located an approximate 20'X40' greenhouse. Inside the green house I located and removed 2041 green growing marijuana plants. These plants ranged in height from 2"-5". These plants were of seed origin based on the presence of a tap root. The plants were being grown in individual plastic grow trays filled with a commercial grade potting soil throughout the greenhouse. These plants were being hand watered and appeared to be healthy and pest free. Bases on the size of the plants, (immature) and the nature of them being grown from seed, they had not reached the size where they could be sexed (normally only the female plant is retained). The greenhouse's environment was maintained by utilizing and exterior fan which would control the heat in the greenhouse to maintain optimal growing conditions. While removing the marijuana plants from the greenhouse, I could hear the sounds of Law

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Prepared By:
1394 FULTON, TODD

Date:
05/15/2014

Approved By:
0896 FREESE, DIANA M

Date:
05/20/2014



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SUPPLEMENT 4 - SUPPLEMENTAL INFO

201402046

Enforcement radio traffic. Upon investigation of this noise I located an operating Radio Scanner within a small treehouse type structure located approximately 10' behind the greenhouse. I photographed the greenhouse and its contents as well as the treehouse and scanner. These photographs were downloaded to CD and entered into evidence. From inside the residence pertaining to the possession for sale of marijuana, I located 19 black plastic bags containing unprocessed (needing to be trimmed) marijuana bud. These bags had a combined weight of 51 lbs. GFW (evidence #s 2R203, 2R406 and 3R301). Also pertaining to this incident I located inside the residence a digital scale with packaging materials and labels (evidence # 2R403), a Food Saver vacuum sealer (evidence # 2R404) and saver bags (evidence # 2R405), 8 1lb. bags of processed marijuana bud (evidence #s 2R401 and 3R301) and two additional smaller turkey bags containing .75 lbs. of processed marijuana bud (evidence # 2R402). The unprocessed marijuana buds in the black plastic bags were weighed and entered into evidence for destruction at the Sheriff's boat shed. The 2041 marijuana plants were retained as the bulk sample of marijuana and entered into evidence at the Boat Shed. The scales, packaging materials and processed marijuana bud were retained as evidence and entered in as such at the HCSO evidence section. A destruction order was completed along with attached evidence labels for the marijuana to be destroyed.

During the continued search of the property I locate a blue in color Ford F250 diesel pickup hidden in the brush, trees just south of the residence's exterior fencing believed to be still on the property. It should be noted that I have on numerous occasions seen this vehicle associated with [REDACTED] I also knew from previous encounters with [REDACTED] that the backseat of this truck had been removed and a large lock-box type contained had been installed in its place. Upon review of the search warrant it was discovered that this vehicle was covered under the warrant. Sgt. Dockweiler and I opened the rear doors of the truck and located the lock-box. It was locked with padlocks. Sgt. Dockweiler remembered seeing keys within the residence that appeared to resemble the locks on the box. Sgt. Dockweiler retrieved the keys which were a match for the locks. I photographed the truck in its location and the interior of the truck. These photographs were downloaded to CD and entered into evidence. Inside the box I located and removed as evidence two large canvas style duffle bags. Inside these bags, I located a Benelli 12 gauge shotgun, ser# [REDACTED] 6 bags of 12 gauge ammunition, 3 boxes of 10mm ammunition, indicia for [REDACTED] [REDACTED] new Passport, misc paperwork, a loaded with 8 rounds of 10mm Glock magazine, head mount for night vision goggles, a black holster for Glock handgun, a sandwich size Ziploc baggie containing marijuana seeds, and two belt clips. All above mentioned items were entered into evidence.

On 05-14-2014 at about 1340 hours, I was contacted by APD Sgt. T Dockweiler who advised me the video and evidence report from the involved officer walk through, which had been conducted on

CONTROLLED DOCUMENT

Prepared By: 1394 FULTON, TODD

Date: 05/15/2014

Approved By: 0896 FREESE, DIANA M

Date: 05/20/2014



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SUPPLEMENT 4 - SUPPLEMENTAL INFO

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05-13-2014 was completed and ready for pick-up. I responded to APD and collected the report and CD containing the video from Sgt. Dockweiler. I provided the report to our records department to have it scanned into this case file. I entered the DVD into evidence.

This report is to be used and an investigative aid for the investigating officer.

CONTROLLED DOCUMENT

Prepared By:
1394 FULTON, TODD

Date:
05/15/2014

Approved By:
0896 FREESE, DIANA M

Date:
05/20/2014



Humboldt County Sheriff's Office

Case #: 201402046

Supplemental Report

On 05/06/2014, at about 1540 hours, I became aware of an officer involved shooting incident that was unfolding in the Shelter Cove area of Humboldt County. I had been listening to the radio transmissions of Sgt. Swithenbank indicating shots had been fired. I became aware that Sgt. Swithenbank and Deputy Bang Cao were at [redacted] Kelly Road in Shelter Cove serving a civil eviction on [redacted] [redacted]. I later learned that Deputy Bang Cao had been shot in the chest and was being air lifted to St. Joseph Hospital for treatment. The scene was eventually contained and the SWAT Team was activated.

The CIRT team was activated. A briefing took place in Humboldt County Sheriff's Office Criminal Investigations Division those present were Eureka Police Department Senior Investigator Ron Harpham, Eureka Police Department Investigator John Gordon, Humboldt County DA Investigator Kirkpatrick, DAI Investigator Bernstein, HDSO Investigator Musson, HDSO Investigator Fulton, Lt. Wayne Hanson and I. Arcata Police Department Sergeant Todd Dockweiler and DOJ Criminalists were notified but not asked to respond but be on standby for call out. See investigator Munson's Report for details.

On 05/07/2014, at 0330 hours, I was notified that the [redacted] [redacted] had been taken into custody near his home in Shelter Cove. It was decided he would be transported to the hospital for a legal blood draw, and then to the Humboldt County Sheriff's Department where he was to be interviewed. Investigator Musson and Investigator Harpham were to meet at the office to conduct the interview. I responded to the office and meet with Investigator Musson and Harpham. I stood by for any assistance they needed. See Investigator Musson's report for details.

At 0830, I met with DOJ [redacted] DOJ [redacted] APD Sergeant Todd Dockweiler, US Honsal, Lt. Hanson, DA Investigator Chief Wayne Cox, Investigator HSO Todd Fulton, DA Investigator Cook DIA Kirkpatrick, and Investigator John Gordon were briefed on the case. Assignments were made; see their respective reports for details. A search warrant was obtained by the DA's office for [redacted] Kelly Road, Shelter Cove. APD Evidence Technician [redacted] and HSU Evidence Technician [redacted] were called to respond to assist in collection of evidence from the home. DOJ was going to process all the evidence outside the home related to the shooting.

We all arrived at the home which was being secured by SWAT team members. At 1225 Hours, I performed knock notice on the door of the home. I knocked on the door of the home announced "Sheriff's office search warrant," several times and entered the home. See APD [redacted] report for details on the service of the warrant. See the evidence photographs taken by DOJ and APD for a full description of the home. See attached

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Prepared By:	Date:	Approved By:	Date:
0896 FREESE, DIANA M	05/20/2014	0330 HANSON, WAYNE E	06/11/2014



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SUPPLEMENT 5 - SUPP.

201402046

search warrant inventory list for a list of items collected from the home and the surrounding area. Myself and Investigator Fulton transported the items collected to the office and to the Humboldt County Sheriff's Office boat shed. The items were secured in a locked sealed office and were booked into evidence the following day. Items of evidence collected by DOJ were retained by them. See their reports for details along with the search warrant inventory forms.

It should be noted while I was walking around the property, below the tree house and to the west along a trail approx.. 20 yards from the tree house, I noticed a small rock in the dirt bank above the trail. The rock appeared to be out of place. I pulled on the rock and it came out of the dirt in a fashion that I could see under the rock. I noticed a pressure treated wood 2x4 and black plastic. I dug in the dirt a little more and found more wood and plastic. I had Investigator Fulton respond to my location. He photographed the area and we dug more. I found two white 5 gallon pain type buckets buried in the hill side. Inside the buckets, we located several rounds of ammunition. One bucket was full of 10 MM live bullets in boxes and the second bucket contained .308 live rounds in boxes.

At the conclusion of the service of the search warrant, I failed to put the buckets on the search warrant inventory form.

All further information will be made matter of report at a later time

Sgt. Diana Freese 0896

Reviewed by Lt. _____ Date _____

CONTROLLED DOCUMENT

Prepared By: 0896 FREESE, DIANA M

Date: 05/20/2014

Approved By: 0330 HANSON, WAYNE E

Date: 06/11/2014



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SUPPLEMENT 6 - SUPPLEMENTAL 7

On 5-12-2014 at about 1303 hours, Eureka Police Department Senior Detective Ron Harpham and I met with Deputy B. Cao and his legal representative, [REDACTED] for an interview in the C.I.D. conference room. This interview was recorded on audio and later copied onto CD and booked into evidence. I advised Deputy Cao of the Behealer admonishment and began the interview. (See Detective Harpham's report for details of the interview.) 3 photographs of the scene were provided to Deputy Cao as an aid in my investigation. I attached those 3 pictures to this report.

On 5-12-2014 at about 1441 hours, Detective Harpham and I met with Sgt. K. Swithenbank and his legal representative, [REDACTED] for an interview in the C.I.D. conference room. (See Detective Harpham's report for details of the interview.) 3 photographs of the scene were provided to Sgt. Swithenbank as an aid in my investigation. I attached those 3 pictures to this report.

On 5-13-2014 at around 1000 hours, I went to [REDACTED] Kelly Road in Shelter Cove to conduct a walk through with Sgt. Swithenbank and Deputy Cao. I met with Detective Harpham, Investigator Fulton, Arcata Police Department Detective Sergeant T. Dockweiler, A.P.D. Evidence Technician [REDACTED] and HCSO Deputy B. Brawner. Investigator Fulton had completed an operations plan for the service of the search warrant, which was completed by HCDA Investigator J. Bernstein. The search warrant was signed by the Honorable Judge D. Reinholtsen on 5-12-2014 at 1305 hours, for the property located at [REDACTED] Kelly Road. (See attached search warrant.)

Using the operations plan, I briefed the team on the safe service of the search warrant. At around this time, I noticed that [REDACTED] [REDACTED] had pulled up next to our location next to the radio tower on Toth Road. Investigator Fulton and I spoke with [REDACTED] who told me the following: [REDACTED] stated that she had obtained the domestic violence restraining/move out order against [REDACTED] [REDACTED] said she and her [REDACTED] son [REDACTED] had been living in fear for years with [REDACTED] who really wasn't living at [REDACTED] Kelly Road full time, but would break in, and come and go as he saw fit. [REDACTED] said [REDACTED] would throw objects towards her and her son, but didn't hit her or [REDACTED] [REDACTED] said [REDACTED] would break [REDACTED] things to intimidate him. [REDACTED] told Investigator Fulton and I that [REDACTED] had stolen her 10 mm Glock pistol from her, for which she filed a report with the HCSO. I later confirmed that HCSO case 201305901 was taken by Deputy A. Lagarda on 11-25-2013. This case shows that [REDACTED] reported her Glock 10 mm pistol, serial # [REDACTED] stolen, as well as documenting threats made against her by [REDACTED] This case was never filed by the HCDA's Office. I attached a copy of this report, as well as the A.F.S. form, District Attorney Felony Complaint Request form for P.C.422 and P.C.489(a) and the notice that charges were not filed.

[REDACTED] told Investigator Fulton and I that she was living in fear now, hoping that [REDACTED] was not going to get out of jail again. [REDACTED] said living with [REDACTED] was "like living with a hurricane," as she never knew what she was going to get from [REDACTED] as far as his behavior was concerned. [REDACTED]

CONTROLLED DOCUMENT

Prepared By: 1701 MUSSON, GREGORY

Date: 05/21/2014

Approved By: 0896 FREESE, DIANA M

Date:



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201402046

SUPPLEMENT 6 - SUPPLEMENTAL 7

confirmed with Investigator Fulton and I that she and [REDACTED] have not been in a romantic relationship for several years.

I informed [REDACTED] that we were there to conduct a walkthrough of the shooting incident with the involved Sergeant and Deputy, and had a signed search warrant. [REDACTED] said there had been an investigator at her residence the day before from the defense looking at the scene. [REDACTED] was very cooperative, and took Investigator Fulton and Deputy Brawner to her house at [REDACTED] Kelly Road, where she opened the mud room door, allowing Fulton and Brawner to enter the residence. [REDACTED] then left the scene until around 1300 hours.

At 1038 hours, I conducted knock notice on the mud room door and entered the residence clearing it of any occupants, finding none. I left a copy of the search warrant on the bed in the room adjacent to the sliding glass door. I noticed the bedroom adjacent to the sliding glass door had changed, as there was now a queen sized bed in the room.

Once the property was secured, Detective Harpham and I conducted the walkthrough with Deputy Cao and his legal rep, [REDACTED]. The walk through with Deputy Cao was videotaped by Arcata P.D. Evidence Technician [REDACTED]. After the walk through was completed with Deputy Cao, Sgt. Swithenbank walked down to the property from the radio tower. Detective Harpham and I conducted the walkthrough with Sgt. Swithenbank and [REDACTED] which was also videotaped by E.T. [REDACTED]. After completing the walkthrough with Deputy Cao and Sgt. Swithenbank, I briefed Assistant District Attorneys K. Neel and J. Pizzo, along with District Attorney's Office Chief Investigator W. Cox on the walkthrough. At 1308 hours, I turned the property back over to [REDACTED].

On 5-19-2014, I was advised by Investigator Fulton that A.P.D. Detective Sergeant Dockweiler had given the video tape of the 2 walk throughs to Investigator Fulton. Investigator Fulton told me that he had booked the video into evidence on 5-19-2014. (See Investigator Fulton's report.) (Refer to the video of the walk through for details of them.)

On 5-20-2014 at about 0845 hours, HCSO Investigator T. Fulton provided me with a Google Street View color picture of the front of [REDACTED] Kelly Road in Shelter Cove, CA, along with the Automated Firearms System entry forms for a Swarovski scope, serial number [REDACTED]. A Benelli Arms or Heckler and Koch 12 gauge shotgun, serial # [REDACTED]. Steyer Mannlicher .308 caliber rifle, serial # [REDACTED] and a Glock pistol, caliber 357 Sig, serial # [REDACTED] and the fax transmission page for the A.F.S. forms. I attached this paperwork to this case.

On 5-20-2014 at around 1530 hours, Detective Sergeant D. Freese provided me with copies of the

CONTROLLED DOCUMENT

Prepared By: 1701 MUSSON, GREGORY

Date: 05/21/2014

Approved By: 0896 FREESE, DIANA M

Date:



HUMBOLDT COUNTY SHERIFF'S OFFICE

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

SUPPLEMENT 6 - SUPPLEMENTAL 7

201402046

following Humboldt County Sheriff's Office reports with involvements with [REDACTED] [REDACTED] [REDACTED]

HCSO case 200702391, dated 4-30-2007, a P.C.664/187 with [REDACTED] listed as the [REDACTED] [REDACTED] listed as [REDACTED]

HCSO case 200904124, dated 6-23-2009, a P.C.247(b), P.C.246.3, P.C.594(b)(1) U.S. Coast Guard [REDACTED] [REDACTED] listed as [REDACTED] This case involved [REDACTED] shooting at the U.S. Coast Guard tower located next to [REDACTED] residence.

