

HUMBOLDT SUPERIOR COURT
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

FILED

AFFIDAVIT FOR SEARCH WARRANT
S/W # 5633

MAY 06 2004 *Jalen*

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

DETECTIVE SERGEANT JUAN FREEMAN, swears under oath that the facts expressed by him in the attached and incorporated statement of probable cause are true and that based thereon he 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 locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

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

and request the issuance of a search warrant to search:

THE PREMISES located at and described as: 1. THE CALIFORNIA DEPARTMENT OF JUSTICE EUREKA CRIME LAB.

2. HUMBOLDT TOWING, 101 H ST, EUREKA, CA.

including basements, attics, storage spaces, appurtenant buildings, the surrounding grounds, and any containers thereon which could contain any of the items sought.

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

THE VEHICLE(S) described as: 1. A [REDACTED] LINCOLN NAVIGATOR, BEARING CAL LIC PLATE [REDACTED]

2. A [REDACTED] BOSTON UTILITY TRAILER, ORANGE AND WHITE WITH "U-HAUL" PRINTED ON THE SIDE AND BACK, MO. [REDACTED]

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

THE PERSON(S) OF: [REDACTED], HMA, 5-8,
165 LBS, BLACK HAIR, BROWN EYES.

FOR THE FOLLOWING PROPERTY: Weapons, including but not limited to firearms and ammunition, holsters or other weapons storage systems or containers evidence of firearms having been fired in or from the vehicle, blood and trace evidence, fingerprints, palm, foot and shoe prints, latent or otherwise, soil and vegetation samples, writing of any nature and any kind which appear to have a direct relationship to the assault, such as death threats, statements acknowledging responsibility for the assaults, items of indicia indicating control of the vehicle including wallet, purses, letters or other writings, utility company receipts, canceled mail envelopes, business cards, trash bags, vacuum cleaner or implements, items which have been touched by the [REDACTED] (s) or left behind by the [REDACTED] (s), items which appear to contain human blood, human tissues, human or animal hair, or fiber, contraband substances and/or items used in the trafficking of contraband substances. further ordered that the peace officers executing this warrant be authorized, pursuant to Penal Code section 1530, to bring onto the premises whatever professional or expert assistants or consultants that he/she considers necessary in order to, among other things, properly preserve the premises and physical evidence, conduct tests, experiments and re-enactments, draw floor plans, and collect physical evidence.

It is further ordered that the peace officers executing this warrant be authorized, pursuant to Penal Code section 1530, to bring onto the premises persons knowledgeable about the premises and/or its occupants, furnishings, and other items of personal property normally found within the premises, in order to, among other things, determine if any items of personal property are missing or otherwise out of place.

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

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

- (X) Narrative statement of probable cause;
- () The following official police reports and records; and documents, exhibits and photographs; ATTACHMENT "A"
- (X) State of expertise (and opinion): DETECTIVE SERGEANT JUAN FREMAN.

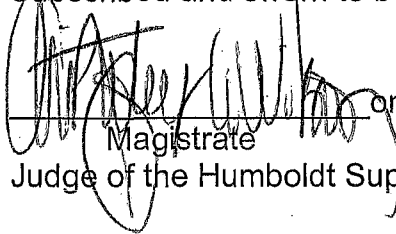
Affiant has reasonable cause to believe that the grounds for the issuance of a search warrant exist based on this affidavit and the above attachments, and prays that a search warrant be issued.

Dated 5-5-2004



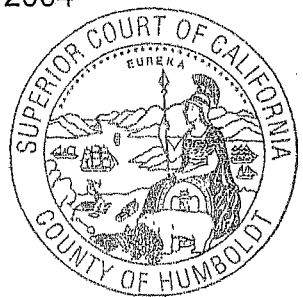
Affiant

Subscribed and sworn to before me



Magistrate
Judge of the Humboldt Superior Court

on this 5th day of May, 2004



PROBABLE CAUSE

YOUR AFFIANT, DETECTIVE SERGEANT JUAN FREEMAN, OF THE HUMBOLDT COUNTY SHERIFF'S DEPARTMENT, HAS BEEN EMPLOYED AS A FULL-TIME PEACE OFFICER FOR APPROXIMATELY 27 YEARS . I HAVE BEEN ASSIGNED TO THE DETECTIVE BUREAU FOR APPROX. FIFTEEN YEARS.

ON 5-4-04 AT 0600 HRS, APPROXIMATELY 0600 HRS, I WAS CALLED OUT FROM MY RESIDENCE REGARDING REPORTS OF A [REDACTED] SHOOTING AT CHP OFFICERS, FOREST SERVICE BIOLOGISTS, AND TRIBAL POLICE OFFICERS AND DEPUTY SHERIFFS IN DEL NORTE AND HUMBOLDT COUNTIES.

AT ABOUT 0830 HRS, I CONTACTED OFFICER GREG BARTZ, OF THE DEL NORTE CHP OFFICE BY TELEPHONE. HE TOLD ME THAT THE SHOOTINGS BEGAN ON 5-4-04 AT ABOUT 0200 HRS, WHEN A CHP UNIT ATTEMPTED TO STOP THE [REDACTED] IN HIS VEHICLE IN THE CRESCENT CITY AREA. THE [REDACTED] WAS WANTED FOR DOMESTIC VIOLENCE IN THE COUNTY NEAR CRESCENT CITY, AND A BOLO WAS OUT ON THE [REDACTED]

THE [REDACTED] FIRED SEVERAL ROUNDS FROM AN AK 47 TYPE ASSAULT RIFLE, BREAKING OUT THE CHP VEHICLE WINDSHIELD. ONE OFFICER SUFFERED MINOR INJURIES FROM FLYING GLASS. THE CHP OFFICERS RETURNED FIRE AT THE [REDACTED] AND VEHICLE. DURING THE ENSUING PURSUIT, THE [REDACTED] FIRED ON THE OFFICERS AGAIN, AND THEN THE OFFICERS LOST SIGHT OF THE [REDACTED]

I, AND THE MEMBERS OF THE OIS TEAM DROVE TO THE AREA OF OCCURRENCE ARRIVING AT ABOUT 1000 HRS. ID TECH [REDACTED] AND TWO TRAINEES FROM THE EUREKA POLICE DEPARTMENT WENT TO AND PROCESSED THE VARIOUS CRIME SCENES.

I WAS ADVISED BY DISTRICT ATTORNEY CHIEF INVESTIGATOR, JIM DAWSON THAT A SHOOTING ON THE BALD HILLS ROAD WAS REPORTED BETWEEN 0500 AND 0600 HRS ON 5-4-04. A [REDACTED] MATCHING THE EARLIER [REDACTED] DESCRIPTION, OPERATING A SIMILAR VEHICLE, A [REDACTED] LINCOLN NAVIGATOR, FIRED SEVERAL (14) ROUNDS INTO A FISH AND WILD LIFE JEEP CHEROKEE OCCUPIED BY THREE FISH AND WILD LIFE BIOLOGISTS. NONE OF THE BIOLOGISTS WERE INJURED, HOWEVER, THE PERSON IN THE REAR SEAT OF THE JEEP WAS GRAZED BY A BULLET ON HER FACE. THE [REDACTED] WERE INTERVIEWED AND THEY GAVE WRITTEN ACCOUNTS OF WHAT HAPPENED TO THEM. I HAVE READ THE WRITTEN STATEMENTS BY THE [REDACTED]

THE [REDACTED] SAID THE [REDACTED] AND LINCOLN NAVIGATOR CONTINUED EAST BOUND ON THE BALD HILLS ROAD. INVESTIGATOR DAWSON ADVISED ME THAT INFORMATION WAS RELAYED TO THE HOOPA VALLEY TRIBAL POLICE AND THE

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT. THE MARTINS FERRY BRIDGE AT WEITCHPEC WAS BLOCKED BY HOOPA UNITS SO THAT THE [REDACTED] COULD NOT GO TOWARD HIGHWAY 96. THE FOLLOWING INFORMATION WAS LEARNED BY LISTENING TO THE INTERVIEWS OF OFFICER JOE O'ROURK AND SERGEANT KEVIN MILLER CONDUCTED BY INV DAWSON:

WHEN THE [REDACTED] VEHICLE APPROACHED ON THE BRIDGE, HE TURNED WEST BOUND DOWN RIVER TOWARD PECWAN ON SR 169. AS THE HOOPA TRIBAL POLICE UNIT, JOE O'ROURK PURSUED THE NAVIGATOR, THE [REDACTED] FIRED SEVERAL SHOTS AT OFFICER O'ROURK. THE [REDACTED] WAS FIRING FROM HIS MOVING VEHICLE. OFFICER O'ROURK RETURNED FIRE WITH NEGATIVE RESULTS. OFFICER O'ROURK REPORTED BY RADIO WHAT WAS HAPPENING, AND HOOPA TRIBAL POLICE SERGEANT JOE MASTEN, DEPUTY FRED FILYAU, AND SHERIFF SERGEANT KEVIN MILLER RESPONDED TO THE AREA. THEY ASSEMBLED ON THE PECWAN BRIDGE. ALSO PRESENT ON THE BRIDGE WERE CHP OFFICERS ROD GUILLAM AND WILL O'DIEAR.

THE [REDACTED] VEHICLE THEN APPEARED, TRAVELING DOWN PECWAN HILL TOWARD SR 169. THE OFFICERS SAW THIS AND SCRAMBLED TO GET INTO POSITION TO ENGAGE THE [REDACTED] HOWEVER, HE DROVE RAPIDLY PAST THEIR POSITION, WHILE FIRING ON THE OFFICERS NOW FROM BEHIND THEM. SERGEANT JOE MASTEN WAS NARROWLY MISSED BY A ROUND HITTING THE TOOL BOX AT THE BACK OF DEPUTY FILYAU'S SHERIFF TRUCK. SEVERAL ROUNDS PENETRATED FILYAU'S TRUCK, AS CHP OFFICERS GILLUM AND O'DIEAR GOT INTO POSITION FIRST AND OFFICER O'DIEAR RETURNED FIRE AT THE [REDACTED] VEHICLE. THE [REDACTED] FLED THE AREA IN HIS VEHICLE AND WAS NOT VISIBLE TO THE OFFICERS.

A CALL WAS MADE TO THE CHP AIR UNIT AND THE [REDACTED] VEHICLE WAS SPOTTED PARKED BEHIND THE [REDACTED] RESIDENCE LESS THAN A MILE FROM THE BRIDGE.

THE RESIDENCE WAS SURROUNDED BY OFFICERS AND THE HUMBOLDT COUNTY S.E.T. UNIT. ULTIMATELY, THE [REDACTED] WAS FOUND TO NOT BE IN THE AREA.

THE [REDACTED] WAS IDENTIFIED BY THE ORIGINAL BROADCAST FOR THE DOMESTIC VIOLENCE BY THE DEL NORTE SHERIFF. SEVERAL WITNESSES WHO ENCOUNTERED THE [REDACTED] IN THE AREA HAVE MADE POSITIVE IDENTIFICATIONS OF THE [REDACTED] THE [REDACTED] WAS ALSO IDENTIFIED ORIGINALLY BY THE DOMESTIC VIOLENCE [REDACTED] [REDACTED], CRESCENT CITY, CA. SHE IS ALSO THE REGISTERED OWNER OF THE LINCOLN NAVIGATOR. SHE HAS INDICATED THAT THE [REDACTED] TOOK HER LINCOLN NAVIGATOR WITHOUT PERMISSION.

THE [REDACTED] VEHICLE, THE LINCOLN NAVIGATOR, WAS SEIZED AND

TRANSPORTED BY HUMBOLDT TOWING TO THE CALIFORNIA DEPARTMENT OF JUSTICE CRIME LAB IN EUREKA WHERE IT HAS BEEN STORED. PLEASE FIND ATTACHED AS ATTACHMENT 2, PHOTOGRAPHS OF THE FISH AND WILD LIFE BIOLOGIST'S VEHICLE, AND THE HOOPA VALLEY TRIBAL POLICE VEHICLE.

I KNOW THAT PEOPLE WHO OPERATE MOTOR VEHICLES OFTEN LEAVE IDENTIFICATION, LETTERS, PERSONAL ITEMS, BILLS AND THEIR FINGERPRINTS INSIDE THE VEHICLE. I BELIEVE THAT EVIDENCE OF FIREARMS HAVING BEEN DISCHARGED IN OR FROM THE VEHICLE WILL BE FOUND IN AND ON THE VEHICLE. I KNOW THAT [REDACTED] WHO USE FIREARMS TO ELUDE THE POLICE WILL OFTEN LEAVE EVIDENCE OF THE FIREARMS USE SUCH AS SHELLS, EMPTY SHELL CASES, AMMUNITION PACKAGING, AND RECEIPTS INSIDE THE VEHICLE.

I BELIEVE THAT BIOLOGICAL EVIDENCE, FIBERS AND BIOLOGICAL FLUIDS SUCH AS BLOOD WILL BE FOUND IN THE VEHICLE, ESPECIALLY IF THE [REDACTED] SUSTAINED AN INJURY DURING THE SHOOTING INCIDENTS.

AS OF THIS WRITING, THE [REDACTED] IS STILL AT LARGE.

THIS AFFIDAVIT WAS PREPARED ON 5-4-2004, AND REVIEWED BY DEPUTY DISTRICT ATTORNEY WES KEAT ON 5-4-2004.

Attachment
A

STATEMENT OF EXPERTISE
DETECTIVE SERGEANT JUAN FREEMAN
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

MY NAME IS DETECTIVE SERGEANT JUAN FREEMAN. I AM EMPLOYED BY THE HUMBOLDT COUNTY SHERIFF'S DEPARTMENT AS A SERGEANT ASSIGNED TO THE CRIMINAL INVESTIGATION DIVISION. I HAVE BEEN EMPLOYED IN THE FIELD OF LAW ENFORCEMENT FOR THE PAST 27 YEARS, AND AS A DEPUTY SHERIFF WITH THE SHERIFF'S DEPARTMENT FOR OVER 25 YEARS. I HAVE BEEN A FULL TIME PEACE OFFICER IN HUMBOLDT COUNTY FOR 26 YEARS. I HAVE BEEN EMPLOYED AS A PATROL OFFICER FOR THE CITY OF RIO DELL, AND AS A SUBSTATION ATTENDANT WITH THE SHERIFF'S DEPARTMENT BEFORE BECOMING A DEPUTY SHERIFF. I HAVE BEEN EMPLOYED AS A PATROL DEPUTY AND A K-9 HANDLER AND ASSISTANT TRAINER, CHILD ABUSE INVESTIGATOR AND MAJOR CRIMES INVESTIGATOR.

I HAVE BEEN AN INVESTIGATOR IN THE CRIMINAL INVESTIGATIONS DIVISION SINCE 1989, FOR APPROXIMATELY 15 YEARS, 3 OF WHICH WAS AS A CHILD ABUSE INVESTIGATOR, AND FOR APPROXIMATELY 12 YEARS AS A MAJOR CRIMES INVESTIGATOR, INCLUDING NUMEROUS HOMICIDES. I HAVE ALSO BEEN EMPLOYED AS A WELFARE FRAUD INVESTIGATOR FOR APPROXIMATELY 6 MONTHS IN 1993. I RETURNED TO THE SHERIFF'S CID IN 1994. I HAVE BEEN EMPLOYED AS A MAJOR CRIMES INVESTIGATOR SINCE 1994. IN 2000, I BECAME A DETECTIVE SERGEANT. I AM ALSO THE DEPARTMENT'S GANG INVESTIGATOR, AND I HOLD A LIMITED SERVICE TEACHING CREDENTIAL. I AM EMPLOYED AS AN ASSOCIATE INSTRUCTOR AT THE COLLEGE OF THE REDWOODS, TEACHING GANG AWARENESS, HOMICIDE INVESTIGATION, AND BURGLARY INVESTIGATION.

DURING MY EMPLOYMENT AS A PEACE OFFICER, I HAVE INVESTIGATED THOUSANDS OF FELONY CRIMES INCLUDING NUMEROUS HOMICIDES AND HUNDREDS OF DEATH INVESTIGATIONS. I HAVE INVESTIGATED HUNDREDS OF SEXUAL ASSAULT CASES OF ALL TYPES.

I HAVE RECEIVED APPROXIMATELY 146 HOURS OF TRAINING IN THE AREA OF SEXUAL ASSAULT, 40 HOURS OF TRAINING IN HOMICIDE INVESTIGATION, AND HUNDREDS OF HOURS OF TRAINING ON OTHER POLICE TOPICS INCLUDING ROBBERY, BURGLARY, GANGS, INTERNAL AFFAIRS, HOSTAGE NEGOTIATIONS, K-9 SEMINARS, OFFICER INVOLVED SHOOTINGS, LEGAL UPDATES AND OTHERS. I ATTENDED A 140 HOUR P.O.S.T. BASIC ACADEMY AT THE COLLEGE OF THE REDWOODS IN 1978. I CURRENTLY HOLD P.O.S.T. BASIC, INTERMEDIATE, AND ADVANCED CERTIFICATES, A LIMITED SERVICE TEACHING CREDENTIAL IN THE AREA OF POLICE SCIENCE, AND I HAVE CONDUCTED INSERVICE TRAINING ON THE SUBJECTS OF RESPONDING TO REPORTS OF CHILD ABUSE, AND CRIME SCENE INVESTIGATION. I WROTE A DEPARTMENT FIRST RESPONDER MANUAL FOR THE PATROL DIVISION OF THE DEPARTMENT, AND I WROTE THE DEPARTMENT GENERAL ORDER FOR THE DEPARTMENT ON CHILD ABUSE IN 1990. IT HAS BEEN UPDATED SINCE THAT TIME.

On 5/04/04, I was asked to respond to the Humboldt County Sheriff's Department to assist with an officer involved shooting incident. I arrived at the Sheriff's Department at about 0745 hours and met with the other members of the Officer Involved Shooting Team.

We were briefed on an incident that began in Del Norte County when the [REDACTED] shot at a CHP Officer. The [REDACTED] drove over Bald Hills Road to Hwy 169. The [REDACTED] was involved in another incident where he shot at a Hoopa Valley Tribal Police Officer. The [REDACTED] was later involved in a shooting incident with a Humboldt County Sheriff's Deputy.

We drove to Hoopa and staged at the Humboldt County Sheriff's Department Substation. I later drove to Hwy 169 with other members of the team. I arrived at mile marker 22.08 around 1200 hours. We began a search of the area for shell casing and other physical evidence. Two 40 caliber shell casings and a bullet jacket fragment were located alongside the roadway. I documented these items in a sketch and with digital photographs.

I later drove to the CHP Resident Post in Willow Creek. I arrived at about 1410 hours and met with CHP Sergeant Steve Howard, CHP Officer Will O'Dear and H.C.S.D. Deputy Fred Filyau.

Sgt. Howard took photographs of both Officer O'Dear and Deputy Filyau in uniform and wearing their duty gear.

I watched as Sgt. Howard inspected Officer O'Dear's duty belt and handgun. Officer O'Dear's handgun was a Smith & Wesson model 4006, serial [REDACTED]. The handgun was loaded with one round in the chamber and ten rounds in the magazine. There were two additional pistol magazines on Officer O'Dear's duty belt. Each magazine contained eleven rounds of ammunition. The handgun appeared to be in clean condition.

I watched as Sgt. Howard inspected Deputy Filyau's duty belt and handgun. Deputy Filyau's handgun was a Glock model 22, serial [REDACTED]. The handgun was loaded with one round in the chamber and thirteen rounds in the magazine. There were two additional pistol magazines on Deputy Filyau's duty belt. Each magazine contained fifteen rounds of ammunition.

I returned to the Sheriff's Department Substation in Hoopa at about 1500 hours. At about 1630 hours, I met with Hoopa Valley Tribal Police Officer Joseph O'Rourke at the substation. I inspected and photographed Officer O'Rourke's duty belt and handgun. Officer O'Rourke's handgun was a Sig model P-226, 40 caliber, serial [REDACTED]. The handgun was loaded with one round in the chamber and twelve rounds in the magazine.

There were two additional pistol magazines on Officer O'Rourke's duty belt. One magazine contained six rounds and the other contained twelve rounds of ammunition. Officer O'Rourke said that the magazine he had in his pistol at the time of the shooting incident was not loaded to capacity. He also said that after firing at the [REDACTED] he put a fresh magazine into his pistol.

At about 1700 hours, I took Officer O'Rourke to the Hoopa Valley Medical Center. At about 1711 hours, I witnessed Lab Tech [REDACTED] draw a sample of Officer O'Rourke's blood. I took custody of the blood sample. The blood sample will be given to the Humboldt County Sheriff's Department.

Gary Bates #302
Arcata Police Department
5/05/04

Photo Log

Officer Involved Shooting

5/04/04

1. Photo of roadway near mile marker 22.08 looking down hill.
2. Photo of Detective Lawson pointing .40 caliber shell casing (#3).
3. Photo of location of second .40 caliber shell casing (#2).
4. Photo of markers over the two .40 caliber shell casings.
5. Photo of shell casing markers and marker over bullet jacket fragment, looking up hill.
6. Photo of shell casing markers and marker over bullet jacket fragment.
7. Photo of relationship of bullet jacket fragment and shell casings, looking up hill.
8. Photo of bullet jacket fragment.
9. Same as #8 w/o ruler.
10. Photo of shell casing locations, looking up hill.
11. Photo of marker over shell casing (#2).
12. Same as #11.
13. Photo of shell casing (#2) w/ ruler.
14. Same as #13 w/o ruler.
15. Photo of marker over shell casing (#3).
16. Same as #15.
17. Photo of shell casing (#3) w/ ruler.
18. Same as #17 w/o ruler.
19. Photo of markers over the two shell casings.
20. Photo of tinted glass fragments in roadway.
21. Same as #20.
22. Photo of Ofc. O'Rourke's pistol and magazine.
23. Photo of magazine from pistol, unloaded.
24. Photo of magazine from magazine holder.
25. Same as #24, but unloaded.
26. Photo of magazine from magazine holder.
27. Same as #26, but unloaded.
28. Photograph of Ofc. O'Rourke's duty belt.
29. Same as #28.

Wed May 5 08:14:57 2004

[REDACTED] - CID

CFS REPORT

ZONES:

CFS NUMBER: 050304-140 DATE/TIME REC'D: 05/03/04 23:14
CASE NUMBER: 200402888 DATE/TIME SENT: 05/03/04 23:14
INC CODE: PURV DESC: PURSUIT VEHICLE DATE/TIME CMPL: 05/04/04 21:07

INC ADDR: STATE HWY 169 MM 25 APT#: CITY: PHONE:
COMP NAME: CHP COMP ADDR: PHONE:
IN PROG: OFF CONT: PRI: 1 WEAPON: ALARM: PRI UNIT: X1
CALLTAKER: [REDACTED] DISPATCHER: [REDACTED]
FINAL DISP: REP

UNITS ATTACHED:

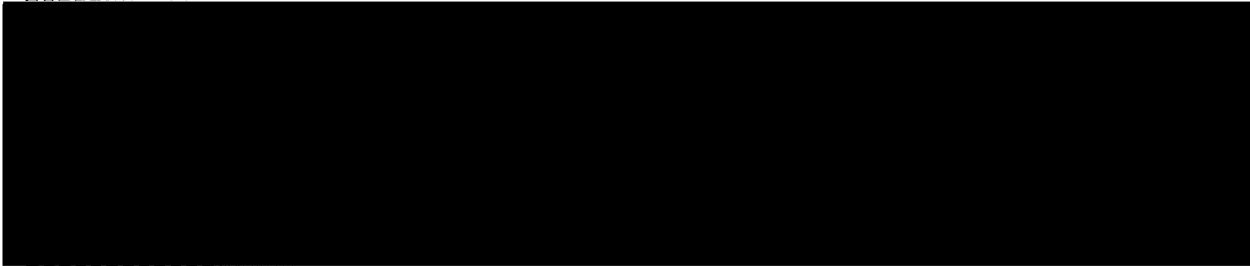
COMMENTS: 05/04/04 20:40 DOJ WILL BE THERE SHORLTY
05/04/04 20:40 VEHICLE AT DOJ
05/04/04 15:31 VEHICLE TO BE TOWED TO EUREKA
05/04/04 15:30 BUDDIES WILL BE ENROUTE
05/04/04 13:31 HOUSE AND OUTBUILDINGS ARE CLEAR. NO ONE THERE. CANCEL CODE 33
05/04/04 13:05 RECONN TEAM APPROACHING
05/04/04 13:05 CODE 33
05/04/04 12:47 [REDACTED] EN RESIDENCE IN [REDACTED] PK
05/04/04 11:41 G10 CAN CANCEL RESPONSE TO MARTINS FERRY BRIDGE, K27 WILL DIRECT
HER TOP NEW CRIME SCENE
05/04/04 11:21 AMBULANCE STAGING AT MARTIN FERRY BRIDGE
05/04/04 11:08 NEW SAT PHONE NUMBER [REDACTED]
05/04/04 10:47 PER K27 HAVE G10 RESPOND TO MARTINS FERRY BRIDGE
05/04/04 10:36 [REDACTED]
05/04/04 10:35 CHP PILOT HAS SATALLITE PHONE
05/04/04 09:28 A9 AT HOOPA STATION GETTING A FAX OF HOUSE PLAN
05/04/04 08:54 H14 IS AT THE COMMAND POST
05/04/04 08:53 FBI IS ENROUTE FROM WILLOW CREEK
05/04/04 08:31 A9 ENROUTE CODE 3
05/04/04 08:19 [REDACTED] DRIVES A NISSIAN PICKUP
05/04/04 08:18 POSSIBLY A 15 YOA AND A [REDACTED] LIVING IN THE [REDACTED] RES.
05/04/04 07:52 Y596 REQUESTING A NEGOTIATOR
05/04/04 07:50 H14 LOCATED VEHINCLE PARKED BEHIND [REDACTED] RES
05/04/04 07:29 H14 ON SCENE, IN THE FOG
05/04/04 07:21 X10,Y587,X25,EN CODE 3
05/04/04 07:05 SLYVIA, AND COONFOIELD ENROUTE CODE 3.
05/04/04 07:04 IRELAND IS WITH Y1032
05/04/04 06:58 ALL OFFICERS ARE CODE 4. MOVE STAIGN ARE TO 2504
05/04/04 06:57 ALL SUBJECTS ARE CODE 4.
05/04/04 06:56 EXPIDITE, [REDACTED] POSSIBLYT ENROUTE [REDACTED] RES
05/04/04 06:55 SHOTS FIRED WB 169 TOAWRDS [REDACTED]
05/04/04 06:55 UNREADABLE
05/04/04 06:54 SHOTS FIRED
05/04/04 06:54 CODE 33.
05/04/04 06:49 GARY BATES APD ENROUTE HCSO
05/04/04 06:49 H14 ENROUTE.
05/04/04 06:47 X1 STAGING AT MM 14.50
05/04/04 06:46 APD NOTIFYING THERE DETECTIVE, HE WILL BE ENROUTE HCSO SOON
05/04/04 06:45 DAVE PARIS ENROUTE HCSO TO 87 WITH 7K1
05/04/04 06:41 CANCEL CODE 33, UNITS HOLDING PERIMETER.
05/04/04 06:21 25X2,42CHP,X1,IN THE AREA
05/04/04 06:17 TRIBAL HAS LAST SIGHT OF [REDACTED] BUT THEY, HAVE IT NARROWED DOWN.
05/04/04 06:12 X1 IN AREA
05/04/04 06:11 FOUR UNITS HEADING TOWARDS [REDACTED] LOCATION
05/04/04 06:11 [REDACTED] VEHIVLE IS NEAR JACK NORTON SCHOOL
05/04/04 06:09 SINGLE [REDACTED] AT THIS TIME

Wed May 5 08:14:57 2004

05/04/04 06:08 VERY END OF RD NEAR JOHNSON
05/04/04 06:08 2507 LOCATED VEHICLE
05/04/04 05:35 [REDACTED] WITH SIMPSON IS GOING TO HAVE ALL HIS PEOPLE PULL OUT
AND STAY OUT OF THE AREA UNTIL THE [REDACTED] IS CAUGHT.
05/04/04 05:33 DA TEAM WILL BE ENROUTE CLOSER TO DAY LIGHT HOURS.
05/04/04 05:29 JIM DAWSON HAS BEEN NOTIFIED.
05/04/04 05:29 EPD NOTIFIED, DAVE PARIS WILL CALL JIM DAWSON
05/04/04 05:29 X1 ADVISING TRIBAL IS REQUESTING 4X4 VEHICLES, POSSIBLY X25.
05/04/04 05:22 0600 PHONE Q40 OR Q44
05/04/04 05:22 25A2 IS REQUESTING ID TECH AND OFFICER INVOLVED SHOOTING TEAM AS
WELL AS SWAT TEAM.
05/04/04 04:46 Primary unit changed from X30 to X1
05/04/04 04:46 DR number 200402888 assigned for agency HUMBOLDT CO SHERIFF
05/04/04 04:43 COMPLETED CHECKING SIMPSON [REDACTED] PECKWAN RIDGE RD
05/04/04 04:12 IncidentCode changed from ASSISTA to PURV at 04:12
05/04/04 03:47 POSSIBLE TRACKS LEADING TO THE SCHOOL
05/04/04 03:46 CLEARED THE VILLAGE AREA OF JOHNSONS BAR.
05/04/04 03:10 GPS N 4116.725 W 12349.930
05/04/04 03:07 X1,25A2,STADNING BY, TWO THREEE MAN UNITS ARE SETTING UP PERIMTER
05/04/04 02:51 [REDACTED] NOTIFIED,BRIDGE IS PROBABLY IN THE WATER, SIMPSON
EMPLOYEES IN THE AREA. [REDACTED] WILL ATTEMPT TO CONTACT THEM AND HAVE THEM LEAVE
THE AREA. [REDACTED] IS REQUESTING PHONE CONTACT AT [REDACTED] WHEN [REDACTED] IS IN CUSTODY.
05/04/04 02:29 OVER PECWAN RIDGE RD, IF SIMPSON HASD INSTALLED SUMMER BRIDGE.
05/04/04 02:28 CONTAINED MCCKENNON HILL TO END OF RD.
05/04/04 02:27 BACKED OUT .5 MILES.
05/04/04 02:18 X1 20 MINUTES OUT
05/04/04 02:18 AMBULANCE STAGING AT MARTINS FERRY
05/04/04 02:14 SHERIFF NOTIFIED
05/04/04 02:12 COBINE NOTIFIED
05/04/04 02:11 2 MILES FROM [REDACTED] RES
05/04/04 02:11 8 MILES FROM END OF RD
05/04/04 02:10 BUSEY NOTIFIED
05/04/04 02:10 Address changed to [NO VALUE] at 02:10
05/04/04 02:07 THREE CHP UNITS STAGING IN KLAMATH AREA IN CASE [REDACTED] DOUBLES
BACK.
05/04/04 02:01 S42 4 MILES OUT
05/04/04 01:59 7.62 RIFLE CASINGS RECOVERED BY CHP IN ORICK AREA.
05/04/04 01:57 S42 AND OTHER HVTPD UNITS AT MITCHELL RD
05/04/04 01:56 NEG CHP HELO, OR USCG HELO
05/04/04 01:56 WC CHP SGT/OFC CLEARING SHORTLY
05/04/04 01:55 A7 ADVISES TO HOLD OVER ALL SWING SHIFT UNITS
05/04/04 01:53 [REDACTED]
05/04/04 01:52 22.08 MM
05/04/04 01:50 LOST SIGHT OF VEHICLE
05/04/04 01:50 25X2 REQUEST 87 W S42
05/04/04 01:48 25X2 NEG UPDATE, STILL CHECKING AROUND COROMNR
05/04/04 01:47 CHP BEING CALLED OUT
05/04/04 01:45 A7 WILL BE ENROUTE SHORTLY
05/04/04 01:44 ROUNDS EXCHANGEDE, 25X2
05/04/04 01:44 DUTY OFFICER NOTIFIED, X1 WILL BE ENROUTE
05/04/04 01:42 STOPPED, WINODWS SHOT OUT
05/04/04 01:42 25X2, MORE SHOTS FIRED
05/04/04 01:39 (HAVE BEEN IN PURSUIT)
05/04/04 01:39 2504,2507,25X2,2404, IN PURSIUT OF [REDACTED]
05/04/04 01:38 25X2 MORE SHOTS FIRED
05/04/04 01:37 NB 169 30-35 MPH
05/04/04 01:35 STILL HEADED TOWARDS JOHNSONS
05/04/04 01:35 SHOTS FIRED AT HVTPD VEHICLE
05/04/04 01:33 SHOTS FIRED
05/04/04 01:30 2507 WB 169
05/04/04 01:29 25X2 IN PURSUIT
05/04/04 01:29 BLK NAV NB ON 169
05/04/04 01:28 25X2 HAS VEHICILE APPROACHING HIM

Wed May 5 08:14:57 2004

05/04/04 01:19 [REDACTED] BLACKS OUT WHEN IT SEES ANOTHER VEHICLE, THEN PROCEEDS EAST.
05/04/04 01:15 [REDACTED] SEEN 10 AGO MM 14, PROCEEDING EAST.
05/04/04 00:22 2507, OS, MARTINS FERRY BRDG/STATE HWY 169
05/03/04 23:57 MARTINS FERRY
05/03/04 23:57 2404
05/03/04 23:56 TRIBAL NOTIFEID
05/03/04 23:55 RANGERS TAKING FIRE
05/03/04 23:53 6 MILES UP BALD HILL S RD
05/03/04 23:53 CHP IS SET UP S OF ORICK NEAR A DAIRY, CONCEALED.
05/03/04 23:46 BLOCKING NB 101 TRAFFIC.
05/03/04 23:37 X30 PAST TRINIDAD
05/03/04 23:31 S12 IS 101 PAST PP DR.
05/03/04 23:22 CHP HAS LOST CONTACT WITH VEHICLE
05/03/04 23:18 SETTING UP AT VISITOR CENTER AT FREESHALAGOON
05/03/04 23:15 CHP REQUESTING ASSISTANCE
05/03/04 23:15 [REDACTED] NAVIGATOR, TOWING A UHAUL TRAILER.



RUNTIMES ASSOCIATED WITH CALL:

UNIT	SUBUNIT	STATUS	TIME
2502		DISP	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:03
		EN_ROUTE	00:05
		EN_ROUTE	00:06
		OUT_SCENE	00:40
		EN_ROUTE	01:31
		OUT_SCENE	02:18
		OUT_SCENE	06:35
		AVAIL	08:30
2504		DISP	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:15
		OUT_SCENE	01:25
		OUT_SCENE	01:28
		OUT_SCENE	01:31
		OUT_SCENE	06:35
		OUT_SCENE	06:38

Wed May 5 08:14:57 2004

		AVAIL	08:30
2506		DISP	01:32
		EN_ROUTE	01:32
		OUT_SCENE	02:18
		OUT_SCENE	06:35
		AVAIL	08:30
25A1		DISP	01:33
		EN_ROUTE	01:33
		OUT_SCENE	02:18
		OUT_SCENE	06:35
		AVAIL	08:30
25A2		DISP	07:09
		EN_ROUTE	07:09
		OUT_SCENE	07:09
		AVAIL	08:30
25T		DISP	06:20
		OUT_SCENE	06:20
		OUT_SCENE	06:35
		AVAIL	18:46
7K1		DISP	06:34
		EN_ROUTE	06:34
		OUT_SCENE	12:04
		AVAIL	17:55
8H1		DISP	09:51
		OUT_SCENE	09:51
		OUT_SCENE	12:04
		AVAIL	17:55
A7	JIMENEZ	DISP	01:45
		EN_ROUTE	02:03
		OUT_SCENE	02:15
		OUT_STATION	02:15
		AVAIL	14:13
A8	DOWNEY	DISP	12:06
		OUT_SCENE	12:06
		AVAIL	18:02
A9	CAVINTA	DISP	07:56
		EN_ROUTE	07:58
		OUT_SCENE	09:26
		EN_ROUTE	09:47
		OUT_SCENE	10:44
		EN_ROUTE	18:28
		OUT_SCENE	19:20
		EN_ROUTE	19:57
		AVAIL	21:01
		ATTACH	15:27
		AVAIL	15:27
		EN_ROUTE	15:30
		DETACH	18:42
G10		DISP	07:54
		EN_ROUTE	07:54
		EN_ROUTE	08:44
		OUT_SCENE	12:04
		EN_ROUTE	18:26
		OUT_SCENE	19:20
		EN_ROUTE	19:31
		AVAIL	21:07
J21		DISP	13:10
		EN_ROUTE	13:10
		OUT_SCENE	14:07
		AVAIL	16:50
K26	FREEMAN	DISP	08:32
		EN_ROUTE	08:33
		OUT_SCENE	12:04

Wed May 5 08:14:57 2004

		EN_ROUTE	18:28
		OUT_SCENE	19:20
		EN_ROUTE	19:57
		AVAIL	21:06
K27	SCHLESIGER	DISP	06:52
	SCHLESIGER	EN_ROUTE	06:52
		OUT_STATION	07:14
		AVAIL	08:02
		DISP	08:34
		EN_ROUTE	08:34
		OUT_SCENE	12:04
		EN_ROUTE	18:28
		OUT_SCENE	19:20
		EN_ROUTE	19:57
		AVAIL	21:07
L23	WAHLUND	DISP	23:19
	WAHLUND	EN_ROUTE	23:19
		OUT_SCENE	23:40
		OUT_SCENE	23:41
		OUT_SCENE	23:41
		OUT_SCENE	23:46
		AVAIL	00:00
		DISP	00:04
		EN_ROUTE	00:04
		OUT_SCENE	01:41
		AVAIL	01:59
L66	PETERSON_M	DISP	06:44
		EN_ROUTE	07:13
		OUT_SCENE	12:04
		AVAIL	18:28
Q12	GAINNEY_M	DISP	06:49
		EN_ROUTE	06:49
		OUT_SCENE	08:46
		AVAIL	18:23
Q40	BERRY_G	DISP	09:31
		OUT_SCENE	09:32
		AVAIL	17:07
Q44	HICKS_C	DISP	07:00
		EN_ROUTE	07:07
		OUT_SCENE	07:29
		AVAIL	19:23
S12	MAUS	DISP	23:17
	MAUS	EN_ROUTE	23:19
		OUT_SCENE	23:33
		OUT_SCENE	23:46
		AVAIL	00:00
		DISP	00:04
		EN_ROUTE	00:04
		AVAIL	00:07
S42	FILYAU	DISP	00:00
		EN_ROUTE	00:00
		EN_ROUTE	00:06
		EN_ROUTE	00:06
		OUT_SCENE	00:40
		EN_ROUTE	01:30
		EN_ROUTE	01:31
		OUT_SCENE	02:17
		OUT_SCENE	06:35
		AVAIL	16:37
X1	MILLER	DISP	01:41
		EN_ROUTE	01:50
		OUT_SCENE	02:33
		EN_ROUTE	06:08

- Hoopa Station

		OUT_SCENE	06:37
		OUT_SCENE	15:09
		OUT_STATION	15:59
		AVAIL	16:19
X10	GARCIA	DISP	06:59
	GARCIA	EN_ROUTE	06:59
	GARCIA	AVAIL	07:13
		DISP	07:13
		AVAIL	07:20
		DISP	07:20
		EN_ROUTE	07:20
		OUT_SCENE	09:01
		OUT_SCENE	15:09
		AVAIL	16:19
X15	BUIHNER	DISP	06:47
		EN_ROUTE	06:48
		AVAIL	07:25
X25	HANSON	DISP	06:38
	HANSON	EN_ROUTE	06:38
	HANSON	OUT_STATION	07:03
		AVAIL	07:13
		DISP	07:13
		AVAIL	07:20
		DISP	07:20
		EN_ROUTE	07:20
		OUT_SCENE	09:01
		AVAIL	18:28
X30	MOREY	DISP	23:16
	MOREY	AVAIL	23:18
	MOREY	DISP	23:19
		EN_ROUTE	23:19
		OUT_SCENE	23:40
		OUT_SCENE	23:41
		OUT_SCENE	23:41
		OUT_SCENE	23:46
		AVAIL	00:00
		DISP	00:04
		EN_ROUTE	00:04
		OUT_SCENE	01:41
		AVAIL	01:59
Y1032	COOKE	DISP	07:06
		EN_ROUTE	07:06
		OUT_SCENE	12:04
		AVAIL	18:38
Y1047	IRELAND	DISP	07:06
		EN_ROUTE	07:06
		OUT_SCENE	12:04
		AVAIL	18:38
Y1081	GAREY	DISP	12:57
		EN_ROUTE	12:58
		OUT_SCENE	17:08
		AVAIL	19:52
Y550	FRIDLEY	DISP	12:57
		EN_ROUTE	12:58
		OUT_SCENE	17:08
		AVAIL	19:52
Y572	COONFIELD	DISP	07:08
	COONFIELD	EN_ROUTE	07:08
		OUT_SCENE	12:04
		AVAIL	18:37
		DISP	19:42
		AVAIL	19:42
Y587	QUENELL_B	DISP	07:20

Main

Wed May 5 08:14:57 2004

		EN_ROUTE	07:20
		OUT_SCENE	09:01
		OUT_SCENE	15:09
		AVAIL	16:19
Y596	SYLVIA	DISP	07:08
	SYLVIA	EN_ROUTE	07:08
		OUT_SCENE	12:04
		AVAIL	18:37
		DISP	19:42
		AVAIL	19:42

Thu May 6 16:40:48 2004

CFS REPORT

DATE: Thu May 6 16:40:35 2004

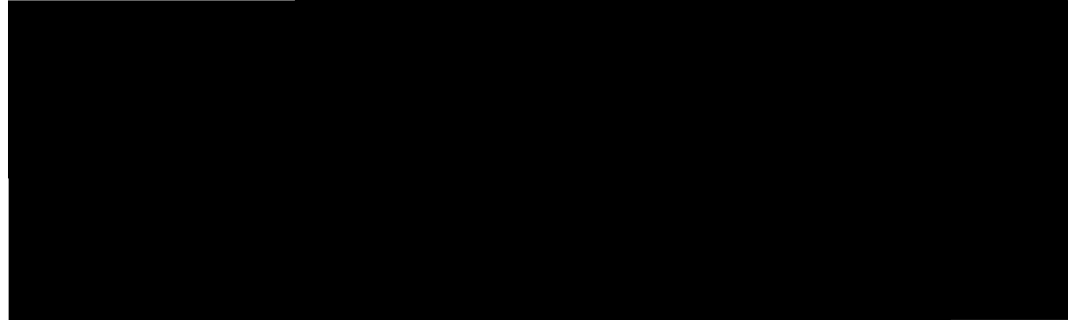
Time Frame: 05/02/04 00:00 - 05/04/04 23:50

=====
CFS NUMBER: 050304-140
CASE: 200402888
INC CODE: PURV
INC CODE DESC: PURSUIT VEHICLE
FINAL DISP: REP
=====

DATE/TIME RECD: 05/03/04 23:14:27
DATE/TIME SENT: 05/03/04 23:14:33
DATE/TIME CMPL: 05/04/04 21:07:07

=====
ADDRESS: B:STATE HWY 169 MM 25 APT: CITY: PHONE:
COMP NAME: CHP ADDR: PHONE:
IN PROG: PRI: 1 WEAPON: ALARM: PRI UNIT: X1
CALLTAKER: [REDACTED] DISPATCHER: [REDACTED]
=====

UNITS ATTACHED: 2502, 2504, 2506, 25A1, 25A2, 25T, 7K1, 8H1, A7, A8, A9, BUDDYSTOW, G10, J21, K26, K27, L23, L66, Q12, Q4
+ 0, Q44, S12, S42, X1, X10, X15, X25, X30, Y1032, Y1047, Y1081, Y550, Y572, Y587, Y596



Thu May 6 16:40:48 2004

ZIP#:95531

COMMENTS:

[REDACTED] 00:22:32
2507, OS, MARTINS FERRY BRDG/STATE HWY 169
[REDACTED] 01:15:43
[REDACTED] SEEN 10 AGO MM 14, PROCEEDING EAST.
[REDACTED] 01:19:23
[REDACTED] BLACKS OUT WHEN IT SEES ANOTHER VEHICLE, THEN PROCEEDS EAST.
[REDACTED] 01:28:16
25X2 HAS VEHICILE APPROACHING HIM
[REDACTED] 01:29:31
[REDACTED] NAV NB ON 169
[REDACTED] 01:29:41
25X2 IN PURSUIT
[REDACTED] 01:30:04
2507 WB 169
[REDACTED] 01:33:47
SHOTS FIRED
[REDACTED] 01:35:44
SHOTS FIRED AT HVTPD VEHICLE
[REDACTED] 01:35:56
STILL HEADED TOWARDS JOHNSONS
[REDACTED] 01:37:31
NB 169 30-35 MPH
[REDACTED] 01:38:26
25X2 MORE SHOTS FIRED
[REDACTED] 01:39:00
2504, 2507, 25X2, 2404, IN PURSIUT OF [REDACTED]
[REDACTED] 01:39:14
(HAVE BEEN IN PURSUIT)
[REDACTED] 01:42:04
25X2, MORE SHOTS FIRED
[REDACTED] 01:42:58
STOPPED, WINODWS SHOT OUT
[REDACTED] 01:44:00
DUTY OFFICER NOTIFED, X1 WILL BE ENROUTE
[REDACTED] 01:44:14
ROUNDS EXCHANGEDE, 25X2
[REDACTED] 01:45:39
A7 WILL BE ENROUTE SHORTLY
[REDACTED] 01:47:43
CHP BEING CALLED OUT
[REDACTED] 01:48:43

25X2 NEG UPDATE, STILL CHECKING AROUND COROMNR

Thu May 6 16:40:48 2004

[REDACTED] 01:50:00
25X2 REQUEST 87 W S42
[REDACTED] 01:50:23
LOST SIGHT OF VEHICLE
[REDACTED] 01:52:37
22 08 MM
[REDACTED] 01:53:41
[REDACTED] 01:55:18
A7 ADVISES TO HOLD OVER ALL SWING SHIFT UNITS
[REDACTED] 01:56:11
WC CHP SGT/OFC CLEARING SHORTLY
[REDACTED] 01:56:19
NEG CHP HELO, OR USCG HELO
[REDACTED] 01:57:13
S42 AND OTHER HVTPD UNITS AT MITCHELL RD
[REDACTED] 01:59:47
7.62 RIFLE CASINGS RECOVERED BY CHP IN ORICK AREA.
[REDACTED] 02:01:56
S42 4 MILES OUT
[REDACTED] 02:07:33
THREE CHP UNITS STAGING IN KLAMATH AREA IN CASE [REDACTED] DOUBLES BACK.
[REDACTED] 02:10:26
ADDRESS CHANGED TO [NO VALUE] AT 02:10
[REDACTED] 02:10:34
BUSEY NOTIFIED
[REDACTED] 02:11:16
8 MILES FROM END OF RD
[REDACTED] 02:11:38
2 MILES FROM SIMPSON RES
[REDACTED] 02:12:13
COBINE NOTIFIED
[REDACTED] 02:14:02
SHERIFF NOTIFIED
[REDACTED] 02:18:18
AMBULANCE STAGING AT MARTINS FERRY
[REDACTED] 02:18:30
X1 20 MINUTES OUT
[REDACTED] 02:27:33
BACKED OUT .5 MILES.
[REDACTED] 02:28:19
CONTAINED MCCKENNON HILL TO END OF RD.
[REDACTED] 02:29:02
OVER PECWAN RIDGE RD, IF SIMPSON HASD INSTALLED SUMMER BRIDGE.
[REDACTED] 02:51:29

PAT FREESE NOTIFIED, BRIDGE IS PROBABLY IN THE WATER, SIMPSON EMPLOYEES

Thu May 6 16:40:48 2004

IN THE AREA. FREESE WILL ATTEMPT TO CONTACT THEM AND HAVE THEM LEAVE THE AREA. FREESE IS REQUESTING PHONE CONTACT AT [REDACTED] WHEN [REDACTED] IS IN CUSTODY.

[REDACTED] 03:07:55

X1, 25A2, STADNING BY, TWO THREEE MAN UNITS ARE SETTING UP PERIMTER

[REDACTED] 03:10:56

GPS N 4116.725 W 12349.930

[REDACTED] 03:46:03

CLEARED THE VILLAGE AREA OF JOHNSONS BAR.

[REDACTED] 03:47:48

POSSIBLE TRACKS LEADING TO THE SCHOOL

[REDACTED] 04:12:08

INCIDENTCODE CHANGED FROM ASSISTA TO PURV AT 04:12

[REDACTED] 04:43:06

COMPLETED CHECKING SIMPSON P10, PECKWAN RIDGE RD

[REDACTED] 04:46:34

DR NUMBER 200402888 ASSIGNED FOR AGENCY HUMBOLDT CO SHERIFF

[REDACTED] 04:46:37

PRIMARY UNIT CHANGED FROM X30 TO X1

[REDACTED] 05:22:10

25A2 IS REQUESTING ID TECH AND OFFICER INVOLVED SHOOTING TEAM AS WELL AS SWAT TEAM.

[REDACTED] 05:22:46

0600 PHONE Q40 OR Q44

[REDACTED] 05:29:01

X1 ADVISING TRIBAL IS REQUESTING 4X4 VEHICLES, POSSIBLY X25.

[REDACTED] 05:29:17

EPD NOTIFED, DAVE PARIS WILL CALL JIM DAWSON

[REDACTED] 05:29:28

JIM DAWSON HAS BEEN NOTIFIED.

[REDACTED] 05:33:13

DA TEAM WILL BE ENROUTE CLOSER TO DAY LIGHT HOURS.

[REDACTED] 05:35:10

PAT FREESE WITH SIMSPON IS GOING TO HAVE ALL HIS PEOPLE PULL OUT AND STAY OUT OF THE AREA UNTIL THE [REDACTED] IS CAUGHT.

[REDACTED] 06:08:39

2507 LOCATED VEHICLE

[REDACTED] 06:08:49

VERY END OF RD NEAR JOHNSON

[REDACTED] 06:09:50

SINGLE [REDACTED] AT THIS TIME

[REDACTED] 06:11:12

[REDACTED] VEHIVLE IS NEAR JACK NORTON SCHOOL

[REDACTED] 06:11:39

FOUR UNITS HEADING TOWARDS [REDACTED] LOCATION

[REDACTED] 06:12:59

Thu May 6 16:40:48 2004

X1 IN AREA

██████████ 06:17:45
TRIBAL HAS LAST SIGHT OF ██████████ BUT THEY, HAVE IT NARROWED DOWN.

██████████ 06:21:29
25X2, 42CHP, X1, IN THE AREA

██████████ 06:41:54
CANCEL CODE 33, UNITS HOLDING PERIMETER.

██████████ 06:45:28
DAVE PARIS ENROUTE HCSO TO 87 WITH 7K1

██████████ 06:46:30
APD NOTIFYING THERE DETECTIVE, HE WILL BE ENROUTE HCSO SOON

██████████ 06:47:23
X1 STAGING AT MM 14.50

██████████ 06:49:08
H14 ENROUTE.

██████████ 06:49:26
GARY BATES APD ENROUTE HCSO

██████████ 06:54:14
CODE 33.

██████████ 06:54:36
SHOTS FIRED

██████████ 06:55:20
UNREADABLE

██████████ 06:55:51
SHOTS FIRED WB 169 TOAWRDS JOHNSONS.

██████████ 06:56:59
EXPIDITE, ██████████ POSSIBLYT ENROUTE ██████████ RES

██████████ 06:57:27
ALL ██████████ ARE CODE 4.

██████████ 06:58:10
ALL OFFICERS ARE CODE 4. MOVE STAIGN ARE TO 2504

██████████ 07:04:53
IRELAND IS WITH Y1032

██████████ 07:05:05
SLYVIA, AND COONFOIELD ENROUTE CODE 3.

██████████ 07:21:01
X10, Y587, X25, EN CODE 3

██████████ 07:29:33
H14 ON SCENE, IN THE FOG

██████████ 07:50:43
H14 LOCATED VEHINCLE PARKED BEHIND ██████████ RES

██████████ 07:52:18
Y596 REQUESTING A NEGOTIATOR

██████████ 08:18:13
POSSIBLY A ██████████ AND A ██████████ LIVING IN THE ██████████ RES.

██████████ 08:19:27

Thu May 6 16:40:48 2004

[REDACTED] DRIVES A NISSIAN PICKUP 08:31:30
A9 ENROUTE CODE 3
[REDACTED] 08:53:16
FBI IS ENROUTE FROM WILLOW CREEK
[REDACTED] 08:54:48
H14 IS AT THE COMMAND POST
[REDACTED] 09:28:26
A9 AT HOOPA STATION GETTING A FAX OF HOUSE PLAN
[REDACTED] 10:35:48
CHP PILOT HAS SATALLITE PHONE
[REDACTED] 10:36:51
254-381-5272
[REDACTED] 10:47:09
PER K27 HAVE G10 RESPOND TO MARTINS FERRY BRIDGE
[REDACTED] 11:08:45
NEW SAT PHONE NUMBER [REDACTED]
[REDACTED] 11:21:05
AMBULANCE STAGING AT MARTIN FERRY BRIDGE
[REDACTED] 11:41:46
G10 CAN CANCEL RESPONSE TO MARTINS FERRY BRIDGE, K27 WILL DIRECT HER
TOP NEW CRIME SCENE
[REDACTED] 12:47:36
[REDACTED] EN RESIDENCE IN [REDACTED] PK
[REDACTED] 13:05:06
CODE 33
[REDACTED] 13:05:14
RECONN TEAM APPROACHING
[REDACTED] 13:31:55
HOUSE AND OUTBUILDINGS ARE CLEAR. NO ONE THERE. CANCEL CODE 33
[REDACTED] 15:16:24
VEH ENTERED INTO SVS SYSTEM AS IMPOUNED AT DOJ LAB
[REDACTED] 15:30:32
BUDDIES WILL BE ENROUTE
[REDACTED] 15:31:44
VEHICLE TO BE TOWED TO EUREKA
[REDACTED] 20:40:21
VEHICLE AT DOJ
[REDACTED] 20:40:29
DOJ WILL BE THERE SHORLTY
[REDACTED] 23:15:02
[REDACTED] NAVIGATOR, TOWING A UHAUL TRAILER.
[REDACTED] 23:15:50
CHP REQUESTING ASSISTANCE
[REDACTED] 23:18:23
SETTING UP AT VISITOR CENTER AT FREESHALAGOON

Thu May 6 16:40:48 2004

[REDACTED] 23:22:03
CHP HAS LOST CONTACT WITH VEHICLE
[REDACTED] 23:31:20
S12 IS 101 PAST PP DR.
[REDACTED] 23:37:52
X30 PAST TRINIDAD
[REDACTED] 23:46:14
BLOCKING NB 101 TRAFFIC.
[REDACTED] 23:53:38
CHP IS SET UP S OF ORICK NEAR A DAIRY, CONCEALED.
[REDACTED] 23:53:45
6 MILES UP BALD HILL S RD
[REDACTED] 23:55:01
RANGERS TAKING FIRE
[REDACTED] 23:56:40
TRIBAL NOTIFEID
[REDACTED] 23:57:08
2404
[REDACTED] 23:57:30
MARITNS FERRY

UNIT ACTIVITY ASSOCIATED WITH CALL:

UNIT	SUB-UNIT	STATUS	TIME
2502		DISP	00:02:21
		EN_ROUTE	00:02:23
		EN_ROUTE	00:02:34
		EN_ROUTE	00:03:09
		EN_ROUTE	00:05:57
		EN_ROUTE	00:06:43
		OUT_SCENE	00:40:27
		EN_ROUTE	01:31:56
		OUT_SCENE	02:18:19
		OUT_SCENE	06:35:25
		AVAIL	08:30:17
2504		DISP	00:02:21
		EN_ROUTE	00:02:23
		EN_ROUTE	00:02:34
		EN_ROUTE	00:15:05
		OUT_SCENE	01:25:31
		OUT_SCENE	01:28:37
		OUT_SCENE	01:31:25
		OUT_SCENE	06:35:25
		OUT_SCENE	06:38:12
		AVAIL	08:30:17

Thu May 6 16:40:48 2004

2506		DISP	01:32:21
		EN_ROUTE	01:32:56
		OUT_SCENE	02:18:21
		OUT_SCENE	06:35:25
25A1		AVAIL	08:30:17
		DISP	01:33:10
		EN_ROUTE	01:33:20
		OUT_SCENE	02:18:23
		OUT_SCENE	06:35:26
25A2		AVAIL	08:30:17
		DISP	07:09:38
		EN_ROUTE	07:09:40
		OUT_SCENE	07:09:41
25T		AVAIL	08:30:27
		DISP	06:20:26
		OUT_SCENE	06:20:33
		OUT_SCENE	06:35:26
7K1		AVAIL	18:46:07
		DISP	06:34:38
		EN_ROUTE	06:34:42
		OUT_SCENE	12:04:10
8H1		AVAIL	17:55:11
		DISP	09:51:33
		OUT_SCENE	09:51:41
		OUT_SCENE	12:04:10
A7	JIMENEZ	AVAIL	17:55:11
		DISP	01:45:21
		EN_ROUTE	02:03:39
		OUT_SCENE	02:15:48
		OUT_STATION	02:15:55
A8	DOWNEY	AVAIL	14:13:52
		DISP	12:06:29
		OUT_SCENE	12:06:38
A9	CAVINTA	AVAIL	18:02:14
		DISP	07:56:48
		EN_ROUTE	07:58:41
		OUT_SCENE	09:26:37
		EN_ROUTE	09:47:42
		OUT_SCENE	10:44:03
		EN_ROUTE	18:28:09
		OUT_SCENE	19:20:31
		EN_ROUTE	19:57:33
		AVAIL	21:01:33
		ATTACH	15:27:48
		AVAIL	15:27:48
		EN_ROUTE	15:30:35

Thu May 6 16:40:48 2004

G10		_DETACH_	18:42:10
		DISP	07:54:37
		EN_ROUTE	07:54:41
		EN_ROUTE	08:44:33
		OUT_SCENE	12:04:09
		EN_ROUTE	18:26:31
		OUT_SCENE	19:20:58
		EN_ROUTE	19:31:46
J21		AVAIL	21:07:07
		NODISP	13:10:17
		EN_ROUTE	13:10:21
		OUT_SCENE	14:07:55
		AVAIL	16:50:58
K26	FREEMAN	DISP	08:32:54
		EN_ROUTE	08:33:02
		OUT_SCENE	12:04:09
		EN_ROUTE	18:28:09
		OUT_SCENE	19:20:43
		EN_ROUTE	19:57:38
		AVAIL	21:06:41
K27	SCHLESIGER	DISP	06:52:43
	SCHLESIGER	EN_ROUTE	06:52:48
		OUT_STATION	07:14:03
		AVAIL	08:02:13
		DISP	08:34:20
		EN_ROUTE	08:34:22
		OUT_SCENE	12:04:09
		EN_ROUTE	18:28:08
		OUT_SCENE	19:20:37
		EN_ROUTE	19:57:28
		AVAIL	21:07:07
L23	WAHLUND	DISP	23:19:14
	WAHLUND	EN_ROUTE	23:19:16
		OUT_SCENE	23:40:25
		OUT_SCENE	23:41:05
		OUT_SCENE	23:41:11
		OUT_SCENE	23:46:01
		AVAIL	00:00:44
		DISP	00:04:55
		EN_ROUTE	00:04:57
		OUT_SCENE	01:41:37
		AVAIL	01:59:34
L66	PETERSON_M	DISP	06:44:44
		EN_ROUTE	07:13:05
		OUT_SCENE	12:04:09
		AVAIL	18:28:57

Thu May 6 16:40:48 2004

Q12	GAINNEY_M	DISP	06:49:48
		EN_ROUTE	06:49:50
		OUT_SCENE	08:46:33
Q40	BERRY_G	AVAIL	18:23:33
		DISP	09:31:57
		OUT_SCENE	09:32:15
Q44	HICKS_C	AVAIL	17:07:50
		DISP	07:00:05
		EN_ROUTE	07:07:42
		OUT_SCENE	07:29:54
S12	MAUS	AVAIL	19:23:38
	MAUS	DISP	23:17:43
		EN_ROUTE	23:19:17
		OUT_SCENE	23:33:00
		OUT_SCENE	23:46:01
		AVAIL	00:00:44
		DISP	00:04:55
		EN_ROUTE	00:04:58
S42	FILYAU	AVAIL	00:07:15
		DISP	00:00:29
		EN_ROUTE	00:00:32
		EN_ROUTE	00:06:07
		EN_ROUTE	00:06:17
		OUT_SCENE	00:40:16
		EN_ROUTE	01:30:53
		EN_ROUTE	01:31:38
		OUT_SCENE	02:17:58
		OUT_SCENE	06:35:42
X1	MILLER	AVAIL	16:37:02
		DISP	01:41:58
		EN_ROUTE	01:50:54
		OUT_SCENE	02:33:32
		EN_ROUTE	06:08:59
		OUT_SCENE	06:37:10
		OUT_SCENE	15:09:30
		OUT_STATION	15:59:20
X10	GARCIA	AVAIL	16:19:18
	GARCIA	DISP	06:59:01
	GARCIA	EN_ROUTE	06:59:03
		AVAIL	07:13:48
		DISP	07:13:54
		AVAIL	07:20:31
		DISP	07:20:46
		EN_ROUTE	07:20:48
		OUT_SCENE	09:01:37
		OUT_SCENE	15:09:30

Thu May 6 16:40:48 2004

X15	BUIHNER	AVAIL	16:19:18
		DISP	06:47:49
		EN_ROUTE	06:48:29
X25	HANSON HANSON HANSON	AVAIL	07:25:10
		DISP	06:38:33
		EN_ROUTE	06:38:42
		OUT_STATION	07:03:37
		AVAIL	07:13:42
		DISP	07:13:53
		AVAIL	07:20:31
		DISP	07:20:45
		EN_ROUTE	07:20:47
X30	MOREY MOREY MOREY	OUT_SCENE	09:01:36
		AVAIL	18:28:57
		DISP	23:16:17
		AVAIL	23:18:59
		DISP	23:19:14
		EN_ROUTE	23:19:16
		OUT_SCENE	23:40:25
		OUT_SCENE	23:41:05
		OUT_SCENE	23:41:11
		OUT_SCENE	23:46:01
		AVAIL	00:00:44
		DISP	00:04:55
		EN_ROUTE	00:04:57
		OUT_SCENE	01:41:37
		AVAIL	01:59:34
Y1032	COOKE	DISP	07:06:28
		EN_ROUTE	07:06:31
		OUT_SCENE	12:04:09
		AVAIL	18:38:06
Y1047	IRELAND	DISP	07:06:28
		EN_ROUTE	07:06:31
		OUT_SCENE	12:04:10
		AVAIL	18:38:06
Y1081	GAREY	DISP	12:57:36
		EN_ROUTE	12:58:03
		OUT_SCENE	17:08:18
		AVAIL	19:52:51
Y550	FRIDLEY	DISP	12:57:36
		EN_ROUTE	12:58:03
		OUT_SCENE	17:08:18
		AVAIL	19:52:51
Y572	COONFIELD	DISP	07:08:03
		EN_ROUTE	07:08:05
		OUT_SCENE	12:04:10

Thu May 6 16:40:48 2004

Y587	QUENELL_B	AVAIL	18:37:16
		DISP	19:42:24
		AVAIL	19:42:57
		DISP	07:20:46
		EN_ROUTE	07:20:48
Y596	SYLVIA SYLVIA	OUT_SCENE	09:01:37
		OUT_SCENE	15:09:30
		AVAIL	16:19:18
		DISP	07:08:03
		EN_ROUTE	07:08:05
		OUT_SCENE	12:04:10
		AVAIL	18:37:16
		DISP	19:42:24
AVAIL	19:42:57		

Total Number of Records: 1

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
ARREST -- INVESTIGATION REPORT
CHP 216 (Rev. 6-03) OPI 051

Misdemeanor
 Felony
 Other

DOMESTIC VIOLENCE (REFER TO HPM 100.69)
 MISSING PERSON (REFER TO HPM 100.69) PAGE 1 OF 41

COURT 08100 FILE NUMBER F02812004 EVIDENCE/PROPERTY YES NO
AREA 170 BEAT 516 COLLISION REPORT NUMBER E.2004 33-36

DATE/TIME OF ARREST REPORT 5-3-04 2230 DATE/TIME OF INCIDENT SAME LOCATION OF ARREST/INCIDENT US-101 (CRESCENT CITY TO HUMBOLDT CO.)
CITATION NUMBER 29725 SQ OFFENSE(S) CHARGED OR INVESTIGATED 664 PC 1187 PC PER 192.2 (5) (7) PC
JUS 8715 REQUIRED YES NO NUMBER:

SUBJECT NO 1 OF 1

NAME (last, first, middle) [REDACTED] AKA [REDACTED]

MAILING ADDRESS SMITH RIVER, CA 95567 SAME

RACE H SEX M BIRTHDATE [REDACTED] HAIR BLK EYES BRN HEIGHT 5-8 WEIGHT 165 PLACE OF BIRTH (city, state, county) MEXICO DISPATCH NOTIFIED YES NO

EMPLOYER [REDACTED] ADDRESS [REDACTED] TIME: [REDACTED] I.D. NO. [REDACTED] LOG NO. [REDACTED]

BOOKING, CII, FBI, ETC., NUMBER(S) [REDACTED] WHERE BOOKED/CONFINED [REDACTED] DAY/TIME [REDACTED] FINGERPRINTED YES NO

NOTIFICATION (Who, How, When) EXPLAIN IN NARRATIVE [REDACTED] NOTIFYING OFFICIAL [REDACTED]

JUVENILE FOREIGN NATIONAL IMMUNITY CLAIM

VEHICLE

LICENSE [REDACTED] STATE CA YEAR 04 VIN/VEN NUMBER [REDACTED] VEHICLE WAS PARKED RELEASED STORED RECOVERED IMPOUNDED STORAGE AUTHORITY 22669 VC EVIDENCE

VEH. YEAR [REDACTED] MAKE GMC BODY STYLE NAV BODY TYPE SUV LOCATION OF VEHICLE/RELEASED TO/TELEPHONE NUMBER [REDACTED]

WITNESS

BIRTHDATE	SEX	NAME	<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER	ADDRESS/AGENCY	PHONE RES: BUS:
		SEE REPORT	<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		RES: BUS:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		RES: BUS:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		RES: BUS:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		RES: BUS:

VICTIM INFORMATION

1 NAME	ADDRESS					
SEE REPORT						
BIRTHDATE	SEX	DRIVER'S LICENSE NUMBER	STATE	DAY PHONE	EVENING PHONE	
VEH. LIC. #	STATE	YEAR	MAKE	BODY STYLE	COLOR	BODY TYPE
2 NAME	ADDRESS					
BIRTHDATE	SEX	DRIVER'S LICENSE NUMBER	STATE	DAY PHONE	EVENING PHONE	
VEH. LIC. #	STATE	YEAR	MAKE	BODY STYLE	COLOR	BODY TYPE

MISDEMEANOR INCARCERATION (To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 853.6.)

As determined by the arresting officer, the person arrested:

- 1. was so intoxicated as to be a danger to himself/herself or others.
- 2. required medical examination or medical care or was otherwise unable to care for his/her own safety.
- 3. was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code (Note 5 and 8 if also applicable).
- 4. had one or more outstanding arrest warrants issued.
- 5. could not provide satisfactory evidence of personal identification.
- 6. If released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
- 7. would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
- 8. demanded to be taken before a magistrate or refused to sign the citation.
- 9. would not appear at the time and place specified in the notice.
- 10. Other:

ARRESTING/INVESTIGATING OFFICER (Print name/rank) LW HANDLER STO I.D. NUMBER 12785 REVIEWED BY (Print name/rank) J. Kettle, CT I.D. NUMBER 8579 DATE 5/13/04

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

PAGE 2
NUMBER

5-3-04

2230

9120

12785

F028 120 04

CASE IDENTIFICATION

Case number F028 120 04

[REDACTED] information:

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED]

VEHICLE INFORMATION

[REDACTED] Lincoln Navigator

Calif. License # [REDACTED]

The Lincoln Navigator driven by [REDACTED] in the commission of these offenses belongs to [REDACTED]. She said that he must have possessed the key for the truck for some time, and that he used it to take the truck from her residence approximately one week prior to this event (April 26, 2004). She did not report the vehicle stolen. She has failed to make payments on the vehicle and had contacted the finance company regarding a voluntary repossession of the vehicle.

The U-haul trailer towed by the Navigator during the commission of these offenses was rented from Crescent Tire and Wheel. [REDACTED] was identified as the person who rented the trailer by witness #6.

VIOLATIONS INVESTIGATED

664(A) PC / 187(A) PC (including special circumstances described in sections 192.2(5) PC and 192.2(7) PC – attempted murder of a peace officer to avoid or prevent a lawful arrest).

Proved by the testimony of the officers against whom the offense was perpetrated, witness statements associating the [REDACTED] with the vehicles pursued and the weapon used, and the evidence collected (ammunition casings, U-haul trailer rented by the [REDACTED] Lincoln navigator associated with the [REDACTED]).

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

5-3-04

2230

9120

12785

F028 120 04

SUMMARY

On 5-4-04 at 0445 hours, I was dispatched from my home to assist with this investigation. I contacted the involved parties and witnesses, surveyed the scene at milepost 101 DN 1.3, and examined the scene at the Crescent City Overlook and milepost 101 DN 3. On 5-6-04, I processed the evidence in the CHP vehicle struck by a round fired by the [REDACTED] and examined the scene at milepost 101 HUM 136. The following narrative indicates what the information gleaned from this investigation revealed.

NARRATIVE

[REDACTED] On May 3, 2004 at approximately 2130 hours, [REDACTED] [REDACTED] knocked on the door of that residence and spoke with [REDACTED]. [REDACTED] inquired about [REDACTED]. [REDACTED] told [REDACTED] that [REDACTED] was not home. [REDACTED] lied to [REDACTED] to protect [REDACTED]. At approximately 2145 hours, [REDACTED] arrived at the door again. [REDACTED] again said that [REDACTED] was not home. [REDACTED] left the house again. On both occasions, [REDACTED] was driving a large, [REDACTED] SUV and towing a rented trailer. At approximately 2200 hours, [REDACTED] returned to the house again. This time he approached the window on the south wall of the house carrying a rifle. [REDACTED] hid when he saw [REDACTED] approaching. [REDACTED] looked in the window, saw nothing, and then left. At approximately 2225 hours, [REDACTED] contacted his ex-wife ([REDACTED]) by cellular telephone. [REDACTED] was parked on the street, next to the [REDACTED] residence, and told [REDACTED] to look out the window. As the [REDACTED] home is visible from the [REDACTED] residence, [REDACTED] looked out the window and saw [REDACTED] in her [REDACTED] Lincoln Navigator. A U-haul trailer was attached to the Lincoln. [REDACTED] told [REDACTED] to gather their children and come outside, as they were to accompany him. As the cellular telephone conversation proceeded, [REDACTED] asked her mother [REDACTED] to call the police on the residence telephone.

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

PAGE 4
NUMBER

5-3-04

2230

9120

12785

F028 120 04

██████████ called 911 and described the situation. ██████████ made it obvious to ██████████ that she was on the phone with the authorities. ██████████ told ██████████ that her notifying the police did not concern him, and then drove east on ██████████ toward A Street. The 911 dispatcher had directed Officer Ryan Wakefield, of the Crescent City Police Department (CCPD) to the residence on ██████████. While Officer Wakefield responded, Officer Greg Johnson (CCPD), who had monitored the call on his scanner, located the Navigator at 2238 hours. Officer Johnson encountered the Navigator and U-haul trailer as they traveled south on A Street, near 8th Street (a few blocks from the ██████████ residence). Officer Johnson followed ██████████ on A Street to 2nd Street, east to D Street, and south to Front Street. At Front Street and Play Street, Officer Johnson was joined by Officer Wakefield, at 2239 hours. At 2240 hours, Officer Johnson initiated a traffic stop. ██████████ did not yield to the red lights. He responded by continuing east on Front Street and turning to southbound US-101. ██████████ did not attempt to accelerate away from the pursuing units. He continually drove to the right side of the road and angled his vehicle combination to accommodate a clear view of the trailing police cars. Each time ██████████ performed this maneuver, Officer Johnson directed his white spotlight to the mirrors on the Navigator.

As the Navigator and the two police units turned to southbound US-101 from Front Street, they were observed by Sgt. Fletcher, of the Crescent City office of the CHP. Sgt. Fletcher joined the procession. South of Crescent City, Officer Johnson asked for and received assistance from the CHP with the pursuit. Sgt. Fletcher became the lead unit, Officer Johnson was the second unit, and Officer Wakefield was the third unit. Near the Crescent City Overlook (vista point) and Hamilton Road, ██████████ fired upon the pursuing officers. The distance separating the Navigator from Sgt. Fletcher's patrol car was approximately forty-five feet. Sgt. Fletcher and Officer Johnson drove to the west edge of the road to avoid being struck. The rounds, fired by ██████████ were ricocheting off the pavement near the patrol cars. The volleys were described as a series of approximately five or six rounds, a pause of thirty-two seconds and a series of approximately three more rounds, a pause of twenty-one seconds and another volley of approximately three rounds, a pause of eighty-six seconds and a final volley of approximately three rounds.

PREPARER'S NAME
LW ChandlerI.D. NUMBER
012785DATE
5-3-04

REVIEWER'S NAME

DATE

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

5-3-04

2230

9120

12785

F028 120 04

Sgt. Fletcher had asked for all available units in the Crescent City area to respond to the pursuit. Near milepost 101 DN 22, Officer Davis joined the pursuit. Officer Davis passed two Crescent City Police units and became the second unit behind the Navigator. Officer Wakefield discontinued his participation and returned to Crescent City. South of milepost 101 DN 22, Officer Warner joined the pursuit. She passed Officer Johnson and became the third unit behind the Navigator. Near milepost 101 DN 19, Officer Lambert joined the pursuit. He passed Officer Johnson and became the fourth unit behind the Navigator. Near Wilson Creek, Officer Depee joined the pursuit. He passed Officer Johnson and became the fifth unit behind the Navigator. Officer Johnson discontinued his participation in the pursuit at the Klamath River Bridge.

As the pursuit continued south, [REDACTED] traveled at speeds up to 70 MPH. He passed once over solid yellow lines, overtaking a semi-tractor near the Trees of Mystery Resort. His driving was described as calm and controlled. When [REDACTED] reached the Klamath River Bridge, he slowed and either stopped or nearly stopped. He then accelerated and continued south.

When [REDACTED] reached milepost 101 DN 3, he slowed and lay in wait for the pursuing units. When the units rounded the curve that approaches the location [REDACTED] had chosen, he fired upon them again. The distance from which he was firing was approximately one-hundred fifty feet. The officers counted a volley of approximately three to six rounds from [REDACTED]. The CHP units responded to the attack by allowing more distance to separate their patrol cars from the Navigator. They continued south.

Near milepost 101 DN 1.3, the officers proceeded through a curve to their left. The curve is complimented by an ascent in the roadway. Near the top of the grade, at the end of the curve, [REDACTED] had stopped the Navigator and was again lying in wait for the pursuing CHP vehicles. As the patrol cars came into his line of sight, [REDACTED] fired upon them again. The distance separating [REDACTED] [REDACTED] from the approaching units was between one-hundred and two-hundred yards. (See the attached diagram.)

PREPARER'S NAME

I.D. NUMBER

DATE

REVIEWER'S NAME

DATE

LW Chandler

012785

5-3-04

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

PAGE 6
NUMBER

5-3-04

2230

9120

12785

F028 120 04

The rounds struck the pavement near the patrol vehicles, prompting the officers to utilize the cover provided by the engine blocks of their patrol cars. One of the rounds struck the Ford Expedition driven by Sgt, Fletcher. The round hit the windshield of the Expedition dead center, one inch above the bottom of the windshield. The round continued through the dash board. The copper jacket stripped from the round and allowed the lead portion of the bullet to disseminate throughout the passenger area of the vehicle. Sgt. Fletcher was struck by a portion of the round or the debris caused by its impact. After he discharged at least seven rounds, [REDACTED] again sped away, continuing south on US-101.

The CHP units continued south, attempting to clear the blind areas of the roadway as they advanced. At milepost 101 HUM 136.23, the units encountered [REDACTED] once again. The roadway at that location curves to the left. The roadway ascends through the curve. At the south end of the curve, [REDACTED] was lying in wait. He fired at least seven rounds at the pursuing units. [REDACTED] was firing from a distance of approximately three-hundred yards. Sgt. Fletcher left his patrol vehicle and carried a rifle to the east edge of the road. He was unable to acquire a target and did not discharge any rounds. Before returning to his vehicle, he dropped one round on the ground. Leaving the round, he returned to his vehicle and continued south, still leading the pursuing units. (See the attached diagram.)

The CHP units from the Crescent City Office did not again encounter [REDACTED]. They assisted in the recovery of the U-haul trailer on Bald Hill Road, in Humboldt County, and returned to the Crescent City Area. Later, in Humboldt County, [REDACTED] fired on a vehicle occupied by three civilians. The three occupants, biologists who thought [REDACTED] vehicle was disabled and were approaching to see if he needed assistance, were not injured. [REDACTED] then fired on officers from various other agencies in Humboldt County.

STATEMENTS

[REDACTED] - The [REDACTED] is still at large and has provided no statement.

PREPARER'S NAME
LW ChandlerI.D. NUMBER
012785DATE
5-3-04

REVIEWER'S NAME

DATE

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

5-3-04

2230

9120

12785

F028 120 04

WITNESSES

Witness #1 [REDACTED] provided her statement by telephone on 5-6-04, at 2158 hours. She said that she was contacted by [REDACTED] on May 3, 2004 at 2130 hours. [REDACTED] came to her door and asked if [REDACTED] was home. [REDACTED] lives with [REDACTED] at [REDACTED]. [REDACTED] has known [REDACTED] for nearly five years. She is aware of the animosity between the two men and chose to tell [REDACTED] that [REDACTED] was not in the house. [REDACTED] returned to her door at 2145 hours for the same purpose. He was again dissuaded by [REDACTED] prevarication. At approximately 2200 hours, [REDACTED] told [REDACTED] that he had just seen [REDACTED] approaching the house with a gun. She said that it appeared as though [REDACTED] was frightened. She had been in her room, in a different area of the house, during [REDACTED] observation. [REDACTED] described the vehicle driven by [REDACTED] as a large, [REDACTED] SUV. The vehicle was towing a rented trailer.

Witness #2 [REDACTED] provided his statement at his home on May 5, 2004 at 0952 hours. He said that he was contacted by [REDACTED] whom he has known for nearly five years, on May 2, 2004 at 2000 hours. [REDACTED] was looking for [REDACTED]. Upon being told that [REDACTED] was not in the house, [REDACTED] said that [REDACTED] would be sorry if he did not leave town. [REDACTED] was not home when his wife was contacted by [REDACTED] on May 3, 2004.

Witness #3 [REDACTED] who lives in the [REDACTED] house, provided his statement in unison with [REDACTED]. He said that he was in the front room when [REDACTED] came to the house on May 3, 2004. After being told on two occasions that [REDACTED] was not in the house, [REDACTED] returned at approximately 2200 hours. [REDACTED] was carrying a rifle toward a window on the south wall of the house. [REDACTED] described the weapon as a rifle, with wooden stocks and a magazine. [REDACTED] is familiar with [REDACTED] and has had problems with him before. He described the vehicle driven by [REDACTED] as a large, [REDACTED] SUV. The SUV was towing a U-haul trailer.

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

PAGE 8

5-3-04

2230

9120

12785

F028 120 04

Witness #4 () provided her statement at her home on May 4, 2004 at 1320 hours. She has been divorced from () for four years. She has been harassed by him for some time; for the last two years in particular. She encountered () on April 29, 2004. He pulled along side her vehicle as she left the offices of the Del Norte County Victim / Witness Program. She drove to a mini-mart and spoke with him. () told her that he wanted her to follow him to a place where they could talk. In response to her reluctance, he raised a rifle above the window line of his vehicle and drew his across his throat. () described the rifle as having a triangle on the end of it, perhaps to accommodate the attachment of a tripod. She told () to lead and that she would follow him. As he attempted to lead her away, () drove to the Elk Valley Casino and ran inside. () did not follow her.

She was contacted by () again on May 3, 2004 at 2225 hours, via cellular telephone. He told her to look out her window. She saw her Lincoln Navigator parked facing south, on the east curb of Gainard Street, at the corner of Gainard Street and Indra Street. () told () that she was to get the children and some clothing together and come out to his vehicle. He said that they were all leaving together – by force if necessary. During the conversation, () asked her mother () to call the police. () contacted the 911 dispatcher at 2230 hours. When () realized that () had contacted the police, he drove away, traveling east on Indra Street. () said that he would not be arrested.

Witness #5 () provided her statement at her home, on May 4, 2004 at 1325 hours. I re-contacted her on May 6, 2004 by telephone. () said that her daughter () received a phone call from () on May 3, 2004 at approximately 2225 hours. Her daughter asked () to call the police in response to the call. () was made aware of the presence, across the street, of () () called the police and made her efforts obvious to () () responded by saying that he was unconcerned about the call to the authorities and driving away. They recognized the vehicle he was driving as () () Lincoln Navigator, which was towing a U-haul trailer.

PREPARER'S NAME

LW Chandler

I.D. NUMBER

012785

DATE

5-3-04

REVIEWER'S NAME

DATE

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

PAGE 9

5-3-04

2230

9120

12785

F028 120 04

Witness #6 [REDACTED] was interviewed at [REDACTED], on 5-7-04 at 1425 hours. She said that she was at Crescent City Tire when [REDACTED] rented the U-haul trailer he towed through the commission of his crimes. She was at the rental station having work performed on her personal vehicle. She identified [REDACTED] in a photo line-up. She said that he rented the U-haul trailer and connected it to the Navigator. She said that [REDACTED] is much thinner than he was when the line-up photo was taken.

Witness #7 [REDACTED] was interviewed at the office of Crescent Tire, from which the U-haul trailer was rented, at 299 Hwy 101. She said that she recalled renting the U-haul trailer to a hispanic male. She was unable to identify [REDACTED] in a photo line-up. She said that he wore a hat and glasses when he rented the trailer.

[REDACTED] (CHP Sgt. Fletcher) provided a written statement. See page 12.

[REDACTED] (CCPD Officer Johnson) provided a written statement. See page 15.

[REDACTED] (CCPD Officer Wakefield) provided a written statement. See page 17.

[REDACTED] (CHP Officer Davis) provided a written statement. See page 20.

[REDACTED] (CHP Officer Warner) provided a written statement. See page 22.

[REDACTED] (CHP Officer Lambert) provided a written statement. See page 24.

[REDACTED] (CHP Officer Depee) provided a written statement. See page 26.

EVIDENCE

The following items are in evidence at the Crescent City CHP office.

- 1) Ammunition casings (7.62x39) from rounds fired by [REDACTED] at milepost 101 DN 1.3. (E2004 35-120)
- 2) Ammunition casings (7.62x39) from rounds fired by [REDACTED] at milepost 101 HUM 136.23. (E2004 35-120)
- 3) Bullet fragments removed from Ford Expedition CHP patrol unit. (E200436-120)

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

PAGE 10

5-3-04

2230

9120

12785

F028 120 04

The Ford Expedition patrol unit was driven to the Crescent City CHP office by Sgt. Fletcher. The vehicle was sealed with evidence tape and secured in the garage at the office. On 5-6-04, I broke the seals on the vehicle, photographed its condition and recovered the bullet, fired by the [REDACTED] from the dashboard and passenger area of the truck.

The U-haul trailer ([REDACTED] Boston Utility trailer) was stored by Officer Cipriano, of the Humboldt CHP office.

ANALYSIS AND OPINION

[REDACTED] drove to Gainard Street and Indra Street on May 3, 2004. He was returning to the area for the third time in approximately 30 minutes. [REDACTED] actions suggest that it was his intention to shoot [REDACTED] and kidnap [REDACTED] and their children. His intention was demonstrated by his prior threats and the assault rifle he took with him. When [REDACTED] didn't present an easy target, [REDACTED] continued with his plan to take [REDACTED] and their children from the [REDACTED] residence. He called [REDACTED] on the cellular telephone and told her to get the children and their clothing and come out to the Navigator. He had rented a U-haul trailer in anticipation of this event earlier in the day. When he realized that the police were responding to his location, [REDACTED] left the area - owing to the assault rifle he possessed and the authorization to arrest him per 836 PC for violation of 273.6 PC and 136.1 PC. [REDACTED] told [REDACTED] that he would not be arrested. Shortly thereafter, when Officers from the CCPD and the CHP tried to affect a traffic stop on the Navigator, [REDACTED] refused to yield and fired upon the officers. On two occasions, he formulated a tactically sound plan for ambushing the pursuing officers. He stopped his vehicle and lay in wait for the officers to appear, and then took aim and fired upon the patrol cars. Ultimately, [REDACTED] eluded law enforcement efforts to detain him. He is still at large.

PREPARER'S NAME

LW Chandler

I.D. NUMBER

012785

DATE

5-3-04

REVIEWER'S NAME

DATE

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

PAGE 11
NUMBER

5-3-04

2230

9120

12785

F028 120 04

ELEMENTS OF THE OFFENSE

189 PC - The elements of first degree murder require premeditation. [REDACTED] demonstrated premeditation in several ways. He brought an assault rifle to what appears to have been his attempted kidnapping of [REDACTED] and the attempted murder of [REDACTED].

When his plans went awry, and he found himself being pursued by peace officers, [REDACTED] stopped his vehicle twice, lay in wait, aimed and fired at the approaching patrol cars - striking one in the windshield from nearly three-hundred yards. This, after he had told [REDACTED] that he would not be arrested.

Additionally, the rounds fired by [REDACTED] at the pursuing patrol cars from his moving vehicle are sufficient to constitute another element of this offense.

190.2(5) PC - [REDACTED] was directing his attempt to murder the pursuing officers in the interest of avoiding or preventing a lawful arrest.

190.2(7) PC - The seven [REDACTED] in this offense are all peace officers. They were driving marked patrol vehicles and wearing uniforms. They were following [REDACTED] with emergency lights and sirens activated. [REDACTED] certainly knew that they were peace officers.

664 PC - Provides for punishment in the event that these offenses were plainly intended but unsuccessful. The direction of the rounds fired by [REDACTED] was facilitated with bad intentions. He fired from distances - rolling and stationary - ranging to nearly 300 yards. For his rounds to have missed as narrowly as they did represents a focused effort on his part to kill the pursuing officers. His lying in wait also precludes any assumption that he did not intend to kill the officers.

RECOMMENDATIONS

That [REDACTED] be charged with the violations indicated as is deemed proper by the district attorneys of Del Norte and Humboldt Counties.

PREPARER'S NAME

LW Chandler

I.D. NUMBER

012785

DATE

5-3-04

REVIEWER'S NAME

DATE

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
05/03/2004	2230	9120	011415	F-028-120-04

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

1
2 SUMMARY:

3
4 On Monday, May 3rd, 2004 at approximately 2230 hours, I was on-duty in uniform while driving a black and
5 white California Highway Patrol, patrol unit (p/u). The p/u was a Ford Expedition, CA License ██████████
6 The p/u was equipped with overhead emergency lights, overhead clear spot lights and two clear spot lights
7 which are located on the front pillar posts. This entire incident took place during the hours of darkness.

8
9 I was traveling w/b on Citizen's Dock Rd. west of Hwy. 101 as I listened to the Crescent City Police
10 Department's (CCPD) radio traffic on the radio scanner in my p/u. The officers were attempting to locate a
11 Lincoln Navigator which was towing a U-Haul trailer. I also heard the driver of the Navigator was wanted
12 by authorities and was armed and dangerous. Moments later, I heard one of the CCPD officers had
13 located the Navigator. The other officer was attempting to catch up with the first officer. I then started in
14 their direction in case they needed assistance during the enforcement stop.

15
16 I began traveling n/b on US Hwy. 101 from Citizen's Dock Rd. toward Front Street. As I approached Front
17 St., I looked to my left. I could see the two Crescent City p/u's traveling e/b on Front St. toward US Hwy.
18 101 with their emergency overhead lights on. The p/u's were following the ██████████ Lincoln Navigator which
19 had a U-Haul trailer in tow. Once the driver of the Navigator mad a right turn on to s/b US Hwy 101, I made
20 a left turn onto w/b Front Street and then a left turn onto s/b US Hwy 101. I pulled in behind the two CCPD
21 officers as they traveled s/b. The Navigator displayed no signs of stopping and was heading out of the city
22 limits. I requested the CHP, Humboldt Communications dispatcher contact the afternoon units at the Area
23 officer and have them start south toward my location. As the pursuit left the city limits, I confirmed, through
24 the CHP dispatcher that the city officers wanted the CHP to take over the pursuit. Once confirmed, I
25 moved into position directly behind the Navigator as we traveled up the Crescent City Hill. I then advised
26 my dispatcher that I was primary in the pursuit. I continued to follow the Navigator from approximately 50
27 ft. to the rear at approximately 45 mph when gunfire came from the driver side of the vehicle. I heard the
28 rounds being fired and saw the sparks created by the rounds as they struck the roadway surface to the left
29 of the Navigator's driver and next to the left side of my p/u. There were approximately 6 rounds fired. The

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
W. J. FLETCHER / SERGEANT	011415	05/03/2004		

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
05/03/2004	2230	9120	011415	F-028-120-04

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

1 Navigator continued s/b at speeds between 45 and 65 mph while firing rounds at me on three more
2 occasions. There were approximately three rounds fired each time.
3
4 As the pursuit continued s/b, CHP Officer Rick Davis, ██████████, (95-5) positioned himself directly to the rear
5 of my p/u. CHP Officer Linda Warner Mola, ██████████, (95-1) positioned herself to the rear of Officer Davis,
6 and CHP Officer James Lambert, ██████████, (95-3) positioned himself directly to the rear of Officer Warner
7 Mola. As the pursuit passed a pull out in the roadway n/of Wilson Creek, CHP Officer Larry DePee,
8 ██████████ (95-27C) also joined the pursuit. Officer DePee positioned his p/u directly to the rear of Officer
9 Lambert's p/u.
10
11 As the Navigator passed the "Trees of Mystery" in the Klamath Area, the driver passed a big rig truck and
12 trailer to the left of the double yellow lines as he accelerated to approximately 70 mph.
13
14 The pursuit continued s/b through Klamath, CA. As we began to cross the Klamath Bridge the Navigator
15 slowed from approximately 50 to 20 mph as if the driver was going to stop. After crossing the bridge the
16 Navigator increased its speed to 60 mph.
17
18 A short time after crossing the bridge and while ascending a hill there were 6 to 8 more rounds fired
19 from the Navigator at the pursuing officers. The Navigator was positioned so the rounds could be fired
20 from the driver's side of the vehicle. The Navigator then picked up its speed and continued s/b until it came
21 to another uphill grade with a left hand turn near mile post marker 1.3. Again, we were fired upon and a
22 round traveled through my windshield, dashboard and scattered glass and debris throughout the interior of
23 the p/u. The debris struck me in the face in several locations. The impact with the debris and my face
24 caused lacerations and pain. I was unable to determine the extent of my injuries. I knew I was bleeding
25 and my face was numb around my cheeks and forehead. I could also see the Navigator fleeing once
26 again.
27
28 We continued to pursue the Navigator as it fled s/b on 101. The driver again slowed once he reached a left
29 hand curve in the roadway near MPM 136 in Humboldt County and again we were under fire as rounds
30 whistled by my left ear and skipped off the ground to the left front of my p/u. I exited my patrol unit with the

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
W. J. FLETCHER / SERGEANT	011415	05/03/2004		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
05/03/2004	2230	9120	011415

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

1 AR15 from my vehicle and ejected a round that I had already chambered as I made sure the weapon was
2 ready to be fired. I took aim at the driver's area of Navigator however; I could not fire a round because the
3 Navigator moved around the corner and out of sight immediately after the occupant completed firing at us.

4

5 At this time, I had the officers double up in the patrol cars as we left two patrol cars behind. Officer Rick
6 Davis doubled with me as Officer Lambert doubled with Officer DePee. This was the first time I lost sight of
7 the Navigator, and because the attacker was lying in wait we had to proceed at slower speeds while
8 clearing side roads, driveways residence, etc. That was the last time I saw the Navigator.

9

10 Immediately after taking over primary position in this pursuit I became fearful for my safety as the occupant
11 of the Navigator fired bullets at me. I immediately began to take evasive driving actions and increasing the
12 distance. I also feared for the safety of all the officers who participated in the pursuit as their lives were
13 also in grave danger.

14

15 It appeared to me that the occupant/driver of the Navigator calculated when and how he was going to
16 attempt to kill us as he used the high ground and positioned the Navigator so that he could fire from the
17 driver's side and escape around corners when he stopped firing. The shooter also fired more rounds than
18 there were officers following him and saturated the area around the officer with bullets.

19

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
W. J. FLETCHER / SERGEANT	011415	05/03/2004		

**CRESCENT CITY POLICE DEPT.
INCIDENT EVENT REPORT ATTACHMENT**

Shots Fired
Event Date: Monday, May 3, 2004

Event: 2004050064

SUPPLEMENT #1	Date: May 3, 2004 Time: 22:30	Event Number: 2004050064
---------------	-------------------------------	--------------------------

On 05/04/03, about 2230 hours, I responded to the area of [redacted] to assist Officer Wakefield. He had been dispatched to the area to attempt the arrest of a [redacted] [redacted] [redacted] Del Norte County Sheriffs Office had an 836 PC out for the arrest of [redacted]. It was reported that [redacted] could be armed and dangerous. The [redacted] lives at the [redacted] address and was on the telephone with [redacted]. The [redacted] mother was on another phone telling dispatch where they thought [redacted] was at. Dispatch was being told he was nearby and driving a [redacted] Lincoln Navigator [redacted].

While we were checking the area, dispatch radioed that he was towing a U-Haul trailer with the Navigator. When I received this information, I was facing westbound on Condor street at "A" street. I looked south on "A" street and saw the lights of a trailer near 8th street. I turned southbound on "A" street and radioed for confirmation that he was towing a trailer. I was now behind the trailer on "A" street crossing 4th street. The trailer was wider than the towing vehicle and I could not see if it was a [redacted] Navigator. The vehicle stopped at the intersection of "A" street and 2nd street. As the vehicle turned eastbound onto 2nd street I recognized the [redacted] Navigator and the license plate. I saw a male hispanic driver wearing a baseball hat. I was unable to determine if it was [redacted].

I radioed that I was behind the vehicle and we were travelling eastbound on 2nd street. Officer Wakefield radioed he was enroute to assist. We continued eastbound on 2nd street to "D" street. The driver then turned southbound on "D" street. The driver then stopped at the stop sign on Front Front street. I radioed we were turning eastbound on Front street. Officer Wakefield radioed he copied at "A" street and 5th street. We continued eastbound on Front street. I radioed that I was going to place an enforcement stop on the vehicle at Front and Play street, about 2240 hours. I activated my overhead emergency lights, my front takedown lights and turned on my spotlight. The driver did not stop and continued eastbound about 25 MPH. Officer Wakefield radioed that he copied at the Hampton Inn. The Hampton Inn is located at Front and "A" street and is about 9 city blocks from where I initiated the traffic stop.

The driver would slightly swerve his vehicle to be able to see me in his side mirror. Each time he swerved I would place the spotlight on the drivers side mirror. I could see the drivers head turn away from the light and he would swerve straighter in the lane.

The driver continued travelling eastbound to the intersection of "L" street. Officer Wakefield was now behind me. The driver turned southbound onto "L" street and I radioed the direction of travel. At this time I activated my siren and we continued travelling southbound on "L" street. The driver continued to swerve within the lane and I would keep placing my spotlight into his side mirror. Each time the driver would straighten the vehicle out and pull his head away.

Dispatch was notified that we were crossing Elk Valley Road still continuing southbound. Officer Wakefield then radioed he would take over radio transmissions. We crossed Citizen Dock Road and dispatch was radioed to notify CHP of the pursuit and to take over now that it had gone into the county. We were now at speeds of about 35 to 40 MPH.

We continued southbound on HWY 101 towards Crescent City Hill. We reached speeds of 60 to 70 MPH. We started up Crescent City Hill and continued speeds of between 45 to 60 MPH. This area of Crescent City Hill is two-lanes for southbound traffic. We continued travelling southbound. At somepoint past Vista Point Viewpoint, I saw the lights of a CHP unit approaching. I pulled into the number #2 lane to allow CHP to take over the pursuit.

I pulled in behind the CHP unit and continued with the pursuit. Shortly after the CHP unit took over the pursuit. I could hear shots being fired from the pursued vehicle. I could see rounds ricocheting off the roadway and in our direction. The CHP unit and I started taking defensive driving maneuvers to avoid the rounds. I radioed dispatch that shots were being fired at us. I saw two rounds ricochet on the roadway to the left of my drivers door. I do not know how many total rounds were shot in our direction.

**CRESCENT CITY POLICE DEPT.
INCIDENT EVENT REPORT ATTACHMENT**

Event Date: Monday, May 3, 2004
Shots Fired

The pursuit continued southbound on Hwy 101. At different times other CHP units would arrive and I would pull over for them to be in front. I continued with the pursuit until just south of the Klamath River bridge. I was radioed by dispatch that Chief Plack wanted me to disregard the pursuit and return to the City.

I initiated the pursuit about 2240 hours. I was radioed to disregard about 2303 hours. The pursuit was for about twenty-one miles and I was involved for about twenty-three minutes.

ATTACHMENT CERTIFICATIONS FOR EVENT 2004050064		
Submitted By: 070 Officer Greg JOHNSON	Signature:	Date:
Approved By:	Signature:	Date:



CRESCENT CITY POLICE DEPT. INCIDENT EVENT REPORT



Shots Fired

Event Date: Monday, May 3, 2004

Event: 2004050064

EVENT: 2004050064 DATE: 05/03/2004 TIME RECEIVED: 22:30

Event Code: 116 Shots Fired	Dispatched As: 116 Shots Fired	
Event Type: Incident	Reported As: In Progress	Priority: 1
Address: [REDACTED]	Sector: 12	Zone:
City: Crescent City	County: Del Norte	Jurisdiction: Crescent City
State: California Zip Code: 95531	Weapon Reported: UNKNOWN	
Remarks: Dispatched for a report of an 836 PC [REDACTED] in the area. We located [REDACTED] vehicle and pursued. Shots fired on Crescent Hill turned over to CHP.		
Reporting Party: [REDACTED]	Telephone: [REDACTED]	Origin: Radio Originated Dispatcher ID: 074

PERSONS INVOLVED IN EVENT 2004050064

FLETCHER, Bill Occupation: Law Enforcement Employer: California Highway Patrol	Age: N/A	Date of Birth: //	Height:	Assisting Officer
		Race: White	Weight:	
		Ethnicity: Non-Hispanic	Hair Color:	
		Sex: Male	Eye Color:	
			Skin:	
Telephones: [REDACTED]		Addresses: [REDACTED]		
No Telephone Records On File		No Address Records On File		
Notes: None on file for this person record..				

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Telephones: [REDACTED]		Addresses: [REDACTED]		

Notes: None on file for this person record..

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Telephones: [REDACTED]		Addresses: [REDACTED]		

Notes: None on file for this person record..

PROPERTY INVOLVED IN EVENT 2004050064

No property records on file for this offense.

**CRESCENT CITY POLICE DEPT.
INCIDENT EVENT REPORT**

Event Date: Monday, May 3, 2004
Shots Fired

Event: 2004050064

VEHICLES INVOLVED IN EVENT 2004050064

Tag	Type	Year	Make	Model	Color	VIN
-----	------	------	------	-------	-------	-----

No vehicle records on file for this event.

RESPONSE UNITS ASSIGNED TO EVENT 2004050064

Unit	Assignment	Division/Agency	Dispatched	Arrived	Cleared	Response Time	Total Time	Disposition
074	Ryan Wakefield Primary	Officer B-Shift Patrol	22:30:00	22:33:00	23:59:00	00:00:03:00	00:01:29:00	R116
070	Greg JOHNSON Backup	Officer B-Shift Patrol	22:30:00	22:33:00	23:59:00	00:00:03:00	00:01:29:00	B116

ACTIVITY LOG FOR EVENT 2004050064

Date	Unit	Time	Location/Comment
05/03/2004	*074	22:30:00	22:33:00 23:59:00 [REDACTED] R116
05/03/2004	070	22:30:00	22:33:00 23:59:00 [REDACTED] B116

PRIMARY NARRATIVE FOR EVENT 2004050064

05-03-2004 At about 2230 hours I was dispatched along with Officer Johnson to [REDACTED] to check for a [REDACTED] wanted by the Del Norte County Sheriffs Office for multiple offenses. The [REDACTED] [REDACTED] [REDACTED] was to be considered armed and dangerous. This was the second time that I had been dispatched to this address for the same report.

I responded to the area and checked for the [REDACTED]. Dispatch advised me that the [REDACTED] was on the phone with the reporting party. She explained that while [REDACTED] was talking with the [REDACTED] her Mother [REDACTED] was telling dispatch what was being said. They felt that [REDACTED] was in the area. He was telling [REDACTED] to get the kids and to come outside.

[REDACTED] was relaying to her mother the information that she was getting from [REDACTED]. Dispatch then advised that [REDACTED] had told her that the [REDACTED] vehicle (a [REDACTED] Lincoln Navigator towing a U-haul trailer) had just passed in front of [REDACTED].

We continued to check the area. At around 2238 hours Officer Johnson located the [REDACTED] vehicle at 8th and A St traveling southbound. (See Johnsons attachment)

I caught up to Johnson with the [REDACTED] vehicle at the intersection of Front and Play streets. Officer Johnson initiated a traffic stop. The [REDACTED] vehicle failed to stop for Johnsons overhead lights. We made the turn onto S/B U.S. Hwy 101. We followed the vehicle which was failing to yield until the intersection of 101/ Elk Valley Rd. At 2242 hours I called pursuit and took over communications. Officer Johnson assumed the lead car. We were maintaining speeds between 30 and 70 miles per hour. We advised that CHP was needed.

We continued S/B on 101 at Crescent hill still maintaining speeds around 55 MPH. When we reached an area South of the Vista point I noticed a CHP vehicle behind me. I pulled to the right and let them pass. The CHP then passed Officer Johnson and assumed the lead car position.

Within seconds of the CHP vehicle taking the lead the [REDACTED] vehicle began firing rounds in our direction. The CHP vehicle banked to the right. I heard a popping sound and saw rounds ricocheting off of the ground. Some of the rounds were within fifteen feet of the door of my patrol car. At 2248 hours I gave dispatch a 11-99 call and advised that we were being fired upon. I don't know how many rounds were shot.

CRESCENT CITY POLICE DEPT.
INCIDENT EVENT REPORT
Event Date: Monday, May 3, 2004
Shots Fired

I followed the pursuit until the second CHP vehicle passed me. I then turned around and headed back to the town area for coverage.

CHP SUPPLEMENTAL

20

DATE OF ORIGINAL INCIDENT

TIME (2400)

OFFICER I.D.

PAGE

05/03/04

2245

11916

F028 120 04

SUMMARY:

ON 5/03/04 AT APPROX. 2245 HOURS, I WAS ADVISED BY 95-S1(SGT. FLETCHER) TO RESPOND TO ASSIST CRESCENT CITY P.D.(C.C.P.D.). C.C.P.D. WAS PURSUING A VEHICLE S/B ON US-101 FROM S/OF FRONT ST. I RESPONDED FROM THE CRESCENT CITY AREA OFFICE. 95- S1 ADVISED THAT C.C.P.D. RELINQUISHED THE PURSUIT TO CHP S/OF THE CITY LIMITS. APPROX. TWO MINUTES LATER, 95-S1 ADVISED SHOTS WERE BEING FIRED.

AS I APPROACHED THE PURSUING PATROL UNITS S/B US-101 AT MPM 22.00, I OBSERVED THAT THERE WERE TWO C.C.P.D. UNITS BEHIND 95-S1. I PASSED THE TWO C.C.P.D. UNITS AND PULLED IN BEHIND 95-S1. 95-S1 WAS THE PRIMARY UNIT AND I WAS NOW THE SECONDARY UNIT. AT THIS POINT, THE [REDACTED] WAS MAINTAINING A SPEED OF APPROX. 45-50 MPH. DURING THIS TIME 95-S1 KEPT A SAFE DISTANCE FROM THE [REDACTED] AS WE APPROACHED THE TREES OF MYSTERY, THE [REDACTED] DROVE TO THE LEFT OF THE DOUBLE-DOUBLE YELLOW LINES INTO THE N/B LANE IN ORDER TO PASS A BIG RIG. [REDACTED] INCREASED ITS SPEED TO APPROX. 70 MPH. [REDACTED] SPEED VARIED FROM 60 MPH TO 70 MPH. AS WE BEGAN TO CROSS THE KLAMATH RIVER BRIDGE THE [REDACTED] CAME TO A STOP AND THEN ACCELERATED TO APPROX. 60 MPH.

AS WE APPROACHED THE CURVE IN THE ROADWAY JUST N/OF MPM 3.00, I BRIEFLY LOST SIGHT OF THE [REDACTED]. WE ROUNDED THE CORNER AND I OBSERVED MUZZLE FLASHES COME FROM THE LEFT DRIVER'S SIDE DOOR OF THE [REDACTED] THERE WERE APPROX. 3 TO 4 SHOTS FIRED. THE [REDACTED] WAS TRAVELING AT APPROX. 15-20 MPH IN THE S-2 LANE. WE BACKED OFF FURTHER TO A SAFER DISTANCE. THE [REDACTED] ACCELERATED TO APPROX. 55-60 MPH. AS WE APPROACHED MPM 1.00. THE [REDACTED] CAME TO A STOP IN THE S-2 LANE, PARTIALLY IN THE S-1 LANE. I OBSERVED THE DRIVER'S SIDE DOOR OPEN AND IMMEDIATELY THERE WERE MUZZLE FLASHES. I ALSO COULD HEAR THE GUN SHOTS, WHICH SOUNDED LIKE A HIGH POWERED RIFLE. 95-S1 SWERVED ONTO THE RIGHT SHOULDER NEXT TO THE GUARD RAIL AND STOPPED. I PULLED IN BEHIND 95-S1 AND STOPPED. I LEANED OVER TO THE PASSENGER SIDE SEAT TO AVOID INCOMING ROUNDS. I HEARD AT LEAST 7 TO 8 SHOTS BEING FIRED FROM A DISTANCE OF APPROX. 200 YARDS. I COULD HEAR ROUNDS OR DEBRIS FROM THE ROUNDS STRIKING MY PATROL VEHICLE. 95-S1 ADVISED THAT A ROUND WENT THROUGH HIS WINDSHIELD AND HE WAS STRUCK IN THE FACE WITH GLASS. DUE TO THE CIRCUMSTANCES, I WAS UNABLE TO POSITION MYSELF IN A SAFE LOCATION IN ORDER TO RETURN FIRE. THE [REDACTED] AGAIN ACCELERATED AWAY S/B. WE ALSO CONTINUED S/B. AS WE CAME AROUND THE CURVE N/OF THE COUNTY LINE, I COULD SEE THAT THE [REDACTED] WAS NOW APPROX. ¼ OF MILE FROM US AT APPROX. 55 TO 60 MPH. IN THE S-2 LANE. I LOST SIGHT OF THE [REDACTED] AS WE CROSSED INTO HUMBOLDT COUNTY.

PREPARER'S NAME

I.D. NUMBER

DATE

REVIEWER'S NAME

DAT

R. DAVIS

11916

05/04/04

CHP SUPPLEMENTAL

DATE OF ORIGINAL INCIDENT

TIME (2400)

OFFICER I.D.

PAGE

05/03/04

2245

11916

F028 120 04

1 WE REDUCED OUR SPEEDS TO APPROX. 45 MPH IN ORDER TO SAFELY PROCEED
 2 THROUGH THE BLIND ROADWAY CURVES, DUE TO THE FACT THAT THE [REDACTED]
 3 COULD BE STOPPED LYING IN WAIT. AS WE ROUNDED THE CORNER APPROX. 1 MILE
 4 S/OFF THE COUNTY LINE, I OBSERVED THE [REDACTED] STOPPED IN THE S-2 LANE. I SAW
 5 MUZZLE FLASHES AND HEARD APPROX. 4 TO 5 SHOTS BEING FIRED. 95-S1 SWERVED
 6 TO THE RIGHT SHOULDER AND I PULLED IN BEHIND HIM. I AGAIN LEANED OVER ONTO
 7 THE PASSENGER SEAT IN ORDER TO AVOID IN COMING ROUNDS THROUGH THE
 8 WINDSHIELD. THE [REDACTED] ACCELERATED AWAY. 95-S1 ORDERED ALL UNITS TO
 9 PULL OVER TO THE RIGHT SHOULDER IN ORDER TO REGROUP. WE DOUBLED UP WITH
 10 TWO MAN UNITS. I DOUBLED WITH 95-S1. WE AGAIN PRECEDED S/B AT A SLOW RATE
 11 OF SPEED IN ORDER TO CLEAR EACH CURVE IN THE ROADWAY, DUE TO THE FACT
 12 THE [REDACTED] COULD AGAIN BE LYING IN WAIT TO SHOOT AT US AGAIN. AT THIS
 13 POINT WE LOST SIGHT OF THE [REDACTED] AND DID NOT MAKE ANY FURTHER CONTACT WITH
 14 HIM OR HIS VEHICLE.

15
 16 WHILE WE WERE S/B US-101 AT ROLFS, DISPATCH ADVISED THAT THE [REDACTED] HAD
 17 JUST SHOT SEVERAL ROUNDS AT A PARK SERVICE EMPLOYEE APPROX. 4 MILES UP
 18 BALD HILLS RD. E/OFF US-101. WE RESPONDED TO THE SCENE WITH SEVERAL
 19 HUMBOLDT CHP OFFICERS AND HSO DEPUTIES AND FOUND AN ABANDONED U-HAUL
 20 TRAILER THAT THE [REDACTED] WAS PULLING.

21

CHP 202-Arrest Report Narrative

22

DATE OF ORIGINAL INCIDENT

TIME (2400)

NCIC NUMBER

OFFICER I.D.

NUMBER

PAGE

05-03-04

2245

9120

13548

M.

F028 120 04

NOTIFICATION:

1 While on patrol as unit # 95-1, in a marked black and white patrol vehicle (Unit # [REDACTED], I
 2 was at the Crescent City Area Office working on paperwork. At approx. 2245 hours, I heard
 3 radio traffic between S-1 (Sgt. Fletcher [REDACTED]) and Humboldt – CHP Communications
 4 Center. Sgt. Fletcher was advising dispatch that he was behind Crescent City Police
 5 Department, who was in pursuit with a 1999 [REDACTED] Lincoln Navigator, CA license plate #
 6 [REDACTED] the driver of the Lincoln was known to be a [REDACTED] that was wanted for an 836
 7 P.C. arrest. The Lincoln was towing a small U-Haul trailer. The [REDACTED] was a [REDACTED]
 8 [REDACTED] who also has an alias of [REDACTED] [REDACTED] was a wanted [REDACTED] for the
 9 following charges 136.1 (C) (1) P.C. and 273.6 P.C. [REDACTED] was considered to be armed and
 10 dangerous. At this time, Sgt. Fletcher advised that he was traveling S/B on US 101,
 11 approaching Anchor Way and asked dispatch if Crescent City Police Department wanted us
 12 (CHP) to take over the pursuit. Sgt. Fletcher advised dispatch that he needed the units that
 13 were at the office to respond to his location in case we were to take over the pursuit. Officer
 14 R. Davis # [REDACTED] and I advised dispatch that we were en route. Dispatch then advised Sgt.
 15 Fletcher that Crescent City Police Department did request that CHP take over the pursuit.
 16 Officer Davis and I responded from the office to Sgt. Fletcher's location. While responding to
 17 his location I heard him advise dispatch that he was under gunfire from the driver of the
 18 pursued Lincoln. Officer Davis was ahead of my location and caught up with Sgt. Fletcher
 19 approx. 1 to 2 minutes prior to my arrival, somewhere around mpm 22.00. I then advised
 20 dispatch that I was the third unit involved in the pursuit.
 21
 22
 23

SUMMARY:

24 A little while longer at an unknown location, we were under gunfire from the driver. I could
 25 see a muzzle flash and heard the rounds being fired and then hitting the ground. We all
 26 maintained a safe distance of approx. 200 yards behind the Lincoln. The Lincoln would slow
 27 down as if he was positioning his vehicle to be able to take more shots at us. The Lincoln
 28 would then speed back up. We were shot at least one other time as we were traveling on the
 29 Crescent grade. The Lincoln continued to travel S/B towards Klamath. Once we approached
 30 the Klamath Bridge the Lincoln came to a stop on the bridge. The Lincoln then accelerated
 31 to approx. 60 mph. As we exited a curve in the roadway, just n/of mpm 3.00, we were once
 32 again under gunfire attack. I observed muzzle flashes from the left side of the Lincoln and
 33 heard approx. 3-4 shots being fired. We backed off further to a safer distance. The Lincoln
 34 then accelerated away. As we approached mpm 1.00, the Lincoln came to a stop partially
 35 blocking the # 1 and # 2 S/B lanes. I observed the driver's door open and immediately there
 36 were muzzle flashes. I heard more shots being fired, which now sounded to me like a high
 37 powered rifle. Both Sgt. Fletcher and Officer Davis pulled onto the west shoulder next to the
 38 metal guardrail. I too followed them onto the west shoulder. I was trying to remove the rifle
 39 from its holder and was leaning across the front seats to avoid any incoming rounds. I heard
 40 at least 7-9 shots being fired. I could hear the rounds and the debris from the rounds
 41 striking the left side of my patrol vehicle.
 42
 43

PREPARER'S NAME

Officer Warner

I.D. NUMBER

13548

DATE

05-03-04

REVIEWER'S NAME

DATE

CHP 202-Arrest Report Narrative

23

DATE OF ORIGINAL INCIDENT	TIME (2400)	NCIC NUMBER	OFFICER I.D.	NUMBER	PAGE
05-03-04	2245	9120	13548		

██████████ M.