HCSO case 200904664, dated 7-13-2009, Informational report. S.W.A.T. service of search warrant at [REDACTED] Kelly Road. Contact with [REDACTED] [REDACTED] [REDACTED] and their son [REDACTED]

HCSO case 2010-6689, dated 10-13-2010, a H&S11358, H&S11359, P.C.12022(a), P.C.636.5, P.C.1203.2. [REDACTED] listed as [REDACTED]

HCSO case 201007618, dated 11-27-2010, a P.C.240/242, jail report. [REDACTED] and [REDACTED] [REDACTED] listed as [REDACTED]

HCSO case 201300490, dated 1-29-2013, a S.W.A.T. probation search, informational report. [REDACTED] [REDACTED] involved party.

HCSO case 201303564, dated 7-12-2013, investigation of radio tower shooting.. [REDACTED] [REDACTED] involved party.

I attached all of the listed reports to this report.

On 5-21-2014 at around 1115 hours, HCDA Investigator J. Bernstein provided me with the stamped search warrants and return as well as the stamped Ramey warrant that he had written for this case. (See attached.)

On 5-22-2014 at around 1115 hours, Investigator Fulton and I went to St. Joseph's Hospital in Eureka to obtain Deputy Cao's medical records for his gun shot injuries. I spoke to [REDACTED] at the records desk and provided her with the medical release form and my business card. [REDACTED] stated the records would be faxed to me in C.I.D. on Friday 5-23-2014.

On 5-22-2014 at around 1320 hours, I contacted property room technician [REDACTED] at the HCSO. I had [REDACTED] check out the Apple laptop computer, Item#2R201, to me. I completed a District Attorney Computer Forensics Lab Service Request and took the computer, and search warrant copy (SW1400172) to D.A. Investigator M. Perrone for a forensic download for the letter(s) to [REDACTED]

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201402046

██████████

On 5-22-2014 at around 1445 hours, I phoned ██████████ I asked ██████████ if he had received any letters from ██████████ I explained to ██████████ that ██████████ told me that ██████████ had been the prosecuting D.A. on the tower shooting case, and ██████████ claimed to have sent letters to him lately. ██████████ told me that he does not recall getting any letters from ██████████ and does not have any letters in his possession. ██████████ told me I should check with the district attorney's office to see if they may have been sent there.

On 05-28-2014 at around 1130 hours, Investigator Fulton and I went to St. Joseph's Hospital medical records section and met with employee, ██████████. ██████████ provided me with a copy of Deputy Cao's medical records stemming from his gunshot wound. I attached a copy of those records to this report.

On 5-29-2014 at around 1400 hours, I was contacted by HCDA Investigator Perrone who advised me that he had finished completing the forensic download of ██████████ Apple laptop computer. I went to Investigator Perrone's office where I was provided with the computer, CD and forensic report.

On Monday 6-2-2014 at about 0830 hours, I received a report via intra-office mail from H.C.D.A.'s Office Investigator M. Kirkpatrick regarding his involvement with this case. I also received a CD containing audio recordings from Kirkpatrick's interviews with ██████████ and ██████████. Also attached to this report was a handwritten map from Sgt. Swithenbank, and the blood draw request form for Sgt. Swithenbank. I attached the map, form and report to this report. (See report for details of Investigator Kirkpatrick's investigation.) I booked the audio CD into evidence.

On 06-05-2014 at about 0705 hours, I arrived at my office in C.I.D. where I found the dispatch recordings on CD's in my inbox. I had requested these recordings from HCSO dispatch supervisor ██████████. I later booked the CD's into evidence.

On 06-05-2014 at about 0906 hours, The Humboldt County C.I.R.T. convened for a meeting regarding this case at the HCSO, Criminal Investigations Office in Eureka. The following personnel were in attendance:

Humboldt County D.A.'s Office Chief Investigator W. Cox

H.C.D.A. Investigators J. Bernstein and M. Kirkpatrick

Arcata Police Department Sergeant T. Dockweiler

Eureka Police Department Senior Detective R. Harpham

CONTROLLED DOCUMENT

Prepared By: 1701 MUSSON, GREGORY

Date: 05/21/2014

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Date:



HUMBOLDT COUNTY SHERIFF'S OFFICE

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SUPPLEMENT 6 - SUPPLEMENTAL 7

201402046

California Department of Justice Criminalist [REDACTED]

Humboldt County Sheriff's Office Undersheriff B. Honsal

Humboldt County Sheriff's Office Detective Sergeant D. Freese

Humboldt County Sheriff's Office Investigator T. Fulton and me.

At the beginning of this meeting, Detective Harpham provided me with his, Officer T. Jones and Detective J. Gordon's reports. EPD case number 3C14-3952. (See attached reports for details.) During this meeting it was unanimously agreed upon, based upon the evidence found that Sgt. K. Swithenbank and Deputy B. Cao operated within the law and policy when they used deadly force against [REDACTED]. It was further agreed upon that the gear that was personally owned and department issued gear was to be returned to Sgt. Swithenbank and Deputy Cao with the exception of the firearms, ammunition, Deputy Cao's uniform and ballistic vest. Chief Cox stated he would confirm that would be ok with [REDACTED] attorney and prosecutor K. Neel. I received an email between [REDACTED] attorney [REDACTED] and Chief Cox confirming that would be ok. See attached e-mail.

On 06-05-2014 at around 1420 hours, I contacted HCSO property clerk, [REDACTED] and requested that he take Sgt. Swithenbank's duty pistol and backup pistol to DOJ. I also requested that Deputy Cao's duty pistol also be taken to DOJ.

On 06-09-2014 at about 1200 hours, I found the Department of Justice, Bureau of Forensic Services, Forensic Alcohol Analysis report for Deputy B. Cao in my office in box. This report is B.F.S. case number EU-14-000590-0002. The summary states as follows: The sample (item 125002_01) of Bang H Cao contained 0.00% (W/V) alcohol. This one page report was attached to this case by me.

On 06-10-2014, I provided all of the information I had regarding this case to the HCSO records section to be forwarded to the Humboldt County District Attorney's Office for their use.

On 06-12-2014 at 1408 hours, I received the Department of Justice, Bureau of Forensic Services, Forensic Alcohol Analysis report for Sgt. K. Swithenbank. This report is B.F.S. case number EU-14-000590-0003. The summary states as follows: The sample (Item 125003_01) of Kenneth Swithenbank contained 0.00% (W/V) alcohol. This one page report was attached to this case by me.

On 6-16-2014, I was advised by Lt. Hanson that the Department of Justice had completed their investigation into Sgt. Swithenbanks' Glock Model 22 and Model 27. Deputy Cao's Glock Model 22 had also been looked at by D.O.J. I was contacted by Deputy Cao who asked if he could obtain his equipment that was allowed to be released. I met with evidence property clerk, [REDACTED] and

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SUPPLEMENT 6 - SUPPLEMENTAL 7

201402046

Deputy Cao in the property room. [REDACTED] released the following items in my presence:

Item #16 Danner boots.

Item #13 HCSO Deputy badge.

Item #1 Duty belt with holsters.

Item #17 1 pair of blue socks.

Item #4 2 pairs of handcuffs.

Item #12 5 belt keepers.

Item #2 X26 Taser.

Item #5 Kenwood portable radio.

Item #3 O.C. spray.

Disposition: This report is a synopsis of events and findings of this investigation and is to be used as an investigative aid for the investigator in this case.

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Prepared By: 1701 MUSSON, GREGORY

Date: 05/21/2014

Approved By: 0896 FREESE, DIANA M

Date:



HUMBOLDT COUNTY SHERIFF'S OFFICE

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NARRATIVE - SUPPLEMENTAL [REDACTED] KELLY RD

201402046

On 05/06/2014, at approximately 1636hrs., I was contacted by a [REDACTED] near the Shelter Cove/Toth Rd. intersection in Shelter Cove. I had recently arrived in this staging area, with Deputy Filippini, in response to a Deputy receiving a gunshot wound at [REDACTED] Kelly Rd., Shelter Cove. This area had a CHP check point and vehicle's travelling east on Shelter Cover Rd. were stopped and contacted. The [REDACTED] asked if he was going to be able to get to Shelter Cove and I advised him that he would. This [REDACTED] walked to this location and identified himself as [REDACTED] stated he was doing work at a nearby residence and pointed toward the north. [REDACTED] also stated he had heard "a lot" of gunshots early from across the street. The street he was referring to was Shelter Cove Rd. and pointed toward the Kelly Rd address. [REDACTED] stated he did not think much of it, because he regularly hears shots over there. I asked [REDACTED] what "a lot" was? and he estimate approximately 5 gun shots. Based upon the description given by [REDACTED] the location of our conversation, and the direction of the incident location, I estimated [REDACTED] was several hundred yards to the north of the where the shots were coming from.

Next, Deputy Filippini and I responded to the incident location, where we provided perimeter security until the [REDACTED] [REDACTED] was taken into custody at approximately 0300hrs., by Mendocino County SWAT team members, on 05/07/2014. Deputy Filippini and I met with HCSO SWAT Members Massaro, J. Braud, and T. Braud, at [REDACTED] Kelly Rd., and [REDACTED] was transferred to our custody.

Deputy Filippini and I transported [REDACTED] to St. Joseph Hospital, 2700 Dolbeer St., in Eureka to obtain a blood sample. Once at this location, Deputy Filippini removed [REDACTED] from the rear of the patrol vehicle and he asked why were at the hospital. Deputy Filippini advised him we were here to have blood drawn. Deputy Filippini, I and Sgt. Fridley, who arrived on scene to assist, escorted [REDACTED] to the emergency room, we were directed to room #10 by hospital staff. [REDACTED] made statements that he thought, "you only came to the hospital to have your blood drawn if he had a DUI?" I told him we do it for theses types of cases as well and then [REDACTED] wanted to know what type of case? [REDACTED] asked why he was there and claimed he did not why he was arrested. I explained that we were investigating a report of shoots being fired at his residence and he stated,"oh." During the time at the hospital [REDACTED] made it known that he "turned" himself in. Besides asking for his date of birth, no other questions were asked by Sgt. Fridley, Deputy Filippini or I. Deputy Filippini released one handcuff from [REDACTED] so blood could be drawn by nurse [REDACTED] without incident.

When finished at the hospital, Deputy Filippini and I transported [REDACTED] to the Humboldt County Sheriff's main office in Eureka, where we met with Sgt. Freese, HCSO Investigator Musson, and EPD Detective Harpham. [REDACTED] was transferred to their custody.

The sample obtained from [REDACTED] was stored in the CID evidence refrigerator, prior to going off duty. The sample was sealed and signed with evidence tape prior to leaving. Returning to work on 05/07/2014, I entered the sample into FileOnQ and a barcode was applied. The sampled was returned to the CID evidence refrigerator.

Recommendation: attach to original

Case Status: closed

CONTROLLED DOCUMENT

Prepared By:	Date:	Approved By:	Date:
1949 HENDERSON, DESTRY	05/07/2014	0837 FRIDLEY, MICHAEL A	05/22/2014

HUMBOLDT COUNTY SHERIFF'S OFFICE
S.W.A.T. TEAM

DATE: 5-6-14

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INCIDENT #: 20402046



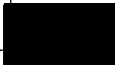


TIME	INFO SOURCE	CHRONOLOGICAL DATA	RECORDER
20:54	AKarr	phone rings, no answers, memory Full	
20:55	E8	Balcony area clear	↓
20:56	E13	unable to get robot up stairs, have	
"	"	clear line of sight into that room.	
20:59	E13	moving towards Balcony	
21:02	E13	Robot Inserted	
21:07	E13	robot clearing first floor	
21:12	E13	ground floor has been cleared, however	
"	"	cannot get robot upstairs	
21:13	E13 per E1	Commencing surrender announcements	
21:14	E13	1 st announcement made via robot	
21:16	E13	3 rd " " " "	
21:16	E13	Can hear phone ringing	
21:19	E13	5 th announcement made, suspect advised	
"	"	to answer phone	
21:26	E13	movement seen in upper floor window	
21:26	E13	unknown if movement was the dog or not	
21:28	E13	Sending Robot to check basement	
21:35	E13	negative suspect in basement, bringing	
"	"	robot back upstairs	
21:40	E13	unable to get robot back upstairs,	
21:40	"	has been left in place facing upstairs	
		remote is Full, robot is at 1/2 power	

HUMBOLDT COUNTY SHERIFF'S OFFICE
S.W.A.T. TEAM

DATE: 5-6-14

PAGE: 2

INCIDENT #: 20140204e

TIME	INFO SOURCE	CHRONOLOGICAL DATA	RECORDER
20:12	Akana	off line, another lengthy msg. left	 ↓
20:19	Oliveira	on line w/ ex-GF	
20:20	Hile	Light on inside back bedroom window	
20:20	Hile	making a low pass w/ binocular	
20:23	Oliveira	off line w/ ex-GF GF	
20:23	Akana	Calling  again	
20:25	Hile	room appears to be clear per Helo	
20:26	Akana	off line, msg left	
20:27	Akana	answering machine has approx 4 min of tape	
20:29	Hile	Hile clearing due to darkness	
20:30	visual	strategy meeting Sheriff Altman	
20:33	Oliveira	 From  calling	
20:34	E13	entry way door ^{is} on 3/4 side, slider is broken	
20:35	Oliveira off	 is off-line	
20:38	Oliveira	on-line again	
20:39	E13	phone heard ringing	
20:42	Oliveira	off line, msg left, memory Full	
20:42	Oliveira	on line again - Akana	
20:44	Oliveira	off line - no pickup - memory Full	
20:46	E repeater	X3/X5 cut Gerald Phelps	
20:48	E13	Robot can be thrown over balcony to	
"	"	go in through slider	
20:49	E13	deploying robot	
20:45	musson	S/W signed - 2 million\$ Ramey Warrant	✓

HUMBOLDT COUNTY SHERIFF'S OFFICE
S.W.A.T. TEAM

DATE: 5-6-14

PAGE: 1

INCIDENT #: 201402046

TIME	INFO SOURCE	CHRONOLOGICAL DATA	RECORDER
18:47	CHP Helo	Subject in white seen laying inside door	
18:59	AS	mendo s/o en route w/ equip.	
19:04	visual	mendo SWAT on scene w/ Bear cat	
19:30	X15	Both SWAT teams, plus 3 team members from mendo SWAT & mendo Bear cat en route susp. Residence	
		No robot access to back door floor due to back stairs	↓
19:35	H16		
19:39	H16	Black pickup located, closer to the towers, back up in the trees	
19:41	visual	mendo Cp on scene	
19:47	E2	hard lockdown on 1 partial on 2 due to terrain	
19:50	E13	side 4, side 3 secured by team 2	
	H16	dog on balcony moving in & out of res	
19:50	E1	CRT advised phone contact can be attempted	
19:52	akana	making phone contact	
19:52	akana	on 21 w/ [REDACTED]	
19:54	akana	Correction, no answer, msg left	
19:58	akana	re-attempting phone contact	
20:02	akana	Neg contact msg left	
20:07	ckemar	E2 unable to hear ^{previous} phone calls made	
20:07	ckemar	E13 unable to hear previous phone calls made	
20:11	E13	E13 able to hear phone ring, but are unable to hear message being left	↓

5/7 - Oliveira - Akana = CNT

Musson

Kirkpatrick

EPD Det. John Rubin

Back door raised w/ stairs no west access

19:59 - X3/X5 Clear scene

21:12 18K1, DTF, L68

[Redacted] - Xray's #

Jon 21:15

Nick

EH

Mattison

85/86 → 813 w/ robot
K21 19:03 O/S

Balcony Clear per EB

21:29 F+G For

21:41 Helm Clear

21:53 91/92 Clear 18:30

Neeping phone from clubhouse, 20:30
trying to disable so can hear house phone

Unable to get robot up stairs, clear line of sight 20:57

22:00 - state parks

CHP - all night

Outer Perimeter

Toth @ SC → move to ~~to~~ Toth @ warden ct @ N. end

WG @ pepperwood

2 closed doors

1 on #1 side

Cal fire Lia Batt 1211 Hobbs 21:36
@ WG + pepperwood

Tue May 6 16:13:34 2014

APPEAR TO HAVE PENETRATED

dispatch 05/06/14 15:19 SHELTER COVE AND TOTH FOR STAGING AREA

([REDACTED] 05/06/14 15:18 2E13 AND 2E23 RESPONDING FROM MYERS FLAT (STATES PARKS UNITS) RESPONDING CODE 3

dispatch 05/06/14 15:17 INITIATE A SWAT CALLOUT, REQ L11/L12 RESPOND WITH THE TRAILER

[REDACTED] 05/06/14 15:16 STATE PARKS AND F&G CHECKING FOR UNITS IN THE AREA

[REDACTED] 05/06/14 15:15 CHP HELO ETA 1 HOUR

[REDACTED] 05/06/14 15:14 MEETING AT TOTH AND KELLY IN PEPPERWOOD

[REDACTED] 05/06/14 15:13 NEG BLM

[REDACTED] 05/06/14 15:13 CHP ADVISING 3 UNITS EN ROUTE

[REDACTED] 05/06/14 15:12 REQ CHP CODE 3 FOR TRAFFIC CONTRL

[REDACTED] 05/06/14 15:11 HAVE L23 RESPOND CENTRAL

[REDACTED] 05/06/14 15:11 PER X20 HAVE 14 COVER MCK AND Q41 REMAIN HIS BEAT

[REDACTED] 05/06/14 15:10 INFO TO MED

[REDACTED] 05/06/14 15:09 ADVISED UNITS ARE BACKING OUT

[REDACTED] 05/06/14 15:08 X5 SHOT BUT CODE 4

[REDACTED] 05/06/14 15:07 CODE 30

[REDACTED] 05/06/14 15:07 SHOTS FIRE

[REDACTED] 05/06/14 15:05 UNITS 10-6

[REDACTED] 05/06/14 15:00 UNITS OUT, CODE 33 ISSUED

[REDACTED] 05/06/14 14:48 [REDACTED] HAS MADE THREATS AGAINST LE LATELY

[REDACTED] 05/06/14 14:47 WHEN THEY GO ON SCENE THEY ARE REQUESTING A CODE 33

[REDACTED] 05/06/14 14:47 UNITS WILL BE OUT IN APPROX 5-10 MINUTES

[cfsd] 05/06/14 14:46 Cross Streets : 635-681 TOTH RD * 4-204 PEPPERWOOD DR

[REDACTED] 05/06/14 14:46 Inc Address changed to [REDACTED] KELLY RD at 14:46

VEHICLES:

TYPE: [REDACTED]

IC: [REDACTED] LIS: CA LIT: TK

VYR: VMA: FORD VMO: FULL SIZE VST: CA VCO: [REDACTED]

VIN: ARMED & DANGEROUS?

MISCELLANEOUS: FULL SIZE 4D PICKUP WITH BLK METAL BUMPER

PERSONS:

Type: Off Safety

NAME: [REDACTED] DOB: [REDACTED] RAC: W SEX: M

SOC: AGE: HGT: 601 WGT: HAI: BLN EYE: GRN

ARMED & DANGEROUS? Yes

LSW:

MISCELLANEOUS:

RUNTIMES ASSOCIATED WITH CALL:

UNIT	SUBUNIT	STATUS	TIME
5A		DISP	15:41
A5	THOMPSON	DISP	15:54
		EN_ROUTE	15:54
		AVAIL	16:08
		DISP	16:08
		EN_ROUTE	16:09
A9	MOREY	DISP	16:08
		EN_ROUTE	16:09
L11	KASTLER	DISP	15:21
		EN_ROUTE	15:21
		OUT_STATION	15:51
		EN_ROUTE	16:00
L12	BRAWNER_B	DISP	15:09
L21	BORGES	DISP	15:09
		EN_ROUTE	15:09

Tue May 6 16:13:34 2014

		OUT_STATION	15:41
T23	HELM	DISP	16:01
		EN_ROUTE	16:02
L25	HENDERSON_	DISP	15:37
		EN_ROUTE	15:37
Q18	TOMLIN_M	DISP	15:11
		EN_ROUTE	15:11
Q22	MATHIESON_	DISP	15:31
Q31	CAO_B	DISP	14:47
		AVAIL	14:47
		DISP	14:47
		EN_ROUTE	14:47
		OUT_SCENE	14:59
		EN_ROUTE	15:08
		OUT_SCENE	15:09
		OUT_SCENE	15:20
		OUT_SCENE	15:20
		OUT_SCENE	15:26
Q32	HICKS_SN	DISP	15:08
		EN_ROUTE	15:20
Q41	LAGARDA	DISP	15:10
		EN_ROUTE	15:10
		AVAIL	15:39
X15	QUENELL_B	DISP	15:11
		EN_ROUTE	15:11
X20	MILLER	DISP	15:19
		EN_ROUTE	15:19
X5	SWITTHENBAN	DISP	14:47
		AVAIL	14:47
		DISP	14:47
		EN_ROUTE	14:47
		OUT_SCENE	14:59
		EN_ROUTE	15:08
		OUT_SCENE	15:09
		OUT_SCENE	15:20
		OUT_SCENE	15:20
		OUT_SCENE	15:26
Y1083	GOMES	DISP	15:31
Y1089	JAGER	DISP	16:05
		AVAIL	16:06
		DISP	16:06
		EN_ROUTE	16:06
Y559	HOLT_K	DISP	15:36
		EN_ROUTE	15:37
Y621	LANDRENEAU	DISP	15:40

201401808	HUMBOLDT COUNTY SHERIFF'S DEPARTMENT 826 FOURTH STREET, EUREKA, CA 95501 (707) 445-7251	08 May 2014
		Page 1

INCIDENT INFORMATION					
BEAT 33	DATE OCCURRED 4/21/2014 -	TIME OCCURRED 11:56:41 AM -	REPORT DATE 4/21/2014	REPORT TIME 12:56:05 PM	DAY OF WEEK Monday
COMMON NAME/BUSINESS NAME		INCIDENT LOCATION (Address or Block Range) ██████████ KELLY RD		DISPOSITION / CLOSED BY DA'S OFFICE - DECLARATION	

OFFENSE INFORMATION			
OFFENSE PC30305 (A) (1)	1. Felony 2. Misd.	3. Infraction 4. Incident	PROHIBITED PERSON OWN/POSSESS/ETC

OFFENSE INFORMATION			
OFFENSE PC1203.2	1. Felony 2. Misd.	3. Infraction 4. Incident	VIOLATED TERMS OF PROBATION

PERSON INFORMATION		<input type="checkbox"/> SEX CRIME CONFIDENTIALITY

NARRATIVE / SUMMARY

On Monday, April 21, 2014 at about 1156 hours, Corporal McCall and I responded to ██████████ Kelly road to serve a Domestic Violence move out order (CP140224). Upon arrival, Corporal McCall contacted a neighbor to see if ██████████ as been at the residence. The neighbor stated he had seen ██████████ with in the week at the residence. The neighbor explained if ██████████ ██████████ Ford truck is parked to the rear of the residence then ██████████ is home.

We pulled up to ██████████ residence and saw the Ford truck parked to the rear of the residence. We walked up to the residence and saw the front door was open. I called out to ██████████ to come to the door and identified ourselves as Sheriff's Office. No one came out of the residence. Due to ██████████ being on two separate counts of felony probation (C1006629BP and CR093529SP) with a general search, along with a no firearm or ammo clause. Corporal McCall and I entered the residence and started to search for ██████████. While searching the residence, we located multiple rifle and handgun cases, empty ammunition cases, used shooting targets, and tactical vests. In the ground level of the residence in a closet, we located on a shelf, five boxes of Federal .44 REM MAG 300grain rounds each box contained 20 live rounds. Due to ██████████ being a convicted felon, I collected the ammunition.

In the kitchen of the residence, I located fresh food and mail in the name of ██████████. It was apparent ██████████ was still living at the residence and was still in possession of firearms and ammunition. We left and upon arriving back at the Garberville Sheriff's Office, I entered the ammunition into property as evidence. I also completed a Declaration in Support of Warrant of Arrest for ██████████.

Forward report to DA's Office and Adult Probation.

Clear with report.

Nothing Further.

OFFICER MOORE_CONAN_R	PIN 1798	REPORT DATE 4/21/2014	SUPERVISOR REVIEW IRELAND_KERRY	PIN 1340	REVIEW DATE 4/21/2014
DISTRIBUTION <input type="checkbox"/> BRIEFING <input type="checkbox"/> INVESTIGATION <input type="checkbox"/> D.A. <input type="checkbox"/> PAROLE <input type="checkbox"/> OTHER COPIES BY <input type="checkbox"/> PROBATION <input type="checkbox"/> CWS <input type="checkbox"/> CORONER <input type="checkbox"/> ABC					

201305901

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14 May 2014

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INCIDENT INFORMATION

BEAT	DATE OCCURRED 11/25/2013 -	TIME OCCURRED 2:42:23 PM -	REPORT DATE 11/26/2013	REPORT TIME 12:56:38 PM	DAY OF WEEK Tuesday
COMMON NAME/BUSINESS NAME		INCIDENT LOCATION (Address or Block Range) ██████████ KELLY RD		DISPOSITION / CLOSED BY	

OFFENSE INFORMATION

OFFENSE PC422	1. Felony 2. Misd.	3. Infraction 4. Incident	THREATEN CRIME W/INTENT TO TERRORIZE
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OFFENSE INFORMATION

OFFENSE PC489(A)	1. Felony 2. Misd.	3. Infraction 4. Incident	GRAND THEFT - FIREARM
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PERSON INFORMATION

SEX CRIME CONFIDENTIALITY

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PERSON INFORMATION

SEX CRIME CONFIDENTIALITY

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PROPERTY INFORMATION

ITEM NO	CODE	ARTICLE	MAKE	MODEL	QTY	DESCRIPTION	SERIAL NO	VALUE
1	01	HANDGUN			1		██████████	300

NARRATIVE / SUMMARY

On 11/26/2013 at about 1100 hours, I was dispatched to make contact with ██████████ at the front counter of the Sheriff's Office regarding threats made to her by ██████████. The following is a summary of my conversation with ██████████

██████████ told me that she has a ██████████ child in common with ██████████. ██████████ has been investigated by this office for damage to communication equipment with a firearm in Shelter Cove. ██████████ is on probation and is not supposed to be in possession of firearms. Beginning sometime in July, ██████████ has become more aggressive towards ██████████ than he has in the past. ██████████ has a camp somewhere in the woods. ██████████ also stays in the tree house on the property or more recently has moved into the basement of the house located ██████████ Kelly Road. While ██████████ does not list this residence as his residence for probation purposes, ██████████ does stay on the property regularly, either in the tree house located on the property or inside the residence as he has in the past week. ██████████ does not have a key to the residence but he knows how to get inside, either through the back door or other means. ██████████ uses the inside of the residence to shower, use the kitchen, etc.

At some point this past July, ██████████ gained access to the residence and took ██████████ ██████████ she had inside of an unlocked safe. Sometime after ██████████ had ██████████ Glock there was an incident that occurred where ██████████ kicked in the rear door of ██████████ residence at about 0300 hours, brandishing an axe in one hand and ██████████ Glock in the other. ██████████ threw various household items in a rage. There was an argument the resulted and ██████████ left the residence with her ██████████ for the remainder of the evening. ██████████ did not make any specific threats to ██████████ at that time and never pointed the firearm at her. ██████████ reported this incident to DA Investigator (at the time, now Chief DA Investigator) Wayne Cox and DA Investigator Tom Cook. A formal case report was not taken at that time with the DA's Office nor was a report made to the Sheriff's Office. ██████████ has not yet reported

OFFICER LAGARDA_ ANTHONY	PIN 1676	REPORT DATE 11/26/2013	SUPERVISOR REVIEW BARNEY_ JAMIE_ S	PIN 1054	REVIEW DATE 11/30/2013
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DISTRIBUTION	<input type="checkbox"/> BRIEFING	<input type="checkbox"/> INVESTIGATION	<input type="checkbox"/> D.A.	<input type="checkbox"/> PAROLE	<input type="checkbox"/> OTHER	COPIES BY
	<input type="checkbox"/> PROBATION	<input type="checkbox"/> CWS	<input type="checkbox"/> CORONER	<input type="checkbox"/> ABC		

her Glock to be lost or stolen.

As time passed from this incident [REDACTED] continued to come and go from the residence. From July 2013 until the present time [REDACTED] threatened [REDACTED] life about 6 times. [REDACTED] said on one occasions that he can't kill [REDACTED] now, he has to figure out how to do it without getting caught because she had told so many people that he has threatened her. [REDACTED] has threatened and intimidated [REDACTED] repeatedly but has only been physically abusive on one occasion in July where during an argument [REDACTED] put his hands on [REDACTED] throat for about 2 seconds then released her. This occurred prior to her contacting the DA's Office in July as she recalls Investigator Cox looking at her neck for injuries but he observed none.

Sometime last week when the heavy rain began in Shelter Cove, [REDACTED] moved his personal belongings from the tree house and into the basement. [REDACTED] didn't give permission for [REDACTED] to do this but did not protest to the extent of calling the police. On 11/22/2013 [REDACTED] left her residence and went out of town for the weekend. When [REDACTED] returned with her son on 11/24/2013, [REDACTED] was at the residence and an argument quickly developed. [REDACTED] said that [REDACTED] causes him anxiety and wanted her to leave. [REDACTED] said I hate you, I am going to hit you, I am going to kill you if you don't leave. [REDACTED] observed the handle of a handgun which she suspected to be her Glock sticking out of a back pack sitting next to [REDACTED]. [REDACTED] will often carry the back pack with the gun inside when he walks around the house because he is afraid [REDACTED] will take her gun back. [REDACTED] has also observed [REDACTED] carry the Glock in a holster on his hip. [REDACTED] left the residence and made arrangements for her son to stay with a neighbor a couple miles away. [REDACTED] is currently staying with a friend in Arcata on [REDACTED] but she did not have the specific address.

On 11/25/2013 [REDACTED] reported this incident to Deputy Holt, however, no report was taken and the call was suspended until today when [REDACTED] was expected to return and speak with investigators with the DA's Office. This morning [REDACTED] returned and spoke with Investigator Cox, Investigator Cook and Undersheriff Honsal regarding this case. It was determined [REDACTED] needed to make a report and pursue charges in this matter. [REDACTED] said she wanted to pursue charges in this matter but was hesitant to have anybody make contact with [REDACTED] out of concern for retaliation.

I briefed Sergeant Miller on this case. It was decided to document the most recent incident and that which had occurred since July and forward the case to the District Attorney's Office for review. [REDACTED] was adamant that [REDACTED] not be contacted unless he was going to be arrested. Even in the event of an arrest [REDACTED] continued to have concerns of retaliation if [REDACTED] is released from jail. I discussed options with [REDACTED] and ultimately advised her that if [REDACTED] was arrested in this matter there was no way to insure he not return to the property. Even with a restraining order, [REDACTED] would have to be served with it to be put in effect but ultimately the restraining order being issued would not insure [REDACTED] complied with the order. [REDACTED] did not believe [REDACTED] would comply with the order if one was issued. I advised [REDACTED] that her return to the residence is her decision. After [REDACTED] had insisted [REDACTED] not be contacted for the service of a restraining order, interviewed or counseled in this case I have been left with no options other than those being pursued.