F028 120 04

1 That is when Sgt. Fletcher advised that his windshield had been struck and he was unsure if
 2 he had been struck by a round or if it was just glass. The Lincoln then accelerated away S/B.
 3 As we entered into a curve approx. 1 mile from the Humboldt County line, the Lincoln was
 4 stopped in the # 2 lane. Once again I saw muzzle flashes and heard shots being fired. I
 5 heard approx. 5 shots. Once again we all swerved onto the west shoulders and leaned
 6 across the front seats in order to avoid in coming rounds through the windshield. The Lincoln
 7 then accelerated away S/B. The roadway in this area has a lot of blind curves and it seemed
 8 as if ██████ was trying to lure us in, by waiting around each of the curves and firing shots at us.
 9 Sgt. Fletcher ordered all units to stop and regroup. He ordered us to double up with two man
 10 units. I was the odd person out, so I was assigned to stay back and maintain traffic control
 11 as the other two man units proceeded S/B at a slow rate of speed looking for the Lincoln.

12
 13 Sgt. Fletcher advised that they had lost sight of the Lincoln. A Humboldt CHP Officer
 14 advised that he received information that the Lincoln was spotted on Bold Hills Road in Orick.
 15 The Officer advised that a State Park service employee had his rear window fired at from
 16 ██████ when he stopped to see if ██████ needed assistance. ██████ was in the process of
 17 removing the U-Haul trailer from the Lincoln.

18
 19 Each time we were under fire, I feared for my life and took cover in order to keep from being
 20 hit by the rounds being fired.

CHP SUPPLEMENTAL

24

DATE OF ORIGINAL INCIDENT

TIME (2400)

OFFICER I.D.

PAGE

05/03/04

2245

14945

F028 120 04

1 **NOTIFICATION:** ON 05-03-04, AT APPROXIMATELY 2245 HOURS, I HEARD ON THE
 2 POLICE SCANNER THAT THE CRESCENT CITY POLICE DEPARTMENT WAS IN
 3 PURSUIT OF A [REDACTED] LINCOLN NAVIGATOR TOWING A SMALL U-HAUL TRAILER,
 4 SOUTHBOUND US 101 FROM ELK VALLEY ROAD. SHORTLY THEREAFTER, CHP SGT.
 5 FLETCHER WAS IN THE AREA AND TOOK OVER AS PRIMARY UNIT FROM C.C.P.D. AT
 6 THEIR REQUEST. I RESPONDED FROM ELK VALLEY ROAD AT PARKWAY DRIVE. AT
 7 APPROXIMATELY MPM 199-DN-19.00, I ADVISED CHP DISPATCH THAT I HAD JOINED
 8 THE PURSUIT, ALONG WITH OFFICERS R. DAVIS AND L. WARNER.

9
 10 **OBSERVATIONS:** I NOTICED THE [REDACTED] VEHICLE AHEAD OF OUR LOCATION.
 11 SGT FLETCHER WAS THE LEAD UNIT FOLLOWED BY OFFICER R. DAVIS, THEN
 12 OFFICER L. WARNER, AND MYSELF. OUR SPEED WAS BETWEEN 40-60. NEAR THE
 13 WILSON CREEK BRIDGE, OFFICER L. DEPEE JOINED IN THE PURSUIT BEHIND MY
 14 PATROL UNIT. THE VEHICLE INCREASED ITS SPEED TO 70MPH NEAR THE "TREES
 15 OF MYSTERY." WHILE CROSSING THE KLAMATH BRIDGE, THE [REDACTED] VEHICLE
 16 SLOWED TO 20 MPH, APPEARING TO BE COMING TO A STOP. THE [REDACTED] VEHICLE
 17 ACCELERATED AWAY TO 50-55. AT ABOUT MPM 199-DN-3.00 I HEARD MULTIPLE
 18 GUNSHOTS, 5-6, AND I COULD SEE GUN SHOTS GOING PAST MY PATROL UNIT.
 19 HEARING AND SEEING THE GUNSHOTS CAUSED ME TO TAKE DEFENSIVE ACTION
 20 BY CROUCHING DOWN SO AS TO NOT HAVE MY UPPER BODY AS A TARGET
 21 THROUGH THE WINDSHIELD. I SWERVED MY PATROL UNIT TO THE RIGHT
 22 SHOULDER AS WELL. AFTER HEARING THE GUNFIRE STOP, WE RESUMED THE
 23 PURSUIT.

24
 25 JUST NORTH OF MPM 199-DN-1.28, WE BEGAN TO CATCH BACK UP TO THE
 26 [REDACTED] VEHICLE. I NOTICED IT ABRUPTLY COME TO A STOP. THE DRIVER
 27 QUICKLY EXITED AND BEGAN FIRING ROUNDS AT OUR PATROL CARS. FOR FEAR
 28 OF MY LIFE, I SWERVED TO THE RIGHT SHOULDER, STOPPED AND COUCHED MY
 29 ENTIRE BODY BELOW THE DASHBOARD. I HEARD MULTIPLE ROUNDS FIRED, 8-10.
 30 SGT FLETCHER ADVISED THAT HIS VEHICLE HAD BEEN HIT, THAT HE WAS
 31 INJURED, BUT UNKNOWN IF SHOT. BEFORE I HAD A CHANCE TO EXIT MY PATROL
 32 CAR AND RETURN FIRE, THE [REDACTED] HAD GOT BACK INTO HIS VEHICLE AND
 33 LEFT.

34
 35 WE RESUMED THE PURSUIT. THE [REDACTED] WAS NOW A MILE AHEAD OF US. WE
 36 QUICKLY GAINED GROUND. ABOUT 1 MILE INTO HUMBOLDT COUNTY WE CAME
 37 AROUND A CURVE IN THE ROAD. 5-6 ROUNDS WERE FIRED AT US ONCE AGAIN.
 38 ONCE AGAIN I TOOK EVASIVE ACTION BY SWERVING AND CROUCHING FOR FEAR
 39 OF BEING HIT BY GUNFIRE.

PREPARER'S NAME
J. A. LAMBERT

I.D. NUMBER
14945

DATE
05/04/04

REVIEWER'S NAME

DATE

CHP SUPPLEMENTAL

DATE OF ORIGINAL INCIDENT

TIME (2400)

OFFICER I.D.

PAGE 25

05/03/04

2245

14945

[REDACTED]

F-028-120-04

1 AT THIS TIME, SGT FLETCHER DIRECTED US TO PAIR-UP. OFFICER DAVIS RODE
2 WITH SGT FLETCHER, I RODE WITH OFFICER DEPEE, AND OFFICER WARNER WAS
3 THE TAIL CAR, MAKING SURE TRAFFIC COULD NOT PASS. WE RESUMED THE
4 PURSUIT BUT HAD LOST SIGHT OF THE [REDACTED] VEHICLE. WE CAUTIOUSLY
5 PROCEEDED SOUTHBOUND BUT HAD NO FURTHER CONTACT WITH THE [REDACTED]

6
7
8
9

PREPARER'S NAME

I.D. NUMBER

DATE

REVIEWER'S NAME

DATE

J. A. LAMBERT

14945

05/04/04

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT/OCCURRENCE 05-03-2004	TIME (2400) 2245	NCIC NUMBER 9120	OFFICER I.D. 15820	NUMBER
X ONE <input checked="" type="checkbox"/> Narrative <input type="checkbox"/> Supplemental	*X* ONE <input type="checkbox"/> Collision Report <input checked="" type="checkbox"/> Other:	TYPE SUPPLEMENTAL (*X* APPLICABLE) <input type="checkbox"/> BA update <input type="checkbox"/> Hazardous material		
CITY/COUNTY/JUDICIAL DISTRICT UNINCORPORATED/DEL NORTE/DEL NORTE			REPORTING DISTRICT/BEAT	CITATION NUMBER
LOCATION			STATE HIGHWAY RELATED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

SUMMARY:

1 On 05-03-2004, at approximately 2245 hours, I heard on the scanner that the Crescent City Police
2 Department was in pursuit of a [REDACTED] Lincoln Navigator. A few minutes later I heard 95-S1 take over the
3 pursuit. At that time he was traveling southbound on US 101 approaching Crescent City hill. Approximately
4 2-3 minutes into the pursuit 95-S1 advised CHP dispatch that shots had been fired. He advised all police
5 units ahead of the pursuit to black out so that the [REDACTED] would not shoot at us. I blacked out and hide
6 behind a large gravel mound on the side of the road on US 101 north of Wilson Creek. As the pursuit passed
7 my location, I observed the [REDACTED] Lincoln Navigator towing a U-Haul trailer. It was being followed by 95-
8 S1, three CHP units and 1 Crescent City Police Officer. I entered the pursuit behind the last CHP unit.
9

10
11
12 As we approached Trees of Mystery the [REDACTED] vehicle increased its speed to approximately 70 miles per
13 hour. While traveling across the Klamath River Bridge the [REDACTED] vehicle had slowed to less than 20 miles
14 per hour. At approximately mile post marker 3.00 I heard gun shots. I crouched down in my patrol vehicle
15 in order to avoid getting my upper body stuck by bullets. At this time the [REDACTED] vehicle was able to pull
16 ahead of the patrol vehicles. At approximately mile post marker 1.28, I observed the [REDACTED] vehicle stopped
17 in the roadway. I immediately heard approximately 6-8 shots. I used my patrol vehicle as cover. 95-S1
18 advised that his vehicle had been struck and that he was injured from the glass. The [REDACTED] vehicle then
19 continued southbound. We continued pursuing the vehicle into Humboldt County. Approximately 1 mile
20 into Humboldt County and around a blind curve in the roadway, I again heard gun shots (3-5). At this point
21 we doubled up in the cars. I partnered up with Officer Lambert.

22
23 We were unable to continue pursuing directly behind the vehicle due to the fact that around blind corners the
24 [REDACTED] was waiting and shooting at us as we would come around the corner.
25

26 We remained far back clearing each curve in the roadway. After approximately 4-5 miles of slow moving,
27 we were advised that the vehicle had been spotted approximately 4-5 miles up Bald Hills Road and had shot
28 at a park service employee. We responded to the scene and located the U-Haul trailer. We discontinued the
29 pursuit at this point.

PREPARER'S NAME AND I.D. NUMBER L. DEPEE 15820	DATE 05-04-2004	REVIEWER'S NAME	DATE
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NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

5-3-04

2230

9120

12785

F028 120 04

LEGEND

The following three diagrams depict the shooting scene at milepost 101 DN 1.3. The scene was measured with fiberglass tapes, steel tapes, and a rollmeter. Items of evidence 1-2 were collected by Officer Chandler on 5-4-04 at 0638 hours. Items of evidence A-F were collected by CHP Officer Warner on 5-4-04. The positions of items A-F were recorded by CHP Officer Depee, prior to their being collected by Officer Warner.

A station line was established along the edge of the pavement, at the east edge of US-101. The station line proceeds from north to south. Station 0+00 is located 248' north of milepost 101 DN 1.28. Station 0+00 is marked with a nail and shiner. Measurements are in feet.

<u>DESCRIPTION</u>	<u>STATION</u>	<u>LOCATION</u>
1) Expended shell casing (7.62x39).	0+58.75	2.16 W
2) Expended shell casing (7.52x39).	0+45.5	4 E
A) Expended shell casing (7.62x39).	0+42	27.08 W
B) Expended shell casing (7.62x39).	0+52.66	22.7 W
C) Expended shell casing (7.62x39).	0+64.33	27.25 W
D) Expended shell casing (7.62x39).	0+75.08	27 W
E) Expended shell casing (7.62x39).	0+83	11.5 W
F) Expended shell casing (7.62x39).	0+77.33	2.33 W

PREPARER'S NAME

LW Chandler

I.D. NUMBER

012785

DATE

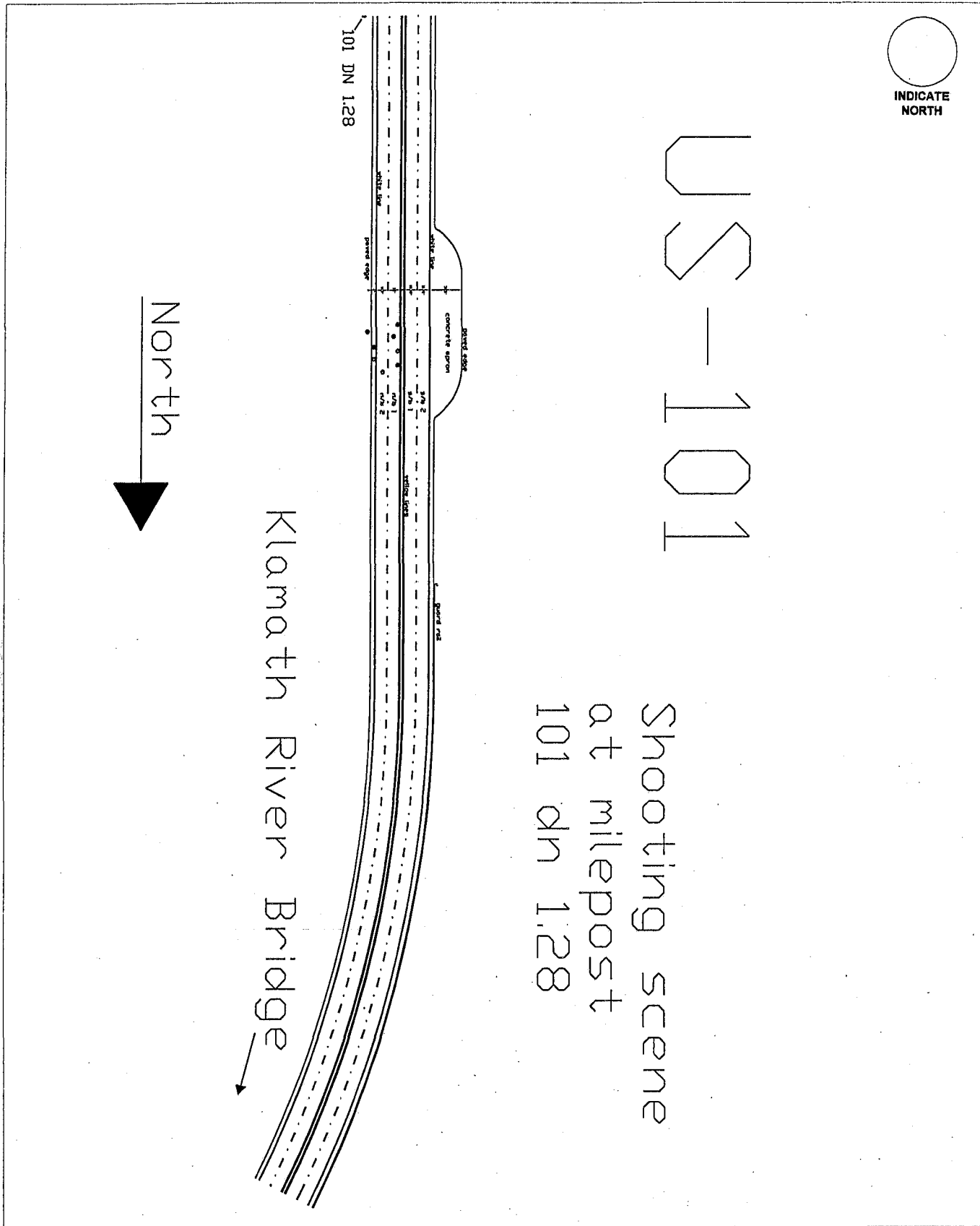
5-3-04

REVIEWER'S NAME

DATE

DATE OF COLLISION (MO. DAY YEAR) 5-3-04	TIME (2400) 2230	NCIC # 9120	OFFICER I.D. 12785	NUMBER F028 120 04
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



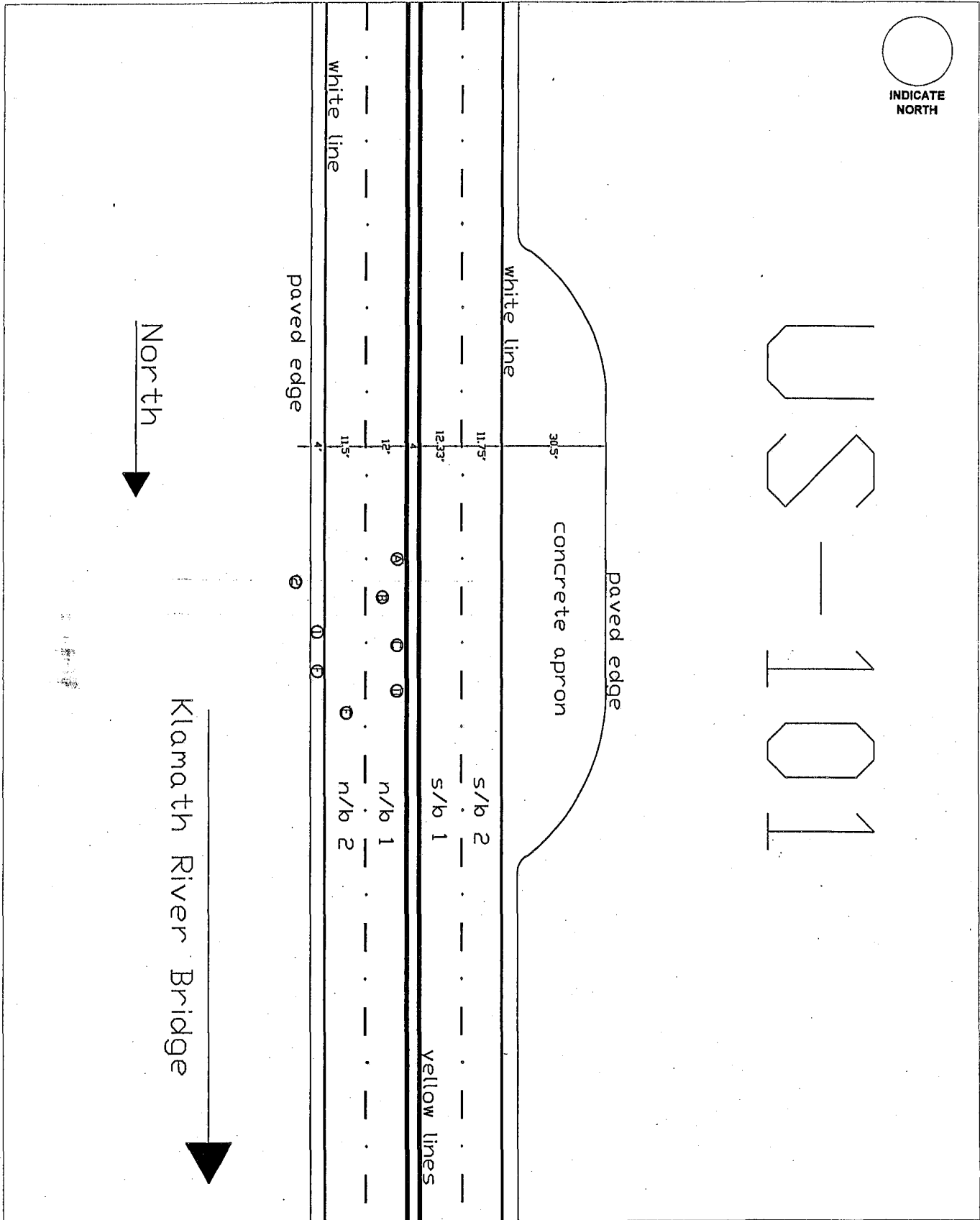
PREPARED BY LW CHANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR)				TIME (2400)	NCIC #	OFFICER I.D.					NUMBER						
5-3-04				2230	9120	[REDACTED]					F028 120 04						
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED	
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER					
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[REDACTED]																	
((INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: CRESCENT CITY, CA																	
DESCRIBE INJURIES [REDACTED]																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> #2	<input type="checkbox"/>	33	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
[REDACTED]																	
((INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: SAME AS ABOVE																	
DESCRIBE INJURIES [REDACTED]																	
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<input checked="" type="checkbox"/> #3	<input type="checkbox"/>	33	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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DESCRIBE INJURIES [REDACTED]																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	
<input checked="" type="checkbox"/> #5	<input type="checkbox"/>	55	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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<input checked="" type="checkbox"/> #6	<input type="checkbox"/>	35	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
[REDACTED]																	
((INJURED ONLY) TRANSPORTED BY: [REDACTED] TAKEN TO: KLAMATH CA																	
DESCRIBE INJURIES [REDACTED]																	
<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																	

PREPARER'S NAME LW HANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 5 3 04	TIME (2400) 2230	NCIC # 9120	OFFICER I.D. 12785	NUMBER F028 120 04
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



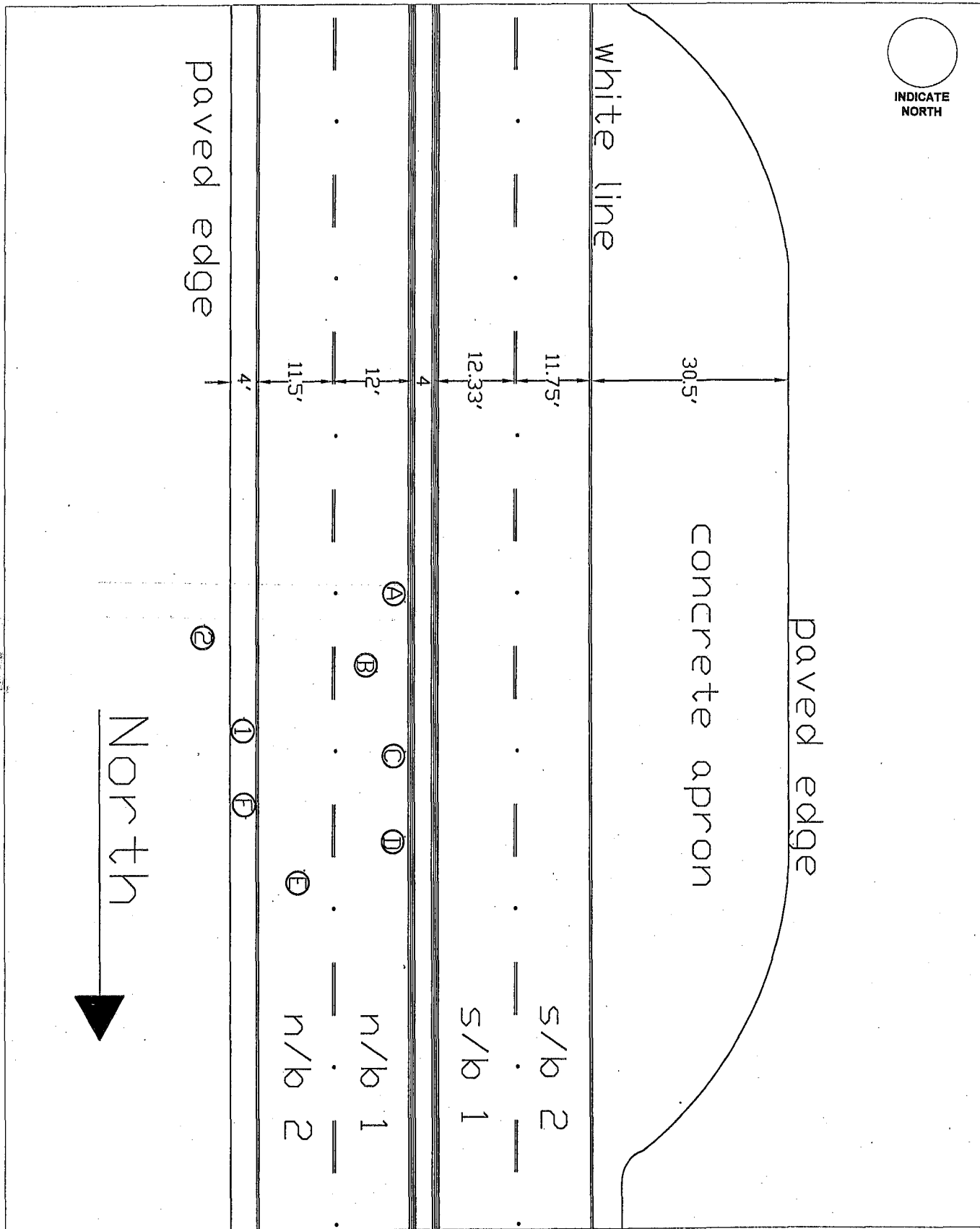
PREPARED BY LW CHANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 5-3-04				TIME (2400) 2230	NCIC # 9120	[REDACTED]					NUMBER F028 120 04					
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
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[REDACTED]												TELEPHONE				
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<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED																

PREPARER'S NAME LW CHANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5-3-04	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 5 3 04	TIME (2400) 2230	NCIC # 9120	OFFICER I.D. 12785	NUMBER F028 120 04
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



PREPARED BY LW CHANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
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DATE OF COLLISION (MO. DAY YEAR) 5-3-04				TIME (2400) 2230	NCIC # 9120						NUMBER F028 120 04					
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)					PARTY NUMBER	SEAT POS.	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER				
<input type="checkbox"/> #	<input type="checkbox"/>		M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

CHP OFF. LAMBERT

(INJURED ONLY) TRANSPORTED BY: _____ TAKEN TO: _____

DESCRIBE INJURIES _____

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>		M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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(INJURED ONLY) TRANSPORTED BY: _____ TAKEN TO: _____

CHP OFF. DEPEE

SAME AS ABOVE

DESCRIBE INJURIES _____

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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NAME / D. O. B. / ADDRESS _____ TELEPHONE _____

(INJURED ONLY) TRANSPORTED BY: _____ TAKEN TO: _____

DESCRIBE INJURIES _____

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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NAME / D. O. B. / ADDRESS _____ TELEPHONE _____

(INJURED ONLY) TRANSPORTED BY: _____ TAKEN TO: _____

DESCRIBE INJURIES _____

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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NAME / D. O. B. / ADDRESS _____ TELEPHONE _____

(INJURED ONLY) TRANSPORTED BY: _____ TAKEN TO: _____

DESCRIBE INJURIES _____

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
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NAME / D. O. B. / ADDRESS _____ TELEPHONE _____

(INJURED ONLY) TRANSPORTED BY: _____ TAKEN TO: _____

DESCRIBE INJURIES _____

VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME LW HANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
-------------------------------	----------------------	------------------------	-----------------	--------------

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

5-3-04

2230

9120

12785

F028 120 04

LEGEND

The following three diagrams depict the shooting scene located at milepost 101 HUM 136.5. The scene was measured using fiberglass tapes, steel tapes, and a rollmeter. Evidence was collected by Officer Chandler on 5-6-04.

A station line was established along the curb at the east edge of US-101. The station line proceeds from south to north. Station 0+00 was located .29 mile north of milepost 101 HUM 136. Station 0+00 is marked with a nail and shiner. Measurements are in feet.

<u>DESCRIPTION</u>	<u>STATION</u>	<u>LOCATION</u>
1) Live 5.56 caliber round, dropped by CHP Sgt. Fletcher.	11+69	4.33 W
2) Expended shell casing (7.62x39).	0+33.5	6.83 W
3) Expended shell casing (7.62x39).	0+18.75	5.5 W
4) Expended shell casing (7.62x39).	0+14.16	5.5 W
5) Expended shell casing (7.62x39).	0+11.25	6.5 W
6) Expended shell casing (7.62x39).	0+01.5	2.5 W
7) Expended shell casing (7.62x39).	0+00.33	.6 W

PREPARER'S NAME
LW Chandler

I.D. NUMBER
012785

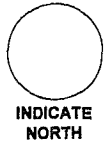
DATE
5-3-04

REVIEWER'S NAME

DATE

DATE OF COLLISION (MO. DAY YEAR) 5-3-04	TIME (2400) 2230	NCIC # 9120	OFFICER I.D. 12785	NUMBER F028 120 04
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

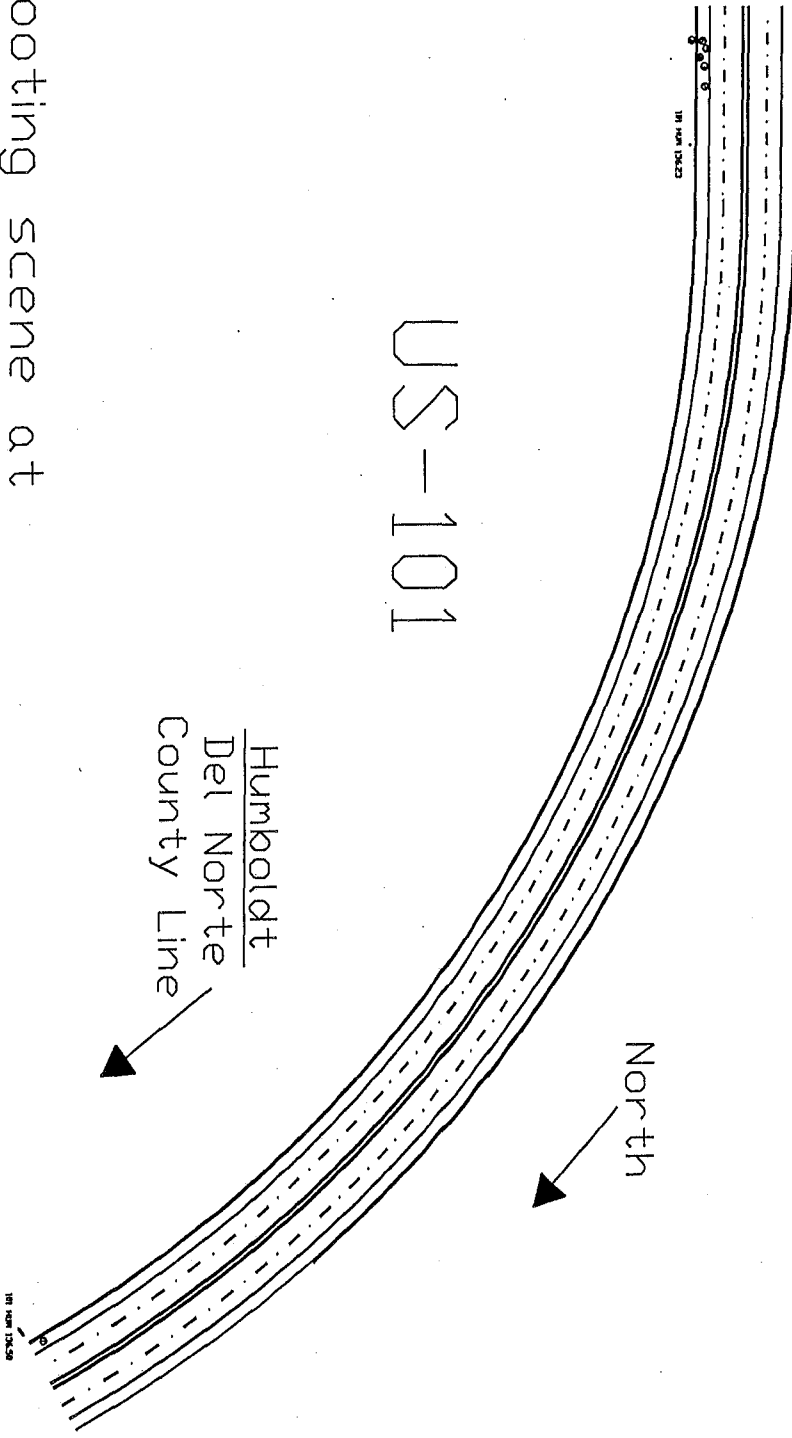


Shooting scene at
 milepost 101 HUM 136.23

US-101

Humboldt
 Del Norte
 County Line

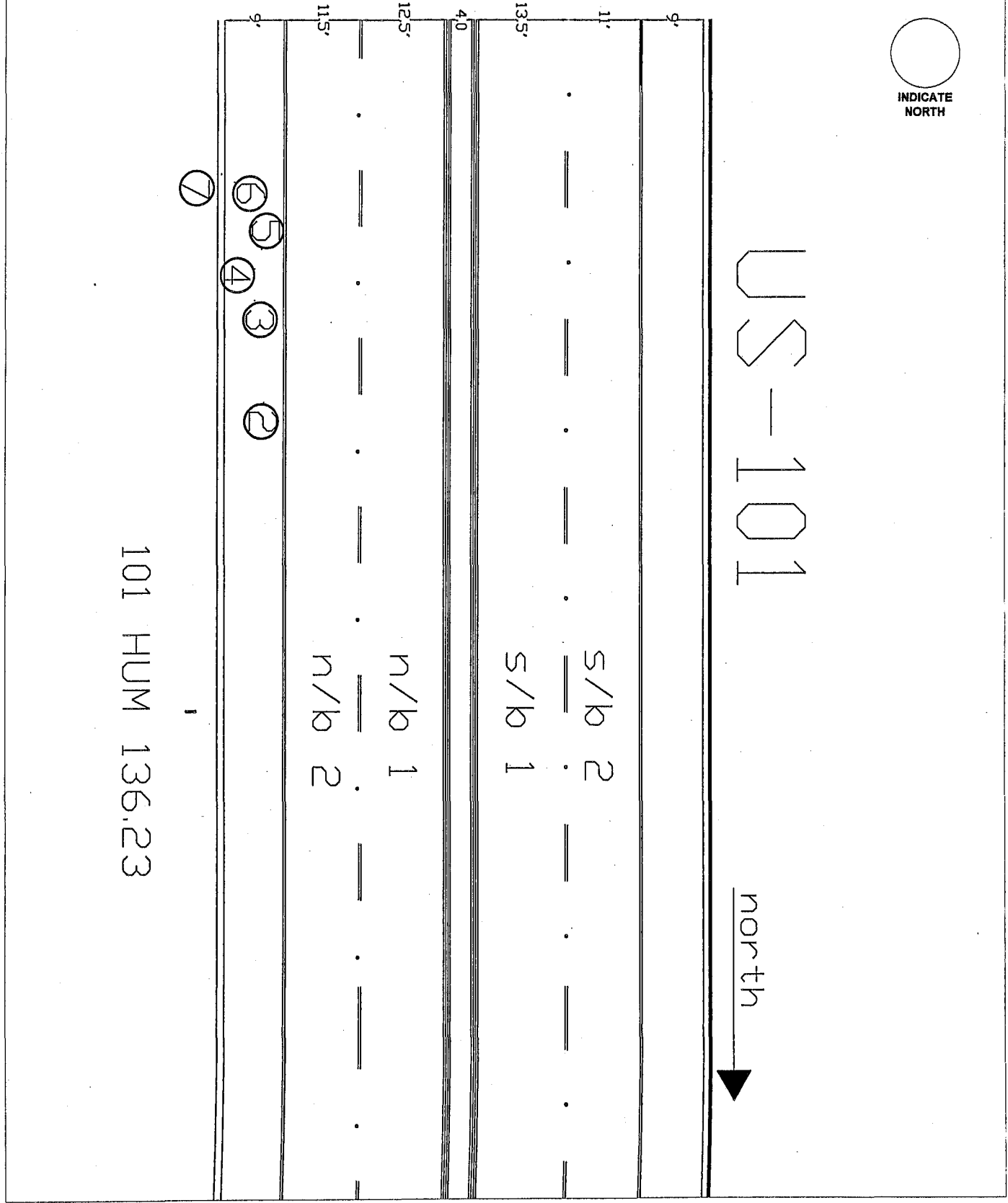
North



PREPARED BY LW CHANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
----------------------------	----------------------	------------------------	-----------------	--------------

DATE OF COLLISION (MO. DAY YEAR) 5-3-04	TIME (2400) 2230	NCIC # 9120	OFFICER I.D. 12785	NUMBER FO28 120 04
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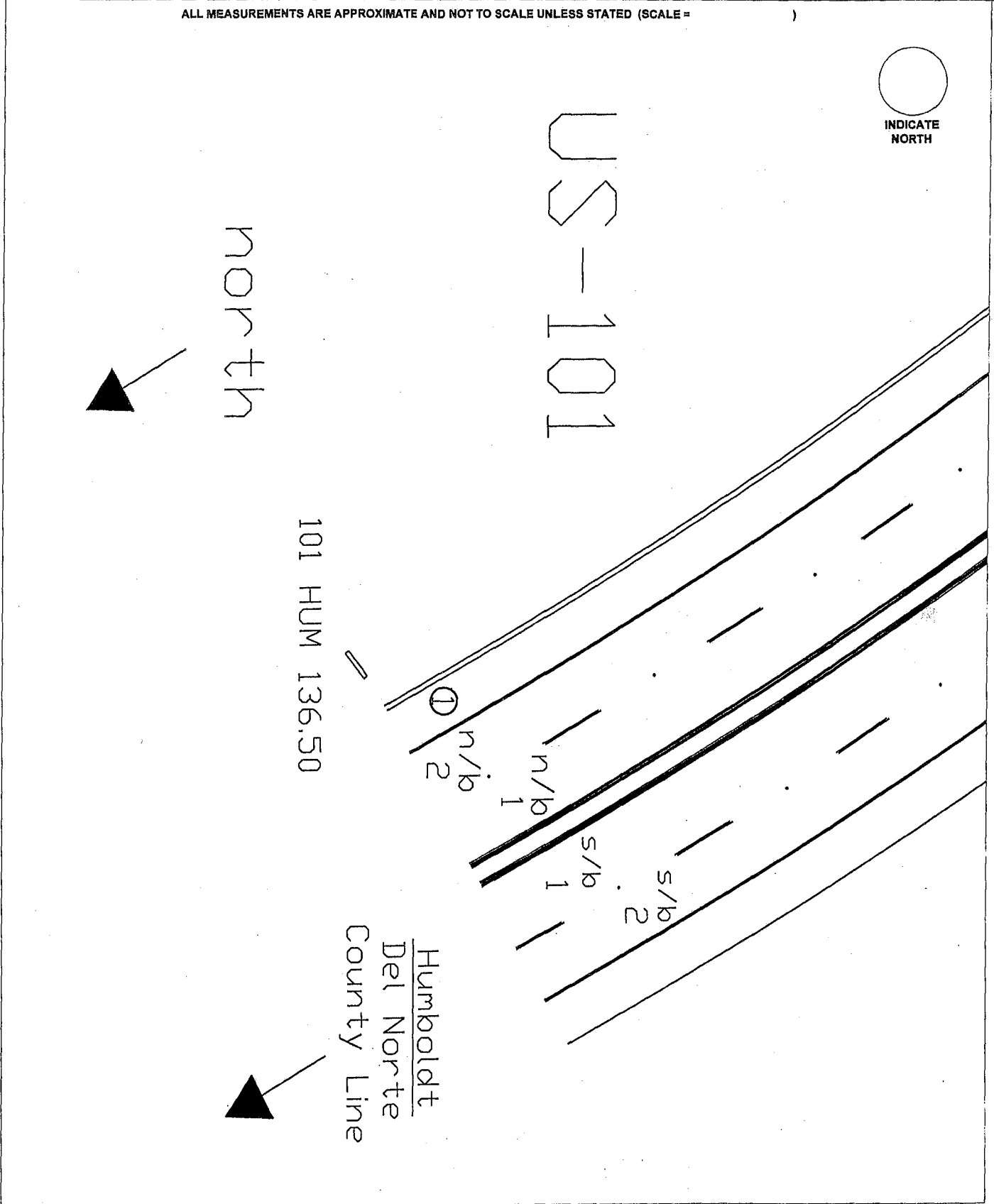
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



PREPARED BY LW CHANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
----------------------------	----------------------	------------------------	-----------------	--------------

DATE OF COLLISION (MO. DAY YEAR) 5-3-04	TIME (2400) 2230	NCIC # 9120	OFFICER I.D. 12785	NUMBER F028 120 04
--	---------------------	----------------	-----------------------	-----------------------

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



PREPARED BY L.V. CHANDLER	I.D. NUMBER 12785	MO. DAY YEAR 5 3 04	REVIEWER'S NAME	MO. DAY YEAR
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NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

5-3-04

2230

9120

12785

F028 120 04

CHRONOLOGICAL RECORD OF INVESTIGATION

5-4-04 at 0445 hours - Notified at my residence.

5-4-04 at 0455 hours - Briefed by Sgt. Baarts at the area office.

5-4-04 at 0624 hours - Examined scene at milepost 101 DN 3 with officers Davis and Lambert.

5-4-04 at 0638 hours - Examined scene at milepost 101 DN 1.3 and recovered evidence. (E2004 35-120)

5-4-04 at 1320 hours - Interviewed [REDACTED] at [REDACTED].

5-4-04 at 1325 hours - Interviewed [REDACTED] at [REDACTED].

5-4-04 at 1430 hours - Examined scene at Crescent City Overlook with Sgt. Fletcher.

5-4-04 at 1720 hours - Attempted to re-contact [REDACTED] [REDACTED] was not home.

5-5-04 at 0800 hours - Process evidence in Ford Expedition CHP unit.

5-5-04 at 0942 hours - Interviewed [REDACTED] by telephone.

5-5-04 at 0952 hours - Interview [REDACTED] and [REDACTED] at [REDACTED].

5-5-04 at 1000 hours - Search for scene in Humboldt County

5-5-04 at 1400 hours - Attend meeting with allied agencies.

5-5-04 at 1547 hours - Administer photo line-up to [REDACTED]

5-5-04 at 1649 hours - Examine scene at 101 HUM 136.23 and collect evidence.

5-5-04 at 1800 hours - Identify cartridge casings for FBI warrant. (with ATF agents Christopher Brady and Thomas Cleary and FBI agent Dan Fangusen)

5-6-04 at 0900 hours - Attend meeting with allied agencies.

5-6-04 at 2158 hours - Interview [REDACTED] by telephone.

5-7-04 at 0900 hours - Attend meeting with allied agencies.

5-7-04 at 1200 hours - Attend meeting with allied agencies.

5-7-04 at 1425 hours - Administer photo line-up to [REDACTED].

5-7-04 at 1510 hours - Check [REDACTED] house at [REDACTED] with Tribal Police Commander Gary Ross.

PREPARER'S NAME

LW Chandler

I.D. NUMBER

012785

DATE

5-3-04

REVIEWER'S NAME

DATE

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

NUMBER

5-3-04

2230

9120

[REDACTED]

F028 120 04

CHRONOLOGICAL RECORD OF INVESTIGATION (cont.)

5-7-04 at 1612 hours – Administer photo line-up to U. S. Cellular employees.

5-7-04 at 1630 hours – Attend meeting with allied agencies.

5-8-04 at 1300 hours – Book evidence into the CHP evidence locker.

5-8-04 at 1630 hours – Meet with CCPD Officer Keith Doyle.

5-10-04 at 1130 hours – Measure scene at milepost 101 DN 1.3.

5-10-04 at 1300 hours – Measure scene at milepost 101 HUM 136.5.

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

PAGE 40
NUMBER

5-3-04

2230

9120

[REDACTED]

F028 120 04

PHOTOGRAPH LOG

The photographs associated with this case are stored at the Crescent City CHP office. Each group of pictures was assigned a number, which corresponded to the tracking envelope utilized by the photo processing service.

The photos to which the numbers were assigned relate to the following:

175685 – Photos of the CHP Expedition patrol vehicle taken by CHP Officer Martinez on 5-4-04.

176066 – Photos of the CHP Expedition patrol vehicle taken by CHP Officer Chandler on 5-5-04.

176067 and 17072 – Photos of the shooting scenes located at milepost 101 DN 1.28 and 101 HUM 136.5, taken by CHP Sgt. Fletcher on 5-5-04.

176068 – Photos of the CHP Expedition patrol vehicle and CHP Sgt. Fletcher taken by CHP Officer Martinez on 5-4-04.

176069 – Photos of the CHP Expedition patrol vehicle taken by CHP Officer Martinez on 5-4-04.

176070 – Photos of CHP patrol vehicles involved in the pursuit and CHP Officer Depee taken by CHP Officer Martinez on 5-4-04.

176071 – Photos of CHP patrol vehicles involved in the pursuit and CHP Officers Warner, Davis, and Lambert taken by Officer Martinez on 5-4-04.

PREPARER'S NAME
LW Chandler

I.D. NUMBER
012785

DATE
5-3-04

REVIEWER'S NAME

DATE

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT

TIME

NCIC NUMBER

OFFICER I.D.

PAGE 4(
NUMBER

5-3-04

2230

9120

F028 120 04

CRIME SCENE LOGS

The following is a list of people who were present at each scene while CHP personnel conducted this investigation.

SHOOTING SCENE AT CRESCENT CITY OVERLOOK

5-4-04 from 1430 to 1507 hours – CHP Officer Chandler and CHP Sgt. Fletcher examined scene and searched for evidence.

SHOOTING SCENE AT MILEPOST 101 DN 1.28

5-4-04 from 0100 hours to 0123 hours - CHP Officers Depee, Lambert, Warner, Davis, and CHP Sgt. Fletcher. Items of evidence A-F were recorded and collected.

5-4-04 from 0638 to 0659 hours – CHP Officers Davis, Lambert, and Chandler. Items of evidence 1 and 2 were recorded and collected.

5-10-04 from 1130 to 1241 hours – CHP Officer Chandler measured the shooting scene for the diagram.

SHOOTING SCENE AT MILEPOST 101 DN 3

5-4-04 from 0624 to 0635 hours – CHP Officers Davis, Lambert, and Chandler examined the scene and searched for evidence.

SHOOTING SCENE AT MILEPOST 101 HUM 136.5

5-5-04 from 1649 to 1512 hours – CHP Officer Chandler and SGT. Fletcher. Items of evidence 1-8 were recorded and collected.


5-10-04 from 1300 to 1520 hours – CHP Officer Chandler measured the scene for the diagram.



PREPARER'S NAME
LW ChandlerI.D. NUMBER
012785DATE
5-3-04

REVIEWER'S NAME



DATE

State of California
Department of California Highway Patrol
PHOTOGRAPHIC LINEUP ADMONISHMENT
CHP 202H (Rev 2-93) OPI 031

I , have read the following statements prior to being shown any photographs.

1. You will be shown a group of photographs.
2. You should neither conclude nor guess that the photographs contain a picture of the person who committed the crime.
3. You do not have to identify anyone.
4. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty.
5. Please look at all of the photographs before making any comment.
6. If you recognize any of the persons in the photographs as the  go back and pick out the person you recognize.
7. Please do not ask the officer whether your choice was 'right' or 'wrong'.
8. The officer will not tell you if you have picked the correct .
9. Please do not discuss the case with other witnesses or indicate in any way to other witnesses that you have or have not identified someone.

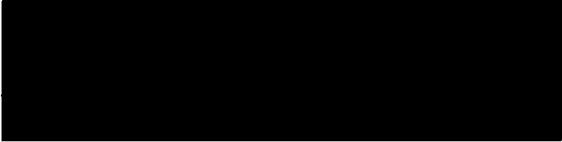
 _____
Date 5-7-04 Time 1425



I recognize photograph number 3 as the  

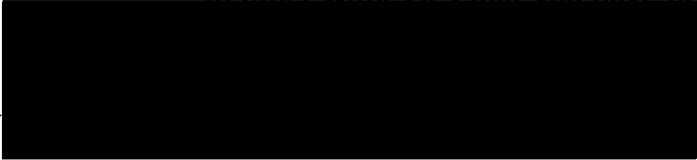
I do not recognize any of the photographs. _____
initials

Witnessed by:
LW CHANDLER _____
Print Name Signature Date 5-7-04 Time 1425


State of California
Department of California Highway Patrol
PHOTOGRAPHIC LINEUP ADMONISHMENT
CHP 202H (Rev 2-93) OPI 031


I, , have read the following statements prior to being shown any photographs.

1. You will be shown a group of photographs.
2. You should neither conclude nor guess that the photographs contain a picture of the person who committed the crime.
3. You do not have to identify anyone.
4. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty.
5. Please look at all of the photographs before making any comment.
6. If you recognize any of the persons in the photographs as the  go back and pick out the person you recognize.
7. Please do not ask the officer whether your choice was 'right' or 'wrong'.
8. The officer will not tell you if you have picked the correct .
9. Please do not discuss the case with other witnesses or indicate in any way to other witnesses that you have or have not identified someone.

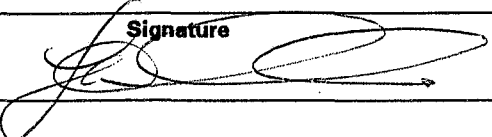


5-5-04 3:47 AM
Date Time

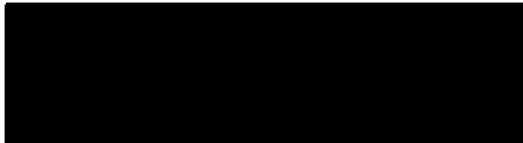
I recognize photograph number _____ as the  _____
initials

I do not recognize any of the photographs. 

Witnessed by:

Print Name Signature Date Time
LW HANDLER  5-5-04 1547

[Handwritten Signature]



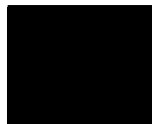
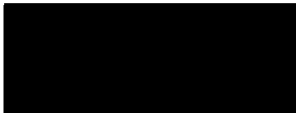
U-HAUL EQUIPMENT CONTRACT

In-Town Rental (OUT)

Contract Number: 00010321
Monday 05/03/04 4:03PM

CRESCENT TIRE & WHEEL 299 HWY 101 S (707)465-
CRESCENT CITY CA, 0970
95531

Oct 24 1974



CA

LIN
NAVIGATER

U-Haul's policy is to not rent towed equipment behind Ford Explorers.

Rental Information

Rental Out Date/Time: 05/03/2004 3:58PM

Rental Due Date/Time: 05/05/2004 1:00PM

Equipment	MI Out	MI Rate	MI Charge	SafeMove/SafeTow/CDW	Rental Rate	Rental Charge	Estimated Tax:	Estimated Charges	Actual Charges
					\$10.00	\$24.95	\$49.90	\$3.62	\$59.90

Estimated Subtotal: \$59.90

Estimated Tax: \$3.62

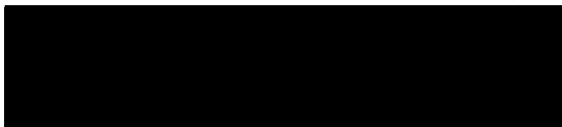
Estimated Total Charges: \$63.52

Rental Deposit Paid: \$60.00

Cash Payment: \$60.00

Net Paid Today: \$60.00

BY SIGNING BELOW, I ACKNOWLEDGE I HAVE RECEIVED, AGREED TO AND UNDERSTAND THE TERMS AND CONDITIONS IN THIS RENTAL CONTRACT AND THE RENTAL CONTRACT ADDENDUM AND HAVE READ AND UNDERSTAND THE APPROPRIATE USERS GUIDES.



STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
VEHICLE REPORT
CHP 180 (Rev. 2-99) OPI 061

NOTE: CHP 180 IS FURNISHED TO ALL PEACE OFFICERS BY THE CALIFORNIA HIGHWAY PATROL.

REPORTING DEPARTMENT: **CHP** LOCATION CODE: **125** DATE/TIME OF REPORT: **5-4-04/0030** NOTICE OF STORED VEHICLE DELIVERED PERSONALLY:

LOCATION TOWED / STOLEN FROM: **Bald Hills Rd. E 5.00 mi** ODOMETER READING: **---** VIN CLEAR IN SVS? YES NO LIC. CLEAR IN SVS? YES NO DATE / TIME DISPATCH NOTIFIED: **5-4-04 / 0030** LOG NO.: **387**

YEAR: **02** MAKE: **Boston** MODEL: **UTILITY** BODY TYPE: **2X UT** ONE MONTH / YEAR TWO PERM. ENGINE NO. VALUATION BY: OFFICER OWNER 0-300 301-4000 4001+ \$

REGISTERED OWNER: **U Haul Co of Mission** LEGAL OWNER: **U Haul Co of Mission** SAME AS R/O

STORED IMPOUNDED RELEASED RECOVERED - VEHICLE / COMPONENT

TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE): **Humboldt TOW 101 H ST EUREKA CA 95501** STORAGE AUTHORITY / REASON: **2265.5 VC - EVIDENCE**

TOWED TO / STORED AT: **Same** AIRBAG? YES NO 1 2 DRIVEABLE? YES NO JUNK UNK VIN SWITCHED? YES NO

CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	TIRES / WHEELS	CONDITION
WRECKED	X		SEAT (FRONT)		X	REGISTRATION		X	CAMPER		X	LEFT FRONT	ok
BURNED HULK per 431(c) VC		X	SEAT (REAR)		X	ALT. / GENERATOR		X	VESSEL AS LOAD		X	RIGHT FRONT	ok
VANDALIZED		X	RADIO		X	BATTERY		X	FIREARMS		X	LEFT REAR	ok
ENG. / TRANS. STRIP		X	TAPE DECK		X	DIFFERENTIAL		X	OTHER		X	RIGHT REAR	ok
MISC. PARTS STRIP		X	TAPES		X	TRANSMISSION		X				SPARE	
BODY METAL STRIP		X	OTHER RADIO		X	AUTOMATIC		X				HUB CAPS	
SURGICAL STRIP per 431(b) VC		X	IGNITION KEY		X	MANUAL		X				SPECIAL WHEELS	

RELEASE VEHICLE TO: R/O OR AGENT AGENCY HOLD 22850.3 VC DATE / TIME: **5-4-04/0145**

NAME OF PERSON / AGENCY AUTHORIZING RELEASE: _____ I.D. NO.: _____ DATE: _____ CERTIFICATION: I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM LEGALLY AUTHORIZED AND ENTITLED TO TAKE POSSESSION OF THE ABOVE DESCRIBED VEHICLE.

SIGNATURE OF PERSON AUTHORIZING RELEASE: _____ SIGNATURE OF PERSON TAKING POSSESSION: _____

STOLEN VEHICLE / COMPONENT EMBEZZLED VEHICLE PLATE(S) REPORT

DATE / TIME OF OCCURRENCE: _____ DATE / TIME REPORTED: _____ NAME OF REPORTING PARTY (R/P): _____ DRIVER LICENSE NO. / STATE: _____

LAST DRIVER OF VEHICLE: _____ DATE / TIME: _____ ADDRESS OF R/P: _____ TELEPHONE OF R/P: _____

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. SIGNATURE OF PERSON MAKING REPORT: _____

REMARKS (LIST PROPERTY, TOOLS, VEHICLE DAMAGE, ARRESTS)

DRIVER'S NAME: _____ ARRESTED / SECTION? YES NO REPORTED BY: _____ CARGO / TYPE? YES NO VALUE \$: _____

U Haul # [redacted] 6X12 TRAILER

How for EVIDENCE PROCESSING

DAMAGE ON LEFT SIDE FENDER (Front FENDGTS)



SIGNATURE OF OFFICER TAKING REPORT: _____ I.D. NO.: **9916** SUPERVISOR: _____ REQUIRED NOTICES SENT TO REGISTERED AND LEGAL OWNERS PER 22852 VC? YES NO DATE NOTIFIED: _____



Crescent City Police Department

686 "G" Street

Crescent City, California 95531

Phone: 707-464-2133



FAX

Date 05-13-04

Number of pages including cover sheet 9

The information contained in this facsimile may be legally privileged and confidential. It is intended only for the use of the individual or entity named above. If reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately at the number listed above.

TO:

Detective Dodson

FROM:

Keith Doyle

Phone: _____

Remarks: _____



**CRESCENT CITY POLICE DEPT.
OFFENSE EVENT REPORT**



Shots Fired
Event Date: Monday, May 3, 2004

Event: 2004050064

EVENT: 2004050064 DATE: 05/03/2004 TIME RECEIVED: 22:30

Event Code: 116 Shots Fired	Dispatched As: 116 Shots Fired	
Event Type: Offense	Reported As: In Progress	Priority: 1
Address: [REDACTED]	Sector: 12	Zone:
City: Crescent City	County: Del Norte	
State: California	Zip Code: 95531	Jurisdiction: Crescent City
Remarks: Dispatched for a report of an 836 PC [REDACTED] in the area.	Weapon Reported: UNKNOWN	
We located [REDACTED] vehicle and pursued. Shots fired on Crescent Hill turned over to CHP.		
Reporting Party:	Telephone:	Origin: Radio Originated Dispatcher ID: 074

OFFENSES: 2 Offenders: 0 Victims: 3 Arrests: 0

OFFENSE 1 Statute: 664/187 PC Attempted Murder

Offense Code: 90Z All Other Offenses	Offense Status: Completed
Date: 05/03/2004 Time: 22:30	Forced Entry: NO
Location: [REDACTED]	Alcohol Involved: NO
Location Type: Residence/Home	Drugs Involved: NO
Criminal Activity: No Drug Activity Reported	Computers Involved: NO
Bias Motivation: Anti-None	Premises Entered: 0
Weapons Involved: Rifle Automatic: NO	

NOTES FOR OFFENSE 1
No Notes On File For This Offense.