[REDACTED] provided me with a message number for her with the friend she is staying with in Arcata. That number is on the face sheet of this report. [REDACTED] also advised if she is to be contacted by the Sheriff's Office or the DA's Office regarding this matter. [REDACTED] request that a message be left for her through the message number she has provided as she is concerned [REDACTED] may intercept the call or message if contacted at her home residence. Sergeant Miller made contact with Undersheriff Honsal and briefed him on this case.

I left a message for [REDACTED] at the number she provided me and corrected the case number I had provided her.

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DISTRIBUTION	<input type="checkbox"/> BRIEFING	<input type="checkbox"/> INVESTIGATION	<input type="checkbox"/> D.A.	<input type="checkbox"/> PAROLE	<input type="checkbox"/> OTHER
	<input type="checkbox"/> PROBATION	<input type="checkbox"/> CWS	<input type="checkbox"/> CORONER	<input type="checkbox"/> ABC	COPIES BY

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My message confirmed for [REDACTED] my plan to submit the case for review by the DA's Office. [REDACTED] was advised to contact the District Attorney's Office to inquire on their review of this case.

[REDACTED] returned my phone call and I was able to get the necessary information to complete a report regarding the theft of her firearm. I had conducted a request for firearms registered to [REDACTED] and found she had two Glock handguns issued to her. One was a 357 magnum and was black in color, the other was a 10mm and green in color. [REDACTED] said [REDACTED] stole the 10mm [REDACTED] with about 4, 10 round magazines. [REDACTED] estimated the value to be \$300. I asked [REDACTED] if [REDACTED] had ever admitted to taking her Glock. [REDACTED] said [REDACTED] had, back in July and refused to give it back to her when she asked for it. [REDACTED] says her other Glock should be secure in her gun safe.

I completed an AFS form which is attached to this report. A copy of the AFS form was sent to dispatch.

Case suspended pending review by the District Attorney's Office.

Nothing further at this time.

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DISTRIBUTION	<input type="checkbox"/> BRIEFING	<input type="checkbox"/> INVESTIGATION	<input type="checkbox"/> D.A.	<input type="checkbox"/> PAROLE	<input type="checkbox"/> OTHER
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HUMBOLDT CO SHERIFF INCLUSIVE CASE REPORT

Case Number
200702391

Date: 05/20/2014

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Incident Case Number 200702391 IR Title PC664/187
Date/Time Occurred 04/30/2008 03:41:16AM IR Date/Time 04/30/2007 05:34:31AM
Name/Business Name _____ Incident Location SHELTER COVE RD, SHELTER C,
Case Clearance INFORMATION ONLY Case Clearance Date _____

Offense
Offense Code PC664/187 CSA COMMITTED Location LOCATION UNKNOWN
Description _____

Person

[Redacted]

[Redacted]

[Redacted]

[Redacted]



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being involved in a shootout with [REDACTED]. [REDACTED] became concerned when [REDACTED] reached to his side under a jacket as if he was armed. When [REDACTED] tried to convince [REDACTED] he was not the one involved with [REDACTED], [REDACTED] became highly agitated and again reached for his side and said "you better not be lying to me!" [REDACTED] said [REDACTED] was wearing camouflage clothing and told [REDACTED] that he had emptied an entire magazine on full automatic at him and that [REDACTED] was "lucky to be alive." [REDACTED] was even more concerned because he is aware that [REDACTED] allegedly shot a young person in the foot.

A check of [REDACTED] revealed he has a \$100,000 felony warrant for PC 245(a), PC 12034(c), and PC 12031(a)(1) as well as CVC 14601 (CR072782S). I met with an additional unit and responded to [REDACTED] Kelly Rd in an attempt to serve the warrant. Upon arrival at about 1600 hrs, we knocked at the door and met with [REDACTED]. He identified himself as [REDACTED]. I advised him he had a warrant for his arrest. He cooperated and was placed in custody without incident. Upon taking [REDACTED] into custody, he asked to obtain his clothing and led us into his residence to obtain shoes, socks, a jacket, and his glasses as well as providing for his pet until a caretaker could arrive.

While preparing to sitting [REDACTED] on a chair, I moved a shirt on the chair, which revealed a loaded Glock Model 29 10mm semi-auto handgun [REDACTED] in a fobus holster with 2 magazines loaded with 26 rounds. When Deputy Fulton went upstairs, at [REDACTED] request, to obtain a jacket, Fulton saw in plain view a Model 26 9mm semi-auto handgun [REDACTED] in a leather holster, with 3 magazines loaded with 46 rounds. All weapons were run and came back clear.

I advised [REDACTED] I was confiscating the weapons as a safekeeping measure. [REDACTED] did not dispute the reason for the confiscation. A Receipt and Notice or Rights for Confiscated Firearms was completed and signed by this deputy and [REDACTED].

I booked [REDACTED] into the HCCF for the warrant and the weapons into the property room for safekeeping.

Nothing further.

Officer - IR	1707 HAMILTON ROBERT	Report Date	01/04/2008
Supervisor Review	0872 QUENELL BRYAN J	Review Date	01/05/2008
Distribution	DA		



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HUMBOLDT CO SHERIFF INCLUSIVE CASE REPORT

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Address Type HOME Address [REDACTED] SHELTER COVE RD. Apartment _____
 City SHELTER COVE State CALIFORNIA Zip 95589 Phone _____
 DOB [REDACTED] Age [REDACTED] Race _____ Height _____ Weight _____
 Hair Color _____ Eye Color _____ Driver License _____ State _____

Property

Item No 9 Code EVIDENCE/SEIZ Article _____ Make _____
 Serial No _____ QTY 3 Value _____ Model _____
 Description THREE .45 CAL. CARTRIDGE CASINGS. A SPEER, A COR-BON, AND A CCI.

Item No 8 Code EVIDENCE/SEIZ Article _____ Make _____
 Serial No _____ QTY 1 Value _____ Model _____
 Description A WHITE SOCK.

Item No 7 Code EVIDENCE/SEIZ Article _____ Make _____
 Serial No _____ QTY 1 Value _____ Model _____
 Description .45 CAL. BULLET

Item No 6 Code EVIDENCE/SEIZ Article _____ Make _____
 Serial No _____ QTY 1 Value _____ Model _____
 Description BLACK LEATHER BOOT.

Vehicle
 Veh No 3 Type AUTOMOBILE Top Color [REDACTED] Bottom Color _____ Year _____
 Make TOYOTA Model TACOMA Expires _____
 VIN _____ License _____ State _____
 Vehicle Description _____

Veh No 1 Type AUTOMOBILE Top Color [REDACTED] Bottom Color _____ Year _____
 Make FORD Model [REDACTED] Expires _____
 VIN _____ License _____ State _____
 Vehicle Description _____

Narrative/Summary

Narrative - IR On Monday, 04-30-07 at about 0406 hours, I was dispatched to [REDACTED] Shelter Cove Road, regarding a gun shot victim. Deputy Voris was en route from Stafford Road, and CHP was later en route from the Redway CHP office. Dispatch advised that the Garberville ambulance was going to stage nearby and await my arrival. While en route dispatch advised the [REDACTED] was only known as [REDACTED] and he was driving a [REDACTED] Ford F250 pickup. Dispatch also advised the suspect possibly used a .45 Cal. handgun, and lived at the top of Toth Rd. in Shelter Cove. Dispatch later advised there was a second victim with a head injury possibly from a traffic accident, and that the suspect was last seen driving toward Garberville.

At about 0426 hours, I arrived on scene and the Shelter Cove volunteer fire department was already on scene, treating the [REDACTED] injuries. I first spoke with, [REDACTED] who was strapped down to a gurney. The following



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is a summary of his statements;

On this date at about 0345 hours, [REDACTED] and his friend, [REDACTED], were heading to Garberville. The tires on his Toyota pickup were bald, and he began to lose traction. They ended up wrecking the vehicle off of a small embankment. The vehicle rolled over a couple of times. Both subjects began walking W/B on Shelter Cove Rd. [REDACTED] said he was about a mile behind [REDACTED] and he did not hear any gun shots. [REDACTED] said he did not know that anything had happened to [REDACTED] until he arrived at the Shelter Cove store [REDACTED] Shelter Cove Rd.).

While speaking with [REDACTED] I detected the odor of an alcoholic beverage on his breath/person. His eyes were red/watery, and his speech was slurred. CHP Officers B. White and Officer L. Johnson were on scene, and investigated the vehicle accident report. I then spoke with [REDACTED] who was sitting on a bench outside of the Shelter Cove store. [REDACTED] was holding his left boot and his sock in his hands. I looked at the bottom of [REDACTED] left foot which appeared to be swollen and was black and blue in color. [REDACTED] told me he had been shot in the bottom of his left foot with a .45 or .40 Cal. gun. The bullet had not broke the skin on the bottom of his foot. A member of the volunteer fire department then handed me a .45 Cal. full metal jacket bullet, which was located inside of [REDACTED] leather boot, when they pulled the boot off of his foot. [REDACTED] then handed me his black leather boot, and showed me the bullet entered through the sole of the boot, and partially tore apart the inner sole of the boot. [REDACTED] stated that the boots he was wearing at the time had metal soles', which stopped the bullet from entering his foot. [REDACTED] also handed me the sock he was wearing at the time, which had a small hole near the bottom. The following is a summary of [REDACTED] statements;

On this date at about 0345 hours, [REDACTED] and [REDACTED] were driving into Garberville to get some biscuits and gravy, and wrecked the vehicle. [REDACTED] said he was a passenger in the vehicle. [REDACTED] said when they got back to the road, he told [REDACTED] to stay at the scene because [REDACTED] was bleeding from his head. [REDACTED] said he ran down the road to get help. [REDACTED] said he was just east of the Shelter Cove store, and he flagged down a vehicle. [REDACTED] described the vehicle as a [REDACTED] 99-2000 Ford F250 or F350 pickup with a camper shell. [REDACTED] said he walked up and was saying, "Please help", repeatedly. When [REDACTED] was close enough to see the driver of the vehicle only known as, [REDACTED] he ran away from the vehicle. [REDACTED] said that people around Shelter Cove no that this subject is "Crazy", and to stay away from him. As [REDACTED] was running he heard the driver yell, "Narc" and then fired a gun three times, hitting [REDACTED] in the bottom of his left foot with one round. The vehicle left E/B on Shelter Cove Road. [REDACTED] said [REDACTED] lives at the top of Toth Rd. in Shelter Cove.

While speaking with [REDACTED] I detected the odor of an alcoholic beverage on his breath/person collected the .45 Cal. bullet, [REDACTED] left boot and sock, and later booked them into evidence. [REDACTED] and [REDACTED] were both taken to [REDACTED] hospital to be treated. Deputy Voris, CHP Officer B. White, Officer L. Johnson, and I attempted to find the [REDACTED] on Toth Rd. and we were



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unsuccessful.

On 04-30-07 at around 1500 hours, [REDACTED] arrived at the Garberville Sheriff's Office. I took photographs of [REDACTED] injuries on his left foot. Based on information given by [REDACTED] Sgt. Swithenbank believed that [REDACTED] was [REDACTED], who resides on Kelly Rd. off of Toth Rd. next to a large radio tower. Deputy Clark created a photo line up "Six pack" with [REDACTED] as #4 utilizing Cal-Photo. On this date at about 1510 hours, I read [REDACTED] a photo line-up admonition, which he signed before viewing the photo line-up. While viewing the photo line-up [REDACTED] said the subject was wearing square glasses, it was dark, and he was intoxicated. [REDACTED] then said, "Maybe number 4".

[REDACTED] told me he was in the middle of the road attempting to flag down vehicle's. The [REDACTED] vehicle drove past [REDACTED] and stopped. Then [REDACTED] approached the vehicle. I later asked [REDACTED] how close he was to the vehicle. [REDACTED] said the closest he got to the vehicle was about 10 feet back from the drivers side door, and he was also about 4 or 5 feet away from the side of the vehicle. [REDACTED] said the driver stuck his head out of the drivers side window to speak to [REDACTED], who was hysterical at the time due to [REDACTED] bleeding from his head. [REDACTED] recognized [REDACTED] and started to run west toward the store. [REDACTED] said he has never met [REDACTED] but he knows the vehicle, and that [REDACTED] lives on a road off of Toth near a radio tower.

On 04-30-07 at about 2028 hours, Deputy Morris and I were Dispatched to [REDACTED] Shelter Cove Road, regarding CHP finding three bullet casings. Upon arrival I met with CHP Officer B. White and Officer L. Johnson who were investigating the traffic accident which occurred during this incident. CHP Officers led Deputy Morris and I about 46 yards east of the entrance to the Shelter Cove store. Which is where we located the first .45 Cal. casing. The three casings were spread about 14 yards apart. The cases were in the roadway, and were deformed as if they had been struck by vehicle's. I collected the casing's, which were later booked into evidence. CHP Officer B. White also gave me contact information for reporting party, [REDACTED], who had told Officer B. White she heard gunshots and saw a pickup parked in the location the casings were found at the time of the incident.

Any further information and interviews will be documented in a supplemental report.

No further action at this time.



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Officer - IR 1626 BRAUD TRAVIS Report Date 04/30/2007
Supervisor Review 0752 SWITHENBANK KENNETH M Review Date 05/02/2007
Distribution _____

Narrative - Supplemental 1 On 4-30-07 at about 1500 hrs [REDACTED] arrived at the Garberville Sheriff's Office and spoke further with Deputy Braud and myself about the shooting incident. While at the Garberville Sheriff's Office [REDACTED] also spoke with Detective Quenell by phone. Prior to leaving the station [REDACTED] told Deputy Braud and myself that he is not sure if he wants to pursue criminal charges against the shooter or not. I was somewhat shocked at this statement because when [REDACTED] first arrived at the office he was very adamant about pursuing criminal charges. [REDACTED] said he wanted to take a couple of days and think about it. [REDACTED] said he would contact myself, or Detective Quenell and let us know about his decision to prosecute or not.

On 4-30-07 at about 1900hrs (while off duty) I received a phone call from Humboldt County Sheriff's Dispatch Center informing me that [REDACTED] had just called the Sheriff's department and asked if he should turn himself in, and bring the gun. No one from law enforcement had spoken with [REDACTED] until this point in regards to the shooting incident. I informed dispatch to tell [REDACTED] to show up at the Garberville Sheriff's Station on Tuesday (5-1-07) at 0900 hrs. I also informed Dispatch to tell [REDACTED] to bring the involved gun and to leave the gun in his vehicle when he arrives at the Sheriff's office. I was later informed that [REDACTED] agreed to meet with me in the morning and bring the gun.

On 5-1-07 at about 1000 hrs [REDACTED] arrived at the Garberville Sheriff's Station. [REDACTED] brought a friend [REDACTED] to serve as a witness. [REDACTED] did bring the involved gun and left in his vehicle as instructed to. Deputy Clark was present and we informed [REDACTED] that he was not under arrest at this time. We conducted a cursory search of [REDACTED] person to check for weapons and found none. Deputy Clark retrieved the .45 cal semi auto H&K brand handgun (S# [REDACTED] from [REDACTED] vehicle. The unloaded gun was stored in a black nylon zippered case with one empty magazine. The gun was later stored as evidence.