PERSONS INVOLVED WITH OFFENSE 1

[REDACTED] Age: 29	Date of Birth: [REDACTED]	Height: 5'08"
[REDACTED]	Race: White	Weight: 165
	Ethnicity: Hispanic	Hair Color: Brown
	Sex: Male	Eye Color: Brown
		Skin: Dark

[REDACTED]

Notes: None on file for this person record..

WAKEFIELD, Ryan Age: N/A [Employee] [REDACTED]
(Restricted Employee Information)
Notes: None on file for this person record..

JOHNSON, Greg Age: N/A [Employee] [REDACTED]
(Restricted Employee Information)
Notes: None on file for this person record..

FLETCHER, Bill Age: N/A [REDACTED]
[REDACTED] L. E. Officer Date of Birth: / / Height: [REDACTED]

**CRESCENT CITY POLICE DEPT.
OFFENSE EVENT REPORT**

Event Date: Monday, May 3, 2004
Shots Fired

Event: 2004050064

Injury Type: Extent of Injury: Offender Relation: Occupation: Law Enforcement Employer: California Highway Patrol	Race: White Ethnicity: Non-Hispanic Sex: Male	Weight: Hair Color: Eye Color: Skin:
Telephones: No Telephone Records On File	Addresses: No Address Records On File	
Notes: None on file for this person record..		

OFFENSE 2 Statute: 69 PC Resisting exec officer		
Offense Code: 90Z All Other Offenses	Date: 05/03/2004	Time: 22:30
Location: [REDACTED]	Location Type: Highway/Road/Alley	Criminal Activity: No Drug Activity Reported
Bias Motivation: Anti-None	Weapons Involved: Rifle	Automatic: NO
Offense Status: Completed	Forced Entry: NO	Alcohol Involved: NO
Drugs Involved: NO	Computers Involved: NO	Premises Entered: 0

NOTES FOR OFFENSE 2
No Notes On File For This Offense.

PERSONS INVOLVED WITH OFFENSE 2

[REDACTED]	Age: 29	[REDACTED]
[REDACTED]	Race: White Ethnicity: Hispanic Sex: Male	Height: 5'08" Weight: 165 Hair Color: Brown Eye Color: Brown Skin: Dark
Notes: None on file for this person record..		

OTHER PERSONS INVOLVED IN EVENT 2004050064

FLETCHER, Bill Occupation: Law Enforcement Employer: California Highway Patrol	Age: N/A	Assisting Officer
Date of Birth: //	Race: White Ethnicity: Non-Hispanic Sex: Male	Height: Weight: Hair Color: Eye Color: Skin:
Telephones: No Telephone Records On File	Addresses: No Address Records On File	
Notes: None on file for this person record..		



CRESCENT CITY POLICE DEPT.
OFFENSE EVENT REPORT

Event Date: Monday, May 3, 2004
Shots Fired

Event: 2004050064

Race: White Weight:
Ethnicity: Non-Hispanic Hair Color: Blonde
Sex: Female Eye Color:
Skin: Fair

Notes: None on file for this person record..

Height:

Notes: None on file for this person record..

VEHICLES INVOLVED IN EVENT 2004050064

Tag	Type	Year	Make	Model	Color	VIN
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No vehicle records on file for this event.

PRIMARY NARRATIVE FOR EVENT 2004050064

05-03-2004 At about 2230 hours I was dispatched along with Officer Johnson to [REDACTED] to check for a [REDACTED] wanted by the Del Norte County Sheriffs Office for multiple offenses. The [REDACTED] was to be considered armed and dangerous. This was the second time that I had been dispatched to this address for the same report.

I responded to the area and checked for the [REDACTED] Dispatch advised me that the [REDACTED] was on the phone with the reporting party. She explained that while [REDACTED] was talking with the [REDACTED] her mother [REDACTED] was telling dispatch what was being said. They felt that [REDACTED] was in the area. He was telling [REDACTED] to get the kids and to come outside.

[REDACTED] was relaying to her mother the information that she was getting from [REDACTED] Dispatch then advised that [REDACTED] had told her that the [REDACTED] vehicle ([REDACTED] Lincoln Navigator towing a U-haul trailer) had just passed in front of [REDACTED]

We continued to check the area. At around 2238 hours Officer Johnson located the [REDACTED] vehicle at 8th and A St traveling southbound. (See Johnsons attachment)

I caught up to Johnson with the [REDACTED] vehicle at the intersection of Front and Play streets. Officer Johnson initiated a traffic stop. The [REDACTED] vehicle failed to stop for Johnsons overhead lights. We made the turn onto S/B U.S. Hwy 101. We followed the vehicle which was failing to yield until the intersection of 101/ Elk Valley Rd. At 2242 hours I called pursuit and took over communications. Officer Johnson assumed the lead car. We were maintaining speeds between 30 and 70 miles per hour. We advised that CHP was needed.

We continued S/B on 101 at Crescent hill still maintaining speeds around 55 MPH. When we reached an area South of the Vista

CRESCENT CITY POLICE DEPT.

OFFENSE EVENT REPORT

Event Date: Monday, May 3, 2004
Shots Fired

point I noticed a CHP vehicle behind me. I pulled to the right and let them pass. The CHP then passed Officer Johnson and assumed the lead car position.

Within seconds of the CHP vehicle taking the lead the [REDACTED] vehicle began firing rounds in our direction. The CHP vehicle banked to the right. I heard a popping sound and saw rounds ricocheting off of the ground. Some of the rounds were within fifteen feet of the door of my patrol car. At 2248 hours I gave dispatch a 11-99 call and advised that we were being fired upon. I don't know how many rounds were shot.

I followed the pursuit until the second CHP vehicle passed me. I then turned around and headed back to the town area for coverage.

CRESCENT CITY POLICE DEPT.
OFFENSE EVENT REPORT ATTACHMENT

Shots Fired
Event Date: Monday, May 3, 2004

Event: 2004050064

SUPPLEMENT #1

Date: May 3, 2004 Time: 22:30

Event Number: 2004050064

On 05/04/03, about 2230 hours, I responded to the area of [REDACTED] to assist Officer Wakefield. He had been dispatched to the area to attempt the arrest of a [REDACTED]. Del Norte County Sheriffs Office had an 836 PC out for the arrest of [REDACTED]. It was reported that [REDACTED] could be armed and dangerous. The [REDACTED] lives at the [REDACTED] address and was on the telephone with [REDACTED]. The [REDACTED] mother was on another phone telling dispatch where they thought [REDACTED] was at. Dispatch was being told he was nearby and driving a [REDACTED] Lincoln Navigator [REDACTED].

While we were checking the area, dispatch radioed that he was towing a U-Haul trailer with the Navigator. When I received this information, I was facing westbound on Condor street at "A" street. I looked south on "A" street and saw the lights of a trailer near 8th street. I turned southbound on "A" street and radioed for confirmation that he was towing a trailer. I was now behind the trailer on "A" street crossing 4th street. The trailer was wider than the towing vehicle and I could not see if it was a [REDACTED] Navigator. The vehicle stopped at the intersection of "A" street and 2nd street. As the vehicle turned eastbound onto 2nd street I recognized the [REDACTED] Navigator and the license plate. I saw a male hispanic driver wearing a baseball hat. I was unable to determine if it was [REDACTED].

I radioed that I was behind the vehicle and we were travelling eastbound on 2nd street. Officer Wakefield radioed he was enroute to assist. We continued eastbound on 2nd street to "D" street. The driver then turned southbound on "D" street. The driver then stopped at the stop sign on Front street. I radioed we were turning eastbound on Front street. Officer Wakefield radioed he copied at "A" street and 5th street. We continued eastbound on Front street. I radioed that I was going to place an enforcement stop on the vehicle at Front and Play street, about 2240 hours. I activated my overhead emergency lights, my front takedown lights and turned on my spotlight. The driver did not stop and continued eastbound about 25 MPH. Officer Wakefield radioed that he copied at the Hampton Inn. The Hampton Inn is located at Front and "A" street and is about 9 city blocks from where I initiated the traffic stop.

The driver would slightly swerve his vehicle to be able to see me in his side mirror. Each time he swerved I would place the spotlight on the drivers side mirror. I could see the drivers head turn away from the light and he would swerve straighter in the lane.

The driver continued travelling eastbound to the intersection of "L" street. Officer Wakefield was now behind me. The driver turned southbound onto "L" street and I radioed the direction of travel. At this time I activated my siren and we continued travelling southbound on "L" street. The driver continued to swerve within the lane and I would keep placing my spotlight into his side mirror. Each time the driver would straighten the vehicle out and pull his head away.

Dispatch was notified that we were crossing Elk Valley Road still continuing southbound. Officer Wakefield then radioed he would take over radio transmissions. We crossed Citizen Dock Road and dispatch was radioed to notify CHP of the pursuit and to take over now that it had gone into the county. We were now at speeds of about 35 to 40 MPH.

We continued southbound on HWY 101 towards Crescent City Hill. We reached speeds of 60 to 70 MPH. We started up Crescent City Hill and continued speeds of between 45 to 60 MPH. This area of Crescent City Hill is two-lanes for southbound traffic. We continued travelling southbound. At somepoint past Vista Point Viewpoint, I saw the lights of a CHP unit approaching. I pulled into the number #2 lane to allow CHP to take over the pursuit.

I pulled in behind the CHP unit and continued with the pursuit. Shortly after the CHP unit took over the pursuit. I could hear shots being fired from the pursued vehicle. I could see rounds ricocheting off the roadway and in our direction. The CHP unit and I started taking defensive driving maneuvers to avoid the rounds. I radioed dispatch that shots were being fired at us. I saw two rounds ricochet on the roadway to the left of my drivers door. I do not know how many total rounds were shot in our direction.

**CRESCENT CITY POLICE DEPT.
OFFENSE EVENT REPORT ATTACHMENT**

Event Date: Monday, May 3, 2004
Shots Fired

The pursuit continued southbound on Hwy 101. At different times other CHP units would arrive and I would pull over for them to be in front. I continued with the pursuit until just south of the Klamath River bridge. I was radioed by dispatch that Chief Plack wanted me to disregard the pursuit and return to the City.

I initiated the pursuit about 2240 hours. I was radioed to disregard about 2303 hours. The pursuit was for about twenty-one miles and I was involved for about twenty-three minutes.

ATTACHMENT CERTIFICATIONS FOR EVENT 2004050064

Submitted By: 070 Officer Greg JOHNSON	Signature:	Date:
Approved By:	Signature:	Date:

CRESCENT CITY POLICE DEPT.
OFFENSE EVENT REPORT ATTACHMENT

Shots Fired
Event Date: Monday, May 3, 2004

Event: 2004050064

SUPPLEMENT #2

Date: May 12, 2004 Time: 06:35

Event Number: 2004050064

On 05/12/04, about 0535 hours I was on special detail at [REDACTED] when a telephone call came into the residence. The caller I.D. read out of area" and no phone number was displayed.

[REDACTED] picked up the phone and talked with a male [REDACTED] she called [REDACTED] After she was done with the call she related to me that [REDACTED] was actually [REDACTED]. [REDACTED] spoke to the [REDACTED] on the phone for approximately four or five minutes.

After the phone conversation was over and [REDACTED] had hung up the phone she told me part of what [REDACTED] had told her. She said he wanted to speak with [REDACTED] [REDACTED] had told [REDACTED] that she was not at the residence.

[REDACTED] told [REDACTED] that he wanted to speak with [REDACTED]. [REDACTED] told him it was up to the police if she spoke to him. [REDACTED] told her that if he did not get to talk to [REDACTED] he would shoot police officers. He told her he is not that far away from Crescent City and he will come back to talk with [REDACTED].

[REDACTED] told [REDACTED] to have [REDACTED] call his brother and proceeded to tell her a phone number for his brother. I logged the phone number on the call log sheet at the residence.

After the phone conversation, [REDACTED] said she could hear what sounded like children in the background during the conversation with [REDACTED].

ATTACHMENT CERTIFICATIONS FOR EVENT 2004050064

Submitted By: 079 Officer Paul ARNETT	Signature:	Date:
Approved By: 024 Sergeant Thomas Burke	Signature:	Date:

CRESCENT CITY POLICE DEPT.
OFFENSE EVENT REPORT

Shots Fired
Event Date: Monday, May 3, 2004

Event: 2004050064

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CERTIFICATIONS FOR EVENT 2004050064

Prepared By: 074 Officer Ryan Wakefield	Signature:	Date:
Reviewed By: 024 Sergeant Thomas Burke	Signature:	Date:



HUMBOLDT COUNTY DISTRICT ATTORNEY'S OFFICE INVESTIGATION REPORT

DATE: 05/04/04

[REDACTED]

[REDACTED]

AGENCY CASE: HCSO 2004-02887

DOCKET:

OFFENSE: 664/187PC

BY: Mike Losey

On 05/04/04 at about 6:00AM, I received a call from Humboldt County District Attorney Chief Investigator Jim Dawson. He advised me that there was a call out for the Critical Incident Team regarding a man who had been evading police, firing an assault weapon at them with several officers having returned fire.

On 05/04/04 at about 7:10AM, I met with Chief Investigator Dawson at the Humboldt County District Attorney's office. He advised me that he called out members of the team from Eureka Police Dept., Arcata Police Dept., and the Sheriff's Dept.

On 05/04/04 at about 8:40AM, members of the Critical Incident Team met at the Sheriff's Department Detective Bureau. There was a briefing regarding the incident and assignments given.

On 05/04/04, at about 12:00PM myself and EPD Detective Dave Parris arrived at the command post set up on Hiway 169 Northwest of the Pecwan Creek Bridge. We assisted at that location until the afternoon when the Sheriff's Department determined that [REDACTED] was not at a residence there.

On 05/04/04, at about 5:45PM, Detective Parris and I met with Deputy Fred Filyau at his residence. Deputy Filyau had been sleeping and was very groggy. He agreed to give us his gun belt with his weapon still in the holster. Deputy Filyau told us that all of the equipment that he had on his belt during the shooting incident earlier in the morning, was still on the belt. Deputy Filyau told us that if we came back the next morning he would give us a statement then.

I placed Deputy Filyau's weapon and duty belt into an evidence bag, marked the bag, and later secured it into my evidence cabinet.

On 05/05/04, at about 9:15AM, I examined Deputy Filyau's weapon and duty belt. I also photographed the belt with the equipment, weapon and magazines. The weapon is a Glock .40 caliber model 22 with serial number [REDACTED]. The magazine which was in place in the gun, was a standard Glock magazine with a fifteen round capacity. I removed the magazine and counted thirteen, (13), rounds in the magazine. There was one unfired round in the chamber. I removed this round and determined it to be a .40 caliber S&W, Federal Brand of ammunition which were semi-jacketed hollow points. I examined all of the ammunition in the magazine found in the gun, as well as the other two magazines on the belt and found all of the ammunition to be the same brand and type as the round in the chamber. The other two magazines each were filled to capacity with fifteen, (15), rounds apiece. The duty belt had standard police equipment. I photographed the belt, weapon, magazines and ammunition with a 35 mm camera. I then placed the weapon and the magazine that had been found in the gun, and the ammunition that had been found in that magazine into the same evidence bag that they had been removed from. I later gave that bag to Chief Investigator Dawson for delivery to the Department of Justice. The equipment belt, including the magazines were then placed into a separate evidence bag and later turned back over to Deputy Filyau.

On 05/05/04, at about 11:30AM, Detective Parris and I met with Deputy Fred Filyau at his residence. I turned his equipment belt back over to him as well as a replacement duty weapon and ammunition which I had obtained from Chief Deputy Greg Busey. I told Deputy Filyau that his gun would be delivered to the Department of Justice for test firing and it would be returned to him as soon as possible.

At about 11:50AM, Detective Parris and I interviewed Deputy Filyau regarding the shooting incident. I tape recorded the interview. Deputy Filyau explained that he had started his shift at about 5:00PM the evening of May 3, 2004. He said that sometime before midnight, he got a message to call dispatch. He called and talked to [REDACTED]. [REDACTED] told him about a pursuit from Crescent City in which there had been shots fired at officers. The [REDACTED] vehicle had been spotted on Bald Hills Road in Humboldt County and Deputy Filyau was ordered to respond and stand by at Pine Creek Road, in case the [REDACTED] turned from Bald Hills Road to go into Hoopa. Deputy Filyau drove to Pine Creek Road and stood by. Once Deputy Filyau got into place on Pine Creek Road he had several Hoopa Tribal Officers join him there. He believed one of the officers might have been Chancey Carpenter but he was unsure. Deputy Filyau said that he learned that there were Tribal Officers on Hiway 169 at the Martins Ferry Bridge, blocking the route South/East toward Weitchpec. Deputy Filyau heard radio traffic from Tribal Police that the [REDACTED] had driven across Martins Ferry Bridge and had turned North/West to travel toward the end of the road. Deputy Filyau said he heard radio traffic of shots being fired so he and the tribal officers left the Pine Creek Road to drive back into Hoopa. He said that they drove into Hoopa and then down river past Martins Ferry Bridge. He said that he continued to hear on the radio that shots were being fired but he did not hear or remember hearing about any shots being fired by

officers. Deputy Filyau said that he met with several CHP and Tribal Officers in the area North/West of Martins Ferry Road. Deputy Filyau learned that Tribal Officer Joe O'Rourke's police unit had been shot and the windshield had been shot out. He learned that this happened just on the other side of McKinnon Hill on Highway 169. They decided to drive down Highway 169 to look for the [REDACTED] SUV. Deputy Filyau and the other officers drove up to McKinnon Hill but did not find the [REDACTED] vehicle up to that point. Tribal Officer Joe Masten got into Deputy Filyau's marked Sheriff's pickup. The officers drove to the end of the road toward the village. They left two marked Tribal Officers with their units at the church in the village in case the [REDACTED] came to that location. The other officers then began checking the side roads. The units checked most of the side roads as best they could without necessarily driving up the roads. They were unable to locate the [REDACTED] vehicle. Sometime later Deputy Filyau heard the Tribal officers at the village report that they saw the [REDACTED] vehicle. Deputy Filyau and the others drove to the village and met with the other officers who told them that the [REDACTED] drove into the village. The [REDACTED] vehicle stopped and they saw the driver of the vehicle point a rifle out the driver's window toward them. The [REDACTED] vehicle then backed up and left without the Tribal officers following. Deputy Filyau and Tribal Officer Joe Masten with two CHP officers drove back toward the Pecwan Creek Bridge after checking several roads. Deputy Filyau said it was just getting light and they had checked the Pecwan Creek Road which runs on the North side of the Pecwan Creek Bridge. Deputy Filyau had his sheriff's pickup parked on the Pecwan Creek Bridge about half way across the bridge facing South/East. In front of his unit was a CHP unit facing North/West on the bridge. Sgt. Kevin Miller was parked in his Sheriff's Ford Bronco off of the South/East side of the bridge. The officers were talking among themselves about where the [REDACTED] might have gone when they realized that there was a vehicle driving down the Pecwan Creek Road toward Highway 169. Deputy Filyau said he realized that the [REDACTED] vehicle would be behind him, so he started backing up rapidly to try to beat the [REDACTED] to Highway 169. As they got closer to the Pecwan Creek Road, Deputy Filyau realized that the [REDACTED] vehicle had beat them to the intersection of 169 and Pecwan Creek Road. Tribal Officer Joe Masten started yelling for Deputy Filyau to stop the pickup. Deputy Filyau said he stopped his vehicle and tried to turn the wheel to somewhat protect Officer Masten and his side of the vehicle. Officer Masten got out and Deputy Filyau realized he, himself could not safely get out of the driver's side of the pickup. Deputy Filyau rocked out of the driver's side and looked back at the [REDACTED] vehicle. He said he could clearly see the [REDACTED] sitting in the driver's seat but was not close enough to be able to identify him. He saw the [REDACTED] point a rifle out the driver's door window, put his head down toward the rifle and take aim down the barrel of the rifle which was pointed at them. Deputy Filyau said he felt they were only about fifty yards away from the [REDACTED] vehicle. Deputy Filyau rocked back into the pickup and attempted to draw his weapon from his holster. Because of the arm rest on the seat, he could not draw his weapon. At this time Deputy Filyau realized that his pickup came under fire from the direction of the [REDACTED] vehicle. Deputy Filyau rocked toward the open door and drew his duty weapon. He

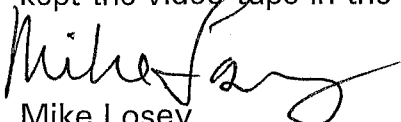
could feel things hitting him from the shots being fired, most likely from very small pieces of the pickup being thrown at him from the shots hitting the pickup, or rocks being thrown up from low shots on the road. Deputy Filyau rocked back out and looked back. He saw the [REDACTED] still sitting there and heard a shot from the [REDACTED]. He rocked back into the pickup. Deputy Filyau then rocked back out with his duty weapon in his right hand. Deputy Filyau held his weapon sideways so as to try to look toward the [REDACTED] vehicle without having his head out too far. Deputy Filyau fired his weapon he believed two, (2) or three (3) times. Deputy Filyau then heard a loud round of fire which was coming off to his side from the Pecwan Creek Bridge. He realized that this fire was coming from what he termed as our side and he realized that CHP Officer O' Dyer was shooting his rifle. He said they started taking more rounds from the [REDACTED] and he felt more stuff hitting his legs and shoes. Deputy Filyau rocked back out to fire another volley and he saw the [REDACTED] vehicle turn onto Hiway 169 to drive North/West toward the village and away from the Pecwan Creek Bridge. Officer Masten jumped back into Deputy Filyau's pickup and they began backing up toward the direction that the [REDACTED] vehicle was being driven. The CHP unit pulled in front of Deputy Filyau's vehicle and Sgt. Miller fell in behind. They drove a short distance to a curve in the road where the CHP unit stopped and CHP Officer O' Dyer advised that the [REDACTED] could be waiting on the other side of the curve to ambush them. Deputy Filyau said that he stopped his pickup in the middle of Hiway 169 and that location later became the command post where the search and swat operations were later directed. Officers did not move past that location until a CHP helicopter and additional units arrived.

I marked the cassette tape of the above interview and later turned that tape over to Chief Investigator Dawson.

Deputy Filyau advised me that after the shooting incident, he had been relieved from the command center. CHP Sgt. Steve Howard drove him to the CHP office in Willow Creek. Sgt. Howard asked Deputy Filyau if he could examine his weapon. Deputy Filyau drew his weapon and handed it to Sgt. Howard who unloaded the weapon and counted the rounds in the magazine. Sgt. Howard returned the rounds into the magazine, reloaded the gun and handed it back to Deputy Filyau. Later Deputy Filyau was transported to 6 Rivers Medical in Willow Creek, where [REDACTED] drew blood from Deputy Filyau. Deputy Filyau's blood was drawn into the same type of vial that DUI draws are placed. Once drawn, the blood draw was taken and kept by CHP Sgt. Howard. Deputy Filyau told me that he did not have any other handgun on him at the time of this shooting incident. Deputy Filyau said that he also had an M-16 rifle and a shotgun in his truck but neither of these had been fired. Those guns were taken by Sheriff's Lieutenant George Cavinta. Deputy Filyau thought that there might have been about eleven (11), rounds fired by the [REDACTED] at he and the other officers on the Pecwan Creek Bridge. Deputy Filyau said that before the shooting occurred he had taken no medication and no alcohol at all. His vision is corrected to 20/20 and he was

wearing his glasses at the time of the shooting incident. Deputy Filyau said he could not identify the [REDACTED] as he did not get close enough to him. Deputy Filyau was wearing a Tribal Police Officer coat which was a blue or black in color, which he had gotten from Tribal Officer Bobby Cain. He was wearing a standard sheriff's uniform other than the coat. Deputy Filyau provided us the uniform he was wearing the night of this shooting incident. The shirt was the tan colored standard issue and had the county patch on each shoulder, Deputy Filyau's name tag was on the right chest area, above the pocket and his sheriff's badge was in place on the left side of the shirt. The pants were green khaki with hip pockets. There was no dirt nor damage on either the pants or shirt. The boots were black oxfords Rocky brand, that were 10 inch high tops with a lace up the front and zippered side. They appeared to be in good shape with no damage. I photographed Deputy Filyau's uniform shirt and pants with a 35 mm camera. I later provided that film as well as the film from his duty belt to Chief Investigator Dawson.

On 05/05/04, at about 2:45PM, Detective Parris, EPD Evidence Technician [REDACTED] and I drove to the Pecwan Creek Bridge with Deputy Filyau. Deputy Filyau placed several vehicles in the positions that were used to represent his sheriff's pickup and the [REDACTED] vehicle the night of the shooting incident. A video re-enactment was then completed by Deputy Filyau which was filmed by Evidence Tech [REDACTED]. She kept the video tape in the event it required editing.



Mike Losey
Investigator

Executive Summary
Prepared by James Dawson, Chief Investigator
Humboldt County District Attorney's Office

[REDACTED]
[REDACTED]
Hispanic Male Adult, 5'6", 150 lbs, bro, blk

Vehicle: [REDACTED] Lincoln Navigator, [REDACTED]

OFFICERS INVOLVED:

Humboldt County Sheriff's Department

Sergeant Kevin Miller

Deputy Fred Filyau

Hoopa Valley Tribal Police Department

Officer Joe O'Rourke

Sergeant Joe Masten

Officer Chance Carpenter

Officer Craft

Officer Darryl Mabry

Crescent City Police Department

Officer Ryan Wakefield

Officer Greg Johnson

California Highway Patrol

Sergeant William Fletcher (Crescent City)

Officer Rick Davis (Crescent City)

Officer Linda Molin (Crescent City)

Officer James Lambert (Crescent City)

Officer Will O'Diear (Willow Creek)

Officer Rod Gilliam (Willow Creek)

Yurok Tribal Police Department

Officer Marion Smith

Redwood National & State Parks personnel

[REDACTED]

On May 4, 2004 at approximately 0630 hours, I was contacted at my home by the Humboldt County Sheriff's dispatch center and advised of an officer-involved shooting that had occurred in the Hoopa area. The officer-involved shooting team was requested to respond.

I requested that Sheriff's Dispatch contact Eureka Police Department and have Senior Investigator Parris respond to the Sheriff's Department, as well as Arcata Police Department and have Detective Bates respond. I contacted District Attorney Investigator Losey and had him respond.

At 0740 hours Detective Sergeant Freeman (HCSO), Detective Schlessinger (HCSO), Detective Lawson (EPD), District Attorney Investigator Losey, and I met at the Sheriff's Detective Division and were given a briefing on the events that had occurred.

The following is a summary of the events leading up to and subsequent to this incident.

On May 3, 2004 at approximately 2230 hours, Crescent City Police Officers Ryan Wakefield and Greg Johnson were dispatched to [REDACTED] Crescent City, to check for a [REDACTED] who was wanted by the Del Norte County Sheriff's Department for multiple offenses: threatening his ex-wife with a gun, violation of restraining orders, stalking, and threats. [REDACTED] was to be considered armed and dangerous.

Crescent City Police Officers Wakefield and Johnson responded to the area. Crescent City Dispatch advised them that the [REDACTED] was on the phone with the reporting party, [REDACTED] and that this was being reported to the dispatcher by [REDACTED]. [REDACTED] was telling the dispatcher what was being said by her daughter and [REDACTED] wanted [REDACTED] to come outside with their children. [REDACTED] told Dispatch that [REDACTED] had just passed by, driving a [REDACTED] Lincoln Navigator towing a U-Haul trailer.

Crescent City Police Officers Wakefield and Johnson observed the Lincoln Navigator at Eighth and A Streets, traveling southbound.

Officer Johnson initiated a traffic stop at Front and Play Streets. The [REDACTED] vehicle failed to yield. The [REDACTED] and the pursuing police vehicles (Johnson and Wakefield), made the turn onto southbound U.S. 101. The vehicle passed Elk Valley Road, whereby Officer Johnson--in the lead Crescent City police unit--went in pursuit, with Officer Wakefield behind him in another Crescent City police unit calling the pursuit.

The units pursued the [REDACTED] vehicle at speeds between 30 and 70 miles per hour. The officers requested the assistance of the California Highway Patrol. Crescent City units remained in pursuit until the Klamath River bridge, where they broke off and allowed CHP to continue.

CHP Sergeant William Fletcher became lead pursuing officer, with CHP Officer Rick Davis immediately behind him and CHP Officer Linda Mola in the trail unit. The pursuit continued southbound through Del Norte County. At 2245 hours, the [REDACTED] fired six rounds at the CHP units. At 2246 hours, three more rounds were fired at the CHP officers. At 2247 hours the [REDACTED] fired three additional rounds at the CHP units. CHP Officer James Lambert joined in the pursuit.

At 2308 hours, more shots were fired at the CHP units; at 2309 hours, shots were again fired at the CHP units. At 2310 hours Sergeant Fletcher, the lead unit, received a round to the windshield of his patrol car, spraying him with broken glass and cutting his face. At 2310 hours the pursuit came into Humboldt County. At 2311 hours the [REDACTED] fired more rounds at the pursuing units. At 2312 hours the pursuing CHP officers observed the [REDACTED] to be waiting for them in ambush as they came around a corner, and the [REDACTED] shot at them again. At 2321 hours the officers dropped back, and CHP units lost sight of the [REDACTED] vehicle.

At approximately 2345 hours, biological science technicians [REDACTED] and [REDACTED] had just completed a spotted owl survey in the region of Emerald Creek and were proceeding back to park headquarters. [REDACTED] was driving, [REDACTED] was in the right front passenger's seat, and [REDACTED] was in the rear passenger's seat of a four-door Jeep Cherokee with no markings on the vehicle other than a government license plate. The biologists were driving down Bald Hills Road toward Highway 101 when they passed by a large dark-colored SUV hitched to a trailer. The subject was standing at the rear of the SUV by the trailer hitch. [REDACTED] described the [REDACTED] as a Hispanic-looking male. As they passed the SUV, [REDACTED] told [REDACTED] that it was Park Service policy to give assistance to people in the park. [REDACTED] stopped and then backed up.

[REDACTED] looked back and observed muzzle flashes. [REDACTED] estimated that three rounds were fired at the biologists' Jeep. [REDACTED] yelled for [REDACTED] to get out of the area. One of the bullets knocked out the rear window of the Jeep. [REDACTED] felt one of the bullets sting her face as it passed her head. [REDACTED] believed that the [REDACTED] had shot six or seven rounds into their vehicle. [REDACTED] drove to Highway 101, where they met a CHP officer and told him what had happened. Subsequent examination revealed at least nine rounds were fired into the vehicle.

At approximately 2356 hours, Tribal Police was notified that the [REDACTED] vehicle was last seen heading eastbound on Bald Hills Road toward Martin's Ferry. At Martin's Ferry and State Route 169, Yurok Tribal Police Officer Marion Smith, Hoopa Tribal Police Officers Darryl Mabry, Joe O'Rourke, and Sergeant Masten blocked SR 169 from the Martin's Ferry bridge, precluding the [REDACTED] from going back toward Hoopa.

At approximately 0127 hours, the Tribal Police officers observed the [REDACTED] vehicle crossing the Martin's Ferry bridge. The vehicle turned northbound on SR 169 toward Johnson. The Tribal Police units went in pursuit with HVTP Officer O'Rourke in the lead. As the units would come around a wide turn, the [REDACTED] would shoot at them from the far side of the turn. This happened three separate times. HVTP Officer O'Rourke, in the lead, slowed down upon approaching a turn and then would speed up.

HVTP Officer O'Rourke approached a slight uphill section of roadway and observed the [REDACTED] vehicle's brake lights come on and then go off. O'Rourke stopped and advised the officers behind him that the [REDACTED] vehicle was stopped in the road and it could be a possible ambush. Immediately, three rounds were fired at O'Rourke--one round striking the windshield of his patrol vehicle, hitting the metal cage and blowing out the rear window. O'Rourke was in fear for his life, and fired four rounds back at the [REDACTED]. The [REDACTED] vehicle continued northbound on SR 169.

HVTP officers were met by Deputy Filyau and Sergeant Miller, who went north on SR 169 looking for the [REDACTED] vehicle. They drove up McKinnon Hill on Highway 169, then down SR 169 back toward Hoopa. HVTP Officer Joe Masten got in with Deputy Filyau. They left two marked Tribal Police officers in a unit at the church at the end of the road in the village. The deputies continued searching back southbound on SR 169. Deputy Filyau heard from the Tribal Police officers that while they were parked by the church, the [REDACTED] vehicle had driven up behind them and pointed a rifle out the open driver's side window at the Tribal Officers, then drove on. The Tribal Officers did not follow the [REDACTED] vehicle.

The [REDACTED] vehicle was not in sight. Tribal Sergeant Masten got into HCSO Deputy Filyau's vehicle. Sergeant Miller, Deputy Filyau and CHP Officers Gilliam and O'Dear drove to the south side of the Pecwan Creek bridge. O'Dear and Gilliam were in one marked CHP unit. Officers Filyau and Masten were in a marked 4 x 4 truck, and Sergeant Miller was in a marked Ford Bronco. Deputy Filyau was parked on the Pecwan Creek bridge about halfway across the bridge facing southeast. In front of Filyau's unit was the CHP unit facing northwest on the bridge. Sergeant Miller, on the south end of the bridge, pulled off onto the west side of the road.

At approximately 0655 hours, the units observed the [REDACTED] vehicle driving up a dirt road onto SR 169 on the north side of the bridge. CHP Officer Gilliam turned his patrol car around and drove onto the bridge behind Deputy Filyau's truck. Deputy Filyau could not turn his 4 x 4 truck around and proceeded to back onto the bridge. Sergeant Miller was attempting to get to his Ford Bronco when the [REDACTED] drove up to the intersection of the dirt road and SR 169 north of the bridge.

Deputy Filyau backed his truck three-quarters of the way across the bridge and stopped. CHP Officer Gilliam stopped his marked CHP unit behind Filyau's truck. Sergeant Miller could not get his truck turned around and ran up to the rear of the CHP unit. The [REDACTED] vehicle pulled up to the stop sign and stopped. The [REDACTED] proceeded to shoot at Deputy Filyau's vehicle, striking it three times: once in the rear tool box and twice in the driver's side. Filyau was pinned in the vehicle and rocked back and forth in the front seat so as not to be hit by any of the [REDACTED] bullets. Tribal Police Sergeant Masten was able to exit the passenger's side of Filyau's vehicle and run back to a position at the rear of the CHP vehicle. Officer Gilliam exited the driver's side of his vehicle and took a position behind the engine block. Gilliam could not return fire, as Filyau's vehicle was in a direct line of sight to the [REDACTED] vehicle. Deputy Filyau was pinned in the vehicle. He was unable to get out, as rounds were impacting on the driver's side, causing bits of the interior to fly about. Filyau rocked to his right but could not draw his pistol

because the center armrest was in the way. Filyau rocked back and forth, attempting to avoid being hit by the [REDACTED] gunfire.

Officer O'Diear observed the [REDACTED] rounds striking Filyau's truck and saw parts of the interior flying about, as well as Filyau rocking back and forth from within. Officer O'Diear determined that an immediate counter-response was necessary, or Filyau was going to be killed or seriously injured. Officer O'Diear left the safety of his vehicle, took his department-issued AR-15 and ran to the east side of the bridge, totally exposing himself, in order to get a clear field of fire. Officer O'Diear fired two rounds at the [REDACTED]. With the [REDACTED] being distracted by the return fire of Officer O'Diear, Deputy Filyau was able to un-holster his pistol, open the door to his vehicle, lean out and fire three rounds at the [REDACTED]. The [REDACTED] immediately stopped shooting and drove up onto SR-169 and proceeded northbound.

The units went in pursuit and followed the vehicle until they observed its brake lamps activate. The vehicle appeared to turn off of the main road onto a side road. Fearing that the [REDACTED] was setting up another ambush, the units dropped back and set up a roadblock in a defensible location. Sergeant Miller knew that Tribal Police were farther down the road and that with his units blocking the south end, the [REDACTED] was effectively contained between them. Sergeant Miller planned to wait until the CHP helicopter arrived at daybreak to do an aerial search before going any farther.

At approximately 0730 hours, the CHP helicopter located the [REDACTED] vehicle parked in front of the [REDACTED] residence. The Sheriff's Department SWAT team responded to search the residence, but the [REDACTED] was not located.

The [REDACTED] vehicle was subsequently found to have a broken driver's side rear window and a bullet hole that appears to run parallel to the door, entering into the rear passenger side interior body. The bullet hole appears to have been shot by the [REDACTED] possibly as he was firing back toward officers to his immediate rear.

Subsequent investigation revealed that none of the officers' rounds appear to have struck the [REDACTED] vehicle, the [REDACTED] or any other person or persons.

Total rounds fired by law enforcement: 4 rounds fired by HVTP Officer O'Rourke; 3 rounds fired by HCSO Deputy Filyau; 2 rounds fired by CHP Officer O'Diear.


The following law enforcement officers from three different agencies discharged their weapons during this incident:

Humboldt County Sheriff's Deputy Filyau: Deputy Filyau was pinned in his vehicle and was being shot at by [REDACTED]. Deputy Filyau was initially precluded from firing back at the [REDACTED] as he was dodging the bullets that came into the cab of his truck. Deputy Filyau fired three rounds at the [REDACTED]. Deputy Filyau was shooting in defense of his life and did so within the bounds set forth in the California Penal Code for the use of deadly force.

Hoopa Valley Tribal Police Officer O'Rourke: Officer O'Rourke was shot at as the [REDACTED] attempted to ambush officers pursuing him. Officer O'Rourke was in fear for his life and fired four rounds in self-defense at the [REDACTED]. Officer O'Rourke's shooting at the [REDACTED] was within the bounds set forth in the California Penal Code for the use of deadly force.

California Highway Patrol Officer O'Dear: Observing the [REDACTED] shooting at Deputy Filyau, the other officers present, and himself, Officer O'Dear was in fear for his own life as well as the lives of the other officers involved. Officer O'Dear fired two rounds at the [REDACTED]. Officer O'Dear's firing at the [REDACTED] was within the bounds set forth in the California Penal Code for the use of deadly force.

Dated: May 26, 2004


James Dawson
Chief Investigator

JLD/mb

Investigation Report
May 18, 2004

Prepared by James L. Dawson

[REDACTED]

HUMBOLDT COUNTY SHERIFF'S CASE NO. 200402888

HOOPA TRIBAL POLICE OFFICER:

Joe O'Rourke

CALIFORNIA HIGHWAY PATROL OFFICERS:

Rod Gilliam

Will O'Dear – Willow Creek

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT: Sergeant Kevin Miller

REDWOOD NATIONAL & STATE PARKS PERSONNEL:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On May 5, 2004 at 0540 hours, I was contacted at my home by Sheriff's Lieutenant Jimenez and requested to have the officer-involved shooting team respond to an incident that was still unfolding in the Hoopa area.

I immediately contacted District Attorney Investigator Losey, Eureka Police Department Detective Paris, and Arcata Police Department Detective Bates.

At 0700 hours we assembled at the Sheriff's Department Detective Bureau and received an initial briefing. Detective Sergeant Freeman was in charge of the OIS team, by protocol, and it was decided that we would deploy to the Hoopa substation for staging.

At 0745 hours we arrived at the Hoopa substation and were given a briefing by Sheriff's Deputy Allen Stockman. Stockman told us that during the evening, CHP officers had been fired upon by a [REDACTED] named [REDACTED], who was driving a [REDACTED] Lincoln Navigator. The CHP officers had chased the [REDACTED] from Del Norte County into Humboldt County and lost him.

Later it was reported that the same [REDACTED] had shot at three biologists on the Bald Hills Road and was driving toward SR 169.

Hoopa Tribal police had observed the [REDACTED] vehicle as it crossed the Martin's Ferry bridge and turned north onto SR 169. Several Hoopa Tribal Police officers had pursued the [REDACTED] and he had shot at them numerous times. Hoopa Tribal Police Officer Joe O'Rourke had taken a round into his patrol vehicle and had returned fire. No injuries were sustained.

The [REDACTED] was next seen as he entered onto SR 169 from a private road, and he shot at Sheriff's Deputy Filyau, Sheriff's Sergeant Miller, Hoopa Tribal Police Officer Masten and CHP Officers O'Dear and Gilliam. Deputy Filyau had returned fire, as had CHP Officer O'Dear. The [REDACTED] had fled north on SR 169, and his vehicle was currently parked at the [REDACTED] residence off of SR 169.

The teams broke into pairs, and Deputy Schlessinger and I proceeded up SR 169, where we met Hoopa Valley Tribal Police Officer O'Rourke. O'Rourke's vehicle, a Ford Expedition with emergency lighting and marked as a law enforcement vehicle, was observed on the west side of SR 169. The front windshield had a bullet through the center, low, near the windshield wiper. The vehicle's rear cage had been pierced through and through by a bullet, and the rear window was broken. This is a K-9 unit with a police dog in the rear.

Hoopa Tribal Police Officer O'Rourke walked us back to where the incident had started, and he described the events. I tape-recorded his statement.

HTPD Officer O'Rourke stated that he had been contacted at his residence by HTPD Sergeant Masten at approximately 0100 hours. O'Rourke was to respond to the Martin's Ferry bridge, as the [REDACTED] who previously had shot at several CHP officers and three wildlife biologists--was possibly en route. Officer O'Rourke responded and met Sergeant Masten, Officer Mabry, and Yurok Tribal Police Officer Smith. A vehicle was observed approaching from the Bald Hills side. As it drove across the bridge, it appeared to be the [REDACTED] Lincoln Navigator for which they had been waiting. The Tribal Police Officers activated their emergency equipment and went in pursuit of the [REDACTED] vehicle. Sergeant Masten was behind O'Rourke, Mabry was third, and Smith fourth.

The [REDACTED] vehicle didn't stop, but accelerated to speeds of 35 to 40 miles an hour. The [REDACTED] fired two shots at the pursuing vehicles just south of upper Cappell Creek. The [REDACTED] was shooting out of the driver's side window.

As officers would drive into a turn, the [REDACTED] vehicle would be on the opposite side of the turn and would shoot at the pursuing vehicles. O'Rourke estimated that a total of 12 shots were fired by the [REDACTED] in the "S"-shaped turns. As O'Rourke was coming around another corner, he observed that the [REDACTED] vehicle's brake lights had come on and that the [REDACTED] had stopped. O'Rourke heard two shots fired. O'Rourke lay across his front seat. One of the bullets hit his windshield. O'Rourke exited his vehicle and fired four rounds back at the [REDACTED]. The [REDACTED] vehicle drove off.

Officer O'Rourke waited for additional units and stayed at the location.

Evidence technicians from the Humboldt County Sheriff's Department and Eureka Police Department, [REDACTED] and [REDACTED], located shell casings fired from O'Rourke's gun and from the [REDACTED]'s rifle. The evidence was photographed and collected.

Detective Schlessinger and I proceeded to the Pecwan Creek bridge, where we were informed that the [REDACTED] was still outstanding and that searches were still in progress. Detective Schlessinger and I decided to look for additional civilian witnesses, and we drove up the private road from Cappell Creek where we came to the [REDACTED] residence.

I interviewed and tape-recorded [REDACTED] (adult) and [REDACTED] (age [REDACTED]). Both girls stated that they had heard gunfire, looked out of their living room window, and observed several police vehicles on the Cappell Creek bridge. It appeared that there were three police vehicles and one CHP vehicle. The officers were shooting at something, but neither girl could tell who or what they were shooting at as the north portion of the bridge was not viewable from their window. I looked out the same window and could only observe the southern half of the bridge. The girls did not see a [REDACTED] Navigator or the [REDACTED]. Both girls observed one officer ducking.

Detective Schlessinger and I left the [REDACTED] residence and proceeded to the [REDACTED] residence, where the [REDACTED] vehicle had been abandoned. The [REDACTED] vehicle had the driver's side rear passenger window broken out and a bullet hole in the door post. Due to the angle of the bullet hole, it appeared that the round had been fired by the [REDACTED]. The angle of the bullet's entrance was parallel with the door. There were several expended rifle cartridge casings on the ground by the driver's door and several rifle casings in the vehicle.

I went into the [REDACTED] residence and talked to [REDACTED]. [REDACTED] stated that he was recovering from an accident and was awakened early this morning. [REDACTED] looked out and saw a dark-colored vehicle parked in front of the house. [REDACTED] thought it might be a family member and thought nothing more of it until the police came to the house.

[REDACTED] stated that in the house were [REDACTED] (age 77), who is paralyzed on her left side, as well as [REDACTED] (age 20).

Detective Schlessinger and I left the [REDACTED] residence and went to the roadway where we interviewed Sergeant Kevin Miller. The interview was tape-recorded. Sergeant Miller stated that he was the supervisor for the Hoopa substation and was called out from his residence at about 0140 hours on May 4, 2004. Miller stated that he was told that there was a pursuit in progress and shots had been fired in the SR 169 area. Sergeant Miller responded, as did Deputy Filyau. Sergeant Miller set up a perimeter at the location where shots had been fired at Hoopa Tribal Police Officer O'Rourke.

Sergeant Miller sent units to the end of the road. Between 0600 and 0700 hours, Tribal Police units, at the end of the road by Johnson, radioed that they had observed the [REDACTED] vehicle coming out of a side road. They did not attempt to stop it.

Sergeant Miller, Deputy Filyau, CHP officers O'Diear and Gilliam, and Tribal Police Sergeant Joe Masten drove north on SR 169. Tribal units advised Sergeant Miller that the [REDACTED] vehicle was

probably up a side road.

The units responded to the area of the Pecwan bridge and started checking some of the side roads. They went up to the Pecwan bridge: Sergeant Miller in his vehicle, Deputy Filyau and Tribal Police officer Masten in one unit, and CHP officers O'Diear and Gilliam in their unit. They parked and were in that location for approximately a half hour.

A vehicle matching the description of the [REDACTED] vehicle was observed coming out of a side road. Sergeant Miller ran back to his vehicle and attempted to turn it around, when he heard shots being fired behind his vehicle. Sergeant Miller moved up on foot to the police vehicle. Sergeant Miller observed one of the CHP units firing at what Miller presumed was the [REDACTED] vehicle. Due to a slope in the bridge, he could not see the [REDACTED] vehicle. The [REDACTED] stopped shooting and turned his vehicle north on to SR 169 and proceeded to drive away from the scene.

Sergeant Miller ran back to his vehicle, turned around, and crossed over to the other side of the bridge. One of the officers observed the [REDACTED] vehicle stopping. Sergeant Miller stopped all advancement and secured the scene.

At day break the CHP helicopter came overhead and spotted the [REDACTED] vehicle at its terminal location. Sergeant Miller did not fire any rounds, nor did he see the [REDACTED] at any time. Sergeant Miller did not see the [REDACTED] shooting. Sergeant Miller heard numerous rounds fired, but the only person he actually observed firing was CHP Officer O'Diear, who fired two rounds. Sergeant Miller estimated the distance between the [REDACTED] and the officers to be approximately 30 yards.

At approximately 1800 hours, while standing in the roadway, a [REDACTED] drove up to my location and identified himself as [REDACTED]. [REDACTED] stated that at about 0700 hours, someone had driven up to his residence, and a short Indian [REDACTED] came up to the door and asked for some gasoline. The [REDACTED] was driving a [REDACTED] pickup truck which [REDACTED] thought belonged to the [REDACTED] family. [REDACTED] told the [REDACTED] he did not have any gasoline and the [REDACTED] drove away.

At approximately 1800 hours, another [REDACTED] walked up to me and said that he had witnessed the events on the Cappell Creek bridge. The [REDACTED] identified himself as [REDACTED]. [REDACTED] said he got up that morning around 0630 hours. He heard over the police scanner that there were going to be police officers posted at the Pecwan Creek bridge. [REDACTED] looked out of the window (of the [REDACTED] residence) and saw three police cars on the south side of the bridge. The officers drove to the middle of the bridge. One of the officers was on the south side. [REDACTED] heard shots being fired, then he heard the officers shooting back. The officers proceeded across the bridge.

[REDACTED] stated that a little later on that morning he needed to get to work in Hoopa and was given a ride to [REDACTED] place to see if they could borrow some gas for the ride. No one would lend him the gas. [REDACTED] subsequently rode into Hoopa with [REDACTED]. [REDACTED] never saw the [REDACTED] vehicle, and did not know how many rounds were fired at the police or how many rounds they fired back. [REDACTED] stated he could definitely tell that whoever was shooting at the police had a fully automatic or semi-automatic gun of some sort. [REDACTED] estimated that around 15 shots, total, were fired.

At approximately 1900 hours, it was decided to return to the Hoopa substation and set up the interviews for the following day.

On May 5, 2004, Detective Schlessinger and I drove to the Willow Creek office of the California Highway Patrol, where it had been arranged to interview CHP Officers O'Dear and Gilliam. O'Dear met us, with CHP Sergeant Greg Ziegler sitting in on the interview.

Officer O'Dear stated that the CHP dispatcher contacted him at his residence on May 4, 2004, at approximately 0200 hours. Officer O'Dear had been told that a CHP sergeant had been injured by glass fragments as a result of a [REDACTED] shooting at him during a pursuit. The vehicle, a [REDACTED] Lincoln Navigator, was proceeding over Bald Hills road, and the [REDACTED] had a high-powered semi-automatic rifle. The Humboldt County Sheriff's Department and Hoopa Tribal Police were requesting CHP assistance. Officer O'Dear drove to the resident's post and met Officer Rod Gilliam. Officer O'Dear got into Officer Gilliam's vehicle as a passenger.

Officer O'Dear proceeded to SR 169, mile post marker 20, and met Sergeant Miller and a Tribal Police unit. At some point a Tribal Police officer who was farther down river reported sighting the [REDACTED] vehicle. Officers O'Dear and Gilliam then drove back to the bridge area and met Sergeant Miller, who was in a Ford Bronco, along with Deputy Filyau and Tribal Police Sergeant Masten who were in Filyau's marked truck.

Deputy Filyau's vehicle was the closest to the edge of the bridge, the CHP vehicle was next, and the outermost vehicle was the Ford Bronco. All the officers were outside their vehicles discussing the situation.

At approximately 0700 hours the [REDACTED] showed up. The vehicle was coming off a side dirt road up to SR 169. All the officers got into their vehicles.

Deputy Filyau backed up his vehicle and got within approximately 50 yards of the [REDACTED] vehicle, when the [REDACTED] started shooting at Filyau's vehicle. CHP Officer Gilliam stopped his vehicle, facing the [REDACTED] vehicle. Officer O'Dear observed rounds being fired by the [REDACTED] hitting Deputy Filyau's vehicle. O'Dear observed the [REDACTED] bullets going into the cab portion of Filyau's vehicle.

O'Dear observed pieces of debris and plastic flying around in Filyau's vehicle. Hoopa Tribal Police Sergeant Masten got out of the vehicle and went to the rear of the CHP unit. Filyau was pinned in the truck. O'Dear observed bullets striking the pavement, skipping and bouncing off. Chunks of asphalt bounced off his boots and pant legs, as well as those of Sergeant Masten. O'Dear observed Filyau "flopping" around inside the truck.

O'Dear could not return fire from his position and believed that if he didn't take some aggressive action, Filyau was going to die! O'Dear ran to the east side of the bridge and fired twice at the [REDACTED] with his AR-15. O'Dear observed Filyau lean out his door and fire two or three rounds at the [REDACTED]. The [REDACTED] stopped firing and drove north onto SR 169.

All of the officers got into their vehicles and proceeded to follow the [REDACTED]. O'Dear observed the

██████████ brake lights come on, and thought the ██████████ might have turned up a driveway. O'Diear stated that because of the ██████████ past history of shooting at officers, the officers would fall back and wait. CHP Officer O'Diear made a hand sketch of the situation (herein attached).

CHP Officer Rod Gilliam was next to be interviewed, at which time Detective Schlessinger and CHP Sergeant Greg Ziegler were present.

Officer Gilliam stated that he was at home on May 4, 2004. At approximately 0155 hours he was contacted by CHP dispatch, who told him that there was an incident which had started in Crescent City and that the ██████████ was firing at units, and that the ██████████ had gone over Bald Hills Road. Officer Gilliam was to meet CHP Officer O'Diear at the Willow Creek office and double up with him. The two were to proceed toward SR 169. At approximately 0300 hours, they arrived at mile post marker 22. They came across Officer O'Rourke, of the Hoopa Tribal Police, and Humboldt County Sheriff's Sergeant Miller. In addition, Lieutenant Kane of the Hoopa Tribal Police was there.

Sergeant Miller told them that a SWAT team was en route and that they were going to wait until daylight before starting to look for the ██████████. Officer O'Rourke had advised Gilliam and O'Diear of the events surrounding their pursuit of the ██████████, the shots being fired, and O'Diear's vehicle being hit once. Officer Gilliam stated that the officers parked on the shoulder awaiting daylight. Present were HCSO Sergeant Miller and Deputy Filyau, HTPD Sergeant Masten, and CHP Officers Gilliam and O'Diear. They waited off of the bridge on the shoulder.

At approximately 0700 hours, someone yelled, "Here he comes!" Officer Gilliam looked up and saw a Lincoln Navigator coming down a dirt side road toward SR 169. They all ran to their police vehicles. Officer Gilliam was on the driver's side of the marked CHP unit, and Officer O'Diear was on the passenger's side. Officer Gilliam was able to turn around and face toward the ██████████ vehicle. Deputy Filyau got into the driver's side of his marked pickup and Sergeant Masten got into the passenger's side. Deputy Filyau couldn't turn the vehicle around. Deputy Filyau began backing down the bridge. Officer Gilliam fell in behind.

The Navigator stopped at the stop sign at the intersection of the dirt road and SR 169. Deputy Filyau was about three quarters of the way across the bridge when he stopped. Officer Gilliam stopped his patrol vehicle behind Filyau's truck and got out, when he heard the ██████████ fire three shots. Gilliam stated that the shots struck the pavement and Deputy Filyau's pickup.

Officer Gilliam observed both the driver's and passenger's doors of Filyau's pickup open, and Sergeant Masten came running back to Officer Gilliam's patrol car. Gilliam thought Masten had been wounded due to the look on his face. Masten was in fact not wounded. Gilliam looked over and observed Officer O'Diear shoot two rounds at the ██████████. Gilliam heard three loud bangs and found out later that it was Filyau shooting. Gilliam stated that he estimated that the ██████████ had shot six or seven rounds and that at least two or three had hit the pavement, as debris struck Gilliam's legs. Gilliam described the ██████████ weapon as being a semi-automatic rifle. The ██████████ vehicle then drove away.

Gilliam followed him until he saw the ██████████ vehicle's brake lights come on and the vehicle go out

of sight. Gilliam knew that there were two Tribal Police units farther down the road and believed that the [REDACTED] was now in between both police units. Officer Gilliam sustained no injuries.

At approximately 11:00 Detective Schlessinger and I re-interviewed Sergeant Miller of the Humboldt County Sheriff's Department. Sergeant Miller's statement, which was tape-recorded, was essentially the same as the previous day.

Detective Schlessinger and I proceeded to the Hoopa substation where we re-interviewed Hoopa Tribal Police Officer O'Rourke. That interview also was tape-recorded. We asked O'Rourke to give us his gun to determine how many rounds were fired, and we obtained his pistol for ballistics matching. O'Rourke produced his Sig Sauer Model 226, .40-caliber, serial number [REDACTED]. O'Rourke had one full magazine in his mag pouch and one partial magazine. O'Rourke stated that the day prior to the shooting, he had had to dispatch a dog. He went to shoot the dog and realized he did not have a round in the chamber. O'Rourke chambered a round and fired two rounds. O'Rourke did not replace the rounds in his magazine. After the shooting, O'Rourke exchanged the magazine in his gun with a fresh one from his magazine pouch and put the partial magazine in the pouch.

I retracted the slide and there was a live round in the chamber. The magazine in the gun had eleven rounds in it, and the other magazine had six rounds. Officer O'Rourke's pistol was subsequently taken to the Department of Justice.

Detective Schlessinger interviewed the Tribal Police officers. (See Detective Schlessinger's report.)

On May 6, 2004, I requested [REDACTED] come to the Humboldt County Sheriff's Department for an interview. I proceeded to interview [REDACTED] and tape-recorded that interview. She told me that she was employed with the Redwood National & State Parks service as a biological technician. On May 5, 2004, [REDACTED] had been conducting a spotted owl survey in the Tall Trees Grove. They had completed their survey and were driving out onto the Bald Hills Road, going toward Orick, at about 2345 hours. [REDACTED] was seated in the rear of their unmarked Jeep Cherokee, [REDACTED] was in the right front passenger seat, and [REDACTED] was driving. As they proceeded west bound on Bald Hills Rd. they observed a large dark-colored SUV hitched to a U-Haul trailer along the side of the road. There was a man bent over the trailer hitch as they passed by. They weren't sure if they should stop and drove by slowly. There was a discussion as to whether or not they should stop and help.

[REDACTED] thought she saw a rifle in the [REDACTED] hands. Before she could say anything, the three of them were backing up, as [REDACTED] had told them that it was policy to help people in the park. As they backed up, [REDACTED] thought she saw the [REDACTED] flash them with a flashlight. However, in looking back she thinks it was, more than likely, the muzzle blast from the rifle as the [REDACTED] started shooting at them. [REDACTED] felt something whiz by her face. She observed [REDACTED] and [REDACTED] crunch down, and she got down. [REDACTED] then drove straight ahead. [REDACTED] estimated seven shots were fired at their vehicle, but she saw more holes in the vehicle than that. When they got to Highway 101, they met a CHP officer and explained to him what had occurred.

Upon completion of the interview with [REDACTED], I interviewed [REDACTED]. [REDACTED] stated that he, [REDACTED] [REDACTED] --all employed as seasonal technicians for Redwood National Park--had just finished their work and were driving down Bald Hills Road when they observed a vehicle in the roadway with a Hispanic-looking man bent over the trailer hitch. [REDACTED] was in the right front seat, [REDACTED] was driving, and [REDACTED] was in the rear seat. As they passed the vehicle, [REDACTED] advised them of the Park Service's policy to assist people in the roadway.

[REDACTED] slowed down and started to back up. As the vehicle started to back up, [REDACTED] observed a flashing light, which he thinks might have been a muzzle blast. [REDACTED] thought they were shot at two or three times. [REDACTED] yelled that they were being shot at, and [REDACTED] proceeded to drive forward. Upon reaching Highway 101 they met a CHP unit and told the officer what happened. [REDACTED] later counted six bullet holes in the vehicle.

On May 6, 2004, I took Officer O'Rourke's gun to the Department of Justice for test firing and picked it up on May 7, 2004.

JLD/mb

CHP OFFICERS RETURNED FIRE AT THE [REDACTED] AND VEHICLE. DURING THE ENSUING PURSUIT, THE [REDACTED] FIRED ON THE OFFICERS AGAIN, AND THEN THE OFFICERS LOST SIGHT OF THE [REDACTED]. WE LEARNED THAT THE [REDACTED] VEHICLE HAD BEEN LOCATED PARKED BEHIND THE [REDACTED] RESIDENCE IN PECWAN. THE RESIDENCE WAS SURROUNDED AND THE OFFICER IN CHARGE AT THE SCENE HAD REQUESTED A HOSTAGE NEGOTIATOR.

WE LEARNED THAT THE FISH AND WILD LIFE BIOLOGISTS WHO WERE SHOT AT HAD BEEN INTERVIEWED AND HAD FILLED OUT WRITTEN NARRATIVES OF WHAT HAPPENED. THESE WERE PROVIDED AND WE READ THEM. UPON READING THE NARRATIVES, IT APPEARED THAT THE [REDACTED] MAY HAVE BEEN TOWING A U-HAUL TRAILER BEHIND THE LINCOLN NAVIGATOR AT THE TIME OF THE SHOOTING. WHEN THE [REDACTED] WAS ENCOUNTERED IN WEITCHPEC AND PECWAN, THERE WAS NO TRAILER BEHIND THE NAVIGATOR.

I, AND THE MEMBERS OF THE OIS TEAM, DROVE TO THE AREA OF OCCURRENCE ARRIVING AT THE HOOPA STATION ABOUT 1000 HRS. ID TECH [REDACTED] AND TWO TRAINEES FROM THE EUREKA POLICE DEPARTMENT WENT TO AND PROCESSED THE VARIOUS CRIME SCENES. THE CRITICAL INCIDENT RESPONSE TEAM MET AT THE HOOPA STATION OF THE HCSO. IT WAS DECIDED THAT I WOULD ACT AS THE ADMINISTRATIVE COMPONENT OF THE CASE AND THE OTHERS WOULD DO THE CRIMINAL INVESTIGATION. THE OFFICERS INVOLVED WERE, RICH SCHLESIGER-HCSO, DAVE PARRIS AND KEVIN LAWSON-EPD, GARY BATES-APD, JIM DAWSON AND MIKE LOSEY-HUMBOLDT D.A,

I WAS ADVISED BY DISTRICT ATTORNEY CHIEF INVESTIGATOR, JIM DAWSON, THAT A SHOOTING ON THE BALD HILLS ROAD WAS REPORTED BETWEEN 0500 AND 0600 HRS ON 5-4-04. A [REDACTED] MATCHING THE EARLIER [REDACTED] DESCRIPTION, OPERATING A SIMILAR VEHICLE, A [REDACTED] LINCOLN NAVIGATOR, FIRED SEVERAL (14) ROUNDS INTO A FISH AND WILD LIFE JEEP CHEROKEE OCCUPIED BY THREE FISH AND WILD LIFE BIOLOGISTS. NONE OF THE BIOLOGISTS WERE INJURED, HOWEVER, THE PERSON IN THE REAR SEAT OF THE JEEP WAS GRAZED BY A BULLET THAT JUST MISSED HER FACE. THE [REDACTED] WERE INTERVIEWED AND THEY GAVE WRITTEN ACCOUNTS OF WHAT HAPPENED TO THEM. I HAVE READ THE WRITTEN STATEMENTS BY THE [REDACTED]

THE [REDACTED] SAID THE [REDACTED] AND LINCOLN NAVIGATOR CONTINUED EAST BOUND ON THE BALD HILLS ROAD. AT ABOUT 1030HRS, THE ID TEAM AND INVESTIGATORS LOSEY, DAWSON, LAWSON, SCHLESIGER LEFT THE HOOPA STATION TO PROCESS THE SCENES. I STAYED AT THE STATION TO WORK THE PHONE AND MONITOR THE RADIO.

AT ABOUT 1125 HRS, WITNESS [REDACTED] [REDACTED] CAME TO THE HOOPA STATION AND REPORTED TO ME AND DETECTIVE PARRIS, THAT THERE WERE SOME OUT BUILDINGS ON HIS PROPERTY HE HAD LEFT OUT OF THE DIAGRAM OF THE HOUSE HE HAD PROVIDED EARLIER. HE MADE A NEW DIAGRAM OF THE HOUSE AND OUT BUILDINGS INCLUDING WHERE A .243 RIFLE WAS LOCKED IN A CLOSET IN HIS MOTHER'S BEDROOM, FOR US AND THIS WAS TRANSPORTED BY INVESTIGATOR LOSEY TO THE SCENE OF THE [REDACTED] RESIDENCE WHERE IT WAS BELIEVED THE [REDACTED] MAY HAVE BEEN BARRICADED.

INVESTIGATOR DAWSON ADVISED ME THAT INFORMATION WAS RELAYED TO THE HOOPA VALLEY TRIBAL POLICE AND THE HUMBOLDT COUNTY SHERIFF'S DEPARTMENT. THE MARTIN'S FERRY BRIDGE AT WEITCHPEC WAS BLOCKED BY HOOPA UNITS SO THAT THE [REDACTED] COULD NOT GO TOWARD HIGHWAY 96. THE FOLLOWING INFORMATION WAS LEARNED BY LISTENING TO THE INTERVIEWS OF OFFICER JOE O'ROURK AND SERGEANT KEVIN MILLER CONDUCTED BY INV DAWSON:

WHEN THE [REDACTED] VEHICLE APPROACHED ON THE BRIDGE, HE TURNED WEST BOUND DOWN RIVER TOWARD PECWAN ON SR 169. AS THE HOOPA TRIBAL POLICE UNIT, JOE O'ROURK PURSUED THE NAVIGATOR, THE [REDACTED] FIRED SEVERAL SHOTS AT OFFICER O'ROURK. THE [REDACTED] WAS FIRING FROM HIS MOVING VEHICLE. OFFICER O'ROURK RETURNED FIRE WITH NEGATIVE RESULTS. OFFICER O'ROURK REPORTED BY RADIO WHAT WAS HAPPENING, AND HOOPA TRIBAL POLICE SERGEANT JOE MASTEN, DEPUTY FRED FILYAU, AND SHERIFF SERGEANT KEVIN MILLER RESPONDED TO THE AREA. THEY ASSEMBLED ON THE PECWAN BRIDGE. ALSO PRESENT ON THE BRIDGE WERE CHP OFFICERS ROD GUILLAM AND WILL O'DIEAR.

THE [REDACTED] VEHICLE THEN APPEARED, TRAVELING DOWN PECWAN HILL TOWARD SR 169. THE OFFICERS SAW THIS AND SCRAMBLED TO GET INTO POSITION TO ENGAGE THE [REDACTED]

HOWEVER, HE DROVE RAPIDLY PAST THEIR POSITION, WHILE FIRING ON THE OFFICERS NOW FROM BEHIND THEM. SERGEANT JOE MASTEN WAS NARROWLY MISSED BY A ROUND HITTING THE TOOL BOX AT THE BACK OF DEPUTY FILYAU'S SHERIFF TRUCK. SEVERAL ROUNDS PENETRATED FILYAU'S TRUCK, AS CHP OFFICERS GILLUM AND O'DIEAR GOT INTO POSITION FIRST AND OFFICER O'DIEAR RETURNED FIRE AT THE [REDACTED] VEHICLE. THE [REDACTED] FLED THE AREA IN HIS VEHICLE AND WAS NOT VISIBLE TO THE OFFICERS.

A CALL WAS MADE TO THE CHP AIR UNIT AND THE [REDACTED] VEHICLE WAS SPOTTED PARKED BEHIND THE [REDACTED] RESIDENCE A SHORT DISTANCE, 1-2 MILES, FROM THE BRIDGE.

OFFICERS AND THE HUMBOLDT COUNTY S.E.T. UNIT SURROUNDED THE RESIDENCE. ULTIMATELY, THE [REDACTED] WAS FOUND TO NOT BE IN THE AREA.

THE [REDACTED] WAS IDENTIFIED BY THE ORIGINAL BROADCAST FOR THE DOMESTIC VIOLENCE BY THE DEL NORTE SHERIFF. SEVERAL WITNESSES WHO ENCOUNTERED THE [REDACTED] IN THE AREA HAVE MADE POSITIVE IDENTIFICATIONS OF THE [REDACTED]. THE [REDACTED] WAS ALSO IDENTIFIED ORIGINALLY BY THE DOMESTIC VIOLENCE [REDACTED], [REDACTED], CRESCENT CITY, CA. SHE IS ALSO THE REGISTERED OWNER OF THE LINCOLN NAVIGATOR. SHE HAS INDICATED THAT THE [REDACTED] TOOK HER LINCOLN NAVIGATOR WITHOUT PERMISSION.

THE [REDACTED] VEHICLE, THE LINCOLN NAVIGATOR, WAS SEIZED AND TRANSPORTED BY HUMBOLDT TOWING TO THE CALIFORNIA DEPARTMENT OF JUSTICE CRIME LAB IN EUREKA WHERE IT HAS BEEN STORED. THE FISH AND WILD LIFE BIOLOGIST'S VEHICLE AND THE HOOPA VALLEY TRIBAL POLICE VEHICLE HAVE BEEN PROCESSED FOR EVIDENCE BY ID TECH [REDACTED]

AS OF THIS WRITING, THE [REDACTED] IS STILL AT LARGE.

ON 5-5-04 AT 1530 HRS, I INTERVIEWED TRIBAL POLICE OFFICER PAUL CRAFT AT MY OFFICE AT CID IN THE SHERIFF'S OFFICE. THE INTERVIEW WAS AUDIO RECORDED AND WAS LATER TRANSCRIBED. THE TAPE WAS EVENTUALLY HANDED OVER TO THE CIRT LEAD INVESTIGATOR RICH SCHLESIGER.

OFFICER CRAFT TOLD ME HIS DATE OF HIRE WAS 6-15-2003, AND HIS ID NUMBER IS HSO PIN NUMBER 1499. HIS CALL SIGN IS 25-06 AND HE IS WORKING THE 1800-0400 SHIFT. OFFICER CRAFT'S VEHICLE NUMBER IS THE GOVERNMENT PLATE, [REDACTED]. IT IS A MARKED POLICE VEHICLE EQUIPPED WITH EMERGENCY LIGHTS AND SIREN.

OFFICER CRAFT TOLD ME HE RECEIVED A CALL ON MONDAY NIGHT TO BOLO FOR A [REDACTED] LINCOLN NAVIGATOR THAT HAD BEEN INVOLVED IN SHOOTING AT THE CHP IN DEL NORTE COUNTY. OFFICER CRAFT SAID THE OTHER TRIBAL P.D. OFFICERS HEADED FOR WEITCHPEC AND HE, DEPUTY FRED FILYAU, LT. BOBBY CAINE, AND OFFICER WILL HOSTLER WENT TO BALD HILLS ROAD.

OFFICER CRAFT SAID HE COULD HEAR SHOTS BEING FIRED OVER THE RADIO WHEN SGT MASTEN WAS TALKING ON THE RADIO. OFFICER CRAFT AND THE OTHERS WENT BACK TO WEITCHPEC AND OFFICER HOSTLER GOT IN WITH OFFICER CRAFT. THEY HEADED DOWN RIVER (ON SR169) AS THEY HEARD THE PURSUIT GOING DOWN RIVER. OFFICER CRAFT HEARD ON THE RADIO THAT OFFICER O'ROURKE'S WINDOW GOT SHOT OUT. WHEN OFFICER CRAFT GOT TO THE SCENE, IT WAS BEING SECURED. OFFICER CRAFT HEARD THAT THE [REDACTED] VEHICLE WAS AROUND THE CORNER OUT OF VIEW.

OFFICER CRAFT TOLD ME HE WAS POSTED AT THE END OF THE ROAD AT JOHNSON. HE HAD CHECKED DRIVEWAYS ON THE WAY WITH NEGATIVE RESULTS.

THEN HE SAW THE [REDACTED] VEHICLE COMING TOWARD THEIR POSITION. THE [REDACTED] STOPPED ABOUT 100 YARDS AWAY, BACKED UP AND WENT OUT OF SIGHT AT ABOUT SCHOOL ROAD (JACK NORTON SCHOOL). THEN OFFICER CRAFT TOLD ME HE HEARD 12-15 SHOTS DURING THE FINAL SHOOTOUT. HE THEN HEARD ON THE RADIO THAT THE [REDACTED] TOOK OFF UP THE ROAD WHERE HIS VEHICLE WAS LATER FOUND.

OFFICER CRAFT AND OFFICER HOSTLER WERE MOVED TO THE JACK NORTON SCHOOL ROAD AND SR169. THEY STAYED ON THAT POST UNTIL RELIEVED LATER IN THE MORNING.

OFFICER CRAFT TOLD ME HE HAD NO PRIOR CONTACT WITH THE [REDACTED], DID NOT SEE THE [REDACTED] AND HE ONLY SAW THE VEHICLE, NOT THE [REDACTED].

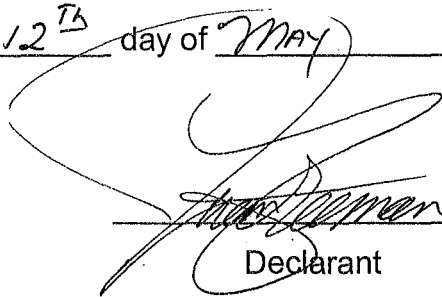
OFFICER CRAFT TOLD ME THE WEATHER WAS CLEAR AND THERE WAS A FULL MOON THAT NIGHT AND THE VISIBILITY WAS GOOD.

ON 5-5-2004, I WROTE SEARCH WARRANT NUMBER 5633, FOR THE [REDACTED] VEHICLE AND U-HAUL TRAILER, AND A RAMEY WARRANT FOR THE [REDACTED] ARREST. BOTH WARRANTS WERE SIGNED BY THE HONORABLE CHRISTOPHER WILSON, MAGISTRATE OF THE HUMBOLDT COUNTY SUPERIOR COURT.

Your declarant has reasonable cause to believe that grounds exist for the issuance of a warrant of arrest, as set forth in Sections 802, 813 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).

Executed under penalty of perjury this 12TH day of MAY at Eureka, California.



Declarant

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENTAL REPORT

DATE: 5-4-2004

CASE NUMBER: 200402887

CRIME: 664-187 P.C.

[REDACTED]

[REDACTED] [REDACTED] KLAMATH, CA.

[REDACTED]

[REDACTED],
[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED].

NARRATIVE:

ON 5-4-2004 AT 0600 HRS, I WAS CALLED OUT FROM MY RESIDENCE BY LT. JIMENEZ TO RESPOND WITH DETECTIVE SCHLESIGER TO THE HOOPA-PECWAN AREA. THERE HAD BEEN A CHP PURSUIT IN DEL NORTE COUNTY WHERE A [REDACTED] HAD SHOT AT CHP OFFICERS AS THEY ATTEMPTED TO STOP HIM IN THE CRESCENT CITY AREA. I LATER LEARNED THE [REDACTED] WAS WANTED FOR DOMESTIC VIOLENCE BY THE DEL NORTE SHERIFF'S DEPARTMENT.

AT ABOUT 0700 HRS, I MET WITH THE OIC TEAM MEMBERS AT THE CID SQUAD ROOM. THEY ARE: DETECTIVES DAVE PARRIS AND KEVIN LAWSON OF THE EUREKA POLICE DEPARTMENT, DETECTIVE GARY BATES OF ARCATA POLICE DEPARTMENT, INVESTIGATORS JIM DAWSON AND MIKE LOSEY OF THE HUMBOLDT COUNTY DISTRICT ATTORNEY'S OFFICE, DETECTIVE RICH SCHLESIGER OF THE S.O, ID TECH [REDACTED] OF THE S.O, AND MYSELF.

THE INFORMATION WAS SKETCHY, BUT WE WERE ABLE TO DETERMINE THAT THE [REDACTED] SHOT AT THE CHP IN DEL NORTE COUNTY ON US 101. HE SHOT AT 3 FISH AND WILDLIFE BIOLOGISTS ON THE BALD HILLS ROAD (APPX 8 MILES FROM US 101). HE FIRED AT THE HOOPA VALLEY TRIBAL

POLICE DEPARTMENT AT S.R. 169, AND AT THE HUMBOLDT COUNTY SHERIFF'S OFFICE DEPUTIES IN THE PECWAN AREA.

WE NEXT LEARNED THAT THE CHP HELO HAD LOCATED THE [REDACTED]'S VEHICLE BEHIND A HOUSE IN THE PECWAN AREA. THE RESIDENCE WAS SURROUNDED AND A NEGOTIATOR WAS REQUESTED FROM THE SCENE.

AT ABOUT 0830 HRS, I SPOKE WITH CHP OFFICER GREG BARTZ BY PHONE. HE ADVISED ME THAT THE CHP INVESTIGATOR IS OFFICER LARRY CHANDLER AND HE WILL BE AT THE CRESCENT CITY AREA CHP OFFICE. THE PHONE IS [REDACTED]. HE WILL BE AVAILABLE LATER FOR LIASSON PURPOSES AND TO COORDINATE ANY PROSECUTION WHICH MAY RESULT FROM THIS SERIES OF INCIDENTS.

IT WAS DECIDED THAT THE TEAM WOULD RE-ASSEMBLE AT THE HOOPA SUBSTATION. WE ALL MET THERE AT ABOUT 1000 HRS.

AT 1030 HRS, DETECTIVES SCHLESIGER, LAWSON, BATES, AND DAWSON LEFT THE HOOPA STATION TO GO TO THE MARTIN'S FERRY BRIDGE SCENE.

AT 1130 HRS, ID TECH [REDACTED] INVESTIGATOR LOSEY AND THE TWO EUREKA POLICE DEPARTMENT ID TECHS AND THEIR VAN, LEFT THE SUBSTATION TO GO TO THE MARTIN'S FERRY SCENE. THEY WERE TO ALSO GO TO SOME OF THE OTHER CRIME SCENES FOR PROCESSING.

AT 1140 HRS, I MET WITH HOOPA VALLEY TRIBAL POLICE CHIEF LEONARD MASTEN AT THE HOOPA STATION. WE DECIDED HE WOULD GO TO THE SCENE AND SEND RELIEF FOR HIS OFFICER WHO HAD BEEN SHOT AT AND TO BRING HIS POLICE VEHICLE BACK TO THE SUBSTATION FOR LATER PROCESSING.

THE FISH AND WILD LIFE BIOLOGISTS [REDACTED] HAVE BEEN INTERVIEWED BRIEFLY AND THEY FILLED OUT NARRATIVES ON WHAT HAPPENED TO THEM ON THE BALD HILLS ROAD. UPON READING THE NARRATIVES, IT APPEARED THAT THERE MAY BE A U-HAUL TRAILER INVOLVED WHICH MAY HAVE BEEN TOWED BY THE [REDACTED] WHEN HE ENCOUNTERED THE CHP ON US 101 IN THE CRESCENT CITY AREA WHERE THE FIRST SHOOTING TOOK PLACE. THE [REDACTED] WAS REPORTED BY THE BIOLOGISTS TO BE TOWING A U-HAUL TRAILER WHEN HE SHOT AT THE BIOLOGISTS ON THE BALD HILLS ROAD.


WHEN THE CHP HELO SPOTTED THE [REDACTED] VEHICLE IN PECWAN, THERE WAS NO TRAILER ASSOCIATED WITH IT. THE TRAILER MAY STILL BE ON THE BALD HILLS ROAD AS OF THIS WRITING.

THIS IS WRITTEN AT APPROXIMATELY 1230 HRS ON 5-4-2004. THE SITUATION HAS NOT BEEN RESOLVED AT THIS POINT.

THE HOUSE WHERE THE [REDACTED] MAY BE LOCATED IS OCCUPIED BY WITNESS [REDACTED] HIS ILL AUNT AND HIS MOTHER. [REDACTED] CAME TO THE SUBSTATION EARLIER TODAY, INQUIRED ABOUT POSSIBLE HOSTAGES IN HIS HOUSE. HE ALSO PROVIDED A MAP OF THE RESIDENCE TO LT. CAVINTA.

LATER, AT ABOUT 1125 HRS, HE RETURNED AND MADE A MAP OF THE OUT BUILDINGS ON THE PROPERTY AND INCLUDED THE LOCATION IN HIS MOTHER'S BEDROOM WHERE A .243 RIFLE IS LOCKED IN A CLOSET. [REDACTED] AGREED TO STAY AWAY FROM HOME UNTIL THIS SITUATION IS RESOLVED.

INV LOSEY TOOK COPIES OF THE REVISED MAP AND THE INFORMATION ABOUT OCCUPANTS OF THE HOUSE TO THE SCENE FOR THE OFFICERS INFORMATION.

 5-4-04

**HUMBOLDT COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL OFFENSE REPORT
DETECTIVE SERGEANT JUAN FREEMAN**

DATE: 5-10-2004

CASE NUMBER: 200402888

[REDACTED] CALIFORNIA HIGHWAY PATROL OFFICERS WILL O'DIER, AND ROD GILLIAM.

HOOPA VALLEY TRIBAL POLICE OFFICERS JOE O'ROURKE, DARYL MABRY, SERGEANT JOE MASTEN, WILLIAM HOSTLER

HUMBOLDT COUNTY SHERIFF'S OFFICE DEPUTY FRED FILYAU, SERGEANT KEVIN MILLER.

U.S. FISH AND WILDLIFE BIOLOGISTS [REDACTED]

WITNESS:

[REDACTED] [REDACTED], HMA, 5-8, 165 LBS, BLACK HAIR AND BROWN EYES. [REDACTED].

NARRATIVE:

ON 5-4-04 AT 0600 HRS, APPROXIMATELY 0600 HRS, I WAS CALLED OUT FROM MY RESIDENCE REGARDING REPORTS OF A [REDACTED] SHOOTING AT CHP OFFICERS, FOREST SERVICE BIOLOGISTS, AND TRIBAL POLICE OFFICERS AND DEPUTY SHERIFFS IN DEL NORTE AND HUMBOLDT COUNTIES.

AT ABOUT 0700 HRS, I MET WITH THE OIC TEAM MEMBERS AT THE CID SQUAD ROOM. THEY ARE: DETECTIVES DAVE PARRIS AND KEVIN LAWSON OF THE EUREKA POLICE DEPARTMENT, DETECTIVE GARY BATES OF THE ARCATA POLICE DEPARTMENT, INVESTIGATORS JIM DAWSON AND MIKE LOSEY OF THE HUMBOLDT COUNTY DISTRICT ATTORNEY'S OFFICE, DETECTIVE RICH SCHLESIGER, MYSELF, AND ID TECH [REDACTED] OF THE HUMBOLDT COUNTY SHERIFF'S OFFICE.

AT ABOUT 0830 HRS, I CONTACTED OFFICER GREG BARTZ, OF THE DEL NORTE CHP OFFICE BY TELEPHONE. HE TOLD ME THAT THE SHOOTINGS BEGAN ON 5-4-04 AT ABOUT 0200 HRS, WHEN A CHP UNIT ATTEMPTED TO STOP THE [REDACTED] IN HIS VEHICLE IN THE CRESCENT CITY AREA. THE [REDACTED] WAS WANTED FOR DOMESTIC VIOLENCE IN CRESCENT CITY, AND A BOLO WAS OUT ON THE [REDACTED]

THE [REDACTED] FIRED SEVERAL ROUNDS FROM AN AK 47 TYPE ASSAULT RIFLE, BREAKING OUT THE CHP VEHICLE WINDSHIELD. ONE OFFICER SUFFERED MINOR INJURIES FROM FLYING GLASS. THE CHP OFFICERS RETURNED FIRE AT THE [REDACTED] AND VEHICLE. DURING THE ENSUING PURSUIT, THE [REDACTED] FIRED ON THE OFFICERS AGAIN, AND THEN THE OFFICERS LOST SIGHT OF THE [REDACTED]. WE LEARNED THAT THE [REDACTED] VEHICLE HAD BEEN LOCATED PARKED BEHIND THE [REDACTED] RESIDENCE IN PECWAN. THE RESIDENCE WAS SURROUNDED AND THE OFFICER IN CHARGE AT THE SCENE HAD REQUESTED A HOSTAGE NEGOTIATOR

WE LEARNED THAT THE FISH AND WILD LIFE BIOLOGISTS WHO WERE SHOT AT HAD BEEN INTERVIEWED AND HAD FILLED OUT WRITTEN NARRATIVES OF WHAT HAPPENED. THESE WERE PROVIDED AND WE READ THEM. UPON READ THE NARRATIVES, IT APPEARED THAT THE [REDACTED] MAY HAVE BEEN TOWING A U-HAUL TRAILER BEHIND THE LINCOLN NAVIGATOR AT THE TIME OF THE SHOOTING. WHEN THE [REDACTED] WAS ENCOUNTERED IN WEITCHPEC AND PECWAN, THERE WAS NO TRAILER BEHIND THE NAVIGATOR.

I, AND THE MEMBERS OF THE OIS TEAM, DROVE TO THE AREA OF OCCURRENCE ARRIVING AT THE HOOPA STATION ABOUT 1000 HRS. ID TECH [REDACTED] [REDACTED] AND TWO TRAINEES FROM THE EUREKA POLICE DEPARTMENT WENT TO AND PROCESSED THE VARIOUS CRIME SCENES. THE CRITICAL INCIDENT RESPONSE TEAM MET AT THE HOOPA STATION OF THE HCSO. IT WAS DECIDED THAT I WOULD ACT AS THE ADMINISTRATIVE COMPONENT OF THE CASE AND THE OTHERS WOULD DO THE CRIMINAL INVESTIGATION. THE OFFICERS INVOLVED WERE, RICH SCHLESIGER-HCSO, DAVE PARRIS AND KEVIN LAWSON-EPD, GARY BATES-APD, JIM DAWSON AND MIKE LOSEY-HUMBOLDT D.A,

I WAS ADVISED BY DISTRICT ATTORNEY CHIEF INVESTIGATOR, JIM DAWSON, THAT A SHOOTING ON THE BALD HILLS ROAD WAS REPORTED BETWEEN 0500 AND 0600 HRS ON 5-4-04. A [REDACTED] MATCHING THE EARLIER [REDACTED] DESCRIPTION, OPERATING A SIMILAR VEHICLE, A [REDACTED] LINCOLN NAVIGATOR, FIRED SEVERAL (14) ROUNDS INTO A FISH AND WILD LIFE JEEP CHEROKEE OCCUPIED BY THREE FISH AND WILD LIFE BIOLOGISTS. NONE OF THE BIOLOGISTS WERE INJURED, HOWEVER, THE PERSON IN THE REAR SEAT OF THE

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OFFICER CRAFT TOLD ME HE WAS POSTED AT THE END OF THE ROAD AT JOHNSON. HE HAD CHECKED DRIVEWAYS ON THE WAY WITH NEGATIVE RESULTS.

THEN HE SAW THE [REDACTED] VEHICLE COMING TOWARD THEIR POSITION. THE [REDACTED] STOPPED ABOUT 100 YARDS AWAY, BACKED UP AND WENT OUT OF SIGHT AT ABOUT SCHOOL ROAD (JACK NORTON SCHOOL). THEN OFFICER CRAFT TOLD ME HE HEARD 12-15 SHOTS DURING THE FINAL SHOOTOUT. HE THEN HEARD ON THE RADIO THAT THE [REDACTED] TOOK OFF UP THE ROAD WHERE HIS VEHICLE WAS LATER FOUND.

OFFICER CRAFT AND OFFICER HOSTLER WERE MOVED TO THE JACK NORTON SCHOOL ROAD AND SR169. THEY STAYED ON THAT POST UNTIL RELIEVED LATER IN THE MORNING.

OFFICER CRAFT TOLD ME HE HAD NO PRIOR CONTACT WITH THE [REDACTED], DID NOT SEE THE [REDACTED] AND HE ONLY SAW THE VEHICLE, NOT THE [REDACTED]

OFFICER CRAFT TOLD ME THE WEATHER WAS CLEAR AND THERE WAS A FULL MOON THAT NIGHT AND THE VISIBILITY WAS GOOD.

ON 5-5-2004, I WROTE SEARCH WARRANT NUMBER 5633, FOR THE [REDACTED] VEHICLE AND U-HAUL TRAILER, AND A RAMEY WARRANT FOR THE [REDACTED] ARREST.

THE SEARCH AND ARREST WARRANTS WERE SIGNED BY SUPERIOR COURT JUDGE CHRIS WILSON ON 5-5-2004 AT 1635 HRS. THE BAIL ON THE RAMEY ARREST WARRANT WAS \$1,000,000.00

ON 5-6-2004, I LOGGED THE SEARCH AND ARREST WARRANTS INTO THE SUPERIOR COURT. THE RAMEY WARRANT WAS ENTERED INTO THE LOCAL SYSTEM BY THE COURT, AND INTO NCIC BY RECORDS SLOA [REDACTED] ON 5-6-2004.

ID TECH [REDACTED] AND I SERVED THE SEARCH WARRANT ON THE [REDACTED] VEHICLE ON 5-6-2004 AT ABOUT 1110 HRS AT THE DEPARTMENT OF JUSTICE CRIME LAB IN EUREKA. WE WERE ASSISTED BY DEPARTMENT OF JUSTICE CRIMINALSITS [REDACTED] AND [REDACTED]. [REDACTED] DID THE EVIDENCE COLLECTION AND THE PHOTOGRAPHS.

DEPUTY FLYAU'S SHERIFF TRUCK NUMBER [REDACTED] WAS CHECKED FOR TRADJECTORY BY CRIMINALIST [REDACTED] AND THE INTERIOR WAS PARTIALLY DISASSEMBLED AND SOME BULLET FRAGMENTS WERE RECOVERED FROM INSIDE THE DRIVER'S DOOR AND THE LEFT REAR CORNER OF THE CAB. [REDACTED] WAS ASSISTED BY CRIMINALIST [REDACTED]. THERE WERE ABOUT 4 BULLET HOLES IN THE LEFT SIDE OF THE TRUCK AND ONE BULLET HOLE IN THE RIGHT REAR TOOL BOX ON THE BACK OF THE TRUCK.

(6) 7.62X39 CARTRIDGE CASES WERE RECOVERED FROM THE [REDACTED] VEHICLE. [REDACTED], FROM THE COUNTY GARAGE REMOVED THE NAVIGATOR STEERING WHEEL AND THE INTERIOR PANELS OF DEPUTY FLYAU'S PATROL TRUCK FOR US SO [REDACTED], [REDACTED] AND [REDACTED] COULD PROCESS THEM FOR FINGERPRINTS AND EVIDENCE.

THE EXAMINATION AT THE DOJ LAB WAS COMPLETED AT ABOUT 1450 WHEN ID TECH [REDACTED] AND I CLEARED THE LAB AND DROVE TO THE HUMBOLDT TOWING SHOP AT 1ST AND H STREETS, EUREKA.

ID TECH [REDACTED] PROCESSED THE U-HAUL TRAILER FOR PRINTS, AND PHOTOGRAPHED IT. SHE LIFTED SEVERAL LATENT PRINTS, A PARTIAL PALM PRINT, AND A PARTIAL SHOE PRINT FROM THE TRAILER BEARING MO. [REDACTED] THE PROCESSING WAS COMPLETED AT ABOUT 1550 HRS. THE U-HAUL TRAILER FENDER ON ITS LEFT SIDE WAS SIGNIFICANTLY DAMAGED, AND THE RIGHT SIDE FENDER WAS DENTED IN AT THE FRONT. THE TRAILER WAS OHERWISE IN FAIR CONDITION.

ON 5-11-2004, I RECEIVED A COPY OF THE U-HAUL AGREEMENT THE [REDACTED] MADE TO RENT THE U-HAUL TRAILER THAT WAS

RECOVERED BY THE CHP. I CHECKED THE CONTRACT TO DETERMINE IF THE [REDACTED] USED A CREDIT CARD FOR THE TRANSACTION. I LEARNED THAT HE USED CASH. THE TRANSACTION WAS APPARENTLY MADE ON LINE. THE RENTAL CONTRACT WAS MADE TO [REDACTED] [REDACTED],” OF [REDACTED] 97415. THE DATE OF THE CONTRACT IS 5-3-2004 AT 4:03 P.M.

I RELAYED THE INFORMATION TO FBI AGENT JASON RYAN. RYAN TOLD ME THAT EVERYTHING ELSE THE [REDACTED] [REDACTED] DID FINANCIALLY WAS IN CASH ONLY.

NOTE THAT AS OF 5-10-2004, THE [REDACTED] MOVEMENTS ARE BEING TRACKED BY THE FBI.

FURTHER ACTION WILL BE MADE A MATTER OF REPORT.



DETECTIVE SERGEANT JUAN FREEMAN

LT. P. JIMENEZ

U-HAUL EQUIPMENT CONTRACT	In-Town Rental (OUT)
----------------------------------	-----------------------------

Contract Number: 00010321
Monday 05/03/04 4:03PM

CRESCENT TIRE & WHEEL 299 HWY 101 S (707)465-
CRESCENT CITY CA, 0970
95531

[REDACTED]

[REDACTED]

[REDACTED]

Oct 24 1974

CA

[REDACTED]

[REDACTED]

[REDACTED]

CA

LIN
NAVIGATER

U-Haul's policy is to not rent towed equipment behind Ford Explorers.

Rental Information

Rental Out Date/Time: 05/03/2004 3:58PM

Rental Due Date/Time: 05/05/2004 1:00PM

Equipment	MI Out	MI Rate	MI Charge	SafeMove/SafeTow/CDW	Rental Rate	Rental Charge	Estimated Tax:	Estimated Charges	Actual Charges
[REDACTED]				\$10.00	\$24.95	\$49.90	\$3.62	\$59.90	

Estimated Subtotal: \$59.90

Estimated Tax: \$3.62

Estimated Total Charges: \$63.52

Rental Deposit Paid: \$60.00

Cash Payment: \$60.00

Net Paid Today: \$60.00

BY SIGNING BELOW, I ACKNOWLEDGE I HAVE RECEIVED, AGREED TO AND UNDERSTAND THE TERMS AND CONDITIONS IN THIS RENTAL CONTRACT AND THE RENTAL CONTRACT ADDENDUM AND HAVE READ AND UNDERSTAND THE APPROPRIATE USERS GUIDES.

[REDACTED SIGNATURE]

[REDACTED SIGNATURE]

Photocopy 5-11-04
[REDACTED] 1382

REQUESTING AGENCY CASE NO.
200402888
200402887

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

BFS CASE NUMBER
EU-04-000667-0001

ATTN: Det. R. Schlesiger
Humboldt County Sheriff's Department
826 Fourth Street
Eureka, CA 95501

COPIES:

PHYSICAL EVIDENCE EXAMINATION REPORT

██████████ OFFENSE: P. C. 664/187

██████████ OFFENSE DATE: MAY 4, 2004

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

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

FIELD INVESTIGATION

On May 4, 2004, Assistant Laboratory Director ██████████ received a telephone call from the Humboldt County Sheriff's Department requesting that two vehicles be stored in the laboratory's gated parking lot until they could be processed. They are part of an investigation of an officer involved shooting. At approximately 2030 hours, Senior Criminalist ██████████ met Deputy Ben Nord at the laboratory and took possession of two vehicles, a Sheriff's Department Ford pickup and a Lincoln Navigator.

On May 5, 2004, Det. Juan Freeman contacted Assistant Laboratory Director ██████████ and indicated to him that a search warrant would be obtained before processing the vehicles.

On May 6, 2004, at approximately 1030 hours, Det. Freeman and Evidence Technician ██████████ arrived at the laboratory with the search warrant. The Sheriff's vehicle was a Ford F-350 4X4 Crew cab pickup, California exempt license number ██████████. Bullet holes were observed in the outer wall of the pickup bed and in the rear corner of the cab on the driver's side, and bullet holes were observed in the aluminum storage boxes mounted in the bed of the pickup. Trajectories determined from the holes in the body of the truck and from the storage boxes showed the shooter was to the left rear and slightly lower than the truck. Attempts to find and recover bullets/fragments from the interior of the pickup and the storage boxes resulted in finding a lead bullet core in the wall of the cab and bullet jacket material from the storage box mounted on the right side of the pickup bed. The jacket material was consistent with jacket material of some 7.62x39 cartridges. The second vehicle was a Lincoln Navigator, California license ██████████. It had a single bullet hole in the driver's side rear door, which also passed into the rear quarter panel. The probable trajectory showed that the origin of the shot was from the vicinity of the driver's seat or door. A possible gunshot residue smudge was present on the outside of the doorpost behind the driver. A test of the smudge for the presence of nitrite, a by-product of burnt gunpowder, was negative, indicating the smudge was not from a firearm discharge. The window of the left rear door was also shattered. There was no

evidence of a bullet strike on the interior of the vehicle. The window may not have been shattered by a bullet strike.

The following items were collected and retained by laboratory personnel:

- Item DOJ1: "lead core door pane HCSO Pickup 'hole B' "
- Item DOJ2: "Bullet frag crew cab door (hole A)"
- Item DOJ3: "Jacket material from HCSO pickup toolbox"

Examination of the vehicles was concluded at approximately 1500 hours.

On May 11, 2004, Det. Juan Freeman telephoned and indicated that he would like to dismantle the left rear door and possibly the left rear quarter panel in an attempt to recover a bullet or fragments before the Lincoln Navigator was to be turned over to a repossession agency.

On May 14, 2004, Det. Freeman arrived at the laboratory at approximately 1300 hours. The left rear door of the Lincoln Navigator was dismantled and several metal fragments were recovered its' interior. Some of these fragments were copper colored on one surface and were ferromagnetic. The fragments were consistent with bullet jacket material from some 7.62X39 cartridges. The left rear quarter panel was not opened for examination.

The following items were collected and retained by laboratory personnel:

- Item DOJ4: "Probable jacket material from l/r door of Navigator"
- Item 2V-D: "left rear door from Lincoln Navigator"

Examination of the Navigator was concluded at approximately 1530 hours.

On May 11, 2004, the Sheriff's vehicle (item 1V) was released to Diana Freese of the Humboldt County Sheriff's Department. On May 17, 2004, the left rear door of the Lincoln Navigator (item 2V-D) was released to [redacted] of the Humboldt County Sheriff's Department and the Lincoln Navigator (item 2V) was released to [redacted] an agent of American Lenders Co. of Redding.

Date of Report: June 1, 2004

EXAMINED BY

[redacted signature]

Senior Criminalist

Technical Reviewer: [redacted]

Date: 6/1/04

Administrative Review: [redacted]

Date: 6/1/04

REQUESTING AGENCY CASE NO.
200402888
200402887

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

BFS CASE NUMBER
EU-04-000667-0002

ATTN: Det. R. Schlesiger
Humboldt County Sheriff's Department
826 Fourth Street
Eureka, CA 95501

COPIES:

PHYSICAL EVIDENCE EXAMINATION REPORT

[REDACTED] OFFENSE: P. C. 664/187

[REDACTED] OFFENSE DATE: MAY 4, 2004

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

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

SUMMARY:

Officer O'Rourke's Sig Sauer pistol (item 1) fired the two cartridge cases (items 5-2 and 5-3) recovered near milepost marker 22.08 on State Route 169. Deputy Filyau's Glock pistol (item 2) fired the two cartridge cases (items 6-3D and 6-4E) recovered near milepost marker 14.36 on State Route 169.

EVIDENCE:

The following item was submitted to the laboratory by District Attorney's Investigator James Dawson on May 6, 2004:

Item 1: A 40 S&W Sig Sauer pistol, model P226, serial number [REDACTED]

The following item was submitted to the laboratory by District Attorney's Investigator James Dawson on May 7, 2004:

Item 2: A 40 S&W Glock pistol, model 22, serial number [REDACTED]

The following items were submitted to the laboratory by [REDACTED] of the Humboldt County Sheriff's Department on May 18, 2004:

Item 5-2: "Winchester S&W 40 cal spent cartridge case"

Item 5-3: "Winchester S&W 40 cal spent cartridge case"

Item 6-3D: "Federal S&W 40 cal spent cartridge case"

Item 6-4E: "Winchester S&W 40 cal spent cartridge case"

EXAMINATION:

Officer O'Rourke's Sig Sauer pistol (item 1) and Deputy Filyau's Glock pistol were properly functional. The pistols were test fired and the fired cartridge cases and bullets were collected.

Two fired "Winchester 40 S&W" cartridge cases (items 5-2 and 5-3) recovered near mile post marker 22.08 on State Route 169, and a fired "Winchester 40 S&W" cartridge case and a fired "Federal 40 S&W" cartridge case (items 6-3D and 6-4D, respectively) recovered near mile post marker 14.36 on State Route 169 were microscopically compared to the test fired cartridge cases. Sufficient corresponding, individual features were present to conclude that Officer O'Rourke's pistol fired the cartridge cases, items 5-2 and 5-3, and Deputy Filyau's pistol fired the cartridge cases, items 6-3D and 6-4E.

DISPOSITION:

Officer O'Rourke's pistol, item 1, was returned to DA Investigator James Dawson on May 7, 2004. Deputy Filyau's pistol, item 2, was returned to Evidence Technician [REDACTED] on May 18, 2004.

The remaining items are being held at the Eureka Criminalistics Laboratory pending return to the submitting agency.

EXAMINED BY: [REDACTED]

Date of Report: June 2, 2004

Technical Reviewer: [REDACTED]
Administrative Reviewer: [REDACTED]

Date: 6/7/04
Date: 6/7/04

Senior Criminalist

Eureka Police Department

604 C Street
Eureka, CA 95501
CA0120300

CASE NUMBER 3C04-4083		Page 1 of
PRIMARY OFFENSE AGENCY ASSIST-HCSO		1. FELONY 2. MISDEMEANOR 3. INCIDENT
OTHER OFFENSES		

- DOMESTIC VIOLENCE HATE CRIME
 GANG RELATED

INCIDENT INFORMATION

DATE OCCURRED: **MAY 4, 2004 THRU** TIME OCCURRED: ---
 REPORT DATE: **05-4-04** REPORT TIME: DAY OF WEEK:
 COMMON NAME/BUSINESS NAME:
 INCIDENT LOCATION (ADDRESS OR BLOCK RANGE):
Hoopa / Pecwan California
 LOCATION TYPE '3': BEAT:

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. own
3. Rifle	6. Hands/Fee/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
			17

SEX CRIME **PERSON INFORMATION**

CONFIDENTIALITY SUBJECT NO. [REDACTED]

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

SEX CRIME **PERSON INFORMATION**

CONFIDENTIALITY SUBJECT NO. [REDACTED] REPORTING PARTY (1) WITNESS (6)

LAST NAME	FIRST	MIDDLE	ADDRESS NO.	STREET	(APT)
Filyau	Fred				
CITY	STATE	ZIP	DATE OF BIRTH	HOME PHONE	MSG NO. <input type="checkbox"/>
Eureka	Ca.				
EMPLOYER NAME	ADDRESS			WORK PHONE	
Humboldt County Sheriff's Office				445-7251	
SEX	RACE				
1. Male	1. Other Asian	4. Cambodian	7. Hispanic	10. Korean	14. Pacific Islander
2. Female	2. Black	5. Filipino	8. Am Indian	11. La	15. Samoan
1	3. Chinese	6. Guamanian	9. Japanese	12. otian	16.
					17. Hawaiian
					18. Vietnamese
					19. White
					20. Asian Indian

CHECK FOR ADDITIONAL PERSONS PAGE

VEHICLE INFORMATION

[REDACTED] (12) INVESTIGATIVE LEAD (13) INVOLVED (14)

Vehicle Type	TOP COLOR	YEAR	MAKE	MODEL
1. Auto				
2. Truck	BOTTOM COLOR	LICENSE NO.	STATE	TABLE 177
3. Motorcycle				ODDITY
4. Camper				

CONTROLLED DOCUMENT
 DUPLICATION OR REISSUANCE
 CONTROLLED BY LAW

Released to HCSO
 By HP Date 5/26/04
 Eureka Police Department

STOLEN PROPERTY LIST

CODE	ITEM #	ARTICLE	BRAND / MODEL	QTY	DESCRIPTION	SERIAL NO.	VALUE	NCIC
S	1				N/A			<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>

OFFICER	IBM NO.	REPORT DATE	SUPERVISOR REVIEW	IBM NO.	REVIEW DATE
Det. Dave Parris	0411	05/25/04	<u>[Signature]</u>		

EPD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS ST. NO.	STREET	(APT.)
CITY	STATE			ZIP	DATE OF BIRTH	HOME PHONE
DL/D NUMBER			STATE	OCCUPATION		NONE
EMPLOYER				ADDRESS		WORK PHONE
Race	1. Other Asian	4. Cambodian	7. Hispanic	10. Korean	13. Pacific Islander	16. Vietnamese
	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
HEIGHT	WEIGHT	SEX				
5-8"	165 LBS.	1. Male		2. Female		
HAIR COLOR	EYE COLOR	BODY MARKS				
BLK	BRO					
CLOTHING/PHYSICAL DESCRIPTION						

CHECK FOR ADDITIONAL SUSPECT(S)

RELATIONSHIP OF PERSON(S)
 VICTIM TO SUSPECT TABLE T06

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 Of
Acquaintance	Roommate	Child	Other Family	Student	Employer	ficer
					RELATIONSHIP	

CHECK FOR ADDITIONAL PERSON RELATIONSHIP(S)

RELATIONSHIP OF OFFENSE (ASSAULTS/VIOLENCE)
 CRIME OFFENSES TABLE

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

CHECK FOR ADDITIONAL OFFENSE RELATIONSHIP(S)

NARRATIVE:

See page four for narrative.

1. Cleared by Arrest	6. Documentation	11. Cleared: Recovery	16. To: Property Clerk	21. Cleared: Court Book	26. Cleared Other Charge
2. Cited And Released	7. Cleared: Admin	12. Cleared: Partial Recovery	17. To: D.A.	22. Cleared: Extradition	
3. Book Cite Release	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	
	2. CID	4. Parole	6. CPS	8. ABC	9. Other

HCSO
 VLA PARRIS

18

COPIES BY
 5/26/04

SEX CRIME CONFIDENTIALITY

SUBJECT NO. **REPORTING PARTY (1)** [REDACTED] [REDACTED] [REDACTED] [REDACTED]

EPD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS:	NO.	STREET	(APT. NO.)	
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
CITY Pecwan			STATE Ca.	ZIP	DATE OF BIRTH	HOME PHONE NUMBER		
DRIVERS LICENSE / ID NUMBER		LIC. / ID STATE	OCCUPATION					
EMPLOYER						ADDRESS		BUSINESS PHONE ()
RACE * 11 1. Other Asian 4. Cambodian 7. Hispanic 10. Korean 13. Pacific Islander 16. Vietnamese 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				HEIGHT: (Range) Ft. In.		WEIGHT: (Range) Lbs.		SEX: 1. Male 2. Female 3. Unk.
HAIR COLOR		EYE COLOR	BODY MARKS					
CLOTHING / PHYSICAL DESCRIPTION								

SEX CRIME CONFIDENTIALITY

SUBJECT NO. **REPORTING PARTY (1)** **VICTIM (3)** [REDACTED] (4) **WITNESS (6)** **OTHER (7)**

EPD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS:	NO.	STREET	(APT. NO.)	
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
CITY Pecwan			STATE Ca.	ZIP	DATE OF BIRTH	HOME PHONE NUMBER		
DRIVERS LICENSE / ID NUMBER		LIC. / ID STATE	OCCUPATION					
EMPLOYER						ADDRESS		BUSINESS PHONE ()
RACE * 11 1. Other Asian 4. Cambodian 7. Hispanic 10. Korean 13. Pacific Islander 16. Vietnamese 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				HEIGHT: (Range) Ft. In.		WEIGHT: (Range) Lbs.		SEX: 1. Male 2. Female 3. Unk.
HAIR COLOR		EYE COLOR	BODY MARKS					
CLOTHING / PHYSICAL DESCRIPTION								

SEX CRIME CONFIDENTIALITY

SUBJECT NO. **REPORTING PARTY (1)** **VICTIM (3)** [REDACTED] (4) **WITNESS (6)** **OTHER (7)**

EPD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS:	NO.	STREET	(APT. NO.)	
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
CITY Pecwan			STATE Ca.	ZIP	DATE OF BIRTH	HOME PHONE NUMBER		
DRIVERS LICENSE / ID NUMBER		LIC. / ID STATE	OCCUPATION					
EMPLOYER						ADDRESS		BUSINESS PHONE ()
RACE * 11 1. Other Asian 4. Cambodian 7. Hispanic 10. Korean 13. Pacific Islander 16. Vietnamese 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				HEIGHT: (Range) Ft. In.		WEIGHT: (Range) Lbs.		SEX: 1. Male 2. Female 3. Unk.
HAIR COLOR		EYE COLOR	BODY MARKS					
CLOTHING / PHYSICAL DESCRIPTION								

CONTROLLED/CONFIDENTIAL

DISTRIBUTION: Briefing Investigation D. A. Parole Probation CPS Coroner ABC Other _____

ATTENTION: _____ COPIES BY: _____

SEX CRIME CONFIDENTIALITY

SUBJECT NO.		<input type="checkbox"/> REPORTING PARTY (1)		<input type="checkbox"/> (3)		<input type="checkbox"/> (4)		<input type="checkbox"/> WITNESS (6)		<input checked="" type="checkbox"/> OTHER (7)	
EPD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS:	NO.	STREET	(APT. NO.)				
CITY		STATE		ZIP	DATE OF BIRTH	HOME PHONE NUMBER					
Pecwan		Ca.				()					
DRIVERS LICENSE / ID NUMBER		LIC. / ID STATE		OCCUPATION							
EMPLOYER		ADDRESS					BUSINESS PHONE				
							()				
1. Other Asian		4. Cambodian		7. Hispanic		10. Korean		13. Pacific Islander		16. Vietnamese	
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							
CLOTHING / PHYSICAL DESCRIPTION											

SEX CRIME CONFIDENTIALITY

SUBJECT NO.		<input type="checkbox"/> REPORTING PARTY (1)		<input type="checkbox"/> (3)		<input type="checkbox"/> (4)		<input type="checkbox"/> WITNESS (6)		<input checked="" type="checkbox"/> OTHER (7)	
EPD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS:	NO.	STREET	(APT. NO.)				
CITY		STATE		ZIP	DATE OF BIRTH	HOME PHONE NUMBER					
						()					
DRIVERS LICENSE / ID NUMBER		LIC. / ID STATE		OCCUPATION							
EMPLOYER		ADDRESS					BUSINESS PHONE				
							()				
1. Other Asian		4. Cambodian		7. Hispanic		10. Korean		13. Pacific Islander		16. Vietnamese	
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							
CLOTHING / PHYSICAL DESCRIPTION											

CONTROLLED/CONFIDENTIAL

SEX CRIME CONFIDENTIALITY

SUBJECT NO.		<input type="checkbox"/> REPORTING PARTY (1)		<input type="checkbox"/> (3)		<input type="checkbox"/> (4)		<input type="checkbox"/> WITNESS (6)		<input type="checkbox"/> OTHER (7)	
EPD NO.	LAST NAME	FIRST	MIDDLE	ADDRESS:	NO.	STREET	(APT. NO.)				
CITY		STATE		ZIP	DATE OF BIRTH	HOME PHONE NUMBER					
						()					
DRIVERS LICENSE / ID NUMBER		LIC. / ID STATE		OCCUPATION							
EMPLOYER		ADDRESS					BUSINESS PHONE				
							()				
1. Other Asian		4. Cambodian		7. Hispanic		10. Korean		13. Pacific Islander		16. Vietnamese	
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							
CLOTHING / PHYSICAL DESCRIPTION											

DISTRIBUTION:										COPIES BY:	
<input type="checkbox"/> Briefing		<input type="checkbox"/> Investigation		<input type="checkbox"/> D. A.		<input type="checkbox"/> Parole		<input type="checkbox"/> Probation		<input type="checkbox"/> CPS	
<input type="checkbox"/> ATTENTION:										<input type="checkbox"/> Coroner	
										<input type="checkbox"/> ABC	
										<input type="checkbox"/> Other _____	

CLASSIFICATION : P.C. 664.1-187 P.C. (attempted homicide)

NARRATIVE : On 05-04-04 at about 0500 hours, I was notified by the Eureka Police Department dispatcher that the Humboldt County District Attorney's Office was activating the Humboldt County Critical Incident Team and it was requested that I meet with the team at the Humboldt County Sheriff's Office at 0800 hours. I later spoke with Chief Investigator Jim Dawson who activated the team and he said the callout was concerning a shooting which begun in a vehicle in Crescent City and extended into Humboldt County. The [REDACTED] was still outstanding and believed to have traveled into the Pecwan area of Humboldt County.

At 0800 hours, I met with Humboldt County District Attorney Chief Investigator Jim Dawson, Humboldt County District Attorney Investigator Mike Losey, Humboldt County Sheriff's Detective Diana Freese, Rich Schlessinger, Juan Freeman, Eureka Police Department Detective Kevin Lawson and Humboldt County Sheriff's Office Deputy Allan Stockton at the Humboldt County Sheriff's Office.

The briefing consisted of Sheriff's personnel reviewing all the information, which had been collected on the incident to date. It was reported that [REDACTED] is the [REDACTED] and had been identified in Del Norte County as being in possession of a stolen vehicle, [REDACTED] late model Cadillac Escalade, pulling a U-haul trailer. It was reported that [REDACTED] had been intercepted by law enforcement in Crescent City as he was enroute back to his ex-wife's residence. As officers intercepted him, a pursuit begun and led southbound out of Crescent City. During the pursuit in Del Norte County, it was reported that there were at least three possibly four locations where [REDACTED] fired from his vehicle at officers as they pursued him.

Upon arriving in Humboldt County, [REDACTED] again fired at officers as he proceeded southbound on US101 just south of the Del Norte/Humboldt

DP
DETECTIVE Dave Parris IBM# 0411 05/25/2004 APPROVED

- 1. Cleared by Arrest
- 2. Cited and Released
- 3. Booked 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 Cr. Bk
- 22. Cleared Extradition
- 23. CID
- 24. NOP

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
County line. [REDACTED] then drove eastbound on Bald Hill Road stopped in the roadway and evidently begun disconnecting his u-haul trailer. Upon doing so, three biologist were driving westbound and stopped to render assistance, not knowing [REDACTED] was a wanted [REDACTED]. Before the biologist could contact [REDACTED] he opened fire on them with a high-powered rifle. [REDACTED] then again continued eastbound in the Escalade, leaving the trailer behind.