Deputy Clark and I thanked [REDACTED] for showing up and informed him that we would like to record our conversation. [REDACTED] agreed to have the conversation recorded.

I asked [REDACTED] why he wanted to talk to law enforcement. [REDACTED] told me because he heard that the police were looking for him, and there is a rumor going around the Cove that there is some wild pistol-waving guy running around. [REDACTED] said that he had to quell that rumor. [REDACTED] then went on to explain the incident that caused him to decide to come to the Sheriff's office and give a statement.

[REDACTED] said that around 0200 hrs on Monday (4-30-07) morning he was woken by a large noise. [REDACTED] said that the noise sounded like something smashing into something else. [REDACTED] stated that he knew the sound was "The Hell raisers". [REDACTED] said that he had a concrete truck coming in the morning and he had a lot



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of work to do before it arrived, so he decided to get up right then and start working. [REDACTED] mentioned he had to move his truck prior to the concrete truck coming and apparently decided to drive his truck around the block. [REDACTED] said that as he was driving up Shelter Cove road past the Shelter Cove store he came across a subject laying in the road in a fetal position. [REDACTED] said that he stopped for the [REDACTED] in the road and the [REDACTED] began to get up. [REDACTED] said that as the [REDACTED] was getting up he [REDACTED] yelled "I'm gonna Fucking kill you", over and over, (approx eight times) [REDACTED] said that the [REDACTED] then began advancing at his truck. [REDACTED] said that he then began to drive off in his truck, and stated that, he was in his truck and he knew the [REDACTED] couldn't hurt him. [REDACTED] said as he began to drive off the [REDACTED] then began yelling for him to wait because his buddy was hurt or dying at the top of the hill. [REDACTED] said that he had one foot on the gas and one on the brake, and he looked back at the [REDACTED] and asked him, "Do you want to kill me, or do you want me to help, what?"

[REDACTED] said the [REDACTED] was standing near the back of his pickup and they looked at each other for a moment. [REDACTED] said the [REDACTED] then "Went off", and began advancing towards him and yelling over and over, that he was going to kill him. [REDACTED] said that the [REDACTED] came very close to the driver's door (approx two feet), and he then began to fear for his life. [REDACTED] said that he then drew his gun which he was carrying in a holster on his right hip and fired two rounds into the back of his truck because he was "fumbling" with his gun. [REDACTED] said that all he wanted to do was put some distance between himself and the [REDACTED] and shoot a hole in the ground. [REDACTED] said he was able to put one round (the third round) into the ground. [REDACTED] said that it looked like the [REDACTED] had something in his hand, but he couldn't tell for sure. [REDACTED] later said that he was pretty sure that he was aiming at the ground outside the door of his truck when he fired the third round.

[REDACTED] said that after he fired the third shot he then drove away and did not see the [REDACTED] any more. [REDACTED] said that he never left the drivers seat during the entire incident. [REDACTED] said that after he drove a short distance up the road he saw a second unknown male [REDACTED] in the roadway, wearing a tank top and looking disheveled. [REDACTED] thought that the second [REDACTED] might have yelled something to him as he drove by. [REDACTED] referred to the two [REDACTED] as the "Posse", and the "Hell Raising Crew", that were "On a Mission". [REDACTED] told me that he does not know either of the [REDACTED]. [REDACTED] said that he did not stop for the second [REDACTED] and continued on home without further incident.

I asked [REDACTED] if the first [REDACTED] he came across had any visible weapons with him. [REDACTED] said that when he first saw the [REDACTED] he did not see any weapons, however, [REDACTED] stated that when the [REDACTED] began walking towards him from the back of his truck, it looked like he had something in his right hand. [REDACTED] then added that he thought it was a knife because he has seen a bunch of police training videos that show people closing the gap with knives before an officer can get to his gun.

[REDACTED] said that he had one foot on the brake and one on the gas and he was just



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going to take off, but the [REDACTED] was closing the gap so quickly that he thought he was going to be stabbed. [REDACTED] said that he was "Surprised that something didn't happen when the bullets hit the car, like him [REDACTED] getting some flak, because the bullets went right into my door and his [REDACTED] head was right there". I asked [REDACTED] if he knew where the third shot went. [REDACTED] laughed and said no.

[REDACTED] told me that he heard one rumor that the kid had his foot blown off and another, that he had a bruise on the bottom of his foot. I explained to [REDACTED] that it appears that the third shot that he fired went through the sole of the [REDACTED] heavy logging type boot, and badly bruised the sole of his foot, along with causing heavy swelling. I told [REDACTED] that the bullet appeared to have traveled through the steel shank of the boot, which most likely prevented very serious injury to the [REDACTED].

[REDACTED] continued his statement and went on to tell me that he was convinced the [REDACTED] was going to kill him with a knife. [REDACTED] was never able to accurately describe the knife. [REDACTED] kept referring to the [REDACTED] as closing the gap between them quickly. This "closure of the gap" seemed to be [REDACTED] main area of concern for his safety. [REDACTED] told me that he was sitting in the driver's seat of his pickup with the engine running, with one foot on the gas pedal and one foot on the brake pedal, as the [REDACTED] began closing the gap between them. At one point [REDACTED] said that his goal was to increase the gap with the [REDACTED].

Both Deputy Clark and I were confused as to why, if [REDACTED] goal was to increase the gap, he did not take what seems to be the most natural human response, which would be to take less than one second and apply pressure to the gas pedal of his vehicle, and greatly increase his distance with the [REDACTED] with ease. Instead [REDACTED] chose to take much longer by using his right hand to pull his pistol out of the holster on his right hip, reach across his body, and out the drivers window and then with a twisting of the wrist action, point the muzzle of the gun behind his left shoulder, and fire two rounds in the direction of the [REDACTED]. By his own admission [REDACTED] said the above-described action took even longer because he fumbled with the gun while getting it out of the holster.

Both Deputy Clark and I were also confused as why [REDACTED] stated that he was only firing the gun to warn the [REDACTED] and scare him away, but he still chose to point and fire his gun at the [REDACTED] rather than in a safer direction, like the air or the ground. [REDACTED] stated that it's amazing that he didn't hit him with the first two shots as his [REDACTED] head was right there. [REDACTED] mentioned that the first two shots into his truck were accidental because he was fumbling with the gun as it came out of his holster. I also find this statement confusing because it seems if [REDACTED] accidentally fired the first two rounds while fumbling with the gun. The rounds should have went off inside the truck near the driver's seat area as he was removing the gun from his holster, and not after the gun was removed from the holster, and then pointed at the [REDACTED] who was still behind [REDACTED]. It should be noted that it seems it would be a very deliberate act for someone, while sitting in the drivers seat, to remove the gun from their



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holster, reach across their body, and out the window, and then point the gun behind their left shoulder and then fire two rounds in the direction of someone's head. It seems to me that the described action is much more than just an accidental fumbling motion; that resulted in two rounds being fired in the direction of the [REDACTED] head.

At one point during the interview [REDACTED] stated that the reason he pulled his gun rather than driving off was, that he was convinced the [REDACTED] was going to kill him and he was concerned that the [REDACTED] might even come back get him again later. Once again [REDACTED] stated that it looked like the [REDACTED] had something in his right hand, however, [REDACTED] could never positively identify the possible object as a knife, or other type weapon.

At one point during the interview [REDACTED] told me that he wanted to pursue criminal threats charges against the [REDACTED] for threatening to kill him. I explained to [REDACTED] that his request will be documented in the report and it will be up to the District Attorney's office to decide on the what charges are filed.

Deputy Clark asked [REDACTED] why, if he feared for his life over the incident, he didn't call the police right after the incident occurred. [REDACTED] said that he didn't call because he doesn't trust the police.

We explained to [REDACTED] that we were going to keep the gun he brought in as evidence. A records check on the gun showed no registered owner. [REDACTED] told us that he bought the gun in Oregon about four years ago, over the counter from a gun store. [REDACTED] said he probably doesn't have the receipt, but will try and track down the store he bought it from and provide some ownership records.

We made arrangements with [REDACTED] to view his damaged pickup later that day, however, those plans were later changed to meet with [REDACTED] at his residence the next day (5-2-07) around 1230 hrs. Our recorded conversation was copied to CD and later booked as evidence.

On 5-2-07 at around 1100hrs I received a phone call from [REDACTED]. [REDACTED] is [REDACTED] father. [REDACTED] was informing me that [REDACTED] was wanting to talk to me again about the incident. At about 1200 hrs I met with [REDACTED] and his parents at their southern Humboldt resident. [REDACTED] told me that he now wants to press criminal charges against [REDACTED] for shooting him.

At about 1230 hrs Deputy Williams and I met with [REDACTED] [REDACTED] at his Shelter Cove residence and viewed the 1999 Ford F-350 truck in question. The truck was parked on a lot next to [REDACTED] residence. I noticed the left rear passenger door window of the four door truck was broken completely out, and there was damage to the rear portion of the metal window / doorframe of the same door. The damage appeared to be consistent with being made by rounds fired from a gun. There were two points of impact that appeared to be about the size of a dime, and also consistent with the size of a .45 cal bullet. The impact points were



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separated by no more than 2 inches. One impact point made a heavy dent in the metal door / window frame and appeared to glance off with out penetrating metal. The other bullet impact point penetrated through the door window / frame and had an exit point on the rear edge of the frame. It is probable that the bullets striking and damaging the window frame caused the window glass to break. I observed broken tinted window glass on the floor of the back seat area.

The trajectory appeared consistent with someone sitting in the drivers seat and firing a handgun over their left shoulder, with their right hand, in a rearwards direction. The impact point of the bullets appeared to be approximately 5 ½ feet off the ground, which would be consistent with the same height as the victim's head. It should also be noted that the one bullet that glanced off the metal frame, appeared to have continued in an outward and reward direction, towards the area where the victim was reported to be at the time of the shooting. I took several 35mm photos of the vehicle and later booked the film as evidence.

While speaking with [REDACTED] he was dressed in full camouflage clothing and wearing a large visible sheathed knife strapped to his right thigh. I asked [REDACTED] if he had the nickname of [REDACTED]. [REDACTED] hesitated, but finally admitted that a long time ago he was very poor and use to live in a huge stump out in [REDACTED], and he did go by the name of [REDACTED]. It should be noted that [REDACTED] is a very secluded coastal area just south of Shelter Cove in Mendocino county. [REDACTED] went on to tell us that we had probably heard about the shootout he got into in the Gopherville (Mendocino Co.) area a long time ago with another subject. [REDACTED] mentioned that he and the other [REDACTED] were shooting at each other, possibly across the roadway, and mentioned that neither of them were hit by any rounds. [REDACTED] did not elaborate on what the shootout was in regards to. Throughout all of my conversations with [REDACTED] he kept making reference to the "Hell Raisers", and the "Posse". I wasn't exactly sure who [REDACTED] was referring to, but I received the impression that this group of individuals is possibly a younger group of kids that live in the Shelter Cove area and are prone to drinking, partying and committing malicious mischief. It appears that [REDACTED] might have a personal grudge against this group of individuals, but he could never be specific about who the individuals actually are.

Our conversation continued and [REDACTED] mentioned his concealed weapons permit I explained to [REDACTED] that the permit he has is out of Oregon and that it is currently expired. I also informed [REDACTED] that his Oregon permit does not allow him to carry a concealed weapon in California. [REDACTED] made mention that he often carries a gun on his person. I asked him if he was currently carrying one right now. [REDACTED] said he was, and that he almost always does when he's on his own property, [REDACTED] added that he has seen Mountain Lions nearby his residence. [REDACTED] firearm was not visible, however, there appeared to be a slight bulge under his jacket near his right hip area. I told [REDACTED] to leave his gun were it is, and that he is probably within his right to carry a gun while on his property, however, he can not carry one on his person while in public without a valid permit. [REDACTED] said he understood and will no longer carry a gun while off of his property. I explained to [REDACTED] that the [REDACTED] now has decided to pursue attempted homicide charges against him, and I will be forwarding the case to the



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District Attorney's Office for prosecution.

Officer - Supplemental 1 0752 SWITHENBANK KENNETH M Report Date 05/02/2007
 Supervisor Review 0896 FREESE DIANA M Review Date 05/16/2007
 Distribution DETECTIVE OFFICE, DA OFFICE

Narrative - Supplemental 2 On 05-02-07 at about 1925 hours, I contacted, [REDACTED] via telephone. I asked [REDACTED] what happened on the night of 04-30-07. The following is a summary of [REDACTED] statements;

[REDACTED] resides at [REDACTED] Shelter Cove Road. Her residence is just west of the Shelter Cove store, and the residence faces Shelter Cove Road. Her residence is close enough to the road to where she can hear vehicles drive by on Shelter Cove Road. On 04-30-07 at about 0340 hours, [REDACTED] heard a vehicle drive up the road past her residence. She then heard, [REDACTED] (whom [REDACTED] has known since he was a young kid), yelling "You have to help me, please help me". Then she heard him yell, "What are you doing". [REDACTED] then heard two gun shots, and [REDACTED] looked out her bedroom window which was in clear view of Shelter Cove Road. [REDACTED] said she heard [REDACTED] yelling, "help me I have been shot", and he continued yelling this statement getting louder each time. [REDACTED] said she saw a dark colored full size pickup, with a dark colored camper shell stopped on the road near a telephone pole just east of the store. A short time after the gun shots, the vehicle started to slowly drive away E/B on Shelter Cove Road. [REDACTED] later showed up at [REDACTED] residence and was laying on her porch. [REDACTED] let [REDACTED] into the residence, and he was yelling that he had been shot in the foot. [REDACTED] called 911, and [REDACTED] started to pull off his left boot. When [REDACTED] pulled off his boot [REDACTED] saw a bullet fall out of the boot onto the floor. [REDACTED] did not see [REDACTED] get shot, but [REDACTED] did hear the gun shots.

Nothing further.

Officer - Supplemental 2 1626 BRAUD TRAVIS Report Date 05/02/2007
 Supervisor Review 0752 SWITHENBANK KENNETH M Review Date 05/03/2007
 Distribution _____



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Case Number
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Incident Case Number 200904124 IR Title PC 594(B)(1) FELONY VANDALISM, PC 247(B)
 Date/Time Occurred 06/23/2009 10:07:54 AM IR Date/Time 06/23/2009 10:08:51 AM
 Name/Business Name _____ Incident Location B:SHELTER COVE USCG TOWER, SHELTER
 Case Clearance CLEARED EXCEPTIONALLY Case Clearance Date 07/13/2009

Offense

Offense Code PC594(B)(1) CSA COMMITTED Location CONSTRUCTION SITE
 Description _____

Offense Code PC247(B) CSA COMMITTED Location CONSTRUCTION SITE
 Description SHOOT AT UNOCCUPIED DWELLING/VEHICLE/ETC

Offense Code PC246.3 CSA COMMITTED Location CONSTRUCTION SITE
 Description _____

Person





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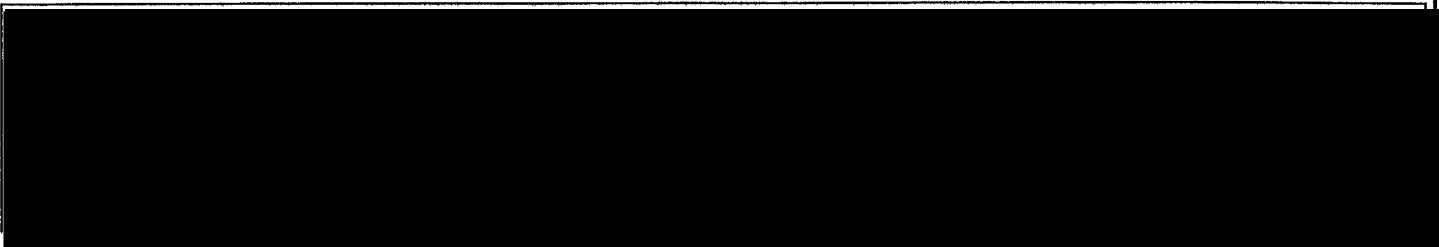
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Address Type _____ Address _____ Apartment _____
City _____ State _____ Zip _____ Phone _____
DOB _____ Age _____ Sex _____ Race _____ Height _____ Weight _____
Hair Color _____ Eye Color _____ Driver License _____ State _____





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Narrative/Summary

Narrative - IR

On 06-23-09 at 1130 hrs Deputy Dison and I arrived at a construction site located on Kelly Rd and Toth Rd, Shelter Cove. [REDACTED] is building a new 120' communications radio tower for the United States Coast Guard. The 120' radio tower is located inside a wire fenced 85' X 53' compound, also located within the fenced compound are three (3) structures, one of those buildings is called the States Parks building which currently houses radio communication systems for several State and local Fire agencies and State and local Law Enforcement agencies, the State Parks building is approx 10' X 12' in size. Also inside the fenced area is an electrical power box and two (2) large propane tanks.