As [REDACTED] approached the Pecwan area, he was intercepted by Tribal Police Officers, Humboldt County Sheriff's Deputies and California Highway Patrol Officers and two additional shootings took place where numerous rounds were fired but no one was injured.

At the time of the briefing, [REDACTED] vehicle had been spotted at a residence in Pecwan and the Humboldt County Sheriffs' Office Special Weapons and Tactics was enroute. A perimeter had been set up and a staging area was in place.

Chief Investigator Jim Dawson and Detective Rich Schlessinger were leading the team and making team assignments. It was agreed that the team would obtain their required equipment and meet at the Hoopa Substation for assignments when it could be determined what the status of the [REDACTED] and his vehicle were at that time.

Detective Lawson and I then secured our equipment and drove to Hoopa Ca. Upon arrival, we met with other members of the team. It was decided that team members would go to the staging area in Pecwan and determine the status of the case. Before leaving, [REDACTED] (owner of the residence where the [REDACTED] vehicle was now parked) arrived at the Hoopa Substation. I interviewed him for additional intelligence although according to him, he had a conversation with Deputies earlier. [REDACTED] said he gave the deputies information relevant to the layout of his residence and outlying buildings.


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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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██████████ told me that he lives at his residence, ██████████, with ██████████ (his partner), ██████████ (his mother who is fully disabled and bed ridden) and ██████████ (his brother who is partially disabled). ██████████ said he works at the ██████████ in Arcata. This morning, he left his residence at 0630 hours enroute to work.


As he drove out Highway 169 towards Hoopa, he saw a ██████████ Escalade driving west about ten to fifteen minutes east of his residence but he did not pay much attention to it and did not get a good look at the driver.

Upon arrival to work, he was contacted by Sheriff's Deputies by phone and informed about what was going on and that it was ██████████ that the driver of the Escalade may now be at his residence. ██████████ said he reviewed the layout of his residence with the deputies for strategy purposes and then he left work and headed back to Hoopa. ██████████ said he was told the ██████████ name is ██████████ but he does not know him.

██████████ said for some reason, he ██████████ his neighbor, ██████████ may know ██████████ I asked how and he said because he works with a female named ██████████ at ██████████ ██████████ and ██████████ commented that ██████████ knows ██████████

I asked ██████████ if there are any weapons in his residence. He said yes, there is a .223 caliber rifle in his mother's room. The interview with ██████████ then ended. It was his intentions to stand by the area until given clearance to return to his residence and check the status of his mother and others.

Upon our arrival to the Pecwan area, it was determined the SWAT Team was going into the residence where ██████████ was believed to be. As

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they were staging to enter, a [REDACTED] identified as [REDACTED] stepped out of the residence and was contacted by officers. [REDACTED] was debriefed by officers and told them that the [REDACTED] was not in his residence and he did not know who he was. [REDACTED] told officers that he was awoken when [REDACTED] left the residence but did not see or hear anyone else including the vehicle, which was found in the driveway.

The SWAT team then entered the residence and [REDACTED] was not to be found. It appeared that he had parked his vehicle and then walked into the wooded area north of the residence. It was decided that a search of the wooded area would not be done due to the danger to officers.

While Evidence Technician Teams begun processing the crime scenes, it was decided that District Attorney Investigator Mike Losey and I would drive to Willow Creek and contact Deputy Sheriff Fred Filyau who was one of the officers involved in the earlier shooting with [REDACTED]. Deputy Filyau was sent home after the incident occurred. It was reported that Deputy Filyau and [REDACTED] exchanged gun fire on the Pecwan bridge just before [REDACTED] drove to the [REDACTED] residence.

At 1256 hours, Deputy Filyau was contacted at his residence. Deputy Filyau was informed that we were in need of obtaining a statement from him about the shooting. Deputy Filyau said he was very tired as a result of the incident and needed rest. It was decided that the interview would take place on 05-05-04. Deputy Filyau weapon and gun belt was secured for viewing and inventory. The gun belt included all magazines. Deputy Filyau commented that a CHP officer and Detective Gary Bates inventoried his weapon and ammunition after the shooting but it was not secured.

On 05-05-04, District Attorney Investigator Mike Losey and I interviewed Deputy Fred Filyau about the shooting. The interview took place at his residence. It begun at 1150 hours and ended at 1330 hours.

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Refer to Investigator Losey's report for the details. The interview was audio recorded.

After the interview, Deputy Filyau, Investigator Mike Losey, Evidence Technician [REDACTED] and myself drove to the Pecwan Bridge where a re-enactment of the incident took place with the assistance of Deputy Filyau. The re-enactment was video recorded. It was narrated by Investigator Mike Losey.

This completes the involvement of this officer in this case. This supplemental will be forwarded to the Sheriff's Office for inclusion in their investigation.

DISPOSITION : CASE SUPPLEMENTAL TO HUMBOLDT COUNTY SHERIFF'S OFFICE.

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DETECTIVE Dave Parris IBM# 0411 05/25/2004 APPROVED

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CLASSIFICATION: PC 664/187- Attempted Homicide

[REDACTED]

SUMMARY:

On 5/4/04, at about 0800 hours, I was advised there was a multi agency officer involved shooting that took place in the Hoopa area. EPD Officer Terry Liles and I were assigned to the help HCSO evidence technician [REDACTED] process the crime scenes.

NARRATIVE:

On 5/4/04, at about 1230 hours, Liles and I responded to Highway 169 at about mile marker 22.08 to assist [REDACTED] in processing a crime scene. I was told Hoopa Tribal Police had been involved in a vehicle pursuit with a [REDACTED] that fired shots at their vehicle in this area. I used a digital camera belonging to HCSO and took digital images of the crime scene including but not limited to the evidence that was collected. I assisted [REDACTED] in measurements of the crime scene and evidence locating.

A few hours later [REDACTED] Liles and I responded to a second crime scene at the Pecwan Bridge. We were told HCSO and CHP were fired upon and exchanged fire with the [REDACTED] while waiting by their police units on the Bridge. I used the same digital camera and took images of the crime scene. I assisted [REDACTED] in measurements of the scene and evidence locating. I released the camera/images to [REDACTED] who later booked the images in.

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On 05/05/04, I responded to the Pecwan Bridge for the purpose of video taping the reconstruction of the incident that had occurred the day before.

Heidi Groszmann

PSO HEIDI GROSZMANN 05/19/2004

R. Ann 5/19/04
Supervisor

- .Cleared by Arrest 6. Documentation 11. Cleared Recovery 16. To Property Clerk 21. Cleared Crt. Bk
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CLASSIFICATION: PC 664/187- Attempted Homicide

[REDACTED]

[REDACTED]

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PSO HEIDI GROSZMANN 05/19/2004

Supervisor

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On 05/07/04, I responded to Highway 169 at about mile marker 22.08 for the purpose of video taping the reconstruction of the incident that had occurred a few days before.

I used a 8mm video recorder belonging to the HCSO.

I later booked both these 8mm video tapes into evidence as **Evidence Items H1 and H2.**

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DISPOSITION:

Supplemental report

PSO 

05/19/2004

Supervisor

- .Cleared by Arrest 6. Documentation 11. Cleared Recovery 16. To Property Clerk 21. Cleared Cri. Bk
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- PROPERTY CODES * 178
- S - Stolen
- R - Recovered
- RA - Recovered (For Other Agency)
- F - Found
- D - Damaged
- E - Lost
- (E) - Evidence
- K - Safekeeping
- C - Contraband

DATE STORED 5/18/04	TIME STORED 1510	DATE OF INCIDENT 5.9.04	CRIME PC 664/187
VICTIM NAME STATE OF CALIFORNIA		ADDRESS STATE OF CALIFORNIA	
NAME OF FINDER / (ADDITIONAL)		ADDRESS	
LOCATION PROPERTY WAS FOUND / (INCIDENT OCCURRED) PECHAN BRIDGE / 169 HWY			

- ADULT ARREST
- JUVENILE ARREST
- SEARCH WARRANT NO. _____
- PROPERTY CLAIMED BY FINDER

PROPERTY / EVIDENCE LISTING

CODE	ITEM NO.	ARTICLE	BRAND / MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE	NCIC	LAB WORK	STORAGE LOCATION	DISPO
E	H1	8MM FILM	Maxell	1	Burn film Reconstruction PECHAN BRIDGE						
E	H2	8MM FILM	Maxell	1	Burn film " " Hwy 169 2208						

PROPERTY/EVIDENCE ASSOCIATED TO

ITEMS NO.	<input type="checkbox"/> OWNER	NAME	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> OWNER	NAME	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> OWNER	NAME	ADDRESS	PHONE	NOTIFIED

REQUEST FOR LAB EXAMINATION

ITEMS NO.	PURPOSE OF EXAM	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAM	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAM	AGENCY DELIVERED TO	DATE	DELIVERED BY

DOB		DOB
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IBM NO. 1025	REPORT DATE 5/18/04	SUPERVISOR REVIEW	IBM NO.	REPORT DATE
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CLASSIFICATION: PC 664/187 - Attempted Homicide

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

SUPPLEMENTAL REPORT

SUMMARY: On 05.04.04 at about 1230 hours, I assisted HCSO in processing a crime scene. I was advised that Tribal Police had been in pursuit of a vehicle that fire gunshots at their vehicle in this area. I assisted in photographing the crime scene and evidence collection.

NARRATIVE: On 05.04.04 at about 1230 hours, I responded to Highway 169 at about mile marker 22 to assist HCSO in processing a crime scene. I was advised that Tribal Police had been in pursuit of a vehicle that fire gunshots at their vehicle in this area. I assisted in photographing the crime scene and evidence collection. I specifically took about sixty 35mm photos of the crime scene. I photographed the scene, Tribal Police vehicles that were involved, and casings. Refer to HCSO report for additional details. Later at EPD headquarters, I booked the film into evidence.

DISPOSITION: SUPPLEMENTAL REPORT

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J. Liles

OFFICER: LILES IBM# 0482 05/16/2004

[Signature]
APPROVED

- | | | | | |
|--------------------------|-------------------|------------------------------|----------------------------|------------------------|
| 1. Cleared by Arrest | 6. Documentation | 11. Cleared Recovery | 16. To Property Clerk | 21. Cleared Crt. Bk |
| 2. Cited and Released | 7. Cleared: Admin | 12. Cleared Partial Recovery | 17. To D.A. | 22. Cleared Extraditio |
| 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 | 17 |

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

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

DATE STORED 05.04.04	TIME STORED 2300	DATE OF INCIDENT 05.04.04	CRIME PC 664 / 187
VICTIM NAME STATE OF CALIFORNIA		ADDRESS	
NAME OF FINDER / (ADDITIONAL)		ADDRESS	
LOCATION PROPERTY WAS FOUND / (INCIDENT OCCURRED) HWY 169 MILE MARKER 22			

- ADULT ARREST
 JUVENILE ARREST
 SEARCH WARRANT NO. _____
 PROPERTY CLAIMED BY FINDER

PROPERTY / EVIDENCE LISTING

CODE	ITEM NO.	ARTICLE	BRAND / MODEL	QTY.	DESCRIPTION	SERIAL NO.	VALUE	NCIC	LAB WORK	STORAGE LOCATION	DISPO
E	1	FILM	MITSUBISHI	2	COLOR FILM MX-III 400				Y	EPD	DEVELOPE

CONTROLLED/CONFIDENTIAL

PROPERTY/EVIDENCE ASSOCIATED TO

ITEMS NO.	<input type="checkbox"/> OWNER	NAME	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> OWNER	NAME	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	<input type="checkbox"/> OWNER	NAME	ADDRESS	PHONE	NOTIFIED

REQUEST FOR LAB EXAMINATION

ITEMS NO. 1	PURPOSE OF EXAM DEVELOP FILM	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAM	AGENCY DELIVERED TO	DATE	DELIVERED BY
ITEMS NO.	PURPOSE OF EXAM	AGENCY DELIVERED TO	DATE	DELIVERED BY
UNKNOWN	DOB	DOB	DOB	DOB

BOOKING OFFICER LILES	IBM NO. 482	REPORT DATE 05.04.04	SUPERVISOR REVIEW	IBM NO. 186	REPORT DATE 5-16-04
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EPD 48

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
EVIDENCE REPORT

Classification: 664/187 P.C.

Evidence Tech: [REDACTED]

Case: 200402887/200402888

Detective: Schlesiger/Freeman

Occurred: Bald Hills Rd.
Orick, Ca

Date Reported: 05-04-2004

State Route 169
Weitchpec/Pecwan, CA

[REDACTED] Officer Joseph O'Rourke
Hoopa Tribal Police Dept.

[REDACTED] Redwood National Park

[REDACTED] Deputy Fred Filyau
Humboldt Co. Sheriff's Office

[REDACTED] Redwood National Park

[REDACTED] Officer Willow O'Dier
California Highway Patrol

[REDACTED] Redwood National Park

[REDACTED]

On May 4, 2004 at approximately 0150 hours, Sgt. Stewart contacted me at my residence and informed me of a shooting that had occurred in the Orick area. Sgt. Stewart informed me that the [REDACTED] had also shot at California Highway Patrol Officer's during a pursuit, which started out of Crescent City. Sgt. Stewart requested I respond to Orick to process the Redwood National Parks vehicle involved in the shooting.

At approximately 0235 hours, I arrived at the Sheriff's Main Office and met with Sgt. Garcia. I received information that the vehicle was located at the Redwood National Parks Building in Orick and Deputy Keele was on scene. I obtained the Sheriff's Office evidence vehicle and started enroute to Orick.

At approximately 0345 hours, I arrived at the Redwood National Parks Building and met with Deputy Keele and National Parks Supervisor [REDACTED]. The victims were not on scene upon my arrival. Deputy Keele and Supervisor [REDACTED] briefed me on the situation. I was told the three biologists were returning from conducting spotted owl surveys and were driving on Bald Hills Rd. towards Orick. Located approximately 6 miles up Bald Hills Rd. from Highway 101, the [REDACTED] spotted a [REDACTED] SUV, with a U-Haul box trailer attached, parked in the roadway. The [REDACTED] drove past the vehicle and then backed up to inquire if the [REDACTED] needed assistance. The [REDACTED] was standing in the roadway and started firing a weapon. When the [REDACTED] realized they were being shot

they drove away and continued to the Redwood National Parks building in Orick. I was told the [REDACTED] did not exit their vehicle.

The vehicle, which was a [REDACTED] Jeep Cherokee U.S. Government license plate [REDACTED] was parked in the secured parking area. The vehicle was backed into one of the designated parking slots with a planter area located to the right and behind the vehicle. There was a vehicle parked on the left side of the Jeep. Deputy Keele told me he had taken initial photographs of the vehicle and would book them into evidence. I obtained the keys from Supervisor [REDACTED] and moved the vehicle forward approximately 15 feet.

Using a Nikon 35mm camera and an Olympus digital camera, I proceeded to photograph the exterior of the vehicle. The vehicle had four doors and a rear door opening into the cargo area. The rear window had five individual holes surrounded by spider web shaped breakage patterns. Located in the center of the rear window was an elongated area where the glass was missing. The entire rear window was cracked throughout but held in place by the rear window frame. I noticed several chips in the paint on the rear door. Located on the left side of the rear bumper was what appeared to be a bullet hole. Located above the right rear taillight was what appeared to be a bullet hole. The bullet entered the metal frame located just above the taillight. It appeared to have traveled into the right rear quarter panel. Located on the side of the right rear quarter panel I located two bulges in the metal where the paint was missing. Upon opening the right rear passenger door, I discovered another bulge in the metal located on the right rear wheel well inside the doorframe. I noticed a scrape in the paint located in the middle of the front right passenger door.

I proceeded to photograph the interior of the vehicle. The rear passenger seat contained numerous items of equipment used by the biologists. The rear cargo area contained the spare tire and pieces of broken glass. Supervisor [REDACTED] told me, following the incident, the [REDACTED] had moved the equipment from the cargo area to the rear passenger seat upon their arrival at the office. [REDACTED] said the [REDACTED] removed all of their personal items from the vehicle, including backpacks and clothing. [REDACTED] told me some of the items had been left at the employee's desks located inside the building.

With the assistance of Deputy Keele and Supervisor [REDACTED] I proceeded to search the vehicle for bullets. Behind the rear bumper, I located a metal plate that extended the entire width of the vehicle. Located in the metal plate, directly behind the bullet hole, I found an area where it appeared the bullet had hit the metal plate but did not penetrate. I searched the area inside the rear bumper and was unable to locate a bullet. I placed a probe in the rear bumper and took photographs from underneath the vehicle to show the path of the bullet.

I removed the equipment from the rear passenger seat and, after searching, was unable to locate any bullets or metal fragments. The entire interior of the vehicle was searched. I was unable to locate any entrance or exit holes, bullets or metal fragments on the interior of the vehicle. All of the windows, except the rear window, were intact. I asked Supervisor [REDACTED] if he was aware if the driver's door window or passenger door windows

had been opened or closed during the incident. He told me he was not sure. Deputy Keele removed the spare tire from the rear cargo area. We were unable to locate any bullet holes, bullets or metal fragments in the spare tire.

I examined the area of the rear quarter panel and wheel well. The bulge, located on the right rear wheel well indicated the bullet may have hit the metal on the inside but had not penetrated. Supervisor [REDACTED] gave consent to remove any paneling necessary to attempt to locate a bullet. Deputy Keele and I removed the interior paneling on the rear quarter panel and around the rear doorframe. I was unable to locate any bullets or metal fragments inside the rear doorframe. I searched the interior rear quarter panel and was unable to locate any bullets or metal fragments. I was unable to access the inside of the wheel well from the interior. I discovered a plastic vent cover located on the right rear wheel well below the bulge in the metal. I was able to remove the plastic vent and look inside the wheel well. I saw what appeared to be a piece of metal located on the interior of the wheel well. Using forceps, I attempted to remove the possible metal fragment but was unsuccessful.

Supervisor [REDACTED] obtained a metal detector and searched the area to the right and rear of the vehicle in the planter area while I performed a visual search. We were unable to locate any bullets or metal fragments in this area.

I obtained consent from Supervisor [REDACTED] to search the [REDACTED] backpacks. I was told the [REDACTED] had been notified that the backpacks may need to be searched for evidence. The backpacks were located inside the building at the separate desks of [REDACTED]. I was unable to locate any evidence.

I searched the floor of the building where the [REDACTED] entered and walked to their desks. I was unable to locate any evidence.

I asked Supervisor [REDACTED] to have the [REDACTED] check the clothing and shoes they were wearing and let me know if they find any metal fragments.

I collected a glass sample from the rear window of the vehicle. This item was later booked into evidence.

I took a total of 2 rolls of 35mm film. This film was later booked into evidence. I took a total of 19 digital photographs. The photographs were later transferred to CD ROM and booked into evidence.

Supervisor [REDACTED] stated he would leave the vehicle locked in the secured area in case further investigation was necessary.

Prior to my departure, I was monitoring radio traffic and heard a report of shots fired at law enforcement officers in the Hoopa area.

At approximately 0657 hours, I cleared the Redwood National Parks Building and started enroute to the Main Office.

At approximately 0800 hours, I arrived at the Main Office and attended a briefing in the Detective Bureau. I learned that the [REDACTED] in the shooting on Bald Hills Rd. had fired a weapon at Hoopa Tribal Police, Humboldt County Sheriff's Deputies and California Highway Patrol Officers in the Weitchpec and Pecwan areas. Lt. Jimenez, Detective Schlesiger and Detective Sgt. Freeman requested my assistance in processing the crime scenes. I was informed two Evidence Technicians from Eureka Police Department would be assisting me.

I arrived at Eureka Police Department at approximately 0900 hours and met with PSO [REDACTED] and EPD Officer Terry Liles. I briefed them on the situation. We cleared the Eureka area at approximately 0940 hours and started enroute to the Hoopa Station to meet with Detective Schlesiger and Detective Sgt. Freeman.

We arrived at the Hoopa Station and met with Detective Sgt. Freeman. I was told Detective Schlesiger was enroute to the first scene located at Martin's Ferry Bridge on State Route 169.

At approximately 1137 hours, Detective Schlesiger contacted me via radio. He informed me he had searched the area of Martin's Ferry Bridge and said there was no crime scene at this location. Detective Schlesiger requested I take photographs of the area. I arrived at Martin's Ferry Bridge at approximately 1200 hours along with Liles and [REDACTED] Yurok Public Safety Officer's had set up a roadblock. At this point, traffic was limited to law enforcement only.

Using a Nikon 35mm camera, I proceeded to photograph the intersection of Martin's Ferry Bridge, Tully Creek Rd. and State Route 169. I took photographs from the east and west sides of the bridge. I took a total of 1 roll of 35mm film. This film was later booked into evidence.

Detective Schlesiger contacted me via radio and requested I continue north on State Route 169 to Mile Post Marker 22.08. Liles, [REDACTED] and I arrived on scene at approximately 1230 hours and met with Detective Schlesiger. Agents from the following agencies were also on scene: Arcata Police Department, Eureka Police Department, Humboldt County District Attorney's Office, Hoopa Tribal Police, Yurok Public Safety and Humboldt County Sheriff's Office. Upon my arrival, I was told that one of the Hoopa Tribal Police Officers had their vehicle parked on top of evidence. I requested the Officer reverse the vehicle.

The area was located on a windy one-lane portion of State Route 169 at Mile Post Marker 22.08. The Hoopa Tribal Police vehicles involved in the shooting had been moved from their original locations prior to my arrival. Detective Schlesiger informed me that an initial search had been performed prior to my arrival. Schlesiger showed me 2 silver colored spent cartridge cases and what appeared to be a copper bullet jacket located on

the east side of the roadway. These items were marked with brown paper bags. Detective Schlesiger told me that Hoopa Tribal Police Officer Joe O'Rourke had been parked near these items when the incident occurred. Detective Schlesiger told me Officer O'Rourke had fired his weapon 3 to 4 times. Refer to Detective Schlesiger's report for details. Located in this same area, we noticed dark tinted broken glass in the roadway.

Detective Schlesiger took me to an area located approximately 350 feet north of Mile Post Marker 22.08. I was told the [REDACTED] was parked at this location when he fired a weapon upon the officers. Refer to Detective Schlesiger's report for details. Detective Schlesiger showed me 2 gray colored spent cartridge cases that were located in the grass on the west side of State Route 169.

Deputy Chandler and Sgt. Buihner had assisted in the initial search and had located what appeared to be a bullet hole in a maple tree located on the west side of the roadway. Another tree, located just north of the maple tree, had an area on the trunk where the bark was missing. It appeared that something had hit the tree. Sgt. Buihner ran a metal detector over the hole in the maple tree and there was a positive reaction for the presence of metal.

Detective Schlesiger told me the Hoopa Tribal Officers stated the [REDACTED] fired upon them a total of 3 times. I searched the area where the gray colored spent cartridge cases were located and was able to locate a third gray colored spent cartridge case. With the assistance of [REDACTED] Liles and Sgt. Buihner, we searched the area where the silver colored spent cartridges and copper bullet jacket had been found. We were unable to locate any further evidence in this area.

The Hoopa Tribal Police vehicles were parked approximately 200 yards north of the scene. Using an Olympus digital camera, I proceeded to photograph a Ford Expedition K-9 Unit, U.S. Government license plate [REDACTED] that had been driven by Officer O'Rourke. EPD Officer Liles took photographs using a 35mm camera. Refer to Liles report for details. The rear window of the vehicle was completely broken out. There was glass located in the rear passenger area. The windows in the 3 passenger doors and the driver's door were completely intact. Located in the front windshield was what appeared to be a bullet hole. The hole had a spider web breakage pattern. The hole was located in the center of and approximately 1 ½ inches above the left windshield wiper (with the wipers turned off). Located behind the driver and front passenger seats was a metal cage wall that separated the Officer from the K-9. Located in the center of the metal cage wall were three round metal bars that extended from the cab ceiling to the floor. The metal bar on the right side had a hole where it appeared the bullet had grazed the edge. I proceeded to search the interior of the vehicle. I was unable to locate any spent cartridge cases or bullets.

Detective Schlesiger requested I photograph the exterior of the additional Hoopa Tribal Police vehicles involved. Using an Olympus digital camera I photographed these vehicles which were a Ford Expedition U.S. Government license plate [REDACTED] and a Ford Crown Victoria U.S. Government license plate [REDACTED]. I was told these vehicles

had been parked behind Officer O'Rourke during the shooting. I was told the vehicles had been driven by Hoopa Tribal Officer Joe Masten and Officer Daryl Marby. Neither of these vehicles had sustained damage from gunfire.

I took a total of 35 digital photographs. The digital photographs were later transferred to CD ROM and booked into evidence.

Liles, [REDACTED] and I returned to the scene. I proceeded to place numbered evidence markers next to the items located. Using a Nikon 35 mm camera, I proceeded to photograph the area. Using an Olympus digital camera, PSO [REDACTED] assisted me by taking digital photographs of the area.

After photographing, Liles, [REDACTED] and I proceeded to take measurements. The measurements were taken using Mile Post Marker 22.08 and the fog line located on the east side of State Route 169. Refer to attached diagram for details.

After taking measurements, I proceeded to collect the evidence. The following items were collected from the east side of State Route 169 (refer to attached diagram for locations): 1 copper colored bullet jacket and 2 silver colored Winchester .40 caliber spent cartridge cases. The following items were collected from the west side of State Route 169 (refer to attached diagram for locations): 3 gray colored Wolf 7.62 x 39 caliber spent cartridge cases. These items were later booked into evidence.

After collecting the items of evidence, we further examined the maple tree with the possible bullet hole. The possible bullet hole was located on the north side of the tree and we could not locate any exit holes. Sgt. Buihner and Deputy Chandler proceeded to fall the tree to search for the possible evidence from the tree trunk. After falling the tree, Sgt. Buihner and Deputy Chandler cut a section of the tree trunk approximately 18" long, cutting above and below the area of the possible bullet hole. The piece of wood was carefully split revealing what appeared to be a lead bullet with a copper colored jacket. The bullet was carefully removed. I took possession of the bullet from Sgt. Buihner and later booked it into evidence. I collected the portion of the tree trunk containing the bullet and later booked the pieces into evidence.

While on scene, we were informed the residence of [REDACTED] where it was believed the [REDACTED] was located, had been cleared. We were instructed to start enroute to Pecwan Bridge after processing had been completed.

I took a total of 2 rolls of 35mm film. The film was later booked into evidence. PSO [REDACTED] took a total of 43 digital photographs. The digital photographs were later transferred to CD ROM and booked into evidence.

We cleared the scene at approximately 1530 hours and started enroute to Pecwan Bridge. We arrived at Pecwan Bridge at approximately 1555 hours. Numerous law enforcement agents were on scene.

The area was located on a straight portion of State Route 169, which traveled in an east-west direction. Located on the north east side of Pecwan Bridge was Pecwan Hill Road, which is a gravel road. I was told the [REDACTED] had been parked at the intersection of Pecwan Hill Road and State Route 169 during the shooting incident. I was told Deputy Fred Filyau and CHP Officer Will O'Dier had been parked on Pecwan Bridge during the shooting incident. Refer to Detective Schlesiger's report for details.

There were lettered evidence markers that had been placed on Pecwan Bridge and at the intersection of Pecwan Hill Road and State Route 169. I was told CHP Officers had placed the evidence markers in position prior to my arrival.

Located at the intersection of Pecwan Hill Road and State Route 169 were 2 gray colored spent cartridge cases. A third evidence marker, "A", was placed on tire skid marks located in the gravel.

Located on Pecwan bridge were 2 brass colored spent cartridge cases. I was told a spent cartridge case had been located on the embankment on the north east side of Pecwan Bridge. I was told CHP Officer O'Dier had fired his weapon two times and the other spent cartridge case had not been located. Three additional evidence markers, "H", "I" and "G", had been placed on the southwest side of the bridge. I was told H and I denoted an area where Deputy Filyau may have backed up his vehicle to turn around and bumped the concrete. I was told G was an area of indentation where a bullet may have struck the concrete. No bullets were located in the area of evidence marker G. There were two areas on the southwest side of Pecwan Bridge that had been marked by CHP Officers. A black and yellow paddle marker with what appeared to be two bullet holes and a portion of the concrete that had been chipped where it appeared a bullet had struck. I searched the areas of Pecwan Bridge and Pecwan Hill Road but was unable to locate any further evidence.

Using a Nikon 35 mm camera, I proceeded to photograph the scene. Using an Olympus digital camera, EPD Officer Liles assisted me by taking digital photographs. Using a metal detector, Sgt. Buihner searched the embankment on the north east side of Pecwan Bridge and was able to locate the second spent cartridge case from CHP Officer O'Dier's weapon.

After photographing, Liles, [REDACTED] and I proceeded to take measurements. There were two black and yellow paddle markers located on the west end of Pecwan Bridge. The measurements were taken using the two paddle markers. A guardrail located on the northwest side of Pecwan Bridge was used to measure the two spent cartridge cases located on the embankment. Refer to attached diagram for details.

After taking measurements, I proceeded to collect the evidence. The following items were collected from the intersection of Pecwan Hill Road and State Route 169 (refer to attached diagram for locations): 2 gray colored Wolf 7.62 x 39 caliber spent cartridge cases. The following items were collected from Pecwan Bridge (refer to diagram for locations): 1 brass colored Federal .40 caliber spent cartridge case and 1 brass colored

Winchester .40 caliber spent cartridge case. The following items were collected from the embankment located on the northeast side of Pecwan Bridge (refer to diagram for location): 2 brass colored Winchester .223 caliber spent cartridge cases. These items were later booked into evidence.

I took a total of 2 rolls of 35 mm film. The film was later booked into evidence. EPD Officer Liles took a total of 20 digital photographs. The digital photographs were later transferred to CD ROM and booked into evidence.

At approximately 1715 hours, Detective Schlesiger requested I photograph Deputy Filyau's patrol vehicle and [REDACTED] Deputy Filyau's vehicle was located west of Pecwan Bridge in a turnout near Mile Post Marker 14.36. Using a Nikon 35 mm camera, I proceeded to photograph Deputy Filyau's patrol vehicle. There was what appeared to be a bullet hole in the rear of the metal truck box, which was located on the right side of the vehicle. There was what appeared to be bullet holes located on the drivers side of the vehicle. The vehicle was not searched for further evidence at this time. Detective Schlesiger stated the vehicle would be processed at the Department of Justice Laboratory in Eureka.

Detective Schlesiger and I proceeded to [REDACTED] residence. I was told the [REDACTED] vehicle had been located at [REDACTED] residence, which was on State Route 169 near Mile Post Marker 14.16. The gravel driveway ran north off of State Route 169 and then turned west and ended at the north side of the residence with the front of the vehicle facing west. The vehicle was parked on the north side of the residence. The vehicle was a [REDACTED] Lincoln Navigator, California license plate [REDACTED]. I was told the doors of the vehicle had been opened by SET members to clear the vehicle for safety purposes. I noticed several items lying on the ground near the driver's side of the vehicle.

Using a Nikon 35mm camera, I proceeded to photograph the vehicle. After photographing, I proceeded to collect the items located on the ground. I located the following items on the driver's side of the vehicle: 2 gray Wolf 7.62 x 39 caliber spent cartridge cases; 1 silver colored 7.62 x 39 caliber spent cartridge case (unknown brand); 1 Ford wheel cover (I noticed the wheel cover on the left rear tire was missing); 1 empty black plastic garbage bag; and 1 blue "Greg Norman" short sleeve polo shirt, size L. There were several pieces of glass located on the ground underneath the left rear passenger window and the left rear passenger window had been broken out. I collected a glass sample from the ground. These items were later booked into evidence.

I took a total of 2 rolls of 35mm film. The film was later booked into evidence.

Detective Schlesiger and I cleared the residence at approximately 1745 hours and returned to Pecwan Bridge.

I cleared the Pecwan Bridge area at approximately 1942 hours.

The items of evidence were taken to the HCSO Property/Evidence Room.

On May 5, 2004 I spoke with CHP Officer Cecil Smith on the telephone. I told Officer Smith I was inquiring about information surrounding the circumstances regarding the U-Haul trailer that [REDACTED] had been towing during the initial pursuit. Officer Smith told me the U-Haul trailer had been wrecked or had come off of the [REDACTED] vehicle approximately 5 miles up Bald Hills Rd. from Highway 101. Officer Smith told me that CHP Officer Mike Cipriano had recovered the U-Haul trailer and filled out the CHP 180 Form. Officer Smith told me the U-Haul trailer was being stored at Humboldt Towing in Eureka. I asked Officer Smith if any spent cartridge cases or bullets had been recovered in the area the U-Haul trailer was located. Officer Smith told me no evidence had been found. I requested Officer Smith fax the CHP 180 Form to the Humboldt County Sheriff's Office. I received the fax at approximately 1050 hours. Copies of the CHP 180 Form were given to Detective Sgt. Freeman and Detective Schlesiger.

On May 5, 2004 Sgt. Buihner and I returned to the Redwood National Parks Building in Orick to attempt to recover the possible bullet in the right rear wheel well of the Jeep Cherokee. I arrived in Orick at approximately 1241 hours and met with Sgt. Buihner, Parks Supervisor [REDACTED] and Park Ranger [REDACTED]. The Jeep Cherokee U.S. Government plate # [REDACTED] was parked in the same parking space at the rear of the building surrounded by yellow crime scene tape. Supervisor [REDACTED] informed me the vehicle had not been moved or driven. The vehicle's doors were locked.

Sgt. Buihner and I proceeded to examine the right rear quarter panel and wheel/fender well of the vehicle. Using a mirror, Sgt. Buihner discovered what appeared to be an exit hole on the underside of the right wheel well. Using an Olympus digital camera, I took photographs of the possible exit hole. I continued to photograph throughout the search.

With the permission of Parks Supervisor [REDACTED] Sgt. Buihner was able to cut away a piece of the metal near the front portion of the right wheel well. Refer to Sgt. Buihner's report for details. We were able to extract three separate metal fragments. Two of the fragments appeared to be portions of a copper bullet jacket and the other appeared to be a portion of lead. I collected the metal fragments and later booked them into evidence. We conducted another search of the exterior and interior of the vehicle and no further evidence was found.

I took a total of 13 digital photographs. The digital photographs were later transferred to CD ROM and booked into evidence.

We cleared the National Parks Building and started enroute to Bald Hills Rd.

Once in the Bald Hills Rd. area we proceeded to search for the U-Haul crash sight and the possible sight of the shooting. Parks Supervisor [REDACTED] and Park Ranger [REDACTED] assisted in the search. Based on the information received from CHP Officer Cecil Smith we checked the area between milepost marker 5.00 and 6.00. We were unable to locate the crash sight. We continued down Bald Hills Rd. towards Highway 101. Sgt. Buihner located a black plastic trailer connector and we later discovered damage to one of the

trees along with tire tracks in the grass and dirt. The area was located just south of milepost marker 4.00. We continued to search the area for any spent cartridge cases and bullets. We were unable to locate any further evidence.

Using an Olympus digital camera, I took photographs of the crash sight and the black plastic trailer connector. I collected the black plastic trailer connector and later booked it into evidence. I took a total of 6 digital photographs. The digital photographs were later transferred to CD ROM and booked into evidence.

██████████ and ██████████ said they would bring the victims in the shooting incident up Bald Hills Rd. to get an approximate location of the shooting and would inform the Sheriff's Office when it was found.

We cleared the Bald Hills Rd. area at approximately 1745 hours.

On May 6, 2004 Detective Sgt. Freeman requested I assist Department of Justice Laboratory in processing Deputy Filyau's patrol vehicle and ██████████ vehicle.

I arrived at the Eureka Department of Justice Laboratory at approximately 1100 hours and met with Criminalists ██████████ and ██████████ and Detective Sgt. Freeman. I was told ██████████ and ██████████ would be examining trajectory on Deputy Filyau's patrol vehicle. Using a Nikon 35mm camera, I proceeded to photograph the patrol vehicle, which was a Ford F250 Ca Exempt plate # ██████████ Humboldt County vehicle # ██████████ and ██████████ were able to locate several entrance and exit holes on the metal truck boxes. There were three separate truck boxes. Two were located on the sides of the vehicle inside the truck bed and one was located behind the cab of the vehicle. Located at the rear of the side box on the right was an entrance hole. The bullet appeared to have traveled the length of the truck box, fragmented and exited at the front then entered into the truck box located behind the cab. There were two exit holes located at the front of the right side truck box and an entrance hole into the truck box located behind the cab.

██████████ and ██████████ were able to locate an entrance hole and two exit holes in the left side of the truck frame located behind the left rear passenger door. Two entrance holes were located inside the left rear passenger doorframe. There were not exit holes located on the left rear passenger door. ██████████ and ██████████ recovered a partial bullet jacket and lead fragments from Deputy Filyau's patrol vehicle. Refer to ██████████ and ██████████ report for details.

I took a total of 2 rolls of 35mm film. The film was later booked into evidence.

Detective Sgt. Freeman served the search warrant #5633 on the ██████████ vehicle. I proceeded to photograph the ██████████ vehicle. I continued to photograph throughout the search. The vehicle was a ██████████ Lincoln Navigator 4-door, California license plate # ██████████ I was told the vehicle was registered to ██████████ ex-wife, ██████████

At approximately 1145 hours, [REDACTED] from the Humboldt County Garage, arrived and removed the steering wheel and rearview mirror from the Lincoln Navigator. I took possession of these items and later booked them into evidence.

Located on the left side of the vehicle, behind the rear passenger door, was a bullet entrance hole. According to [REDACTED] and [REDACTED] the direction of travel was from front to back. No exit holes were located. [REDACTED] and [REDACTED] removed the left interior side paneling above the left rear tire in an attempt to locate any bullets. After removing the side panel, they discovered the air conditioning unit was housed in this location. They were unable to remove the unit to search for bullets.

I conducted a search for evidence and collected the following items: 2 gray Wolf 7.62 x 39 caliber spent cartridge cases located on the left side of the driver's seat on the floorboard; 1 gray Wolf 7.62 x 39 caliber spent cartridge case located on the driver's floorboard under the emergency brake pedal; 1 silver colored 7.62 x 39 caliber spent cartridge case (unknown brand) located on floorboard between driver's seat and center console; 1 gray Wolf 7.62 x 39 caliber spent cartridge case located on floorboard behind driver's seat; 1 [REDACTED] cigar located on the driver's floorboard under the emergency brake pedal; 1 clear glass pipe (broken) wrapped in two paper bags located between driver's seat and center console; 1 "Skaggs Auto, Crescent City" business card located on left side compartment of center console; 1 gray Wolf 7.62 x 39 caliber spent cartridge case located in front passenger door side compartment; 1 "Rayovac" head lamp with head strap located on front passenger seat; 1 green knit cap with yellow rubber band located on front passenger seat; 1 13.5 oz. bottle of "Jarritos", 2/3 full located between driver's seat and center console; 1 tan pillow case located on front passenger seat; 2 seat belts cut and tied together with dirt and debris located on front passenger seat (note two rear seat belts were missing); 1 black leather "Wilson's Leather" baseball cap "NYPD", one size fits all located on front passenger seat; 1 Philips Magnavox portable CD player with "Grupo Laberinto" CD located front portion of center console; registration and insurance documents [REDACTED] located in glove compartment; 1 U-Haul rental contract in the name of [REDACTED] from Crescent Tire and Wheel dated 05-05-2004 at 1:00 p.m. located in glove compartment; 1 21 oz. can of "No Touch Tire Care" located in rear passenger seat area; Indicia: [REDACTED]

[REDACTED] unopened mail with the address [REDACTED] CA located center console side compartment; 1 black plastic garbage bag containing what appeared to be all men's clothing (refer to Evidence Booking Report for descriptions) located on the rear passenger seat; miscellaneous loose clothing which appeared to be men's (refer to Evidence Booking Report for descriptions), 2 blue pillow cases and 1 black and blue seat cover located in the rear passenger area. These items were later booked into evidence.

I searched the overhead compartments and ashtray and all areas were empty. There was broken glass located around the driver's seat and in the rear passenger area. The left rear passenger window was completely broken out.

I proceeded to process the vehicle for latent prints. I dusted the driver's door, front passenger door, both rear passenger doors and the rear cargo area door. I was able to lift partial latent prints from the exterior portion of the rear cargo door and the area between the front passenger door and the right rear passenger door. I transferred the latent prints to 5 latent lift cards. The latent lift cards were later booked into evidence.

I took a total of 3 rolls of 35 mm film. The film was later booked into evidence.

I cleared the Department of Justice Laboratory at approximately 1447 hours and started enroute to Humboldt Towing Company in Eureka to process the U-Haul trailer.

I arrived at Humboldt Towing Company at approximately 1500 hours and met with Detective Sgt. Freeman. Detective Sgt. Freeman served search warrant # 5633 on the U-Haul trailer. The U-Haul trailer was parked inside the secured garage area. The U-Haul trailer was a box trailer with Missouri license plate # [REDACTED] and contained an additional number of [REDACTED]. The trailer was completely empty. I noticed extensive damage to the left wheel fender. I noticed some damage to the right wheel fender. I noticed scrapes in the paint along the top of the trailer on the left side.

Using a Nikon 35mm camera, I proceeded to photograph the exterior and interior of the trailer. I conducted a search of the exterior and interior of the trailer for possible bullet holes. The search was negative. I proceeded to process the trailer for latent prints. I noticed what appeared to be a partial shoe print on the right wheel fender. I lifted the shoe print and transferred it to a latent lift card. I dusted the exterior and interior of the trailer. I was able to lift a partial latent palm print from the interior front wall. The latent print was transferred to a latent lift card. The latent lift cards were later booked into evidence.

I was unable to locate any further evidence. I took a total of 1 roll of 35 mm film. The film was later booked into evidence.

I cleared Humboldt Towing Company at approximately 1550 hours.

On May 7, 2004 Detective Schlesiger requested my assistance in conducting an additional search of the Bald Hills Rd. area and videotape a re-enactment of the shooting incident. Redwood National Parks staff informed us that two of the [REDACTED] would be on scene to assist with the re-enactment.

I arrived at the Redwood National Parks Building and met with Detectives Schlesiger and Pope, Park Ranger Tom [REDACTED] and Parks Supervisor [REDACTED]. We started enroute to Bald Hills Rd. and arrived at approximately 1325 hours. The location was approximately 4 miles up Bald Hills Rd. from Highway 101.

Ranger [REDACTED] told us the [REDACTED] had shown him the approximate location where the incident had occurred. They had marked the areas with flagging.

Detective Schlesiger and I proceeded to take measurements of the area. I started the measurements at the U-Haul crash sight. I measured 27 feet 7 inches from the damaged tree trunk to the centerline of Bald Hills Rd. at approximately a 90-degree angle. I measured 906 feet 9 inches from this point on the centerline to the area marked by the biologists where their vehicle had been during the incident. I measured 1,046 feet 10 inches from the point on the centerline (near the damaged tree) to milepost marker 4.00.

While waiting for the [REDACTED] to arrive on scene, we continued to search the areas marked for spent cartridge cases and bullets. Ranger [REDACTED] conducted a search with a metal detector. The search results were negative.

[REDACTED] arrived accompanied by their supervisor, [REDACTED]. We proceeded to set up the area for the re-enactment at the direction of the [REDACTED]. Two vehicles were placed on the roadway where the [REDACTED] believed the [REDACTED] vehicle and U-Haul trailer had been parked. We then re-enacted the incident. I videotaped the re-enactment from the south east side and the north west side of the crime scene. I rode in the vehicle and videotaped while the [REDACTED] re-enacted the incident.

The 8mm videotape was later booked into evidence.

We cleared the area at approximately 1650 hours.

On May 12, 2004 Sgt. Buihner and I returned to the Bald Hills Rd. area arriving at approximately 1340 hours. Using a metal detector we conducted an extensive search of the east side of the roadway from the U-Haul crash site to milepost marker 4.00. We were unable to locate any further evidence.

We cleared the area at approximately 1510 hours.

On May 17, 2004 I booked into evidence the left rear passenger door that had been removed from the [REDACTED] Lincoln Navigator, California license plate [REDACTED]. HCSO Property Technician [REDACTED] had picked up the door at the Department of Justice Laboratory in Eureka.

On May 18, 2004 I went to the Department of Justice Laboratory in Eureka and took possession of Deputy Filyau's duty weapon. The weapon was a Glock .40 caliber S/N [REDACTED]. The weapon had originally been taken to the lab by the Humboldt County District Attorney's Office for ballistic analysis. I booked the weapon into evidence.

A copy of this report will be forwarded to Detective Schlesiger.

Any further investigation will be a matter of report.

[REDACTED]

Date/Time

Approved by Freeman in RMS
Approved by Detective Sgt. Freeman

call from the phone was made at approx. 0330 hours on 05-04-2004, and there has been no activity since then. He advised me the phone number for the cell phone is [REDACTED]. He stated that he was also told that on 05-05-2004, a stocky Hispanic male came into the cellular phone office and paid for additional minutes for the phone, a pre paid cell phone account. He stated \$50.00 was placed on the cell phone account. DET. Doyle told me it is unknown who the [REDACTED] was that paid the \$50 dollars. DET. Doyle told me he was also aware that [REDACTED] had a brother who lives in the Klamath area. He provided me with the name of [REDACTED] who is approximately 25 years old. He stated he thought [REDACTED] lived at [REDACTED] or [REDACTED], Klamath.

At approximately 1000 hours, I learned that DET. Parris and District Attorney Investigator Mike Losey was planning on responding to the Crescent City area to conduct follow up investigation on this incident. I requested they contact DET. Doyle and attempt to obtain any and all information about [REDACTED] including but not limited to : past police reports, current booking information and photograph, copies of the current restraining order, CADD information etc.

At approximately 1020 hours, I requested a rap, including CII and III, CDL, NCIC, and from my training experience I requested an Oregon DL check on [REDACTED] (see attached) The Oregon [REDACTED] [REDACTED] [REDACTED]

I checked RMS, and located one entry for [REDACTED] however; it was data that was entered by Deputy Keel during his report writing in regards to the incident on Bald Hills, shooting of the National Parks Vehicle. (see attached)

Crimes and Clews showed [REDACTED] has an outstanding warrant, an infraction, for VC 5204(A) with a \$76.00 bail. (see attached)

At approximately 1030 hours, I received a phone call from FBI Agent Dan Faggington who told me the following:

He told me he had received cell information from U.S Cellular via DET. Doyle of Crescent City Police Department. Agent Faggington told me he and his unit has been reviewing the phone tolls from 04-19-2004 to 05-04-2004. He told me he would fax me a copy of the phone tolls. He also told me he was able to identify some of the phone numbers and was able to relate them to specific people. (see attached)

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED] 5
8. [REDACTED]

9. [REDACTED]

Note: I received the fax at 1233 hours, and requested California Department of Motor Vehicle Licenses, RAP'S, and NCIC checks on all [REDACTED] if available. (see attached)

At approximately 1100 hours, I attempted to contact Coos Bay Police Department, however; they were unavailable due to the fact they were in the process of handling a bank robbery that had just occurred.

At approximately 1130 hours, I received a phone call from Green Diamond, AKA Simpson Timber) Employee, [REDACTED], He advised me that one of his co workers was in Don's Gas Station in Klamath, CA. He told me his co worker had spoke to a lady who had made the comment that she had seen a [REDACTED] inside the Woodland store in Klamath the previous day that looked like the [REDACTED] the "cops" were looking for. [REDACTED] told me that he did not know who the female was that told his co worker this information, but if we contacted [REDACTED] at Don's Gas Station she would be able to provide me with the name of the [REDACTED] who made the comment,

At approximately 1300 hours, I received a voice mail from Sgt. Freeman who advised me that he had recovered indicia out of the [REDACTED] vehicle in the following names:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

DET. Freeman told me that the names appeared on mail which was sent to [REDACTED] Smith River. I was also advised that the U-haul rental receipt was also found in the vehicle. I was told the Uhal was rented by [REDACTED] on 05-03-2004 at 1603 hours. The U-haul trailer was rented at Crescent Tire and Wheel, Crescent City, phone [REDACTED] [REDACTED]. The U-haul receipt indicated that the renter, [REDACTED] provided an address of [REDACTED], Coos Bay, Oregon.

At approximately 1300, hours, I contacted DET. Dave Parris, who was in Crescent City, I requested he provide me with a fax number, and I would fax him the phone toll information. I also told him of the indicia found in the vehicle, and of the incident at Don's Gas Station.

At approximately 1400 hours, I received a 45 page document from CHP. The document is a dispatch log regarding the relevant time period of this incident. (see attached)

At approximately 1600 hours, I was contacted by DET. Freeman who advised me he had served the search warrant on the involved [REDACTED] vehicle. He advised me of the indicia he had collected along with several rifle casings. (see his report for details)

At approximately 0900 on 05-07-2004, an multi agency meeting was conducted at the Humboldt County Sheriff's Department Investigations Unit Office. I attended the meeting.

At the meeting, I was advised that my contact in Crescent City would be Sgt. Greg Barrts. I was also advised that the command of the operation in Crescent City had been assigned to Chief Plaquet of Crescent City Police Department.

I was told by DET. Losey that he was not able to obtain any of the information I had requested from Crescent City due to the fact that were not prepared to produce the information at the time of the meeting.

It was determined that DET. SCHLESIGER and ID Technician [REDACTED] were responding to the Bald Hills area to search the area where the incident with the national parks Biologists had been shot at, to look for and possible evidence.

DA investigator Losey was going to go back out to the Witchepec area to conduct further interviews.

It was determined that DOJ Agent Ronald Prose of B&E would make contact with Sgt. Greg Barrts and/or Chief Plack and attempt to offer his services for surveillance, and attempt to contact several [REDACTED] who were identified as potential associates a with [REDACTED] (via the cell phone contacts [REDACTED] made during the past 30 days) I provided Agent Prose with the RAPS's and CDL's which I was able to locate regarding the cell phone contacts. (see attached RAP'S and CDL's I was able to locate)

I was also advised by District Attorney Investigator Losey that District Attorney, Del Norte County, Mike Reese had received a message from an attorney from the Bay area who stated that he had been in contact with the family of [REDACTED] and [REDACTED] was wanting to turn him self in. DA investigator Losey stated Del Norte County was attempting to contact the Attorney in the Bay area to verify the information.

DA Investigator Losey also provided me with the name of [REDACTED] as the current girlfriend of [REDACTED] He stated that they have a 1 year old child together.

I was advised that Del Norte County Sheriff's Department had followed up on the report that [REDACTED] may have been in the Woodland Store in the Klamath area on 05-05-2004, and they determined it was not [REDACTED]

I was also advised that agencies in Del Norte County were having a briefing meeting at approx. 0900 hours today.

At approximately 1000 hours, I contacted officer Scott Rogers of Coos Bay, Oregon, via telephone. Officer Rogers told me that they have not had any contacts with [REDACTED] He told me that the address on the CDL is in the county. He requested I contact Coos County

Sheriff's Department for further information [REDACTED]. I did however Fax him a copy of the TRAK information for their information.

I then contacted Coos County Sheriff's Department. I spoke to the dispatcher due to the fact there was no one else available at that time. I was told they did not have any contacts with [REDACTED] but believed [REDACTED] was a possible [REDACTED] in a 10851 CVC, 459 PC, and 451 PC incident in the Brookings area, but was not able to give me the date of the incident. I was also told the address on the DL was an out dated address, due to the fact that there was a re-zoning that was conducted approx. 3-5 years ago. I was advised that the address was re-assigned an address of [REDACTED] Coos Bay. I sent Coos Bay dispatch a copy of the TRAK information. I also advised them of the warrant in NCIC for [REDACTED] I was also told this information would be passed on to their investigations unit.

I was contacted by District Attorney Investigator Dawson who advised me he had spoken 3 times with Agent Ron Prose regarding going to Crescent City for contacts with poss. Associates of [REDACTED] up in Del Norte County. I was advised that Agent Prose and the officers in his command would not be responding to Del Norte. Investigator Dawson told me that per our request to have the known associates, mentioned above, interviewed by Agent Prose and his Task force crew was denied by Chief Plaque. Investigator Dawson told me that Chief Plaque advised Agent Prose that the [REDACTED] we were looking to interview had all ready been interviewed by their investigator, and they did not want our agency to contact them again. It was decided that Agent Prose was not going to respond to Del Norte County for any purpose unless it was at the specific request from Humboldt County Sheriff's Departments Request with approval from Chief Plack.

At approximately 1200 hours, I contacted Officer Barrts who told me that they, Del Norte County, had developed a tip line and a press release and they would be faxing me a copy of the press release (which was never received). I was also told by Officer Barrts that they had determined that [REDACTED] had a total of [REDACTED] living in Crescent City with [REDACTED], [REDACTED] in Curry County Oregon, and [REDACTED] in Brookings Oregon. Officer Barrts stated that they had information that [REDACTED] may have made his way to the Willits area. I advised Officer Barrts of information that was given to me by DET. Sgt. Freeman who had received by DOJ Investigative Services. Due to the fact that I was unaware how Sgt. Freeman came upon the information, and was unable to contact Sgt. Freeman, who was on vacation, I was only able to provide the names of [REDACTED] no last name, and [REDACTED] [REDACTED] who drives a "tricked out van." I faxed the DOJ History Check provided by SGT. Freeman to Officer Barrts. (see attached copy of DOJ information)

Officer Barrts told me that they were in the process of investigating a lead where upon they had received information that [REDACTED] had been in the Crescent City area in the past Day or two. He told me he would re-contact me with details.

Officer Barrts told me that they were able to identify [REDACTED] brother as: [REDACTED] [REDACTED] who has a DL out of Cave Junction Oregon [REDACTED]. Officer Barrts requested I e-mail him a copy of the Ramey Warrant prepared by Sgt. Freeman, which I did.

Officer Barrts also requested, I attempt to gain access to CAL Photo, and send him a photo line up of the following names: 1. [REDACTED] CDL: [REDACTED] DOB: [REDACTED] 2. [REDACTED] [REDACTED] vera CDL# [REDACTED] DOB: [REDACTED]. He told me that he thought that one of these two [REDACTED] may have been the one who placed the \$50 dollars on [REDACTED] cell phone account. I advised Officer Barrts that I was not that familiar with the CAL Photo system, but I would attempt. He told he would contact an agency in Redding to get the CAL Photo information due to the necessity to have it ASAP.

On 05-07-2004, at approx. 1330 hours, I met with Sheriff Philip, DA investigator Dawson, Lt. Downey, and Lt. Steve Knight. I advised them of the status of the case.

During the meeting, I updated the above listed persons of the updated information, I had obtained. I did advise them that I knew from the cell phone information, provided to me by the FBI, that [REDACTED] had spoken to [REDACTED] on the cell phone no less then 10 times during the time period of the shooting incident.

It was decided during the meeting that Lt. Downey would be contacting [REDACTED] via telephone regarding the phone calls made to her during the time period of the shooting incident.

Lt. Downey advised me at approximately 1500 hours, that he had contacted [REDACTED] who he had developed a rapport with [REDACTED] during the onset of the incident. He told me he was able to speak to [REDACTED] and asked he about the phone calls. [REDACTED] told him that she in fact talked to [REDACTED] approximately 2 two times during the night. Lt. Downey told me that during one of the phone conversations [REDACTED] stated that [REDACTED] told her that he had to go because there was a CHP officer that had pulled in behind him. During the second phone call, [REDACTED] told Lt. Downey that she had encouraged [REDACTED] to give himself. Lt. Downey provided me no further information about his contact with [REDACTED]. (see his report for details)

At approximately 1610 hours, I received a page from DA Investigator Dawson who advised me of an incident that he heard about. He told me he had received a phone call from Agent Prose who advised him that he had learned from Chief Plack that there was a trailer company in Eugene calling people in Crescent City trying to verify [REDACTED] character before they rent him a trailer. DA Investigator Dawson told me that he wanted me to contact Del Norte County in an attempt to determine what the issue was with the trailer.

At 1630 hours, I contacted Officer Barrts who told me the following:

Del Norte County has an informant who contacted them and stated she had received a phone call asking about [REDACTED] rental of a U- Haul Trailer. The person asked the informant if she knew [REDACTED], and would she would be willing to verify his character. Officer Barrts stated the informant stated she did not know [REDACTED] and hung up the

phone. Officer Barrrts told me that the informant has caller ID and the phone number that she was called from was [REDACTED]. Officer Barrrts told me that the phone number comes back to an address of [REDACTED], Springfield Oregon.

Officer Barrrts told me Springfield Police Department was contacted, and they were advised that there was no U-Haul company near that address, and that area is a housing development.

I contacted DA Investigator Dawson and advised him of the above listed information.