Upon our arrival we met with [REDACTED] he is the [REDACTED] in Shelter Cove, he reported that sometime last night an unknown [REDACTED] had used a high powered rifle and shot several rounds into one of the support legs for the 120' U.S. Coast Guard communication tower, he said the [REDACTED] also shot several rounds into the State Parks building, the electrical power box, a United Rentals storage container, an equipment trailer owned by General Dynamics and a B&B Portable Toilet was shot up. [REDACTED] estimated the damage to the State Parks building at approx \$10,000.00. [REDACTED] said he believes that the shooter could possibly be [REDACTED] who lives just West of the construction site, [REDACTED] lives at [REDACTED] Kelly Rd.

I talked with [REDACTED] (RP) [REDACTED] he said there were employees at the work site on Monday 06-22-09 until 2100 hrs and they returned to the work site in the morning Tuesday 06-23-09 at 0800 hrs, that is when the damage was discovered. [REDACTED] estimated the damage to repair the tower and the power box at \$100,000.00. he said the U.S. Coast Guard tower is being built with Homeland Security money. [REDACTED] said he will attempt to take some close up photo's of the damaged tower and equipment and he will burn those photo's on a CD for me at a later date.

[REDACTED] took us on a tour of the damaged equipment and buildings and he showed us several shell casing which he found in the roadway on Kelly Rd. As we walked up Kelly Rd from Toth Rd, we found several expended large caliber shell casings in the roadway, as we walked further up the roadway we found more shell casings, on the West side of the fenced compound area in the brush [REDACTED] found two (2) additional expended shells casings and one live round and a bottle cap, all of the expended shell casings and the live round appear to be the same caliber FNM 78-19. In all 25 expended shell casings and one live round were recovered at the scene along with some bullet fragments. I photographed the shell casings and the Lost Coast bottle cap, Deputy Dison collected the shell casings, the live round and the bottle cap, I later booked all of the collected items into evidence at the Humboldt County Sheriff's Office, I requested the shell casings be checked for finger prints.



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The damaged consisted of five (5) bullet holes into one of the three support legs for the 120' U.S. Coast Guard communication tower, the bullet holes were approx 19' high up from the base, it's unknown at this time if there is any other damage to the tower. The electrical power box near the tower had two (2) separate power cables that had been hit by bullets damaging both cables, the electrical box nearest the road had been hit by one bullet, the bullet entered the box and exited near the back and hit the backside of another electrical box.

The State Parks building is approx 10' X 12' in size, the building has a metal front door, I counted a total of nine (9) bullet impacts into the front of the building, six (6) rounds hit the metal door, one of those round penetrated the door, there were three (3) bullets holes to the right side of the metal door that penetrated the building, some of the equipment inside the building had been hit by the bullets.

An equipment trailer owned by [REDACTED] was parked in the dirt parking lot at the construction site, the side of the trailer that faces Kelly Rd had three (3) bullet holes in the side of it, the bullets exited the other side of the trailer. Two of the tires were flat and one (1) bullet impacted the trailer frame underneath the trailer box.

A United Rentals storage container and a B&B Portable Toilet that were next to each other had been hit with bullets, the storage container is approx 19' 10" long, 8' wide and 8' 6" tall, there appeared to be one (1) bullet that hit the storage container and then hit some equipment inside the container, I collected a bullet fragment from the floor of the container. The portable toilet appeared to have two (2) bullet holes in the front door, the bullet penetrated the door and hit the toilet seat.

Deputy Dison and I went to [REDACTED] Kelly Rd which is just down the road from the construction site and we talked with [REDACTED], he said he his wife [REDACTED] was awakened this morning at 0118 hrs when she heard a half dozen gun shots. [REDACTED] said he was then awakened at 0205 hrs when he heard several rapid gun shots, he did not see anything, but he believes that his neighbor [REDACTED] at [REDACTED] Kelly Rd was the shooter. He has had an ongoing neighbor dispute with [REDACTED]. I later checked the Sheriff's Office report writing system and I found the following cases involving [REDACTED] HSO case # 200702391 (PC 664/187) case # 200800076, 200302803, 200306226, [REDACTED] is on summary probation to obey all laws and not to own any deadly weapons, there is no search clause.

On 06-24-09 Special Agent Jacob Westlie USCG came to the Sheriff's Office Garberville Station and I briefed him on my initial investigation of the vandalism to the USCG tower in Shelter Cove. Agent Westlie investigates crimes to Coast Guard property, I will request a copy of the completed investigation be faxed to Agent Westlie. Any new information obtained will be submitted on a supplemental report. NF



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Officer - IR 0429 STOCKTON ALLEN O Report Date 06/23/2009
 Supervisor Review 0884 STEWART ERNEST D Review Date 06/24/2009
 Distribution SPECIAL AGENT JACOB WESTLIE USCG, [REDACTED] CID
 SGT. WAYNE HANSON

Narrative - Supplemental 1 On 06-26-09 [REDACTED]
 [REDACTED] in Shelter Cove came to the Sheriff's Office Garberville Station and he gave me a copy of the photo's he had taken of the damaged Coast Guard Tower and the other damaged building and equipment. I later booked the photo CD into evidence at the Humboldt County Sheriff's Office. Any new information obtained will be submitted on a supplemental report. NF

Officer - Supplemental 1 0429 STOCKTON ALLEN O Report Date 06/26/2009
 Supervisor Review 0631 SYLVIA JON W Review Date 06/27/2009
 Distribution USCG SPECIAL AGENT JACOB WESTLIE, [REDACTED]
 [REDACTED]

Narrative - Supplemental 2 On 07/13/09, at about 1000 hours, [REDACTED] telephoned the Garberville Station to report additional vandalism he had recently discovered. Culp told me the following;

On this date at about 0800, employees arrived at the coast guard property and observed that a 6'x6' portion of the chain link fence on the North side of the property had been cut. The fencing material then had been rolled back. Employees had last been on the property on 07/09/09. No additional damage had been noticed.

I advised [REDACTED] I would add the information to the current case.

No further actions at this time.

Officer - Supplemental 2 1687 SMITH KYLA Report Date 07/13/2009
 Supervisor Review 0631 SYLVIA JON W. Review Date 07/18/2009
 Distribution _____



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Case Number

200904664

Date: 05/20/2014

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Incident Case Number 200904664 IR Title SWAT OP - A/A CHP SEARCH WARRANT SERVICE
 Date/Time Occurred 07/13/2009 10:23:18 PM IR Date/Time 07/13/2009 10:26:27 PM
 Name/Business Name _____ Incident Location [REDACTED] KELLEY RD, SHELTER COVE, CA
 Case Clearance INFORMATION ONLY Case Clearance Date 07/16/2009

Offense
 Offense Code CRIMINAL CSA COMMITTED Location OFFENDER'S RESIDENCE
 Description _____

Person
[REDACTED]

[REDACTED]

Narrative/Summary

Narrative - IR On 7-13-09, the HCSO SWAT Team was assigned an operation to assist CHP investigators with a high risk search warrant at [REDACTED] Kelley Road, Shelter Cove. The primary [REDACTED] was identified as [REDACTED]. The search warrant was prepared by CHP Officer Shannon McGrane. I was provided a copy of the warrant which I reviewed prior to serving it.

The warrant was executed on 7-15-09. I was assigned as Team Leader for this operation. I was assisted by the following SWAT Operators: Fulton (A-T/L), Landreneaux, Gomes, Bishop (EPD), Musson, T. Braud (EPD), Massaro, Ireland and Aubuchon (EPD).

Deputy Landreneaux gave knock and notice. The door was answered by [REDACTED]. Also at the residence was [REDACTED] and [REDACTED]. [REDACTED] were removed from the residence without incident or force and handed off to awaiting CHP officers.

Entry was made and the residence was searched for additional [REDACTED] and/or



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threats using a slow deliberate search technique. No additional [REDACTED] were located. After the residence and out buildings were declared safe the scene was turned over to the CHP for further investigation and the SWAT Team departed the scene.

No forced entry was needed and no use of force was used against the occupants.

Documentation only. No further action pending from this agency.

Supporting documents forwarded to case file.

Officer - IR	<u>1025 MILLER KEVIN A</u>	Report Date	<u>07/13/2009</u>
Supervisor Review	<u>0631 SYLVIA JON W</u>	Review Date	<u>07/17/2009</u>
Distribution	_____		



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Case Number
201006689

Date: 05/20/2014

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Incident Case Number 201006689 IR Title GROW FOR PROFIT, FLEEING SUSPECTS.
 Date/Time Occurred 10/13/2010 06:09:58 AM IR Date/Time 10/13/2010 06:25:49 PM
 Name/Business Name _____ Incident Location [REDACTED] DUTY RIDGE RD, WHITETHORN, CA
 Case Clearance _____ Case Clearance Date _____

Offense

Offense Code HS11358 CSA COMMITTED. Location OTHER
 Description PLANT/CULTIVATE/ETC MARIJUANA/HASHISH

Offense Code HS11359 CSA COMMITTED Location OTHER
 Description POSSESS MARIJUANA FOR SALE

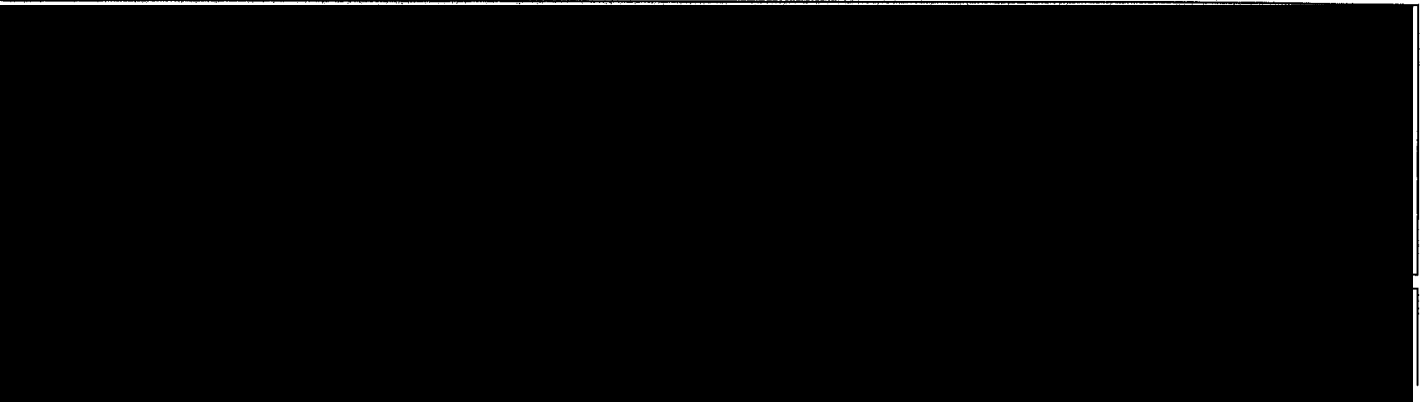
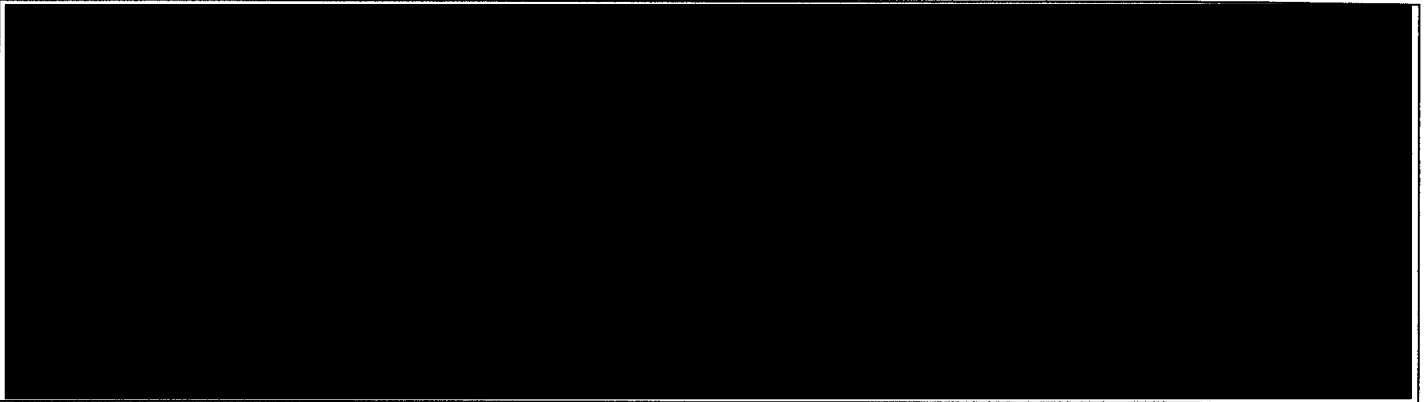
Offense Code PC12022(A) CSA COMMITTED Location OTHER
 Description _____

Offense Code PC636.5 CSA COMMITTED Location OTHER
 Description INTERCEPT/ETC PUBLIC SAFTEY RADIO COMMUNICATION

Offense Code PC148 CSA COMMITTED Location OTHER
 Description _____

Offense Code PC1203.2 CSA COMMITTED Location OTHER
 Description _____

Person





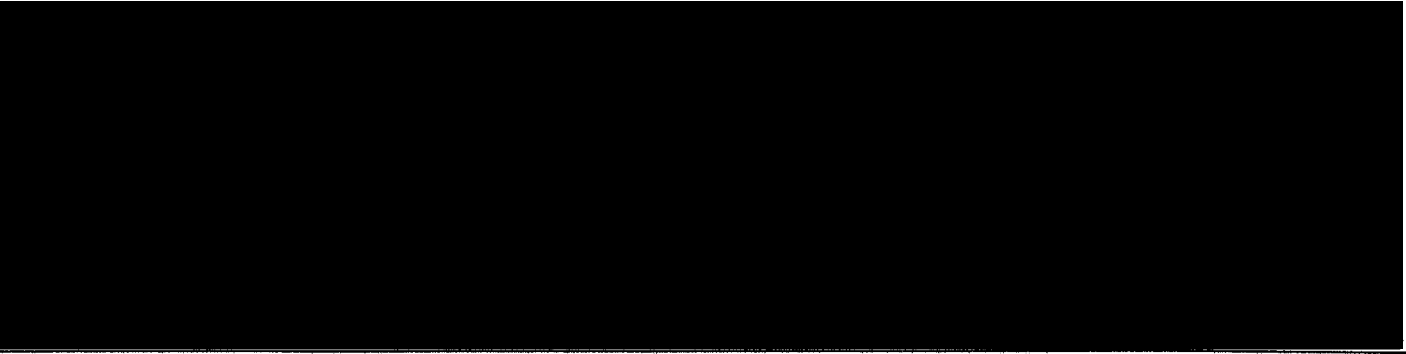
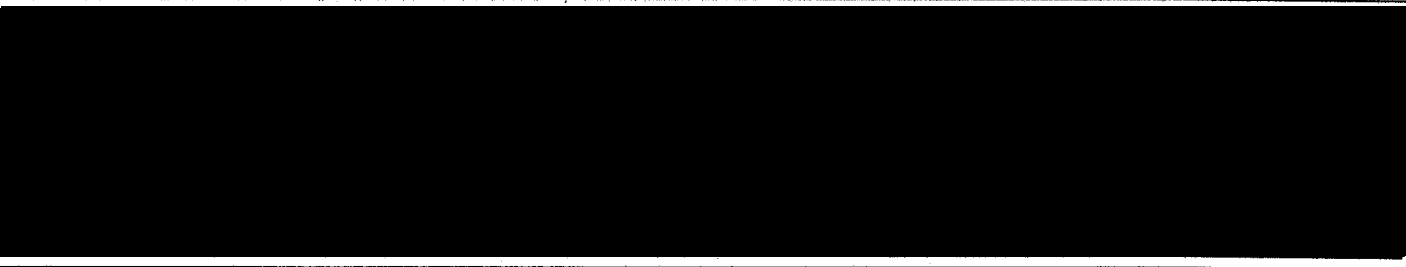
Humboldt Sheriff's
Office
826 Fourth Street
Eureka, CA 95501
(707) 445-7251

HUMBOLDT CO SHERIFF INCLUSIVE CASE REPORT

Case Number
201006689

Date: 05/20/2014

Page: 2 of: 6



Narrative/Summary

Narrative - IR

On 10-14-10 I assisted HCDTF with the service of a search warrant in the Dutyville area of southern Humboldt County. After conclusion of this warrant I was given information from Agent Unsinger that on the neighboring property he observed an open field marijuana garden. This garden was discovered while conducting over-flight operations for the previously-mentioned search warrant. Deputy C. Silva and I responded to the neighboring property on ATVs by way of a maintained road system. This property was later identified as Humboldt County parcel [REDACTED] Upper Mattole Canyon Rd. I have been to this property in the past for an indoor marijuana investigation and knew that there were several structures on this parcel.

As we approached the property I observed a large area that had been recently leveled and that on one end of the large flat I observed the above-mentioned marijuana garden. Also I saw a WMA walking from the garden area and up the road along side a [REDACTED] Ford Pick-up which was parked in the roadway away from our location. At this point the subject is about 20 yards away from us. As we got closer I observed the [REDACTED] who was later identified as [REDACTED] look over his right shoulder directly at us. As we continued to advance on [REDACTED] he began to run from our presence. I yelled to [REDACTED] to stop and as I did he began to run towards the structures. I sped in the direction in which [REDACTED] had ran in an attempt to keep visual contact with him. [REDACTED] turned to our left and continued to run. Now [REDACTED] had gone cross-country through some brush and fallen trees. We rode to where [REDACTED] had turned off the road and made contact with three other [REDACTED]. These [REDACTED] were standing in front of one of the



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structures amongst several coolers and bags of food. We parked our ATVs and due to the three [REDACTED] now in front of us, we opted not to pursue [REDACTED]. I advised the [REDACTED] not to move. Two of the [REDACTED] remained where they were as the third moved slowly to his left, our right. I told the third [REDACTED] to stop moving. The [REDACTED] continued to move until he came to the corner of the structure where he stood for a few seconds then turned and fled alongside the structure away from us. This [REDACTED] was later identified as [REDACTED]. Deputy Silva and I detained the two remaining [REDACTED] in handcuffs. These two remaining [REDACTED] identified themselves as [REDACTED] and [REDACTED].

Deputy M. Peterson and Agents from the DTF arrived at our location and the property was secured rendering the issuance of a search warrant. We searched the open areas around the structures for [REDACTED] but were unsuccessful in locating them.

While Deputy Silva was acquiring the search warrant for the property I interviewed both [REDACTED] separately.

[REDACTED] told me the following: He arrived in Garberville on 10-13-10 from Oakland via Greyhound bus. [REDACTED] had been in contact with [REDACTED] via cell phone whom he knew as [REDACTED]. [REDACTED] had offered [REDACTED] work trimming marijuana at his grow site. [REDACTED] said that [REDACTED] had told him that he had "scripts" for the grow meaning the marijuana was for medical purpose. [REDACTED] picked [REDACTED] up from the bus stop, which is located in front of Ray's Food Place in Garberville. [REDACTED] was driving a [REDACTED] in color Ford pick-up. Riding with [REDACTED] in the pick-up was [REDACTED]. All three [REDACTED] then traveled to our current location, arriving in the later hours of the evening. [REDACTED] said they set up their camp spots that night in the dark. [REDACTED] set up a covered hammock between two trees in an area where [REDACTED] tent was, which was already set up prior to their arrival. [REDACTED] slept in his hammock for the night. In the morning they were just getting their day started when we showed up. When asked who the [REDACTED] was that ran during our initial contact as we pulled up [REDACTED] told me it was [REDACTED] and the [REDACTED] who ran alongside the grow structure was [REDACTED].

[REDACTED] told me the following: He met [REDACTED] who he knew as [REDACTED] at the Sushi Spot where [REDACTED] works in Arcata. They became acquaintances and [REDACTED] asked [REDACTED] if he wanted to make some money trimming marijuana. [REDACTED] accepted the offer and arrangements were made to pick up [REDACTED] at his residence. [REDACTED] picked up [REDACTED] on the 13th in a [REDACTED] Ford pick-up at about 1800 hours. They drove to Winco and Costco and shopped for food items. They drove from there to Garberville where they stopped in front of Ray's Food Place and picked up [REDACTED]. They then drove to our current location where they set up [REDACTED]. [REDACTED] set up their campsites for the night. [REDACTED] set up a yellow in color single man tent in a sleeping area near [REDACTED] hammock and [REDACTED] tent. As they were starting their morning on the 14th we arrived. [REDACTED] told me they had not started trimming any marijuana. I also asked [REDACTED] who was the [REDACTED] that ran as we pulled up and he told me it was [REDACTED]. [REDACTED] also advised that it was [REDACTED] that ran alongside the structure as we made contact with them.



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Deputy Peterson advised us via radio that Honorable Judge D. Reinholsten had signed the search warrant for the property at 1615 hours. At about 1630 hours, I gave knock notice and entry was made into the structures.

Listed from here down are the items located and removed as evidence from the search warrant.

From inside the [REDACTED] Ford pick-up Ca license [REDACTED] located just above the garden area parked in the roadway I located a prescription medication pill bottle of Hydrocodone labeled to [REDACTED]. This pill bottle was located in the driver's side door pouch. From an unlocked metal gun safe which was occupying the entire rear seat area I removed a small dog collar with a name tag on it identifying the dog as [REDACTED] also on the tag was the address of [REDACTED] Larry St., in Arcata and the phone numbers [REDACTED]. From the glove box area I located and removed an insurance card for the Ford truck. This insurance card labeled the registered owner as [REDACTED].

From a small blue tent located in a wooded area just above the roadway and to the right of the Ford truck, I located and removed a passport for [REDACTED]. A Sheriff's notice to appear for SWAP addressed to [REDACTED] and some Revenue Recovery paperwork in the name of [REDACTED]. These items were located in a duffel bag located in the far right hand corner of the tent. Also removed from the tent was a set of keys, a large knife and sheath, a box of 10mm handgun ammunition, a partial box of 12 gauge ammunition and a loaded Remington model 870 12gauge shotgun ser# [REDACTED]. This shotgun was equipped with a pistol grip and a tactical pump action. In the magazine tube of the shotgun were two loaded shotgun shells.

From inside what will be known as drying room "A" I located and removed A pair of night vision goggles with a case, indicia for [REDACTED] in the form of a leather wallet containing [REDACTED]. Also located were five high capacity Glock handgun magazines, an Acculab V-600 digital scale, approximately four boxed of loaded 10mm handgun ammunition, a Glock model 20 10mm semi-auto handgun [REDACTED]. This handgun was found inside a small duffel type tool bag with miscellaneous firearm parts. The above-mentioned Glock handgun had a magazine in it containing 14 rounds of 10mm ammunition. I also found a tactical drop holster with attached high capacity M16 style magazine pouches. All above-mentioned items found in room "A" were recovered from the top of a workbench area located to the far left corner of the room. Located to the left of this bench along the wall I found a Uniden Scanner [REDACTED], which was also removed as evidence. Suspended from strings stretching from wall to wall and hanging on strings under the workbench I removed 622 drying marijuana branches.

From drying room "B" which is located in the same structure as room "A" although divided by a wall and connected by a door in the left hand corner of room "B" I located and removed 1150 drying marijuana branches. Some of the branches were suspended from strings stretched from wall to wall and some were piled on the floor in the right hand corner of the room waiting to be hung.

From a lean-to portion of the structure located to the left of the front door to drying room "A". I located a sleeping area suspected to be [REDACTED]. I removed a black leather shoulder holster, which was suspended from the ceiling above a sleeping bag and blankets.

From the outside garden area we removed 221 growing mature marijuana plants.



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These plants ranged in height from 1'-5' and 6"-3' wide. They appeared to be hand watered utilizing a garden hose. They appeared to be of a cloned variety being grown in a mixture of native soil and commercial grade potting soil.

From an old generator shed located to the right of the drying structure I removed as evidence a 2007 Yamaha WR 450F motorcycle vin [REDACTED]. This vehicle is registered to [REDACTED].

Also removed, as evidence was a [REDACTED] unknown year Honda ATV 4-wheeler, vehicle identification number [REDACTED]. A records check of this vin# produced no registered owner on file.

I showed the Oregon ID card of [REDACTED]. They identified [REDACTED] picture as [REDACTED]. I showed the passport photograph of [REDACTED]. They identified the subject in the picture as [REDACTED].

I contacted my dispatch and requested a records check on the two firearms by running their serial number. Neither firearm returned with any registered owner on file.

It should be noted that on several occasions during the search of the property as well as while we were waiting for the warrant an unidentified [REDACTED] was seen or heard sneaking around just out of line of sight. The [REDACTED] was made aware to us by the three dogs that were on scene. On occasion the dogs would take off walking away from our location headed in a specific location. On two of these occasions I followed along at a distance behind the dogs and observed a male [REDACTED] walking away from our location in the trees and brush surrounding our location. A sweatshirt was located at the foot of a tree up on a small knoll above the warrant location. This sweatshirt appeared to be semi clean as though it had been taken off and used as a seat. This shirt had a logo for Armalite firearms. Just as we were concluding the search and preparing to leave, the dogs alerted to something in the brush close to us. We searched the area and saw the [REDACTED] with no shirt on fleeing from the area.

The above-mentioned dogs are described as a male, blue merle in color, blue healer, breed of dog, a female, dark brown in color, brindle striped bull mastiff, and small male, black and tan Chihuahua. The healer and the Chihuahua would bark every time someone would walk into the scene or walk into the brush and reappear. Although this didn't occur when they would walk off to find whomever they were following in the brush.

Asset forfeiture paperwork was prepared for the Yamaha and Honda. This paperwork was sent via certified mail to all involved parties as well as the property owner of record [REDACTED].

All above-mentioned marijuana was entered in to evidence to be destroyed. I removed a 10 lb bulk sample as well as 5 sub-samples, which were retained as evidence. I also removed 5lbs "2270g" of the hanging marijuana stems. I hung the marijuana up on strings the same way that it was being prepared by the grower to conclude drying. This drying time took approximately 3days. On the fourth day Deputy C. Silva, Deputy M. Peterson and I trimmed the stems and leaves from the



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marijuana bud exposing a finished product. From the 2270g of hanging stems we concluded with approximately 1176.6g of processed marijuana bud and approximately 767g of trimmings and stems. There was a total of 327g determined to be water weigh loss during the drying process, and fine trimmings that fell to the floor during the manicuring process. It should be noted that these weights were determined subtracting any packaging materials. The processes marijuana buds as well as the trimmings were entered into evidence.

Photographs were taken of the garden site, structures, and marijuana pre search. These photographs were downloaded to CD and entered into evidence.

I filled out AFS forms for the firearms and forwarded them to dispatch to be entered into the system.

I completed a Declaration in Support of an Arrest Warrant for both [REDACTED] and [REDACTED].

Request this report with attached requests for warrants be forwarded to the District Attorneys Office for prosecution. Any further information regarding this case will be [REDACTED] to supplemental report. Nothing further at this time.

Officer - IR 1394 FULTON TODD Report Date 10/13/2010
Supervisor Review 0330 HANSON WAYNE E Review Date 11/08/2010
Distribution DA, DEU FILE

Narrative - Supplemental 1 REPORT DRAWN IN ERROR

Officer - Supplemental 1 1186 PETERSON MARK L Report Date 11/02/2010
Supervisor Review 0330 HANSON WAYNE E Review Date 11/03/2010
Distribution _____

Narrative - Supplemental 2 On Wednesday January 19th 2011, I processed a Glock 10mm handgun magazine, 14 unexpended 10mm cartridges and a Glock 10 mm Model 20 handgun for latent prints. This item was originally booked into evidence in regards to this case.

I was unable to obtain any latent prints from this item.

The item was returned to HCSO Property Technician [REDACTED] for storage.

Case Status: Closed by Report.