On 05-07-2004, at approximately 9100 hours, I was contacted at my residence by Lt Knight, Duty Officer, he advised me that a report was made to Deputy Filyau by [REDACTED] [REDACTED] roommate, who reported that [REDACTED] had showed up at his residence at 1600 hours on 05-07-2004. [REDACTED] Reported that [REDACTED] came out of the woods with an "SKS and 150 rounds of ammunition." [REDACTED] wanted food which he was given something to eat. [REDACTED] reported that [REDACTED] stated he was sorry for shooting at the cops, and that his family was missing him. [REDACTED] stated he pointed [REDACTED] to a Green Diamond (AKA Simpson) Logging Road which would take him to the Klamath area. [REDACTED] stated the last time he saw [REDACTED] he was walking in the direction he had pointed out to him. Lt. Knight told me that the Law Enforcement units in that area searched for [REDACTED] with negative results. (see Deputy Filyau's report)

On 05-08-2004, at approx. 1100 hours, I learned that Deputy Greg Berry was in the process of taking a 459 PC and 10851 CVC report from [REDACTED] who lives out in the Witchpec area. I reviewed RMS and checked the CFS information. I learned that the 10851 vehicle was a [REDACTED] Chevy. Blazer CAL plate [REDACTED]. (See attached case report 2004002987)

I contacted Captain Pudinski of CHP and Crescent City DET. Keith Doyle and advised him of the incident.

At a later time, I reviewed the report by Deputy G. Berry. The report indicated that [REDACTED] had not been to the residence for approximately two weeks, and that when he returned on this day, [REDACTED] found his vehicle was stolen along with several personal items out of his home, [REDACTED] reported that there had been an attempt to burn down the home. Deputy G. Berry processed the scene for evidence. The 10851 CVC report was taken by CHP, and the entered into NCIC as a 10851.

On 05-10-2004, at approximately 0900 hours, there was a Briefing at the Humboldt County Sheriff's Department Investigation unit regarding the progress of the case.

It was determined that FBI agent Dan Faggington would attempt to get a Pen and a Trap placed on both [REDACTED] and [REDACTED] cell phones. FBI Agent Faggington also stated he would attempt to contact Crescent City DET. Doyle, and attempt to determine if [REDACTED] was actively using his cell phone.

At approximately 1030 hours, I was contacted by CHP Officer Jim Ewing who advised me that he was now the contact person for the Del Norte area. He advised me that a phone call had been made by [REDACTED] to [REDACTED] home. He advised me that the phone call was answered by [REDACTED], [REDACTED] mother. [REDACTED] was wanting to talk to [REDACTED] and wanted to know where the children were. When he was denied his request to talk to [REDACTED], and told that the children were taken into protective custody, [REDACTED] made the comment, "we'll see about that." [REDACTED] also attempted to get [REDACTED] to turn him self in, [REDACTED] responded with "they'll never find me."

Officer provided me with the phone number to [REDACTED] home as [REDACTED]. he also told me that [REDACTED] is often referred to as [REDACTED]

At approximately 1100 hours, I was contacted by FBI Agent Dan Faggington who told me that [REDACTED] was currently using his cell phone, and they were in the process of trying to trace the phone activity.

At approximately 1300 hours, I was contacted by FBI Agent Jason Ryan who requested I E-mail a current photograph to the Atlanta Georgia FBI office. Agent Jason Ryan told me that they believed that [REDACTED] may be in West Point Georgia. I E-mailed the photograph.

I also received information via E-mail from Patrol Supervisor [REDACTED] of the Forest Service. The information contained a investigative report from the Happy Camp area regarding a Meth. dump site where upon [REDACTED], and [REDACTED] names came up during the investigation.. (see attached report)

I contacted Chief Plack and advised him of the report and E-mailed him a copy.

On 05-11-2004 at approximately 0900 hours, I was contacted by FBI Agent Dan Faggington that there was a miss reading of the cell tower information and [REDACTED] was not in the Georgia. He told me that The FBI now believes that [REDACTED] is in the San Diego area. FBI Agent Dan Faggington told me that his agency is in the process of attempting to get the Trap and Trace and Pen for [REDACTED] and [REDACTED] phone still. He stated the information is at the Ag's office and they are evaluating the information. He requested I E-mail the photo of [REDACTED] to the San Diego office.

On 05-11-2004, At approximately 1000 hours, there was a Briefing at the Humboldt County Sheriff's Department Investigation unit.

At approximately 1600 hours, I was contacted by DET. Doyle who briefed me of the progress of their case.

On 05-12-2004, at approximately 1000 hours, there was a Briefing at the Humboldt County Sheriff's Department Investigation unit regarding the progress of the case.

We were informed by FBI Agent Dan Faggington that [REDACTED] had placed a phone call to [REDACTED] home the night before at approx. 1745 hours. [REDACTED] talked to [REDACTED], and demanded

to talk to [REDACTED]. When he was Denied he had made the comment that he was going to start shooting cops if he was not able to talk to [REDACTED] FBI Agent Dan Faggington stated that it appeared as though the phone call was made from a "hard line," and that Crescent City P.D. recorded the phone call.

FBI Agent Dan Faggington advised that the Trap and Trace was being activated this morning on [REDACTED] and [REDACTED] cell phones, and that DET. Doyle was going to conduct a control call sometime this morning. He advised me that the Pen would not be in place on [REDACTED] home phone until 05-13-2004.

On 05-12-2004, at approximately 1400 hours, I contacted DOJ Investigative Support Program Agent [REDACTED], regarding [REDACTED]. Agent [REDACTED] ran a history check on [REDACTED]. From this information, I was still unable to locate any property belonging to [REDACTED] in the HWY 169 area for [REDACTED] (see attached)

As of 05-13-2004, at approximately 0900 hours, [REDACTED] has not been located. The FBI and all associated agencies are actively looking for [REDACTED] and he is believed to be in the San Diego or Mexico area.

On 05-13-2004, at approximately 1000 hours, I contacted FBI Agent Jason Ryan who told me information regarding the Pen and Trap was that the last hit on [REDACTED]'s cell phone was on 05-10-2004 and the hit was off a cell tower near the California Mexico border. Agent Ryan was not able to tell me if the cell hit was in fact from Mexico or not. He told me that [REDACTED] cell phone was not currently active, and it had been several day's since it had been used. He told me that the phone Pen and Trap order on [REDACTED] home phone would poss. be in place today, and that an agent from San Francisco would have to fly to Crescent City to place the Equipment in the phone system, and that may happen sometime today.

On 05-14-2004, at approximately 0830 hours, there was a Briefing at the Humboldt County Sheriff's Department Investigation unit regarding the progress of the case. As of this time, [REDACTED] is still at large. There is a warrant in NCIC for [REDACTED] in regards to the incidents in Humboldt County, as well as a Federal Warrant. The FBI and our agency is still actively looking for [REDACTED] capture, and any further information will be made a matter of report.

N/F/A

Diana M Freese 0896
DET. DIANA FREESE 5/14/2004

W.P. [Signature] 5-14-04
REVIEWING SUPERVISOR

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

Case #: 200402888

Date: 6/1/04

Charge(s): 664/187(a) p.c., attempted murder of police officers

Location(s): #1 SR 169 milepost 22.08-Pecwan, Ca.; #2 SR 169, Pecwan Bridge at Pecwan Hill Rd.-Pecwan, Ca.

[REDACTED]

Description: HMA, 5-6, 150, Blk., Brn.

Yurok Tribal Police Officer Marianne R. Smith

Address [REDACTED]

Phone [REDACTED]

[REDACTED]

Hoopa Valley Tribal Officer Sgt. Joseph T. Masten

Address: SR 96-Hoopa, Ca.

Phone: (530)625-4202

Hoopa Valley Tribal Officer Joseph O'Rourke

Address: SR 96-Hoopa, Ca.

Phone: (530)625-4202

[REDACTED]

Witness: Hoopa Valley Tribal Police Officer Chance Carpenter

Address: SR 96-Hoopa, Ca.

Phone: (530)625-4202

Witness: Hoopa Valley Tribal Police Officer Corporal William E. Hostler

Address: SR 96-Hoopa, Ca.

Phone: (530)625-4202

Hoopa Valley Tribal Police Officer Darrell L. Mabry Jr.

Address: SR 96-Hoopa, Ca.

Phone: (530)625-4202

[REDACTED]

[REDACTED]

Narrative: 5/4/04 at about 0630 hours, I returned home to my residence and there was a message on my answering machine from dispatch requesting I contact them regarding a shooting and a possible SET (Special Enforcement Team) callout, which I was, a member of. I prepared to go to work and telephoned dispatch on my cell phone. Lt. Pete Jimenez answered the telephone and I spoke with him. Lt. Jimenez was the Lieutenant in charge of the Criminal Investigations Division, which I was assigned too. Lt. Jimenez advised me that he was assigning Det. Juan Freeman and I to investigate the case because the [REDACTED] in the case had exchanged gunfire with Tribal Police Officers in the Pecwan, Ca. area. Det. Freeman and I were to meet with members of CIRT (Critical Incident Response Team) at the Sheriff's Office.

At about 0656 hours, as I was driving to the Sheriff's Office I heard radio traffic from 1-X-1, Sgt. Kevin Miller of the Hoopa Station, radio that the [REDACTED] vehicle had been observed and shots were fired. Sgt. Miller later advised that the [REDACTED] location had been lost.

At about 0715 hours, I arrived at the Sheriff's Office. At about 0735 hours, I met with CIRT members Det. Freeman, District Attorney Investigators Jim Dawson and Mike Losey, Eureka Police Department Detectives Dave Perras and Kevin Lawson and Arcata Police Department Detective Gary Bates.

At about 0749 hours, Deputy Alan Stockton came to the Criminal Investigations Division to brief us on what had occurred. Deputy Stockton told us that [REDACTED] had gone to his ex-girlfriend's residence located in Crescent City, Ca. (Del Norte County) in the evening hours of 5/3/04. Law enforcement was called for a domestic problem. California Highway Patrol Officers responded and pursued [REDACTED]. As they pursued [REDACTED] he began shooting at the patrol units with a firearm. [REDACTED] did this several times and the pursuit eventually went into Humboldt County. The Highway Patrol Officers lost [REDACTED] who was driving a [REDACTED] Lincoln Navigator. Deputy Stockton said after the Officers lost [REDACTED] a report came into the Sheriff's Office that three National Forest Biologists had been shot at by a person that was driving a [REDACTED] SUV on Bald Hills Rd. in Orick, Ca. The vehicle had been hit and no one was injured.

Several hours after the shooting on Bald Hills Rd. Hoopa Valley Tribal Police Officers located [REDACTED] vehicle near Martins Ferry Bridge and shots were exchanged between [REDACTED] and Tribal Officers. Deputy Stockton then told us about Sgt. Miller spotting [REDACTED] vehicle and shots were once again exchanged.

At about 0752 hours, ET (Evidence Technician) [REDACTED] met with the CIRT team. ET [REDACTED] told us that she had been called out of her residence and responded to the Bald Hills Rd. area. ET [REDACTED] told us that when Highway Patrol Officers began pursuing [REDACTED] he was pulling a U-Haul trailer behind his vehicle. ET [REDACTED] said the trailer had been located and stored by Highway Patrol Officers near milepost 6.00 on

Bald Hills Rd. ET [REDACTED] said that she was unable to process the U-Haul because it had been towed before her arrival. ET [REDACTED] did state that it appeared to the Officers that the trailer might have fell off the hitch to [REDACTED] vehicle.

ET [REDACTED] said that she did respond to the National Forest's Southern Operations Center in Orick, Ca. where the Jeep the biologists were driving was now securely stored. ET [REDACTED] told me that the Jeep had several bullet holes in it and she had processed the Jeep at the Operations Center. ET [REDACTED] said that there were five bullet holes through the rear window, one in the rear bumper and two in the right rear fender. Refer to ET [REDACTED] report for further information.

After meeting with ET [REDACTED] I met with Sgt. Phil Buihner and Deputy Rick Chandler. I asked them if they could meet with me at the Hoopa Station and bring mobile lighting and a metal detector to help locate any shell casings or other evidence to the scenes. Sgt. Buihner told me that they would meet with me at the Station. The CIRT team also determined the Station as a staging area for all members.

At about 0834 hours, I cleared the Sheriff's Office en route to the Hoopa Station. At about 0846 hours, I telephoned Lt. Jimenez in dispatch and asked if he had any updates. Lt. Jimenez told me that [REDACTED] vehicle had been located in the driveway of the [REDACTED] residence. From working that area, I knew that the [REDACTED] residence was near the west end of SR 169. Lt. Jimenez said that a perimeter was being set up around the [REDACTED] residence. At about 0951 hours, I arrived at the Hoopa Station.

At this time, all CIRT team members met and discussed our plan of operation. It was unknown to me if all of the crime scenes had been secured at this time. Investigator Dawson and I felt it would be safe for us to begin processing the scenes further east from the [REDACTED] residence. At about 1025 hours, Det's. Bates, Lawson, Perras, Investigator Dawson and I cleared the Hoopa Station and traveled to Martin's Ferry Bridge where we believed one of the shootings might have occurred. Det. Freeman and Investigator Losey stayed at the Hoopa Station.

At about 1049 hours, we arrived at the Martin's Ferry Bridge at SR 169 where the road was blocked by Yurok Tribal Police Officers Marianne Smith and Joe Pitt. I met with both and they advised me that they were checking all vehicles that were traveling east on SR 169. Officer Smith told me that she had witnessed [REDACTED] shooting at Hoopa Officers. Officer Pitt told me that he had just arrived before me to relieve Officer Smith from her post at the Martins Ferry Bridge. I asked Officer Smith if I could speak to her in my vehicle regarding what she had scene. Officer Smith agreed to do so.

On 5/4/04 at about 1053 hours, I interviewed Officer Smith. The interview was audio taped and the following is a summary of that interview.

Officer Smith told me that she had been employed as a Yurok Tribal Police Office since July of 2003. On 5/3/04 at 1800 hours, she began her shift and her shift was to end

on 5/4/04 at 0400 hours. Officer Smith told me on this day that she had a ride along with her named [REDACTED]

Officer Smith said she was patrolling the Pecwan area when she heard radio traffic of a report that shots had been fired near the Trees of Mystery on Hwy. 101 southbound and officers were pursuing a [REDACTED] Lincoln Navigator.

Officer Smith said that she told [REDACTED] that the driver of the Navigator will probably head over Bald Hills Rd. Officer Smith said as she was driving on SR 169 to Martins Ferry Bridge, which connects Bald Hills Rd. and SR 169 she heard radio traffic that the Navigator had turned onto Bald Hills Rd. and the U-Haul trailer the Navigator had been towing was recovered by Officers.

Officer Smith told me that she arrived at Martins Ferry Bridge and was contacted by her Corporal John Olafant. Corporal Olafant asked Officer Smith via radio if she had heard about the shootings. Officer Smith advised that she had and Corporal Olafant advised Officer Smith to back off and observe the vehicle if located. Officer Smith said when she was advised of this she had just crossed over the Martins Ferry Bridge to the Bald Hills Rd. side.

Officer Smith said she could not remember if she radioed the Sheriff's Office dispatch or dispatch had radioed her but she was advised to contact Hoopa Tribal Police at Martins Ferry Bridge. Officer Smith said she returned to the SR 169 side of Martins Ferry Bridge and met with Sgt. Joseph Masten, Officer Joseph O'Rourke and Officer Darrell Mabry.

Officer Smith said that they decided to make a roadblock on SR 169. Officer Smith said they parked their patrol units on SR 169 so they were facing west and were just on the east side of Martins Ferry Bridge. Each Officer took a position behind the engine block of their units. They decided to do this so the [REDACTED] had to drive toward Pecwan.

Officer Smith said on 5/4/04 at about 0230 to 0330 hours, they saw the Navigator come across Martins Ferry Bridge from Bald Hills Rd. Officer Smith said the vehicle was driving slowly and turned westbound onto SR 169. Officer Smith said the vehicle was a [REDACTED] SUV but she could not tell if it was a Navigator.

Officer Smith said that there were no shots fired at Martins Ferry Bridge. When the Navigator passed, Officer O'Rourke left first, Sgt. Masten second, Officer Mabry third and Officer Smith followed at the rear. Officer Smith said that Officer O'Rourke, Sgt. Masten and Officer Mabry had their emergency lights activated and Officer Smith said that she had her rear caution lights on. Officer Smith said shortly after this she could hear a siren but was unsure which Officers had their siren on.

Officer Smith told me just west of Upper Cappell Rd. she heard shots being fired. At this location, she believed that she heard three shots. Shortly after this point Officer Smith said that she had heard two to three more shots and again shortly after this she

heard three more shots. Officer Smith said as far as she knew all of the shots came from the Navigator and none of the Officers returned fire.

Officer Smith said near McKinnon Hill, which was located around milepost 22.00 of SR 169, she came around a corner and the other units in front of her were stopped. Officer Smith said that she could not see what had occurred because she had difficulties seeing due to the other police units' emergency lights. She noticed that the other Officers were out of their units and she met with them. Officer O'Rourke said he had shot four rounds at the Navigator. Officer O'Rourke's patrol unit also had a bullet hole through the front windshield.

Officer Smith said at that time they decided to stage in this area and wait for Hoopa Tribal Police Lt. Bobby Kane to arrive along with Sheriff's Deputies. Officer Smith said she was then sent back to the Martins Ferry Bridge to close the road and to have medical personnel stage at that location. I asked Officer Smith when Officer Pitt had arrived and she told me several minutes before my arrival.

Officer Smith told me that she left [REDACTED] at the Martins Ferry Bridge when she and the other Officers pursued the Navigator for [REDACTED] safety. Officer Smith picked up [REDACTED] when she returned to the Bridge. This concluded my interview with Officer Smith.

After interviewing Officer Smith, she pointed out her patrol unit that was parked on the south shoulder of SR 169. The unit was marked with police markings. The unit was a Ford Expedition and was unit #4. The license plate on the vehicle was a Government plate [REDACTED].

On 5/4/04 at about 1105 hours, I interviewed [REDACTED] [REDACTED] who was Officer Smith's ride along. I spoke to [REDACTED] in my vehicle, the interview was audio taped, and the following is a summary of that interview.

I explained to [REDACTED] that I had spoken to Officer Smith and she had told me that [REDACTED] had ridden with her on a patrol ride along. [REDACTED] told me this was true. [REDACTED] told me on 5/3/04 at about 1700 hours, Officer Smith came to her house and picked her up and they drove to the Pecwan area.

[REDACTED] told me at about 2200 hours, she and Officer Smith heard radio traffic from Del Norte Officers stating that a shooting had occurred near Trees of Mystery. [REDACTED] said she and Officer Smith continued to patrol the Pecwan area. [REDACTED] said again that they had heard radio traffic stating that the pursuing Officers were nearing Orick, Ca. Officer Smith told [REDACTED] that the [REDACTED] was probably going to come over Bald Hills Rd.

[REDACTED] said that she and Officer Smith drove to the Martins Ferry Bridge. [REDACTED] said at about 2300 hours, they heard radio traffic that Highway Patrol Officers had located the U-Haul that the [REDACTED] vehicle was pulling on Bald Hills Rd. Near this same time Hoopa Tribal Police Officer Mabry, O'Rourke and Sgt. Masten arrived at Martins Ferry Bridge. [REDACTED] said at this time it was decided by the Officers on scene to put up a

roadblock on the east side of Martins Ferry Bridge on SR 169. [REDACTED] said as the Officers were preparing their weapons she walked down to the second turnout west of the roadblock on SR 169 to stay out a harms way. [REDACTED] said the Officers set up the roadblock so the [REDACTED] could not drive toward Weitchpec.

[REDACTED] said that she could see headlights from a vehicle coming off Bald Hills Rd. As the vehicle drove onto Martins Ferry Bridge traveling toward SR 169, she could see that it was a SUV type of vehicle. [REDACTED] said the vehicle drove onto SR 169 westbound and passed by her at about 35 to 40 mph. [REDACTED] said as the vehicle passed her it matched the description of the vehicle that was described over the radio as a [REDACTED] Navigator. [REDACTED] said the Tribal units followed the Navigator with their emergency lights activated. The first Tribal unit was a SUV and Officer Smith's unit was last. [REDACTED] said about ten minutes later she heard one shot that was loud and she believed it could have come from a shotgun. [REDACTED] said that she did not hear or see anything after this.

[REDACTED] returned to Martins Ferry Bridge and saw one Highway Patrol unit and one Sheriff unit pass by her westbound. On 5/4/04 at about 0240 hours, [REDACTED] said that Officer Smith returned and closed down SR 169. I asked [REDACTED] if any shots had been fired at Martins Ferry Bridge and she said there were none. This concluded my interview with [REDACTED]

After speaking with [REDACTED] I again met with Officer Smith. I asked her if she could take us to the location where Officer O'Rourke and been stopped and shots were exchanged. She said she could and believed an Officer had secured the scene.

On 5/4/04 at about 1156 hours, we arrived at milepost 22.08. Deputy Greg Berry had secured this area. In the roadway just west of milepost, 22.08 were pieces of [REDACTED] glass. Officer Smith told me this was the area where Officer O'Rourke had his vehicle parked. The glass was from the rear window of his vehicle from a bullet passing through his unit and out the back window. We then located what appeared to be a bullet jacket lying on the pavement of SR 169 near the north shoulder of the roadway.

Looking further, we located two .40 caliber shell casings west of the bullet jacket. These shell casings were lying in the grass on the north shoulder of SR 169 just off the roadway. At about 1211 hours, Officer Smith and [REDACTED] [REDACTED] left the scene at milepost 22.08. Before they left Officer Smith told us that she believed Officer O'Rourke was west of our location where they had staged after the exchange of gunfire, which was about 200 paces east of milepost 21.67.

On 5/4/04 at about 1220 hours, Investigator Dawson and I met with Officer O'Rourke. Officer O'Rourke was wearing a dark blue baseball cap with a Tribal Police cloth badge on it, a dark blue long sleeve turtle neck shirt with "Police" stitched into the neck, dark blue cargo pants, [REDACTED] boots and a sam brown. Investigator Dawson and I interviewed Officer O'Rourke; refer to Investigator Dawson's interview for details regarding that interview.

After speaking with Officer O'Rourke, he walked me up to his patrol unit, which was parked in the staging area near milepost 21.67 on the south shoulder. Officer O'Rourke's unit was a Ford Expedition and had full Tribal Police markings and K-9 markings with emergency lights. I could see that there was no rear window and a semicircular hole in the front windshield in the lower middle. Officer O'Rourke also pointed out a dent in a bar for his K-9's cage. Officer O'Rourke believed this was where the bullet the [REDACTED] had fired at his unit struck after going through the front windshield and out the rear window. The license on the patrol unit was a Government plate of [REDACTED] and had no unit number visible.

Parked on the same shoulder was another patrol unit, which was a Ford Crown Victoria. This unit was parked in front of Officer O'Rourke's unit and was facing north. This unit had full Tribal Police markings and emergency lights. The license plate on the unit was a Government plate reading [REDACTED] and this unit had a unit number of [REDACTED]. I did not see any bullet holes or damage to this unit.

In front of the last described patrol unit was another unit that was facing west. This unit also had full Tribal Police markings and emergency lights. The unit had a Government plate of [REDACTED] and had a unit number of [REDACTED]. This unit did not have any visible bullet holes or damage.

Officer O'Rourke told me that the two units described above were Sgt. Masten and Officer Mabry's units but he did not know which one was who's.

About this time, ET [REDACTED] arrived along with Eureka Police Officer Terry Liles and Public Services Officer [REDACTED] who assisted ET [REDACTED] Sgt. Buihner and Deputy Chandler also arrived to help search for evidence. ET [REDACTED] collected the two .40 caliber shell casings and the bullet jacket that were near milepost 22.08. ET [REDACTED] also located three 7.62X39 casings from the area where Officer O'Rourke said the [REDACTED] had shot at him from. ET [REDACTED] also located a round in a tree with the assistance of Sgt. Buihner utilizing a metal detector. At about 1343 hours, I cleared this scene to respond to the Pecwan Bridge area where the last shooting had occurred.

On 5/4/04 at about 1410 hours, I arrived at the Pecwan Bridge. When I arrived, Sgt. Masten was being driven from the scene by other Tribal Officers. The patrol unit stopped and I asked Sgt. Masten if I could talk to him about the incident. Sgt. Masten agreed to do so and I interviewed Sgt. Masten in my vehicle. The interview was audio taped and the following is a summary of that interview

Sgt. Masten told me that he had been employed by the Hoopa Police Department for the past eleven years. Sgt. Masten began his shift on 5/3/04 at about 1800 hours. Sgt. Masten was later radioed regarding a BOLO and agency assist for a [REDACTED] Escalade that was coming over Bald Hills Rd. and the occupant was involved in a shooting with other Officers and shot at several Biologists.

Sgt. Masten said he, Officer O'Rourke and Officer Mabry responded to the Martins Ferry Bridge and met with Yurok Officer Smith. Sgt. Masten said that they set up their patrol units so they were on the east side of the bridge on SR 169. Sgt. Masten said the four Officers parked their units so they were facing toward Pecwan to keep the [REDACTED] from going toward Weitchpec.

Sgt. Masten said on 5/4/04 at about 0130 hours, they noticed headlights coming from a vehicle driving on Bald Hills Rd. toward Martins Ferry Bridge. Sgt. Masten and all Tribal Officers drew their weapons; Sgt. Masten said he was unsure if Officer Smith had her weapon drawn. Sgt. Masten said he yelled for someone to turn their emergency lights on but he was unsure if anyone did.

Sgt. Masten said he and the Officers took cover behind their units. Sgt. Masten said the [REDACTED] Escalade came across Martins Ferry Bridge and turned west onto SR 169 toward Pecwan. Sgt. Masten said he got into his Ford Crown Victoria patrol unit and Officer O'Rourke left first, Sgt. Masten was second, Officer Mabry was third and Officer Smith brought up the rear.

Sgt. Masten said they attempted to make a traffic stop on the vehicle but it failed to yield. Officer Masten said the vehicle was traveling at about 35 mph. Sgt. Masten said he was calling the pursuit. Sgt. Masten said as they were about a half a mile into the pursuit he heard three gunshots that he believed came from the [REDACTED] driving the Escalade. Sgt. Masten said he was not familiar with the area so did not know exactly where these shots were fired. Sgt. Masten said that he had turned the siren off to his unit because he wanted to be able to transmit over the radio and hear the shots that were fired. Sgt. Masten said he heard one to two more shots. At this point, the Officers began to hang back from the [REDACTED] vehicle because as the [REDACTED] rounded a corner he would fire toward the pursuing Officers. Shortly after this, the Officers were still pursuing the [REDACTED] vehicle. Sgt. Masten said he heard to more shots fired.

Sgt. Masten said at one point (milepost 22.08 SR169), he noticed the [REDACTED] vehicle's brake lights come on. Sgt. Masten estimated this was about ten to fifteen minutes after the pursuit had begun. Sgt. Masten said that Officer O'Rourke had stopped in the roadway in front of Sgt. Masten and Sgt. Masten stopped behind Officer O'Rourke. Sgt. Masten said he was in his patrol unit when he heard three shots fired and Officer O'Rourke's rear window shattered. Sgt. Masten said that Officer O'Rourke exited his unit out of the driver's side door and Officer O'Rourke fired what Sgt. Masten believed to be three rounds at the [REDACTED]. Officer Masten was now out of his unit with his M-16. Sgt. Masten said he saw one of Officer O'Rourke's rounds hit the ground short of the [REDACTED] vehicle. Sgt. Masten could not recall if Officer O'Rourke fired his handgun with a one or two-handed grip.

Sgt. Masten said the [REDACTED] vehicle left driving westbound and Officer O'Rourke walked back to the rear of his patrol unit where Sgt. Masten now was. Sgt. Masten had Officer O'Rourke go to the rear of Sgt. Masten's unit with him. Officer O'Rourke was looking down at himself and Sgt. Masten made sure Officer O'Rourke had not been shot.

Sgt. Masten said they went west on SR 169 about a quarter of a mile to secure to area and staged at this location and waited for back up. Sgt. Masten said this was where his patrol unit was left.

Sgt. Masten said Tribal Officers Lt. Robert Kane, Corporal William Hostler, Chance Carpenter, Paul Craft and Deputy Frederick Filyau arrive at the staging area. Sgt. Kevin Miller also arrived at the staging area at a later time. Sgt. Masten said he got into Deputy Filyau's patrol unit and Officers Hostler and Craft doubled up and Officers Carpenter and Mabry doubled up also. They drove westbound on SR 169 checking School Rd, the [REDACTED] residence and the Ceremonial Grounds near the Klamath River for the [REDACTED] or vehicle and were unable to locate either. After checking these areas, Sgt. Masten and Deputy Filyau staged at the area near milepost 22.08, where Sgt. Miller was standing by. Corporal Hostler, Craft, Carpenter and Mabry were then sent to the end of SR 169 (west) to search the area for the vehicle.

Sgt. Masten said sometime later the units at the end of the road notified them that they had seen the [REDACTED] vehicle. By this time, Highway Patrol Officer Rod Gilliam and Will O'Diear had arrived. Sgt. Masten said he, Deputy Filyau, Officers Gilliam, O'Diear and Sgt. Miller responded to the Pecwan Bridge and checked several roads but were unable to locate the [REDACTED] vehicle.

Sgt. Masten said these units returned to the Bridge and parked on the east side of the Bridge facing east. Sgt. Masten said Deputy Filyau's unit was closest to the Bridge then Highway Patrol and Sgt. Miller's patrol unit. Sgt. Masten said the Officers were outside of their units when he and someone else saw the [REDACTED] vehicle coming down a dirt road toward SR 169. Sgt. Masten said the dirt road was west of the Bridge (Pecwan Hill Rd.). All Officers ran to their patrol units and Sgt. Masten got in with Deputy Filyau. Sgt. Masten said Deputy Filyau was unable to turn around because he was driving a patrol truck. Deputy Filyau began backing up on the Bridge toward the [REDACTED] vehicle. Sgt. Masten said to Deputy Filyau that he did not want to be in the truck if something occurred. Deputy Filyau stopped his patrol unit and Sgt. Masten exited out of the passenger door with his M-16. Sgt. Masten said as he reached the passenger side rear quarter panel he heard shots being fired and a round struck the butt end of a toolbox that was mounted on the passenger side of Deputy Filyau's truck. Sgt. Masten said he could hear rounds striking the patrol truck and Deputy Filyau was still inside of it. Sgt. Masten moved back to the front of Deputy Filyau's unit and Sgt. Masten could feel debris hitting his legs.

Sgt. Masten said he was taking cover and heard more shots and off to the drivers side front of Deputy Filyau's patrol unit Sgt. Masten saw Officer O'Diear discharge his "long gun" in the direction of the [REDACTED]. Sgt. Masten said he then saw the [REDACTED] vehicle drive off westbound from SR 169 and Pecwan Hill Rd. Officers O'Diear and Gilliam followed the [REDACTED] vehicle along with Sgt. Masten, Deputy Filyau and Sgt. Miller. Sgt. Masten said they saw the [REDACTED] vehicle's brake lights activate and it appeared it turned up a dirt road to the north. Sgt. Masten said that at about 200 to 300 yards from where

they last saw the [REDACTED] vehicle all units stopped to set up a perimeter. Sometime later Sgt. Masten said a CHP helicopter notified them that the [REDACTED] vehicle was parked in the [REDACTED] driveway.

Sgt. Masten said when the vehicle stopped at SR 169 and Pecwan Hill Rd., he saw a man in the drivers seat but did not see a weapon. Sgt. Masten said that the whole incident on the Pecwan Bridge lasted about 20 seconds, and he estimated 6 to 7 shots were exchanged.

Sgt. Masten added at the end of our interview that the [REDACTED] had a disregard for the safety of everyone. This concluded my interview with Sgt. Masten.

When I spoke to Sgt. Masten, he was in full Tribal Police uniform and had not fired any rounds.

After speaking with Sgt. Masten, Investigator Dawson and I met with Highway Patrol Officer Cecil Smith at the Pecwan Bridge. Officer Smith told us that he would show us the evidence located on the Bridge. Officer Smith first showed us a shell casing that appeared to be from a rifle that was lying on the Bridge near the north side. Officer Smith said this round was believed to be from Officer O'Diear's weapon. Farther west near the middle of the roadway were two shell casings that Officer Smith said were from Deputy Filyau's handgun. On the south side of the Bridge was a mark on the cement barrier of the Bridge and Officer Smith believed this was a bullet ricochet mark. Officer Smith also pointed out two shell casings lying in gravel, believed to belong to [REDACTED] [REDACTED] weapon, and were of 7.62X39 caliber. All of these items were outlined in orange spray paint and located near the west end of the Bridge.

ET [REDACTED] later arrived and collected these items as evidence; refer to her report for further details.

On 5/4/04 at about 1446 hours, I arrived at the Command Post (CP) that was located where Sgt. Masten had told me where he and other Officers had stopped when they saw the brake lights on the [REDACTED] vehicle. I met with Lt. George Cavinta who was in charge of the SET (Special Enforcement Team) team, which had already been deployed to the [REDACTED] residence. I asked Lt. Cavinta where Deputy Filyau was so I could obtain a statement from him. Lt. Cavinta said that Deputy Filyau had been transported from the area by CHP with Officer O'Diear to obtain a blood draw from them. I also asked Lt. Cavinta where Officer Mabry was and he said Officer Mabry was also out of the area due to working so long. Lt. Cavinta told me that the [REDACTED] house and [REDACTED] vehicle were secured and the whereabouts of [REDACTED] were unknown. Lt. Cavinta did point out to me Deputy Filyau's patrol unit, which was parked just west of our location and parked on the north shoulder.

I went over to the unit and saw the bullet hole in the toolbox that Sgt. Masten had described to me and two more holes in the driver's side door area. At about 1530 hours, I again met with Lt. Cavinta who was in possession of a satellite phone. I requested he

obtain a tow truck for [REDACTED] vehicle and a Deputy to drive Deputy Filyau's truck to DOJ (Department of Justice) in Eureka, Ca. for processing. Det. Freeman later obtained a search warrant for [REDACTED] vehicle. Det. Freeman and ET [REDACTED] served the warrant; refer to their reports for further details.

I then met with Investigator Dawson and he said he advised Officer O'Rourke to contact Det. Freeman at the Hoopa Station so Det. Freeman could secure his weapon and obtain a blood draw. Investigator Dawson said he would assign Investigator Losey to obtain a statement from Deputy Filyau and obtain Deputy Filyau's duty weapon.

I telephoned Chief Criminalist [REDACTED] at DOJ. He advised me that we could store Deputy Filyau's unit and [REDACTED] vehicle at DOJ's secured parking facility. I then contacted Deputy Bryan Quenell who was a member of the SET team. Deputy Quenell said he would drive Deputy Filyau's unit to DOJ and follow the tow truck transporting [REDACTED] Navigator.

On 5/4/04 at about 1630 hours, Investigator Dawson, CHP Administrative Investigators and I went to the [REDACTED] residence that was located on Pecwan Hill Rd., which looked down on the Pecwan Bridge. Investigator Dawson spoke with [REDACTED] and [REDACTED] and I spoke with [REDACTED] separate from Investigator Dawson's interviews. I spoke to [REDACTED] in the kitchen of the residence the interview was audio taped and the following is a summary of that interview. CHP Investigator Sean Hill also assisted in the interview.

I began the interview by talking to [REDACTED] about the view she had from her residence to the Pecwan Bridge. I asked [REDACTED] how she came about finding out there were Officers in the area. She told me that [REDACTED] and her heard over their police scanner radio traffic about Pecwan Creek Bridge. [REDACTED] said she looked out the window of her residence and saw several police units parked on the east side of the Bridge facing toward Weitchpec. She said she could see Officer who appeared to be in uniform. [REDACTED] also recalled seeing a white colored police Bronco and a white colored police car.

[REDACTED] said that she and her boyfriend [REDACTED] went down to the police units to see what was happening and [REDACTED] had to take [REDACTED] to work. [REDACTED] said the Officers told her to go back to her home because there was a man in the area that was armed and dangerous. [REDACTED] said at that time she took [REDACTED] to work and returned home.

[REDACTED] said after returning home, about 5 minutes later she heard scanner traffic stating vehicle coming shots fired. [REDACTED] said she looked down to the Bridge and saw Officers running to their vehicles. [REDACTED] said the patrol units turned around and she saw people down on the Bridge and heard gunshots but could not see who was firing the shots. I asked [REDACTED] if she could see any other vehicles beside the patrol units and she said she could not. [REDACTED] said the Officer got back into their vehicles and drove west toward the [REDACTED] residence.

█████ said that she heard at least two gunshots being fired, probably more but she could not recall how many.

█████ asked me if the █████ who shot at the Officers tried to break into her home did she have the right to defend herself. I told █████ that she did. This concluded my interview with █████

As we were leaving the █████ residence, █████ spoke to █████ and █████ and █████ determined that █████ was at the house when the shots were fired. It should be noted that Investigator Dawson later interviewed █████ regarding what he had seen.

On 5/4/04 at about 1713 hours, ET █████ and I went to Deputy Filyau's patrol unit. ET █████ photographed the unit. The license plate on the unit was California exempt █████ and the unit number was █████. Deputy Filyau's unit was parked about 100 yards west of milepost 14.36.

At about 1719 hours, ET █████ and I arrived at the █████ residence. Detective Perras interviewed the occupants of the residence; refer to his report for further information. Parked in the driveway of the residence was a █████ Lincoln Navigator with a California license of █████. The Navigator was parked in a westward direction. ET █████ photographed █████ vehicle at this time. Also lying on the ground outside of the drivers side door were three 7.62X39 shell casings that ET █████ collected. ET █████ said that there also appeared to be several more of these rounds lying on the floorboard of the vehicle.

At about 1748 hours, Lt. Cavinta radioed me and he advised me that there was a witness at the Pecwan Bridge that would like to speak to me. At about 1752 hours, I arrived at the Bridge and met with █████. I interviewed █████ in my vehicle and the following is a summary of that interview.

█████ told me she was en route to her home just now and was stopped by Officers and asked to give a statement to a Detective. █████ did state that she had some information regarding the █████

█████ said on 5/4/04 at about 0530 hours, she woke up to get ready for work. █████ said that she resided at a residence on the top of Pecwan Hill Rd. At about 0605 to 0610 hours, she heard her dog start to bark. She looked outside and saw a █████ Blazer or SUV type of vehicle drive up into her driveway. █████ thought that the vehicle belonged to her Cousin who had a similar type of vehicle.

█████ went outside and met with the male in the SUV. The male stated that he needed to go through. █████ told the man "no" and to turn around and go back down the hill. The male then asked if he could walk through and █████ again told the male "no" and to go back down the hill.

█████ said that the male had a gun that was resting on his arm on the lower doorframe of the window. █████ said the barrel of the gun was pointing toward her but not directly at her. █████ said this did not bother her at first until she noticed a bullet hole between the drivers door and rear door and the rear door was missing the window and there was a garbage bag hanging in the window. The male did not threaten █████ and he turned around and began driving down the road slowly. █████ said the male was calm and did not appear to be on drugs. █████ said she could not see the entire gun but it had a gray colored tip on the barrel. It also appeared that there was a loading mechanism under the barrel. █████ could only see about 2 to 3 inches of the barrel.

█████ said she got ready to go to work at the Bus Shop in Hoopa. █████ drove her vehicle down Pecwan Hill Rd. and on a sharp corner where the road became steep █████ met up with the SUV. █████ said this was about 15 minutes after the SUV had left her home. █████ followed the SUV down Pecwan Hill Rd. and the SUV was traveling slowly and was cautious around the cattle that were near the road.

█████ said when they got to the flat area of the road she passed the SUV. █████ said the male looked at her and she could see the barrel of the gun sticking out of the driver's window.

As █████ neared the Pecwan Bridge, she noticed Sheriff units parked on the east side of the Bridge. █████ turned eastbound on SR 169 and as she passed the Officers, she thought they were going to talk to her but they ran to their units and drove toward the SUV. █████ said all of the units were facing east except Officer Rod Gilliam's patrol unit, which was facing west. █████ said she was not going to stop to see what was going on. As she passed over the crest in SR 169 at the east side of the Bridge, she heard 2 to 4 rounds fired. █████ said the firing sounded like a .22 being fired. █████ did not stop and drove to work.

I asked █████ to describe the man in the SUV. She told me that he was wearing a black FBI ball cap; the male had black hair sticking out from under the hat. He had a slender face and a possible mustache. The male was wearing a blue coat and he was Hispanic and had a smaller build. █████ stated that she had never seen the man before.

I showed █████ a █████ photo (attached to case) of █████ that I had earlier obtained at the Sheriff's Office. I asked █████ "Does that person look familiar to you?"

█████ answered, "Yeah, that looks like him."

This concluded my interview with █████

On 5/4/04 at about 1815 hours, Buddy's Towing of Willow Creek, Ca. left the scene towing the Navigator on a flatbed truck, Deputy Quenell was following the tow truck, and they were en route to DOJ to store the vehicles. At about 1826 hours, I cleared the Pecwan area.

At about 1921 hours, I arrived at the Hoopa Station and completed a BOLO for allied agencies requesting [REDACTED] [REDACTED] be arrested for attempted murder on police officers and officer safety information. At about 1950 hours, I faxed the BOLO to dispatch to have it sent to the agencies.

On 5/5/04 at about 0829 hours, I met with ET [REDACTED] in my office and she advised me that the U-Haul trailer [REDACTED] was towing was stored at Humboldt Towing in Eureka. Det. Freeman was going to prepare a search warrant for the U-Haul. I also met with Investigator Dawson and he advised me that we were to meet Officer O'Diear and Gilliam at the CHP Willow Creek Resident Post. I then contacted dispatch and had them advise Sgt. Miller to meet Investigator Dawson and I at the Resident Post.

At about 1017 hours, Investigator Dawson and I interviewed Sgt. Miller at the Residence Post. Refer to Investigator Dawson's report for details regarding that interview. After interviewing Sgt. Miller, Investigator Dawson, CHP Sgt. Greg Ziegler and I interviewed Officer Gilliam and O'Diear separately. Refer to Investigator Dawson's report for further information regarding the interviews.

On 5/5/04 at about 1300 hours, Investigator Dawson and I interviewed Hoopa Police Department Officer Chance Carpenter at the Hoopa Police Department. Officer Carpenter was off duty and our interview with him was audio taped and the following is a summary of that interview.

Officer Carpenter told us that Tribal Police had employed him for the past year and a half. He was previously employed by Tribal Police for two year, left for about a year and a half, and worked for Casino Security and the Yurok Tribal Police Department.

Officer Carpenter said on 5/3/04 at about 2330 hours, he was telephoned at his home by his dispatch. They called him into the office because there was a wanted [REDACTED] who had shot at Highway Patrol Officers. The [REDACTED] vehicle was possibly on Bald Hills Rd. Officer Carpenter came into the office just before midnight and listened to radio traffic. At one point Officer at Martins Ferry Bridge spotted the [REDACTED] vehicle. Shortly after this, there was radio traffic that shots had been fired and Officers were requesting Officer Carpenter's assistance.

Officer Carpenter said as he was pulling onto SR 96, Lt. Kane, Officer William Hostler and Deputy Filyau passed by and Officer Carpenter followed Deputy Filyau. Officer Carpenter said that he drove a marked patrol unit.

They arrived at the location where Officer O'Rourke had exchanged gunfire with the [REDACTED] (milepost 22.08). At this location were Sgt. Masten, Officer O'Rourke, Officer Mabry, Corporal Hostler and Officer Craft. Officer O'Rourke stated to these Officers that the [REDACTED] vehicle had stopped and fired at his unit one round went through the windshield and out the back window. O'Rourke returned fire at this point.

Officer Carpenter said all of the units backed up from this location to stage. Sgt. Miller arrived and had units double up to search SR 169 for the [REDACTED] Sgt. Miller wanted the units to check to the end of the road of SR 169.

Officer Carpenter said that he doubled with Officer Mabry, Sgt. Masten and Deputy Filyau doubled up and Corporal Hostler and Officer Craft doubled up. Officer Carpenter said all of these units went to the end of the road checking several driveways. Lt. Kane and Sgt. Miller stayed behind to secure the scene at milepost 22.08.

Officer Carpenter said that he and Officer Mabry proceeded with caution because they were worried the [REDACTED] may try to ambush them. On 5/4/04 sometime after 0100 hours, Officer Carpenter said that he had seen taillights to a vehicle and thought they might belong to the [REDACTED] vehicle on SR 169. Officer Carpenter said that they were unable to find this vehicle.

Officer Carpenter said that Lt. Kane had radioed him and advised all Officers to return. Sgt. Miller then radioed canceling this and advised two units to stay at the end of the road.

Officer Carpenter said he and Officer Mabry along with Corporal Hostler and Officer Craft went to the end of the road. They parked their patrol units at angles so they would have cover from the front and rear. Officer Carpenter said they were parked near the church located at the end of the road.

Officer Carpenter said it was now daylight but he did not know the time. Officer Carpenter said the [REDACTED] Lincoln Navigator was spotted driving toward them at a slow rate of speed. Officer Carpenter said the vehicle was about 100 yards east on SR 169. The vehicle had no lights on. Officer Carpenter was not sure but believed the vehicle stopped near the area of School Rd. The vehicle then backed up and Officer Carpenter drew his duty weapon and began going toward the vehicle using vehicles that were parked along the road as cover. Officer Carpenter lost sight of the [REDACTED] vehicle due to the curves in the roadway. The Officers radioed the other Officer at the staging area that the [REDACTED] vehicle was seen and maybe heading toward them.

Officer Carpenter said they stood by for sometime thinking that the other Officers may flush the [REDACTED] back to their location but this did not happen. Officer Carpenter said they decided to take up more ground. Officer Carpenter and Officer Mabry took to higher ground and secured each driveway up to School Rd. Corporal Hostler and Officer Craft drove the patrol units up to the School Rd. Officer Carpenter said they stopped at School Rd. because they knew there were not that many driveways more from this point and the other Officers at the Pecwan Bridge.

Officer Carpenter said while at School Rd. he heard radio traffic stating shots fired and heard shots being fired. Officer Carpenter said he thought he heard 4 shots fired. Officer Carpenter said 2 of the rounds sounded like a shotgun being fired and the other two were quieter.

Officer Carpenter said Sgt. Masten radioed them and he advised them that the [REDACTED] had shot at the Officer at Pecwan Bridge and if the [REDACTED] vehicle was located to fire at will.

Officer Carpenter said a CHP helicopter was eventually brought in to assist with the search of the [REDACTED] vehicle. The CHP helicopter eventually located the [REDACTED] vehicle in the driveway of the [REDACTED] residence. This concluded our interview with Officer Carpenter.

On 5/5/04 at about 1317 hours, Investigator Dawson and I interviewed Corporal Hostler at the Tribal Police Department. The interview with Corporal Hostler was audio taped and the following is a summary of that interview.

Corporal Hostler told us that he started with Tribal Police in May of 1997. In May of 2000 to December of 2000, he left Tribal Police and worked for Tribal Wild Land Suppression. In December of 2000, Corporal Hostler returned to the Tribal Police Department.

Officer Holster told me that he was on his regular days off when he was telephoned at his residence and advised to respond to Pine Creek Rd. and 100 Acre Rd. and meet with Deputy Filyau. Corporal Hostler said when he was called it was about 0001 hours on 5/4/04. Corporal Hostler said he responded to Pine Creek Rd. and met with Deputy Filyau, Lt. Kane and Officer Craft. He was advised that other units were responding to Martins Ferry Bridge and SR 169.

Corporal Hostler said that Sgt. Masten, Officer O'Rourke and Officer Mabry were the units that responded to the Bridge.

Corporal Hostler said the Sheriff's Office Sergeant 1-X-30, advised them via radio that if they had not located the [REDACTED] Escalade by 0130 hours, to return to their Offices. Corporal Hostler said at about 0110 hours, they received information from dispatch stating that a resident had called in stating there was a [REDACTED] vehicle turning it's headlights on and off near milepost 14 on Bald Hills Rd. Corporal Hostler told me at this milepost the [REDACTED] vehicle could have either came down Pine reek Rd. into Hoopa or continued on Bald Hills Rd. to SR 169.

Corporal Hostler said at about 0125 hours, Sgt. Masten radioed that there was a vehicle approaching their location at Martins Ferry Bridge. Corporal Hostler, Officer Craft, Lt. Kane and Deputy Filyau began to respond from the Pine Creek area. Shortly after this, Sgt. Masten advised that he and the other units were in pursuit. Corporal Hostler said the other units he was responding with started to respond Code 3.

Corporal Hostler said he was just leaving Hoopa or was in the Hoopa Bluffs (SR 96 north) when he heard radio traffic stating that the [REDACTED] was shooting at Officers.

Corporal Hostler said as he arrived at Weitchpec or just turned onto SR 169 he heard further radio traffic that an Officer's patrol unit had been hit and the pursuit had stopped.

Corporal Hostler said he and the other units continued to milepost 22.08 on SR 169 and met with Sgt. Masten, Officer O'Rourke, Officer Mabry and Officer Smith. Corporal Hostler said they pulled back from this area and set up containment.

About one half hour after this Sgt. Miller arrived and they returned just north of milepost 22.08 to secure the crime scene area. Corporal Hostler said that they decided to send doubled up units farther west on SR 169 to look for the [REDACTED]. Corporal Hostler said Officer Craft doubled up with him and Sgt. Masten went with Deputy Filyau and Officer Mabry left with Officer Carpenter. Corporal Hostler said they checked several roads but were unable to locate the [REDACTED]. As they were on their way back to the staging area, Sgt. Miller radioed and advised to leave two, two man units near the end of SR 169. Corporal Hostler said Deputy Filyau and Sgt. Masten returned to Lt. Kane and Sgt. Miller's location.

Officers Hostler, Craft, Carpenter and Mabry responded near to the end of SR 169 and staged at the local church. Corporal Hostler said they parked their patrol units so they were facing toward Weitchpec. They were at this location from about 0400 to daylight. Near daylight, they saw a [REDACTED] van and spoke to the occupant. The occupant stated he/she had not seen the [REDACTED] vehicle and he/she was in the area waking up his/her daughter.

Corporal Hostler said that he and the other Officers were talking when Officer Mabry spotted the [REDACTED] Escalade. Corporal Hostler turned around and pointed his rifle at the [REDACTED] vehicle. Corporal Hostler said the vehicle was about 60 yards east of their location on SR 169. Corporal Hostler said they waited to see what the [REDACTED] was going to do. The [REDACTED] vehicle stopped and slowly backed up. The vehicle stopped near a residence where a basketball hoop was at in the roadway. Corporal Hostler said as the vehicle began to back up the [REDACTED] put something [REDACTED] on the driver's side mirror. Corporal Hostler said he was not sure if it was a weapon. Corporal Hostler said he did not fire at the [REDACTED] because it was near a residence. They lost sight of the vehicle near School Rd. Corporal Hostler said they radioed the other Officers about spotting the [REDACTED] vehicle. Corporal Hostler was advised to hold that area and the other Officers would respond

As they held the area, Corporal Hostler said he heard radio traffic that the [REDACTED] vehicle was coming down Pecwan Hill Rd. Corporal Hostler said he heard 10 rapid-fire shots, 2 more shots, and then another 2. Sgt. Masten then radioed shots fired. Corporal Hostler said that he and the other Officers secured up to School Rd. and waited for the [REDACTED] to return but he did not. This concluded our interview with Corporal Hostler

After concluding the interview I also asked Corporal Hostler when the [REDACTED] vehicle as located. Corporal Hostler said a CHP helicopter assisted and located the vehicle in the driveway of the [REDACTED] residence.

On 5/5/04 at about 1356 hours, Investigator Dawson and I interviewed Officer Mabry who was off duty at Tribal Police. The interview was audio taped and the following is a summary of that interview.

Officer Mabry told us that the Tribal Police had employed him since December of 2003. Before this, he was employed as a Yurok Tribal Officer for 6 months.

On 5/3/04 at about 1800 hours, Officer Mabry began his shift that was to end at 0400 hours. Officer Mabry said that Sgt. Masten was on duty with him. Officer Mabry said on 5/4/04 around 0001 hours, he was at his house and was talking to Sgt. Masten on his cell phone regarding another call. Officer Mabry heard his dispatch radio Sgt. Masten and advise him that a [REDACTED] in a [REDACTED] Navigator had got into a shooting with Del Norte Officers and was believed to be on Bald Hill Rd. Sgt. Masten told Officer Mabry to meet him at Tribal Police. When Officer Mabry met with Sgt. Masten at the Police Department Sgt. Masten told Officer Mabry that the [REDACTED] in the Navigator had shot at CHP Officers and a Forrest Service unit.

Officer Mabry said he and Sgt. Masten responded to SR 169 and Martins Ferry Bridge. While en route, Sgt. Masten stopped at Officer O'Rourke's residence to get him to respond also. Officer Mabry said that Officer O'Rourke arrived at Martins Ferry Bridge at about 0030 hours along with Yurok Officer Smith.

Sgt. Masten wanted to set up a perimeter blocking SR 169 on the east side so the [REDACTED] could not drive toward SR 96. Officer Mabry said all four units parked on SR 169 blocking the roadway and the units faced west. Sgt. Masten's unit was closest to the Bridge, Officer O'Rourke next, then Officer Mabry's unit and Officer Smith's unit was on the outside. Officer Mabry drew a diagram for Investigator Dawson of how the units were parked. See Investigator Dawson's report for further on the diagram.

Officer Mabry said at about 0125 hours, they saw a vehicle driving on Bald Hills Rd. The Officers took cover behind their units and Officer Mabry said that Sgt. Masten, Officer O'Rourke and himself were all armed with firearms. The vehicle came across the Bridge and Officer Mabry said emergency lights were activated on the patrol units but did not believe any headlights were on. The [REDACTED] drove across the Bridge slowly and turned west onto SR 169. As the vehicle passed, it matched the description of the [REDACTED] Lincoln Navigator.

Officer O'Rourke got into his unit first, Sgt. Masten followed, Officer Mabry next and Officer Smith was last. Officer O'Rourke said all the units had their emergency lights on except Officer Smith who was at the rear. Officer Mabry said the Navigator was traveling at about 40 mph. About 1 to 2 miles into them following the Navigator the driver did not yield and the Officers activated their sirens.

When they activated their sirens they were about a half-mile past Miners Creek Bridge and Officer Mabry heard three shots fired. At this point, Officer Mabry started to hang back. Just before Coon Creek, he heard two more shots fired.

As they neared Upper Cappell, Officer Mabry heard radio traffic that three more shots were fire but he did not hear them due to him being farther back trying to stay away from the gunfire.

Officer Mabry said he drove past Cappell Creek and could no longer see the [REDACTED] vehicle and thought it may have accelerated. Officer Mabry said he heard more gunfire and drove up on Officer O'Rourke and Sgt. Masten's units that were stopped on SR 169. Officer Mabry exited his unit and noticed that the rear window was out of Officer O'Rourke's patrol unit. Officer O'Rourke was standing just outside his unit behind his door. Due to Officer O'Rourke's actions, Officer Mabry believed Officer O'Rourke had been shot.

Officer Mabry said he did not see the [REDACTED] vehicle and thought he probably arrived about 5 seconds after the shooting. Officer Mabry also told me that he never saw any muzzle flash from the Navigator from the shots being fired.

Officer Mabry said after exiting his unit he took cover on the passenger side of his unit. Officer O'Rourke took cover behind his unit. Officer Mabry said it was hard to see because of Sgt. Masten's emergency lights. Officer Mabry said that all of the units backed up to Cappell Creek Bridge and staged at that location.

Officer Mabry said it was still dark out at this time. About one hour later, Sgt. Miller arrived at the staging area. Sgt. Miller said that they needed to secure the crime scene area and they moved a short distance in front of the crime scene at milepost 22.08.

Officer Mabry said they decided to send two man units down to the end of SR 169 to check for the [REDACTED] vehicle. Officer O'Rourke left to get some maps of the area. Officer Mabry doubled up with Officer Carpenter and Officers Hostler and Craft doubled up. Sgt. Masten rode with Deputy Filyau in Deputy Filyau's patrol unit. Officer Mabry said Deputy Filyau and Sgt. Masten cleared several roads and Officers Mabry and Carpenter cleared School Rd. on their way back to the staging area.

Officer Mabry said as they were on their way back, Sgt. Miller radioed and said to leave 2 units at the end of the road. Officers Mabry and Carpenter along with Officers Hostler and Craft parked their patrol units on SR 169 near the local church. Officer Mabry drew a diagram of how they were parked and turned it over to Investigator Dawson.