Officer - Supplemental 2 1601 LANDRENEAUX CHANCE Report Date 01/19/2011
Supervisor Review 0896 FREESE DIANA M Review Date 01/19/2011
Distribution _____



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HUMBOLDT CO SHERIFF INCLUSIVE CASE REPORT

Case Number
201007618

Date: 05/20/2014

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Incident Case Number 201007618 IR Title JAIL REPORT
 Date/Time Occurred 11/27/2010 10:12:20AM IR Date/Time 11/27/2010 10:15:26AM
 Name/Business Name HCCF Incident Location 901 5TH ST, EUREKA,
 Case Clearance _____ Case Clearance Date _____

Offense
 Offense Code PC240 CSA _____ Location _____
 Description ASSAULT

Offense Code PC242 CSA _____ Location _____
 Description BATTERY

Person

Narrative/Summary

Narrative - IR

Officer - IR 1033 GRIFFIN DENNIS E Report Date 11/27/2010

Supervisor Review _____ Review Date _____

Distribution _____

**HUMBOLDT COUNTY
SHERIFF'S DEPARTMENT**
826 FOURTH STREET, EUREKA, CA 95501

CASE NUMBER 01-201007618 PAGE 1 OF 2

- 1200 -

- DOMESTIC VIOLENCE ADULT ARREST
 GANG RELATED JUVENILE CITE
 HATE CRIME SCHOOL RELATED UNKNOWN INCIDENT

PRIMARY OFFENSE PC 240/242	1. Felony 2. Misd.	3. Infraction 4. Incident	M
OTHER OFFENSES			

INCIDENT INFORMATION

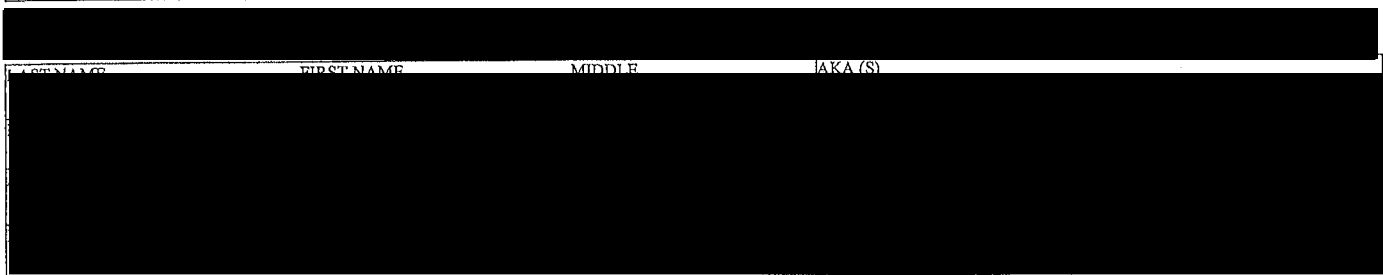
BEAT 18	DATE OCCURRED 11252010 THRU 11252010		TIME OCCURRED 1740 THRU 1900	
REPORT DATE 11252010	REPORT TIME 1900	DAY OF WEEK (OCCURRED) THURSDAY		
COMMON NAME/BUSINESS NAME Humboldt County Correctional Facility				
INCIDENT LOCATION (Address or Block range) 826 4 TH ST EUREKA CA 95501				

UNIFORM CRIME REPORT

UCR WEAPON TYPE			
1. Revolver	5. cutting instrument	9. Assault Rifle	
2. Semi Auto	6. Hands/Feet/Fists	10. Machine Gun	
3. Rifle	7. Simulated Weapon	11. Unknown	
4. Shotgun	8. Other Weapon _____	6	
METHOD OF ENTRY			
1. Forced	2. No Force	3. Attempted	4. Unknown NA
ENTRY LOCATION			
1. Window -Front	6. Window-Basement	11. Door-Garage	16. Other
2. Window-Rear	7. Door-Front	12. Door-Basement	17. Unknown
3. Window-Side	8. Door-Rear	13. Roof	
4. Window-Wing	9. Door-Rear	14. Wall	
5. Window-up Level	10. Door-up Level	15. Adjoin. Area	NA

- SEX CRIME CONFIDENTIALITY
 SUBJECT NO. 1 VICTIM REPORTING PARTY

LAST NAME STATE OF CALIFORNIA		FIRST NAME	MIDDLE	AKA (S)	
DOB	<input type="checkbox"/> M <input type="checkbox"/> F	AGE	RACE	HT	WT
HAIR		EYES	DRIVERS LICENSE		STATE
ADDRESS 901 5 TH ST		CITY/STATE EUREKA, CA		ZIP 95501	HOME PHONE (707)441-5125
BUSINESS/OTHER ADDRESS HUMBOLDT COUNTY CORRECTIONAL FACILITY					OTHER PHONE () -



- CHECK FOR ADDITIONAL PAGES

PROPERTY LIST

CODE	ITEM NO.	ARTICLE	BRAND MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE
E	1			6	PAGES WITH 2 PICTURES ON EACH LABELED 1-12		
E	2			1	WRITTEN STATEMENT FROM [REDACTED]		
E	3			1	WRITTEN STATEMENT FROM [REDACTED]		

OFFICER C.FISHER	PIN 1725	REPORT DATE 11252010	SUPERVISOR REVIEW <i>[Signature]</i>	PIN 1033	REVIEW DATE 11-28-10
DISTRIBUTION: <input type="checkbox"/> Briefing <input type="checkbox"/> Investigation <input checked="" type="checkbox"/> D.A. <input type="checkbox"/> Parole <input type="checkbox"/> Probation <input type="checkbox"/> CWS <input type="checkbox"/> Coroner <input type="checkbox"/> ABC <input type="checkbox"/> Other _____					COPIES BY:

CASE NUMBER
01-201007618

SEX CRIME CONFIDENTIALITY

SUBJECT NO. VICTIM REPORTING PARTY WITNESS INVOLVED PARTY SUSPECT

LAST NAME	FIRST NAME	MIDDLE	AKA (S)

VEHICLE NO.	<input type="checkbox"/> VICTIM	<input type="checkbox"/> INVESTIGATIVE LEAD	<input type="checkbox"/> INVOLVED	<input type="checkbox"/> SUSPECT
STATE VEHICLE TYPE	TOP COLOR	YEAR	MAKE	MODEL
1. Auto 2. Truck 3. Motorcycle 4. Bus 5. Trailer	6. Boat 7. Aircraft 8. Other	BOTTOM COLOR	LICENSE/VIN #	STATE
			VEHICLE ODDITY	

VEHICLE NO.	<input type="checkbox"/> VICTIM	<input type="checkbox"/> INVESTIGATIVE LEAD	<input type="checkbox"/> INVOLVED	<input type="checkbox"/> SUSPECT
STATE VEHICLE TYPE	TOP COLOR	YEAR	MAKE	MODEL
1. Auto 2. Truck 3. Motorcycle 4. Bus 5. Trailer	6. Boat 7. Aircraft 8. Other	BOTTOM COLOR	LICENSE/VIN #	STATE
			VEHICLE ODDITY	

CHECK FOR ADDITIONAL SUSPECT (S)

On 11/25/10 I was working at the Humboldt County Correctional Facility as a uniformed Correctional Officer assigned to the S-9 Post. I was assigned to supervise inmates in housing unit N320 a general population male housing unit. At approximately 1740 I was standing at the Officer Station when I heard someone yell from the top tier, "What the fuck." I then heard what sounded like fighting coming from the same area. I radioed for code three backup for a fight on the top tier. I ran to the top tier, upon my arrival I saw inmates ██████████ both holding each other around the waist appearing to wrestle. I yelled for them to stop and get on the ground. With no response to my order, I deployed my departmental Oleoresin Capsicum in their direction. At this point ██████████ retreated about ten feet and got on the ground. ██████████ then got face down on the ground. I placed handcuffs on ██████████. At this time COII Hill arrived and placed ██████████ into handcuffs. Hill and Senior Correctional Officer Jones escorted ██████████ to holding cell N145 in Processing. COII Wibbenhorst and I escorted ██████████ out of the unit. I asked ██████████ if he needed medical attention, he stated his left shoulder was hurting. We escorted ██████████ to the Medical unit. We removed the handcuffs and R.N. ██████████ examined him. ██████████ gave ██████████ an ice pack and stated his range of motion seemed okay on his left shoulder. ██████████ stated he did not get any Oleoresin Capsicum on him. I went back to N320 to reassume my Post from S-13 Senior Correctional Officer Hammer.

At approximately 1800 I asked several inmates from the top tier if they saw anything that happened, all stated they had not seen anything. At approximately 1820 I advised ██████████ of his Miranda Rights. ██████████ stated under Miranda the following: "I was lying on my bunk reading the newspaper when all the sudden someone hit me in the face. I jumped up and yelled, 'What the fuck' and said, 'Help'. I saw the young kid had hit me so I started to push him away. He kept trying to hit me. Then you came and broke us up. I have never even talked to that kid." I noticed ██████████ had a band aid on his left cheek along with swelling. I asked ██████████ if he wanted to pursue Criminal Charges against ██████████. ██████████ said, "Yes I want to press charges." At this time I photographed ██████████ face. I then spoke with RN ██████████ about ██████████. ██████████ stated that she had examined ██████████ shortly after the incident for a superficial small abrasion on his left cheek. ██████████ stated she gave ██████████ a band aid and an ice pack for swelling. ██████████ also stated she performed a Neuro Check for a hit to the head, ██████████ stated ██████████ would receive Neuro Checks for the next twenty four hours due to a hit in the head.

At approximately 1835 I advised ██████████ of his Miranda Rights. Under Miranda ██████████ told me the following: "I went into someone else's quad to give them a soup. We all started to laugh because this old man in the quad next to him was making weird sounds on his bunk. I turned around and walked out of the quad and someone grabbed me by the back of my neck. I turned around and swung my fist because someone grabbed me. I didn't know what was going on. After I already turned, I realized I hit the old dude with glasses that we were laughing at. I didn't expect that. Then you broke us up. I wasn't trying to hurt anyone but I thought someone was trying to kick my ass." I asked ██████████ if he wanted to pursue Criminal Charges, ██████████ said, "No I don't." ██████████ received a clean set of clothing due to his jumpsuit having Oleoresin Capsicum on it. I photographed the back of ██████████ which appeared to have a hand mark on it and was red. I notified S-1 Sergeant Griffin of the incident.

On 11/27/10 I brought ██████████ a County of Humboldt Complaint Revocation form, at this time ██████████ changed his mind and decided to pursue Criminal Charges. At this time both ██████████ wish to pursue Criminal Charges. Both wrote statements about the incident.

DISPOSITION:	<input checked="" type="checkbox"/> ARREST	<input type="checkbox"/> CITE	<input type="checkbox"/> VICTIM'S REQUEST/DOCUMENTATION ONLY	COPIES BY:
CLOSED BY:	<input type="checkbox"/> SUSPENDED	<input type="checkbox"/> PENDING	<input type="checkbox"/> UNFOUNDED	



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HUMBOLDT CO SHERIFF INCLUSIVE CASE REPORT

Case Number
201300490

Date: 05/20/2014

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Incident Case Number 201300490 IR Title PROBATION SEARCH
 Date/Time Occurred 01/29/2013 08:54:05 AM IR Date/Time 01/29/2013 08:49:55 AM
 Name/Business Name _____ Incident Location [REDACTED] KELLY RD, SHELTER C, CA
 Case Clearance CLEARED EXCEPTIONALLY Case Clearance Date 02/05/2013

Offense
 Offense Code INV CSA COMMITTED Location OTHER RESIDENCE
 Description INVESTIGATION

Person
 [REDACTED]

Narrative/Summary

narrative - IR On 01-31-13 at about 0800 hours the following members of the Humboldt County Sheriff's Office SWAT Team met at the Garberville station for a briefing: Sgt Miller, Deputies Massaro, Mowrey, Fulton, Officers J. Braud, T. Braud and Siipola. We were authorized to assist Sgt Swithenbank and Deputy Stockton with a probation search of [REDACTED] residence, located at [REDACTED] Kelly Road in Shelter Cove.

Sgt. Swithenbank has received several calls from neighbors indicating [REDACTED] is firing a gun. [REDACTED] has a history of firearms violations and is currently on searchable probation for the same. Due to [REDACTED] erratic behavior it was decided he would be called into the Garberville Station by Probation Officer Peterson.

The SWAT Team would respond to his residence and conduct a safety sweep and probation search of the property. The team responded to the Shelter Cove area. At about 1015 hours we were notified that [REDACTED] had showed up to the Garberville Station. During his interview with his probation officer he said he no longer lived at the Kelly address. He claimed to be homeless and only went to the residence to baby sit.

Based on this information the SWAT team did not enter the residence and did not conduct a search.

This report is for documentation purposes only.

Officer - IR 0872 QUENELL BRYAN J Report Date 01/29/2013
 Supervisor Review 1191 DANIELS JASON S Review Date 02/05/2013
 Distribution _____



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HUMBOLDT CO SHERIFF INCLUSIVE CASE REPORT

Case Number

201303564

Date: 05/20/2014

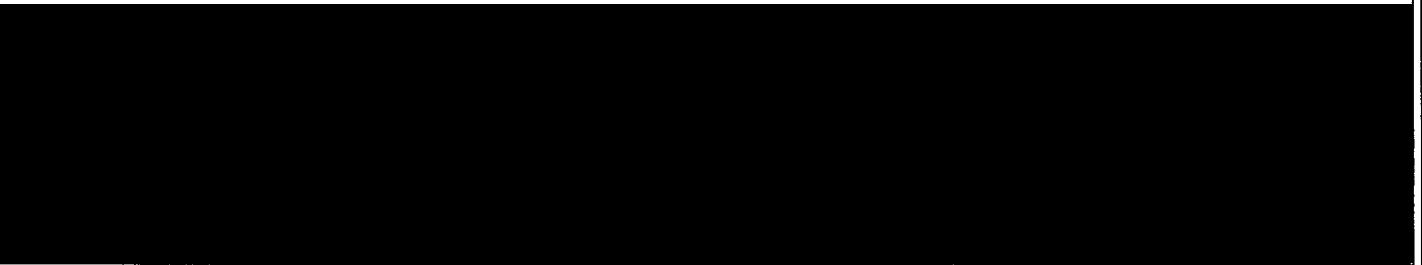
Page: 1 of: 2

Incident Case Number 201303564 IR Title INVESTIGATION
Date/Time Occurred 07/12/2013 04:46:36 PM IR Date/Time 07/12/2013 04:51:24 PM
Name/Business Name SHELTER COVE Incident Location SHELTER COVE, SHELTER COVE, CA
Case Clearance INFORMATION ONLY Case Clearance Date 07/12/2013

Offense

Offense Code INV CSA COMMITTED Location GOV'T/PUBLIC BUILDING
Description INVESTIGATION

Person





Humboldt Sheriff's Office
 826 Fourth Street
 Eureka, CA 95501
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**HUMBOLDT CO SHERIFF
 INCLUSIVE CASE REPORT**

Case Number
 201303564

Date: 05/20/2014

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Narrative/Summary

Narrative - IR

On 07/12/13, I received a phone call from [REDACTED] the Public Works director for the Shelter Cove Resort District. [REDACTED] stated that he was notified by [REDACTED] that heard several guns shots in the early morning hours of 07/12/13 in the area of Kelly Rd. in Shelter Cove. [REDACTED] also stated that the blinking strobe light that is for air traffic was blinking white instead of red all night. [REDACTED] stated he didn't know why the light was doing this.

[REDACTED] went on to say that [REDACTED] believed [REDACTED] was the one who fired the shots and that the shots were directed at the radio towers that are for the Sheriff's Office, Coast Guard and Netlink 101. [REDACTED] stated that an employee named [REDACTED] for Netlink 101, went to the towers at about 1100 hours, on this date to check his equipment. [REDACTED] found that one piece of his equipment had been damaged with what he believed to be gun shots although this could not be confirmed.

[REDACTED] stated he also contacted the Coast Guard about the possibility of the towers being shot at again. [REDACTED] spoke with General Dynamics, who maintains the Coast Guard towers and advised them of the possible issue. [REDACTED] gave me their reference number [REDACTED] (site name RF Shelter Cove).

[REDACTED] had been previously investigated for shooting at and damaging the towers, years ago. At this time there is no evidence to prove [REDACTED] fired shots at the towers and this report was requested for documentation only at this point.

It should be noted that on this date (07/12/13), I received a phone call from DA Investigator Tom Cooke. Cooke told me that he had received information that [REDACTED] may be having some [REDACTED] issues and that [REDACTED] may also be carrying a rifle and handgun. This information was only officer safety information at this time. I also notified Cooke of this report. Cooke stated that [REDACTED] was not be actively investigated for any crime.

This is for information only at this time.

Officer - IR 1228 CROSSWHITE SETH N Report Date 07/12/2013

Supervisor Review 1340 IRELAND KERRY Review Date 07/13/2013

Distribution COPY PER REQUEST TO COAST GUARD CONTRACTOR [REDACTED]