Officer Mabry said at about 0730 hours, it was just turning daylight. All of the Officer he was with were standing near the patrol units. Officer Mabry turned around and saw the Navigator parked facing them east of their location about 250 feet. Officer Mabry was armed with his rifle at the time. The Officers took cover and the vehicle

backed up toward School Rd. Officer Hostler stated that he thought he saw the driver armed with something. Officer Mabry said they lost sight of the [REDACTED] vehicle as it backed up. Officer Mabry walked over to the church and could see Pecwan Bridge. Officer Mabry said he thought he saw the vehicle turn onto Pecwan Hill Rd. and not come over the Bridge. Officer Mabry radioed Sheriff's Office dispatch and advised them of this. Officer Mabry said shortly after this he saw Highway Patrol Officers Gilliam and O'Diear pass over the Bridge along with Deputy Filyau and Sgt. Masten. These units checked School Rd and the [REDACTED] driveway.

Officer Mabry said that he and Officer Carpenter went up several driveways and cleared them up to School Rd. Officers Hostler and Craft drove the units up to School Rd. and SR 169.

Officer Mabry said he then heard radio traffic stating that the [REDACTED] was coming down Pecwan Hill Rd. Officer Mabry said he heard gunfire and Deputy Filyau stated over the radio that his patrol unit had taken shots. Sgt. Masten radioed and stated if the [REDACTED] vehicle came to Officer Mabry the other Officers' location to take him out. The other Officers then radioed that they had seen brake lights on the [REDACTED] vehicle and lost sight of it.

Officer Mabry said that the [REDACTED] vehicle never came back to his location. A CHP helicopter later arrived and located the [REDACTED] vehicle in the [REDACTED] driveway.

Officer Mabry said when he heard the shots it sounded like two shotgun rounds were fired and four to six rifle rounds were fired. This concluded our interview with Officer Mabry.

After speaking to Officer Mabry, we met with Officer O'Rourke who was at the Police Department off duty. Investigator Dawson asked Officer O'Rourke if he had his handgun with him. Officer O'Rourke did not and said he could go get it. On 5/5/04 at about 1440 hours, Officer O'Rourke turned his issued handgun over to Investigator Dawson for testing.

On 5/5/04 at about 1533 hours, there was a report of a possible sighting of [REDACTED] walking westbound on SR 299 near Barry Summit. Units responded as well as I, at gunpoint we detained a male who resembled [REDACTED]. The male was not [REDACTED] but a man named [REDACTED] was cooperative with us and said he understood the show of force due to the seriousness of the crimes [REDACTED] had committed. We confirmed [REDACTED] identity through his tattoos through Eureka Police Department's database. [REDACTED] was allowed to go on his way.

On 5/6/04 at about 0905 hours, CIRT team members along with CHP Officers, Agents from the FBI and Sheriff Administration met in the Criminal Investigations Division of the Sheriff's Office. Investigator Losey stated that he had been in contact with Del Norte Officers and they had advised him that [REDACTED] had fired at Officer four times in Del Norte County and one time on Bald Hills Rd.

Det. Freeman advised that he was in the process of securing a Ramey Warrant for [REDACTED] for the attempted murder of the Officers involved in the shootings.

FBI Agent Jason Ryan told us that the FBI was in the process of securing a court order for [REDACTED] cell phone records and will assist in finding [REDACTED] whereabouts.

At about 1045 hours, I met with ET [REDACTED] in my office. She advised me that she and Det. Freeman were going to serve a search warrant on the U-Haul [REDACTED] was towing and later recovered. In addition, his Navigator that was stored at DOJ along with Deputy Filyau's patrol unit.

On 5/6/04, Investigator Dawson had arranged for us to talk to the Parks Biologists that had been shot at by [REDACTED]. At about 1422 hours, I interviewed [REDACTED] in my officer at the Sheriff's Office. The interview was audio taped and the following is a summary of that interview. It should be noted that Investigator Dawson spoke to [REDACTED] and [REDACTED] while I spoke with [REDACTED].

[REDACTED] told me that the Redwood Parks had employed her since April of 2004 as a biologist.

On 5/3/04 at about 1400 hours, [REDACTED] arrived at work at the Redwood National Park Southern Operations Center (SOC). [REDACTED] said that she met with fellow biologists [REDACTED] and [REDACTED]. They spoke with their supervisor [REDACTED] about the locations they were going to go to and call spotted owls.

At about 1630 hours, [REDACTED] left SOC and drove up Bald Hill Rd. from Hwy. 101. They then drove down Tall Trees Access Rd. and parked at the trailhead. [REDACTED] said they went to two sites and called for spotted owls. [REDACTED] said they returned to their vehicle at about 2330 hours.

[REDACTED] said they drove to Cloche Head Creek to check on one more site to call on a different species of owl. [REDACTED] said they were at this location for about 15 minutes and left. [REDACTED] said from the road they turned left on Bald Hills Rd. to return to SOC.

[REDACTED] told me that they were driving in a [REDACTED] Jeep Cherokee that had no markings on it but did have Government license plates. [REDACTED] said she was driving the Jeep and [REDACTED] was in the passenger seat and [REDACTED] was in the rear divers side seat.

[REDACTED] said as they were traveling on Bald Hills Rd., [REDACTED] noticed headlights on a stopped vehicle in the oncoming traffic lane. [REDACTED] said this vehicle was parked between Lost Man Creek (east) and Lady Bird Johnson Grove (west). The vehicle was parked on a straighter area of the roadway on an uphill grade.

[REDACTED] said the vehicle appeared to be a larger vehicle. She also noticed a man standing in the lane she was traveling in. [REDACTED] said she slowed down because she

saw the man. [REDACTED] asked [REDACTED] what she should do and [REDACTED] said that they were supposed to stop to see if they could help. [REDACTED] said the man walked in between the large vehicle and a large U-Haul trailer it was towing. [REDACTED] said she thought it was strange that someone would tow a U-Haul on Bald Hills Rd. [REDACTED] said she could not recall what color the large vehicle was.

[REDACTED] told me that she decided not to stop right next to the vehicle and trailer and slowed down instead. As [REDACTED] did this, she looked over and saw a man crouched down on the opposite side of where she believed the trailer hitch would be. [REDACTED] said she thought the man was holding something in his hand and believed it was a flashlight. [REDACTED] said the man looked at her and smiled as if he was glad to see her or to let [REDACTED] know he was okay. [REDACTED] thought that by the way the man was crouching by the hitch he was probably working on it or a connection.

[REDACTED] said she decided to stop and slowed to a stop about 5 car lengths to the west of the U-Haul. [REDACTED] said she back up about 1 car length. As she did this, she looked over her right shoulder through the middle of the Jeep. [REDACTED] said she saw the man walk out from between the vehicle and trailer and stand in the middle of the roadway where she was backing. [REDACTED] said she then saw, the man raise something but could not tell what it was or if it was with one or two arms. [REDACTED] then heard "pops" and glass began flying around the cab of the Jeep striking her on the face (uninjured). [REDACTED] said there were also lights but she was unsure if it was, a flashlight or muzzle flashes. [REDACTED] said she did not remember putting the Jeep in gear but the next thing she was doing was driving west on Bald Hills Rd. and was ducking down.

[REDACTED] said [REDACTED] said "shit what's happening" and [REDACTED] looked back and said the rear window to the Jeep was shattered. [REDACTED] said she looked back to check on [REDACTED] to make sure she was uninjured and this was when [REDACTED] noticed the rear window was partially shattered and had seven bullet holes in it. [REDACTED] said they began driving back to SOC and used a "work" cell phone to call their dispatch for help.

[REDACTED] told me that all of the windows to the Jeep were rolled up and only the rear window had been struck.

[REDACTED] told me that she believed that there were at least one dozen rounds shot at them while they were in the Jeep.

I asked [REDACTED] to describe the man she saw. [REDACTED] told me he was not tall, possibly a little taller than she was and she was 5'-5". He was wearing darker clothing with a hat and had dark hair. [REDACTED] said during this night the moon was out and it was almost a full moon.

I showed [REDACTED] a [REDACTED] colored photo of [REDACTED] (attached to case). I asked her, "Does this person look familiar to you at all?"

[REDACTED] answered, "This could have been him. I would have to see him smile."

I asked [REDACTED] what type of vehicle the man she saw was driving. [REDACTED] said that she was already told what type of vehicle it was so she did not want to say. This concluded my interview with [REDACTED]

On 5/7/04 at about 0910 hours, CIRT team members met in the Criminal Investigations Division of the Sheriff's Office. Investigator Losey, who had gone to Del Norte to speak with Highway Patrol Officers, said he had learned that [REDACTED] fired upon Highway Patrol Officers from Del Norte County at milepost 136.23 in Humboldt County. According to Investigator Losey, CHP Investigators had processed this shooting scene.

Investigator Losey said [REDACTED] also fired on the Highway Patrol Officers in Del Norte County at the following locations:

1. Hwy. 101 at the Vista Point.
2. Klamath River Bridge at Hwy. 101
3. Hwy. 101 at milepost 1.3

On 5/7/04 at about 1040 hours, I met with ET [REDACTED] in my office. ET [REDACTED] told me that she had arranged for us to contact Park Rangers at SOC (Southern Operations Center) in Orick to attempt to locate shell casings that were fired from [REDACTED] weapon. ET [REDACTED] said that the Ranger(s) were attempting to contact the Biologists for a reconstruction of the crime scene on Bald Hills Rd.

At about 1222 hours, I left the Sheriff's Office en route to SOC where ET [REDACTED] Det. Greg Pope and I were to meet with National Park Rangers [REDACTED] and [REDACTED]

At about 1310 hours, ET [REDACTED] Det. Pope and I arrived at SOC. We met with Rangers [REDACTED] and [REDACTED] and they advised us that the Biologists would meet with us at about 1600 hours, at where they were shot at. I told the Rangers that we would meet with them after ET [REDACTED] and I took measurements where the U-Haul trailer was found. Ranger [REDACTED] said that he would bring a metal detector to assist in the search for shell casings.

At about 1325 hours, ET [REDACTED] Det. Pope and I arrived at the location where the U-Haul trailer was found. ET [REDACTED] took measurements from the tree to the Bald Hills roadway. I then drove ET [REDACTED] from the tree west to the scene where the Biologists had been shot at. ET [REDACTED] took a measurement with a wheel-tape. Refer to ET [REDACTED] report for the measurements.

At about 1341 hours, ET [REDACTED] Det. Pope and I arrived at the Biologist scene. At this same time Rangers [REDACTED] and [REDACTED] arrived. Ranger [REDACTED] said this was the area

of the shooting as it had been marked with red flagging. Ranger [REDACTED] said the Biologist had returned and flagged the area with him.

We all searched the roadway and shoulder areas in this location and were unable to locate any shell casings. This area was located near milepost 4.0.

At about 1650 hours, Biologists [REDACTED], [REDACTED] and their supervisor [REDACTED] arrived driving a [REDACTED] colored Ford Expedition. [REDACTED] told me that [REDACTED] could not come because he was on vacation.

[REDACTED] told me on the evening that they were shot at she believed that she had stopped their vehicle about 35 yards west of the vehicle and the U-Haul trailer. When she backed up, she believed it was about 20 to 25 yards away from the vehicle and U-Haul trailer when the male began firing at their vehicle. [REDACTED] also told me that she was sure this was the location where they had been fired upon.

After speaking with [REDACTED], she got into the driver's seat of the Expedition, [REDACTED] rode in the front passenger seat and [REDACTED] rode in the rear driver's seat. ET [REDACTED] video taped what [REDACTED] and [REDACTED] believed had occurred from the east to west direction, west to east direction and from the front passenger seat.

ET [REDACTED] unit was parked where [REDACTED] and [REDACTED] said the large vehicle was parked and Ranger [REDACTED] patrol unit was parked behind ET [REDACTED] unit as the U-Haul trailer. Ranger [REDACTED] recreated [REDACTED] [REDACTED]'s actions, which [REDACTED] had told Ranger [REDACTED] what [REDACTED] had done on 5/3/04. Refer to the videotape for further information regarding the reconstruction of the shooting.

On 5/7/04 at about 1648 hours, we finished the reconstruction and cleared from Bald Hills Rd. We did not locate any shell casings.

On 5/7/04 at about 1945 hours, I received a page from dispatch. I telephoned dispatch and they advised me to telephoned Investigator Dawson. Investigator Dawson told me that he had received information that [REDACTED] had returned to the [REDACTED] residence armed with an AK-47 and 120 rounds. [REDACTED] stated that he was tired and sorry for shooting at the cops and he was trying to get to Klamath. The occupants told [REDACTED] to get on the A-10 Rd. and it would take him there. Investigator Dawson said that [REDACTED] was given "Top Roman" and sent on his way.

On 5/10/04 at about 0900 hours, I spoke with FBI Agent Dan Fageton at the Sheriff's Office. Agent Fageton told me that he was working on getting a court order for [REDACTED] girlfriend, [REDACTED] cell phone records. Agent Fageton said that she resided in Del Norte County.

At about 1205 hours, I met with Det. Freese who was in charge of liaison between our Office, Crescent City Police Department and CHP. Det. Freese said that she had received

information that [REDACTED] had telephoned [REDACTED] and he stated that he was not going to turn himself in and to tell the cops to come get him.

At about 1625 hours, I received a telephone call from FBI Agent Jason Ryan in my office. Agent Ryan said that there was a telephone call to [REDACTED] and it was [REDACTED] cell phone. The trace on the phone put him in West Point, Georgia.

On 5/11/04 at about 0745 hours, I met with Det. Freese in her office. Det. Freese told me that FBI contacted her. FBI advised her that [REDACTED] was not in West Point, Georgia but was in San Diego, Ca. According to FBI, a technician read the cell phone records wrong and the cell phone reading had actually bounced off a tower in West Point to [REDACTED] cell phone in San Diego.

At about 0855 hours, Investigator Dawson telephoned me in my office. Investigator Dawson said that he had take Deputy Filyau and Officer O'Rourke's handguns to DOJ for testing.

At about 1415 hours, I met with Lt. Kane of the Hoopa Tribal Police and he gave me a copy of Tribal dispatch tapes regarding the shootings. I later placed these tapes into evidence.

On 5/14/04 at about 1010 hours, I met with Det. Freese in the Criminal Investigations Division. Det. Freese said she received a telephone call from FBI and they advised her that they had traced [REDACTED] cell phone to Durango, San Miguel in Mexico. Since this time I have received numerous telephone records from Agent Fageton regarding the tracing of phone calls that have been attached to this case. Agent Fageton told me that [REDACTED] was cooperative in the beginning of the investigation and was assisting FBI in locating [REDACTED] but had now changed and she was no longer cooperative.

As of 5/28/04, it was still believed that [REDACTED] was still somewhere in Mexico

All audio taped statements were booked into evidence at the Sheriff's Office.

Attachments: Colored [REDACTED] printout of [REDACTED] [REDACTED] cell phone records of [REDACTED] cell phone, evidence sheet(s).

Disposition: Further follow up required


Detective Rich Schlesinger #0931


Reviewing Supervisor

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

CASE NUMBER: 200402888

PAGE 1 OF 1

DATE STORED <u>4/16/04</u>	TIME STORED <u>1115</u>	DATE OF INCIDENT <u>5/13/04</u>	CRIME <u>664/187(w.p.c)</u>
NAME OF FINDER (ADDITIONAL VICTIM) <u>S.O. CHP TRIPAL OFFICERS</u>		DOB	ADDRESS <u>[REDACTED]</u>
NAME OF FINDER (ADDITIONAL VICTIM)		DOB	ADDRESS
LOCATION PROPERTY WAS FOUND (INCIDENT OCCURRED) <u>#1 SR 169 AT MP 22.08; PECWAN CREEK BEING - PECWAN, CA</u>			
[REDACTED]		DOB	[REDACTED]
[REDACTED]		DOB	[REDACTED]

ADULT ARREST
 JUVENILE ARREST
 SEARCH WARRANT NO. _____

TYPE OF PROPERTY
 EVIDENCE FOUND SAFEKEEPING

PROPERTY CODES *178

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

PROPERTY/EVIDENCE LISTING

CODE	ITEM NO.	QTY.	DESCRIPTION	VALUE	NCIC	WEIGHT	DISPOSITION
E	1	26	AUDIO TAPES; 2 HCSO DISPATCH TAPES; OFFICER MARIANNE SMITH 5/14/04; [REDACTED] 5/14/04; [REDACTED] 5/14/04; [REDACTED] 5/14/04; SGT. KEVIN MILLER 5/14/04; [REDACTED] 5/14/04; [REDACTED] 5/14/04; SGT. JOSEPH MASTEN 5/14/04; 2 OFFICER CHANGIE CARRINGTON 5/15/04; OFFICER WILLIAM HARTZEL 5/15/04 2 TAPES; OFFICER PAUL CRAWF 5/15/04; SGT. KEVIN MILLER 5/15/04; DEPUTY FRED FLYNN 5/15/04; OFFICER DARREN MARRY 2 TAPES 5/15/04; OFFICER JOE O'ROURKE 5/14/04; DEPUTY BOB GUYAN 5/15/04; OFFICER WILLI O'DONOHUE 5/15/04; [REDACTED] 5/16/04; [REDACTED] 5/16/04; [REDACTED] 5/16/04; HCSO TRIBAL POLICE MINI CASSETTE				
E	2	3	CD-ROM, PHOTOS FROM DET. BATES & DEPUTY KEELE				

OWNERS OF PROPERTY

ITEMS NO. <u>1+2</u>	NAME <u>HCSO</u>	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	NAME	DOB	ADDRESS	PHONE	NOTIFIED
ITEMS NO.	NAME	DOB	ADDRESS	PHONE	NOTIFIED

LAB WORK REQUIRED

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

BOOKING OFFICER <u>KIM SCHLESINGER</u>	PIN <u>073</u>	REPORT DATE <u>6/14/04</u>	SUPERVISOR REVIEW	PIN	REPORT DATE
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CASE FILE COPY



HUMBOLDT COUNTY SHERIFF'S OFFICE SUPPLEMENTAL REPORT

Case #: 200402888

Date: August 12, 2008

Location(s) of occurrence: #1 SR 169 milepost 22.08-Pecwan, California; #2 SR 169 Pecwan Bridge at Pecwan Hill Rd.-Pecwan, California

Charge(s): 664/187(a) p.c., attempted murder of police officers

██████████ ██████████
██████████

Description: HMA, 5-6, 150, Blk, Brn

██████████ Yurok Tribal Police Officers, Hoopa Valley Tribal Police Officers, California Highway Patrol Officers and Humboldt County Sheriff's Office Deputies

Narrative: On August 4, 2008 at about 0754 hours, Detective Steve Quenell met with me in my office within CID (Criminal Investigations Division) of the Sheriff's Office. Detective Quenell told me that he had just met with Deputy Dave Lundie who was working overtime at the Humboldt County Correctional Facility. Deputy Lundie advised Detective Quenell that an Immigration and Customs Enforcement Agent named Keith Budd out of Florida had contacted him. According to Agent Budd, he believed that he could possibly have ██████████ in custody. Agent Budd told Deputy Lundie the person he had in custody gave the name of ██████████ and had similar descriptors as the ██████████ we had an arrest warrant out for, for attempted murder.

Detective Quenell said the only difference between the two ██████████ was their FBI numbers. Detective Quenell said the number for the person that Agent Budd had in custody was ██████████

I knew from my investigation into this case I received information that ██████████ had been involved in the shootout in Mexico. ██████████ was arrested for this and placed into a Mexico jail. While ██████████ was in custody, he died, and I was never able to confirm how he died or if he was dead.

At about 0842 hours, I telephoned Agent Budd at the telephone number that was provided to me by Detective Quenell. Agent Budd relayed the information to me that Detective Quenell had provided me. Agent Budd told me that he did not believe the person he had in custody was the ██████████ that I had a warrant out for. Agent Budd wanted to confirm this though, because the person he had in custody was going to be deported back to Mexico. Agent Budd requested I locate any fingerprints that I had for ██████████ and fax the fingerprint card to him.

At about 0845 hours, I met with (Evidence Technician) ET ██████████ and we located a rap sheet for ██████████ in the case file. The FBI number for ██████████ was ██████████ ET ██████████ was able

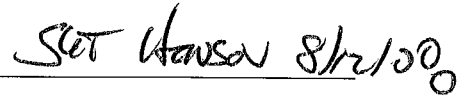
to locate a fingerprint card for [REDACTED] and faxed the card to Agent Budd.

At about 1021 hours, I met with ET [REDACTED] in my office. She advised me that she had spoken with Agent Budd and the person he had in custody was not the [REDACTED] who we had an outstanding arrest warrant for.

I have no further information regarding this case. If further information is developed, a supplemental report will be generated.



Detective Rich Schlesiger #0931



Sergeant Wayne Hanson #330

Humboldt County Sheriff's Office

826 Fourth Street, Eureka, CA 95501

Date: May 06, 2004

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

Subject: Shooting [REDACTED]

Case: 200402888

FOR IMMEDIATE RELEASE

UPDATE

The FBI has joined the search for the man wanted for shooting at law enforcement officers in Del Norte and Humboldt Counties. [REDACTED] is still at large after shooting at officers from the CHP, Hoopa Valley Tribal Police, and the Humboldt County Sheriff's Office on Tuesday. [REDACTED] was last seen on Highway 169 near Johnsons.

The FBI joined the manhunt this morning and sent up their San Francisco SWAT team. The Humboldt County Sheriff's Office is also continuing the search for [REDACTED] and the California Highway Patrol has air support standing by. Anyone with information about [REDACTED] is asked to contact the Humboldt County Sheriff's Office at (707) 445-7251.

Photos of [REDACTED] are available for pick-up at the Sheriff's Office Eureka station or by e-mail upon request.

Gary Philp
Sheriff

Humboldt County Sheriff's Office

826 Fourth Street, Eureka, CA 95501

Date: June 22, 2004

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

Subject: [REDACTED] Captured

Case: 200402888

FOR IMMEDIATE RELEASE

****UPDATE****

[REDACTED] has been captured in Michoacán, Mexico. [REDACTED] is wanted in Humboldt County on four counts of attempted murder and he is wanted in Del Norte County on thirteen counts of attempted murder. The charges stem from a May 3rd and 4th incident during which he opened fire, using a high-powered semi-automatic assault rifle, on law enforcement officers.

[REDACTED] was taken into custody June 19, 2004 by Mexican authorities. [REDACTED] was spotted in a bar/house of prostitution with a gun in his waistband. After seeing the gun, a concerned citizen notified local law enforcement. When the police attempted to arrest [REDACTED] a gun battle ensued in which two police officers were wounded. [REDACTED] was uninjured. After [REDACTED] ran out of ammunition officers were able to take him into custody. Subsequent to his arrest, police discovered that [REDACTED] had four arrest warrants for murder in Mexico.

- more -

██████ was taken into custody along with another individual that Mexican authorities reported to be at the top of a major drug cartel. Mexican authorities also reported that they believe ██████ is responsible for thirteen murders in Mexico.

Investigators in Humboldt and Del Norte Counties have known that ██████ has been in Mexico since a few days after the shootings in Humboldt; they had been working with the FBI and the Mexican authorities.

██████ will be held to answer charges in Mexico. It is not clear yet whether or not he will be extradited to the U.S. to stand trial here.

Gary Philp
Sheriff

#####

FILED

MAY - 6 2004

██████████ INFORMATION (Photo is / is not attached)

Full name: ██████████

Aliases: SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

Res. Add. ██████████ CRESCENT CITY, CA.

Bus. Add.:

Sex: MALE Race: HISPANIC Birthdate: ██████████ Age: 29

Birthplace:

Hair color: BLACK Eye color: BROWN Height: 508

Weight: 165

Unusual features: Marks/scars:

CII No.: FBI No.:

Driver's license State/No.: ██████████ Social Security No.:

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF HUMBOLDT

CR042405

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff, 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

██████████ Defendant./

DETECTIVE SERGEANT JUAN FREEMAN, 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 P.C. 4 COUNTS _____ have been committed by (Name)

██████████ and probable cause exists for his arrest.

Your declarant bases this belief on the following facts:

YOUR AFFIANT, DETECTIVE SERGEANT JUAN FREEMAN, OF THE HUMBOLDT COUNTY SHERIFF'S DEPARTMENT, HAS BEEN EMPLOYED AS A FULL-TIME PEACE OFFICER FOR APPROXIMATELY 27 YEARS . I HAVE BEEN ASSIGNED TO THE DETECTIVE BUREAU FOR APPROX. FIFTEEN YEARS.

ON 5-4-04 AT 0600 HRS, APPROXIMATELY 0600 HRS, I WAS CALLED OUT FROM MY RESIDENCE REGARDING REPORTS OF A ██████████ SHOOTING AT CHP OFFICERS, FOREST SERVICE BIOLOGISTS, AND TRIBAL POLICE OFFICERS AND DEPUTY SHERIFFS IN DEL NORTE AND HUMBOLDT COUNTIES.

AT ABOUT 0830 HRS, I CONTACTED OFFICER GREG BARTZ, OF THE DEL NORTE CHP OFFICE BY TELEPHONE. HE TOLD ME THAT THE SHOOTINGS BEGAN ON 5-4-04 AT ABOUT 0200 HRS, WHEN A CHP UNIT ATTEMPTED TO STOP THE [REDACTED] IN HIS VEHICLE IN THE CRESCENT CITY AREA. THE [REDACTED] WAS WANTED FOR DOMESTIC VIOLENCE IN THE COUNTY NEAR CRESCENT CITY, AND A BOLO WAS OUT ON THE [REDACTED]

THE [REDACTED] FIRED SEVERAL ROUNDS FROM AN AK 47 TYPE ASSAULT RIFLE, BREAKING OUT THE CHP VEHICLE WINDSHIELD. ONE OFFICER SUFFERED MINOR INJURIES FROM FLYING GLASS. THE CHP OFFICERS RETURNED FIRE AT THE [REDACTED] AND VEHICLE. DURING THE ENSUING PURSUIT, THE [REDACTED] FIRED ON THE OFFICERS AGAIN, AND THEN THE OFFICERS LOST SIGHT OF THE [REDACTED]

I, AND THE MEMBERS OF THE OIS TEAM DROVE TO THE AREA OF OCCURRENCE ARRIVING AT ABOUT 1000 HRS. ID TECH [REDACTED], AND TWO TRAINEES FROM THE EUREKA POLICE DEPARTMENT WENT TO AND PROCESSED THE VARIOUS CRIME SCENES.

I WAS ADVISED BY DISTRICT ATTORNEY CHIEF INVESTIGATOR, JIM DAWSON THAT A SHOOTING ON THE BALD HILLS ROAD WAS REPORTED BETWEEN 0500 AND 0600 HRS ON 5-4-04. A [REDACTED] MATCHING THE EARLIER [REDACTED] DESCRIPTION, OPERATING A SIMILAR VEHICLE, A BLACK LINCOLN NAVIGATOR, FIRED SEVERAL (14) ROUNDS INTO A FISH AND WILD LIFE JEEP CHEROKEE OCCUPIED BY THREE FISH AND WILD LIFE BIOLOGISTS. NONE OF THE BIOLOGISTS WERE INJURED, HOWEVER, THE PERSON IN THE REAR SEAT OF THE JEEP WAS GRAZED BY A BULLET ON HER FACE. THE VICTIMS WERE INTERVIEWED AND THEY GAVE WRITTEN ACCOUNTS OF WHAT HAPPENED TO THEM. I HAVE READ THE WRITTEN STATEMENTS BY THE VICTIMS.

THE VICTIMS SAID THE [REDACTED] AND LINCOLN NAVIGATOR CONTINUED EAST BOUND ON THE BALD HILLS ROAD. INVESTIGATOR DAWSON ADVISED ME THAT INFORMATION WAS RELAYED TO THE HOOPA VALLEY TRIBAL POLICE AND THE HUMBOLDT COUNTY SHERIFF'S DEPARTMENT. THE MARTINS FERRY BRIDGE AT WEITCHPEC WAS BLOCKED BY HOOPA UNITS SO THAT THE [REDACTED] COULD NOT GO TOWARD HIGHWAY 96. THE FOLLOWING INFORMATION WAS LEARNED BY LISTENING TO THE INTERVIEWS OF OFFICER JOE O' ROURK AND SERGEANT KEVIN MILLER CONDUCTED BY INV DAWSON:

WHEN THE [REDACTED] VEHICLE APPROACHED ON THE BRIDGE, HE TURNED WEST BOUND DOWN RIVER TOWARD PECWAN ON SR 169. AS THE HOOPA TRIBAL POLICE UNIT, JOE O'ROURK PURSUED THE NAVIGATOR, THE [REDACTED] FIRED SEVERAL SHOTS AT OFFICER O'ROURK. THE [REDACTED] WAS FIRING FROM HIS MOVING VEHICLE. OFFICER O'ROURK RETURNED FIRE WITH NEGATIVE RESULTS. OFFICER O'ROURK REPORTED BY RADIO WHAT WAS

HAPPENING, AND HOOPA TRIBAL POLICE SERGEANT JOE MASTEN, DEPUTY FRED FILYAU, AND SHERIFF SERGEANT KEVIN MILLER RESPONDED TO THE AREA. THEY ASSEMBLED ON THE PECWAN BRIDGE. ALSO PRESENT ON THE BRIDGE WERE CHP OFFICERS ROD GUILLAM AND WILL O'DIEAR.

THE [REDACTED] VEHICLE THEN APPEARED, TRAVELING DOWN PECWAN HILL TOWARD SR 169. THE OFFICERS SAW THIS AND SCRAMBLED TO GET INTO POSITION TO ENGAGE THE [REDACTED] HOWEVER, HE DROVE RAPIDLY PAST THEIR POSITION, WHILE FIRING ON THE OFFICERS NOW FROM BEHIND THEM. SERGEANT JOE MASTEN WAS NARROWLY MISSED BY A ROUND HITTING THE TOOL BOX AT THE BACK OF DEPUTY FILYAU'S SHERIFF TRUCK. SEVERAL ROUNDS PENETRATED FILYAU'S TRUCK, AS CHP OFFICERS GILLUM AND O'DIEAR GOT INTO POSITION FIRST AND OFFICER O'DIEAR RETURNED FIRE AT THE [REDACTED] VEHICLE. THE [REDACTED] FLED THE AREA IN HIS VEHICLE AND WAS NOT VISIBLE TO THE OFFICERS.

A CALL WAS MADE TO THE CHP AIR UNIT AND THE [REDACTED] VEHICLE WAS SPOTTED PARKED BEHIND THE [REDACTED] RESIDENCE LESS THAN A MILE FROM THE BRIDGE.

THE RESIDENCE WAS SURROUNDED BY OFFICERS AND THE HUMBOLDT COUNTY S.E.T. UNIT. ULTIMATELY, THE [REDACTED] WAS FOUND TO NOT BE IN THE AREA.

THE [REDACTED] WAS IDENTIFIED BY THE ORIGINAL BROADCAST FOR THE DOMESTIC VIOLENCE BY THE DEL NORTE SHERIFF. SEVERAL WITNESSES WHO ENCOUNTERED THE [REDACTED] IN THE AREA HAVE MADE POSITIVE IDENTIFICATIONS OF THE [REDACTED] [REDACTED]. THE [REDACTED] WAS ALSO IDENTIFIED ORIGINALLY BY THE DOMESTIC VIOLENCE VICTIM, [REDACTED], CRESCENT CITY, CA. SHE IS ALSO THE REGISTERED OWNER OF THE LINCOLN NAVIGATOR. SHE HAS INDICATED THAT THE [REDACTED] TOOK HER LINCOLN NAVIGATOR WITHOUT PERMISSION.

THE [REDACTED] VEHICLE, THE LINCOLN NAVIGATOR, WAS SEIZED AND TRANSPORTED BY HUMBOLDT TOWING TO THE CALIFORNIA DEPARTMENT OF JUSTICE CRIME LAB IN EUREKA WHERE IT HAS BEEN STORED. PLEASE FIND ATTACHED AS ATTACHMENT 2, PHOTOGRAPHS OF THE FISH AND WILD LIFE BIOLOGIST'S VEHICLE, AND THE HOOPA VALLEY TRIBAL POLICE VEHICLE.

I KNOW THAT PEOPLE WHO OPERATE MOTOR VEHICLES OFTEN LEAVE IDENTIFICATION, LETTERS, PERSONAL ITEMS, BILLS AND THEIR FINGERPRINTS INSIDE THE VEHICLE. I BELIEVE THAT EVIDENCE OF FIREARMS HAVING BEEN DISCHARGED IN OR FROM THE VEHICLE WILL BE FOUND IN AND ON THE VEHICLE. I KNOW THAT [REDACTED] WHO USE FIREARMS TO ELUDE THE POLICE WILL OFTEN LEAVE EVIDENCE OF THE FIREARMS USE SUCH AS SHELLS, EMPTY SHELL CASES, AMMUNITION PACKAGING, AND RECEIPTS INSIDE THE VEHICLE.

I BELIEVE THAT BIOLOGICAL EVIDENCE, FIBERS AND BIOLOGICAL FLUIDS SUCH AS BLOOD WILL BE FOUND IN THE VEHICLE, ESPECIALLY IF THE [REDACTED] SUSTAINED AN INJURY DURING THE SHOOTING INCIDENTS.

AS OF THIS WRITING, THE [REDACTED] IS STILL AT LARGE.

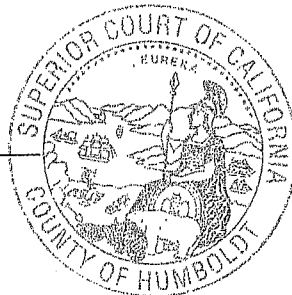
THIS AFFIDAVIT WAS PREPARED ON 5-4-2004, AND REVIEWED BY DEPUTY DISTRICT ATTORNEY WES KEAT ON 5-4-2004.

Your affiant believes that a warrant of arrest 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 5-5-2004 at Eureka, California.


Declarant



FILED

HUMBOLDT SUPERIOR COURT
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

MAY 10 2004
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

RETURN TO SEARCH WARRANT
S/W #

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

THE PREMISES located at and described as: THE CALIFORNIA DEPARTMENT OF JUSTICE EUREKA CRIME LAB.

2. HUMBOLDT TOWING, 101 H ST, EUREKA, CA.

including basements, attics, storage spaces, appurtenant buildings, the surrounding grounds, and any containers thereon which could contain any of the items sought.

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

THE VEHICLE(S) described as: 1. A BLACK [REDACTED] LINCOLN NAVIGATOR, BEARING CAL LIC PLATE [REDACTED]

2. A [REDACTED] BOSTON UTILITY TRAILER, ORANGE AND WHITE WITH "U-HAUL" PRINTED ON THE SIDE AND BACK, [REDACTED]

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

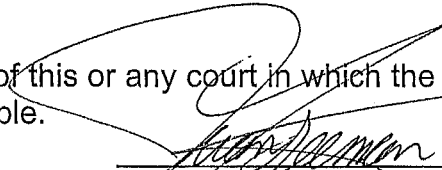
THE PERSON(S) OF: [REDACTED] HMA, 5-8, 165 LBS, BLACK HAIR, BROWN EYES.

pursuant to the search warrant dated the 6th day of MAY, 2004, issued by Judge WILSON of the Humboldt Superior Court and executed on MAY 6, 2004.

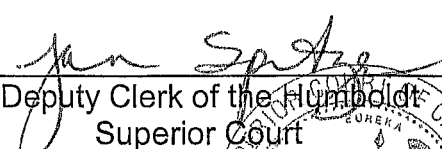
I, Det. SGT. JUAN FREEMAN, by whom this warrant was served, do swear that the attached inventories contain(s) a true and detailed account of all the property taken during the service of this search warrant.

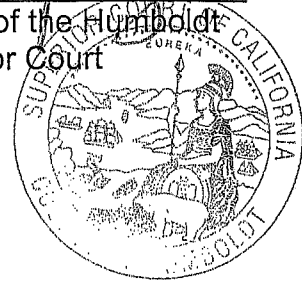
All the property seized which was listed on the search warrant will be retained in my

custody subject to order of this or any court in which the offense in respect to which the property was taken is triable.


Affiant

GIVEN under my hand and dated this 10th day of May, 2004.


Deputy Clerk of the Humboldt
Superior Court



SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 5-5-04

CASE NUMBER 200402888

DEPUTY SHERIFF SEIZING ITEMS Freeman

SEARCH WARRANT NUMBER 5633

ITEMS REMOVED FROM ADDRESS/LOCATION DATA LAB EUREKA

From Navigator [REDACTED]

several (2) latent prints

- (1) Steering Wheel
- Rear view interior mirror
- (2) "Wolf" 7.62 spent cartridges
- (4) " " " " " "
- (1) Joya Del Rey cigar
- (1) Broken glass smoking pipe
- (1) 13.5 oz bottle of Jarritos drink
- misc indicia - assorted mail
- bus card - SKaggs auto
- indicia - U-Haul contract, reg., ins
- green knit cap
- Rayo vac head lamp
- Phillips Mangunoy CD player w/ CD
- Black leather ball cap w/ NYPD
- 2 rear pass. seat belts
- 1 pillow case
- "no touch" tire case
- blk plastic bag w/ misc mags, clippers
- misc mens clothing in white plastic bag

DATE 5-6-04 TIME 1440

SIGNATURE OF DEPUTY SHERIFF [Signature]

PIN # 0197

HUMBOLDT SUPERIOR COURT
COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

FILED

MAY 06 2004

Jell

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

SEARCH WARRANT
S/W # 5633

THE PEOPLE OF THE STATE OF CALIFORNIA, to any sheriff, policeman, or peace office, proof by affidavit having been made before me by DETECTIVE SERGEANT JUAN FREEMAN, that there is probable cause to believe the property described hereinafter may be found at the locations set forth and that such property is seizable under Penal Code Section 1524 in that it:

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

YOU ARE THEREFORE COMMANDED TO SEARCH:

THE PREMISES located at and described as: THE CALIFORNIA DEPARTMENT OF JUSTICE EUREKA CRIME LAB.

2. HUMBOLDT TOWING, 101 H ST, EUREKA, CA.

Including basements, attics, storage spaces, appurtenant buildings, the surrounding grounds, and any containers thereon which could contain any of the items sought.

THE CONTAINER(S) located at and described as: NA

THE VEHICLE(S) described as: 1. A BLACK [REDACTED] LINCOLN NAVIGATOR, BEARING CAL LIC PLATE [REDACTED]

2. A [REDACTED] BOSTON UTILITY TRAILER, ORANGE AND WHITE WITH "U-HAUL" PRINTED ON THE SIDE AND BACK, [REDACTED]

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

THE PERSON(S) OF [REDACTED], DOB: 10-24-1974, HMA, 5-8,
165 LBS, BLACK HAIR, BROWN EYES.

FOR THE FOLLOWING PROPERTY: Weapons, including but not limited to firearms and ammunition, holsters, other weapons storage systems or containers, evidence of firearms having been fired in or from the vehicle, blood and trace evidence, fingerprints, palm, foot and shoe prints, latent or otherwise, soil and vegetation samples, writing of any nature and any kind which appear to have a direct relationship to the assault, such as death threats, statements acknowledging responsibility for the assaults, items of indicia indicating control of the vehicle including wallet, purses, letters or other writings, utility company receipts, canceled mail envelopes, business cards, trash bags, vacuum cleaner or implements, items which have been touched by the [REDACTED] or left behind by the [REDACTED] items which appear to contain human blood, human tissues, human or animal hair, or fiber, contraband substances and/or items used in the trafficking of contraband substances. further ordered that the peace officers executing this warrant be authorized, pursuant to Penal Code section 1530, to bring onto the premises whatever professional or expert assistants or consultants that he/she considers necessary in order to, among other things, properly preserve the premises and physical evidence, conduct tests, experiments and re-enactments, draw floor plans, and collect physical evidence.

It is further ordered that the peace officers executing this warrant be authorized, pursuant to Penal Code section 1530, to bring onto the premises persons knowledgeable about the premises and/or its occupants, furnishings, and other items of personal property normally found within the premises, in order to, among other things, determine if any items of personal property are missing or otherwise out of place.

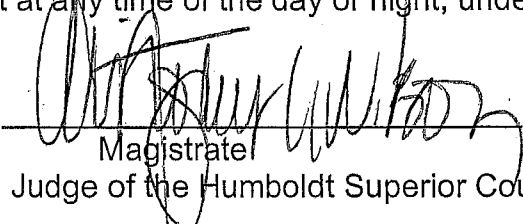
It is further ordered that the peace officers executing this warrant be authorized to conduct or order whatever experiments, tests, or scientific evaluations are necessary and proper on said seized items of evidence. All such items shall thereafter be maintained and preserved in an appropriate manner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

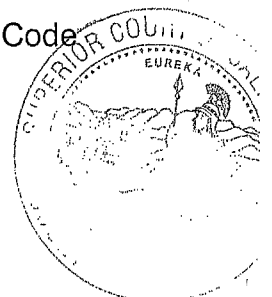
and to seize it or any part thereof and retain such property in your custody subject to order of this court, pursuant to Penal Code Section 1536.

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

This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 5th day of May, 2004, at 1035 W 1st St. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

CGW You may serve this warrant at any time of the day or night, under Penal Code Section 1533.


Magistrate
Judge of the Humboldt Superior Court



Wed May 5 08:14:57 2004

Pam - CID

CFS REPORT

ZONES:

CFS NUMBER: 050304-140 DATE/TIME REC'D: 05/03/04 23:14
CASE NUMBER: 200402888 DATE/TIME SENT: 05/03/04 23:14
INC CODE: PURV DESC: PURSUIT VEHICLE DATE/TIME CMPL: 05/04/04 21:07

INC ADDR: STATE HWY 169 MM 25 APT#: CITY: PHONE:
COMP NAME: CHP COMP ADDR: PHONE:
IN PROG: OFF CONT: PRI: 1 WEAPON: ALARM: PRI UNIT: X1
CALLTAKER: [REDACTED] DISPATCHER: [REDACTED]
FINAL DISP: REP

UNITS ATTACHED:


COMMENTS: 05/04/04 20:40 DOJ WILL BE THERE SHORLTY
05/04/04 20:40 VEHICLE AT DOJ
05/04/04 15:31 VEHICLE TO BE TOWED TO EUREKA
05/04/04 15:30 BUDDIES WILL BE ENROUTE
05/04/04 13:31 HOUSE AND OUTBUILDINGS ARE CLEAR. NO ONE THERE. CANCEL CODE 33
05/04/04 13:05 RECONN TEAM APPROACHING
05/04/04 13:05 CODE 33
05/04/04 12:47 [REDACTED] EN RESIDENCE IN [REDACTED] PK
05/04/04 11:41 G10 CAN CANCEL RESPONSE TO MARTINS FERRY BRIDGE, K27 WILL DIRECT
HER TOP NEW CRIME SCENE
05/04/04 11:21 AMBULANCE STAGING AT MARTIN FERRY BRIDGE
05/04/04 11:08 NEW SAT PHONE NUMBER [REDACTED]
05/04/04 10:47 PER K27 HAVE G10 RESPOND TO MARTINS FERRY BRIDGE
05/04/04 10:36 [REDACTED]
05/04/04 10:35 CHP PILOT HAS SATALLITE PHONE
05/04/04 09:28 A9 AT HOOPA STATION GETTING A FAX OF HOUSE PLAN
05/04/04 08:54 H14 IS AT THE COMMAND POST
05/04/04 08:53 FBI IS ENROUTE FROM WILLOW CREEK
05/04/04 08:31 A9 ENROUTE CODE 3
05/04/04 08:19 [REDACTED] DRIVES A NISSIAN PICKUP
05/04/04 08:18 POSSIBLY A 15 YOA AND A GRANDMOTHER LIVING IN THE [REDACTED] RES.
05/04/04 07:52 Y596 REQUESTING A NEGOTIATOR
05/04/04 07:50 H14 LOCATED VEHINCLE PARKED BEHIND [REDACTED] RES
05/04/04 07:29 H14 ON SCENE, IN THE FOG
05/04/04 07:21 X10, Y587, X25, EN CODE 3
05/04/04 07:05 SLYVIA, AND COONFOIELD ENROUTE CODE 3.
05/04/04 07:04 IRELAND IS WITH Y1032
05/04/04 06:58 ALL OFFICERS ARE CODE 4. MOVE STAIGN ARE TO 2504
05/04/04 06:57 ALL [REDACTED] ARE CODE 4.
05/04/04 06:56 EXPIDITE, [REDACTED] POSSIBLYT ENROUTE [REDACTED] RES
05/04/04 06:55 SHOTS FIRED WB 169 TOAWRDS JOHNSONS.
05/04/04 06:55 UNREADABLE
05/04/04 06:54 SHOTS FIRED
05/04/04 06:54 CODE 33.
05/04/04 06:49 GARY BATES APD ENROUTE HCSO
05/04/04 06:49 H14 ENROUTE.
05/04/04 06:47 X1 STAGING AT MM 14.50
05/04/04 06:46 APD NOTIFYING THERE DETECTIVE, HE WILL BE ENROUTE HCSO SOON
05/04/04 06:45 DAVE PARIS ENROUTE HCSO TO 87 WITH 7K1
05/04/04 06:41 CANCEL CODE 33, UNITS HOLDING PERIMETER.
05/04/04 06:21 25X2, 42CHP, X1, IN THE AREA
05/04/04 06:17 TRIBAL HAS LAST SIGHT OF [REDACTED] BUT THEY, HAVE IT NARROWED DOWN.
05/04/04 06:12 X1 IN AREA
05/04/04 06:11 FOUR UNITS HEADING TOWARDS [REDACTED] LOCATION
05/04/04 06:11 [REDACTED] VEHIVLE IS NEAR JACK NORTON SCHOOL
05/04/04 06:09 SINGLE [REDACTED] AT THIS TIME

Wed May 5 08:14:57 2004

05/04/04 06:08 VERY END OF RD NEAR JOHNSON
05/04/04 06:08 2507 LOCATED VEHICLE
05/04/04 05:35 PAT FREESE WITH SIMPSON IS GOING TO HAVE ALL HIS PEOPLE PULL OUT
AND STAY OUT OF THE AREA UNTIL THE [REDACTED] IS CAUGHT.
05/04/04 05:33 DA TEAM WILL BE ENROUTE CLOSER TO DAY LIGHT HOURS.
05/04/04 05:29 JIM DAWSON HAS BEEN NOTIFIED.
05/04/04 05:29 EPD NOTIFIED, DAVE PARIS WILL CALL JIM DAWSON
05/04/04 05:29 X1 ADVISING TRIBAL IS REQUESTING 4X4 VEHICLES, POSSIBLY X25.
05/04/04 05:22 0600 PHONE Q40 OR Q44
05/04/04 05:22 25A2 IS REQUESTING ID TECH AND OFFICER INVOLVED SHOOTING TEAM AS
WELL AS SWAT TEAM.
05/04/04 04:46 Primary unit changed from X30 to X1
05/04/04 04:46 DR number 200402888 assigned for agency HUMBOLDT CO SHERIFF
05/04/04 04:43 COMPLETED CHECKING SIMPSON P10, PECKWAN RIDGE RD
05/04/04 04:12 IncidentCode changed from ASSISTA to PURV at 04:12
05/04/04 03:47 POSSIBLE TRACKS LEADING TO THE SCHOOL
05/04/04 03:46 CLEARED THE VILLAGE AREA OF JOHNSONS BAR.
05/04/04 03:10 GPS N 4116.725 W 12349.930
05/04/04 03:07 X1,25A2,STADNING BY, TWO THREEE MAN UNITS ARE SETTING UP PERIMTER
05/04/04 02:51 PAT FREESE NOTIFIED,BRIDGE IS PROBABLY IN THE WATER, SIMPSON
EMPLOYEES IN THE AREA. FREESE WILL ATTEMPT TO CONTACT THEM AND HAVE THEM LEAVE
THE AREA. FREESE IS REQUESTING PHONE CONTACT AT [REDACTED] WHEN [REDACTED] IS IN CUSTODY.
05/04/04 02:29 OVER PECWAN RIDGE RD, IF SIMPSON HASD INSTALLED SUMMER BRIDGE.
05/04/04 02:28 CONTAINED MCCKENNON HILL TO END OF RD.
05/04/04 02:27 BACKED OUT .5 MILES.
05/04/04 02:18 X1 20 MINUTES OUT
05/04/04 02:18 AMBULANCE STAGING AT MARTINS FERRY
05/04/04 02:14 SHERIFF NOTIFIED
05/04/04 02:12 COBINE NOTIFIED
05/04/04 02:11 2 MILES FROM SIMPSON RES
05/04/04 02:11 8 MILES FROM END OF RD
05/04/04 02:10 BUSEY NOTIFIED
05/04/04 02:10 Address changed to [NO VALUE] at 02:10
05/04/04 02:07 THREE CHP UNITS STAGING IN KLAMATH AREA IN CASE SUSP DOUBLES
BACK.
05/04/04 02:01 S42 4 MILES OUT
05/04/04 01:59 7.62 RIFLE CASINGS RECOVERED BY CHP IN ORICK AREA.
05/04/04 01:57 S42 AND OTHER HVTPD UNITS AT MITCHELL RD
05/04/04 01:56 NEG CHP HELO, OR USCG HELO
05/04/04 01:56 WC CHP SGT/OFC CLEARING SHORTLY
05/04/04 01:55 A7 ADVISES TO HOLD OVER ALL SWING SHIFT UNITS
05/04/04 01:53 [REDACTED]
05/04/04 01:52 22.08 MM
05/04/04 01:50 LOST SIGHT OF VEHICLE
05/04/04 01:50 25X2 REQUEST 87 W S42
05/04/04 01:48 25X2 NEG UPDATE, STILL CHECKING AROUND COROMNR
05/04/04 01:47 CHP BEING CALLED OUT
05/04/04 01:45 A7 WILL BE ENROUTE SHORTLY
05/04/04 01:44 ROUNDS EXCHANGEDE, 25X2
05/04/04 01:44 DUTY OFFICER NOTIFIED, X1 WILL BE ENROUTE
05/04/04 01:42 STOPPED, WINODWS SHOT OUT
05/04/04 01:42 25X2, MORE SHOTS FIRED
05/04/04 01:39 (HAVE BEEN IN PURSUIT)
05/04/04 01:39 2504,2507,25X2,2404, IN PURSIUT OF [REDACTED]
05/04/04 01:38 25X2 MORE SHOTS FIRED
05/04/04 01:37 NB 169 30-35 MPH
05/04/04 01:35 STILL HEADED TOWARDS JOHNSONS
05/04/04 01:35 SHOTS FIRED AT HVTPD VEHICLE
05/04/04 01:33 SHOTS FIRED
05/04/04 01:30 2507 WB 169
05/04/04 01:29 25X2 IN PURSUIT
05/04/04 01:29 BLK NAV NB ON 169
05/04/04 01:28 25X2 HAS VEHICILE APPROACHING HIM

Wed May 5 08:14:57 2004

05/04/04 01:19 [REDACTED] BLACKS OUT WHEN IT SEES ANOTHER VEHICLE, THEN PROCEEDS EAST.
05/04/04 01:15 [REDACTED] SEEN 10 AGO MM 14, PROCEEDING EAST.
05/04/04 00:22 2507, OS, MARTINS FERRY BRDG/STATE HWY 169
05/03/04 23:57 MARITNS FERRY
05/03/04 23:57 2404
05/03/04 23:56 TRIBAL NOTIFEID
05/03/04 23:55 RANGERS TAKING FIRE
05/03/04 23:53 6 MILES UP BALD HILL S RD
05/03/04 23:53 CHP IS SET UP S OF ORICK NEAR A DAIRY, CONCEALED.
05/03/04 23:46 BLOCKING NB 101 TRAFFIC.
05/03/04 23:37 X30 PAST TRINIDAD
05/03/04 23:31 S12 IS 101 PAST PP DR.
05/03/04 23:22 CHP HAS LOST CONTACT WITH VEHICLE
05/03/04 23:18 SETTING UP AT VISITOR CENTER AT FREESHALAGOON
05/03/04 23:15 CHP REQUESTING ASSISTANCE
05/03/04 23:15 BLACK NAVIGATOR, TOWING A UHAUL TRAILER.



RUNTIMES ASSOCIATED WITH CALL:

UNIT	SUBUNIT	STATUS	TIME
2502		DISP	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:03
		EN_ROUTE	00:05
		EN_ROUTE	00:06
		OUT_SCENE	00:40
		EN_ROUTE	01:31
		OUT_SCENE	02:18
		OUT_SCENE	06:35
		AVAIL	08:30
2504		DISP	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:02
		EN_ROUTE	00:15
		OUT_SCENE	01:25
		OUT_SCENE	01:28
		OUT_SCENE	01:31
		OUT_SCENE	06:35
		OUT_SCENE	06:38

Wed May 5 08:14:57 2004

		AVAIL	08:30
2506		DISP	01:32
		EN_ROUTE	01:32
		OUT_SCENE	02:18
		OUT_SCENE	06:35
		AVAIL	08:30
25A1		DISP	01:33
		EN_ROUTE	01:33
		OUT_SCENE	02:18
		OUT_SCENE	06:35
		AVAIL	08:30
25A2		DISP	07:09
		EN_ROUTE	07:09
		OUT_SCENE	07:09
		AVAIL	08:30
25T		DISP	06:20
		OUT_SCENE	06:20
		OUT_SCENE	06:35
		AVAIL	18:46
7K1		DISP	06:34
		EN_ROUTE	06:34
		OUT_SCENE	12:04
		AVAIL	17:55
8H1		DISP	09:51
		OUT_SCENE	09:51
		OUT_SCENE	12:04
		AVAIL	17:55
A7	JIMENEZ	DISP	01:45
		EN_ROUTE	02:03
		OUT_SCENE	02:15
		OUT_STATION	02:15
		AVAIL	14:13
A8	DOWNEY	DISP	12:06
		OUT_SCENE	12:06
		AVAIL	18:02
A9	CAVINTA	DISP	07:56
		EN_ROUTE	07:58
		OUT_SCENE	09:26
		EN_ROUTE	09:47
		OUT_SCENE	10:44
		EN_ROUTE	18:28
		OUT_SCENE	19:20
		EN_ROUTE	19:57
		AVAIL	21:01
BUDDYSTOW		_ATTACH_	15:27
		AVAIL	15:27
		EN_ROUTE	15:30
		DETACH	18:42
G10		DISP	07:54
		EN_ROUTE	07:54
		EN_ROUTE	08:44
		OUT_SCENE	12:04
		EN_ROUTE	18:26
		OUT_SCENE	19:20
		EN_ROUTE	19:31
		AVAIL	21:07
J21		DISP	13:10
		EN_ROUTE	13:10
		OUT_SCENE	14:07
		AVAIL	16:50
K26	FREEMAN	DISP	08:32
		EN_ROUTE	08:33
		OUT_SCENE	12:04

Wed May 5 08:14:57 2004

		EN_ROUTE	18:28
		OUT_SCENE	19:20
		EN_ROUTE	19:57
		AVAIL	21:06
K27	SCHLESIGER	DISP	06:52
	SCHLESIGER	EN_ROUTE	06:52
		OUT_STATION	07:14
		AVAIL	08:02
		DISP	08:34
		EN_ROUTE	08:34
		OUT_SCENE	12:04
		EN_ROUTE	18:28
		OUT_SCENE	19:20
		EN_ROUTE	19:57
		AVAIL	21:07
L23	WAHLUND	DISP	23:19
	WAHLUND	EN_ROUTE	23:19
		OUT_SCENE	23:40
		OUT_SCENE	23:41
		OUT_SCENE	23:41
		OUT_SCENE	23:46
		AVAIL	00:00
		DISP	00:04
		EN_ROUTE	00:04
		OUT_SCENE	01:41
		AVAIL	01:59
L66	PETERSON_M	DISP	06:44
		EN_ROUTE	07:13
		OUT_SCENE	12:04
		AVAIL	18:28
Q12	GAINNEY_M	DISP	06:49
		EN_ROUTE	06:49
		OUT_SCENE	08:46
		AVAIL	18:23
Q40	BERRY_G	DISP	09:31
		OUT_SCENE	09:32
		AVAIL	17:07
Q44	HICKS_C	DISP	07:00
		EN_ROUTE	07:07
		OUT_SCENE	07:29
		AVAIL	19:23
S12	MAUS	DISP	23:17
	MAUS	EN_ROUTE	23:19
		OUT_SCENE	23:33
		OUT_SCENE	23:46
		AVAIL	00:00
		DISP	00:04
		EN_ROUTE	00:04
		AVAIL	00:07
S42	FILYAU	DISP	00:00
		EN_ROUTE	00:00
		EN_ROUTE	00:06
		EN_ROUTE	00:06
		OUT_SCENE	00:40
		EN_ROUTE	01:30
		EN_ROUTE	01:31
		OUT_SCENE	02:17
		OUT_SCENE	06:35
		AVAIL	16:37
X1	MILLER	DISP	01:41
		EN_ROUTE	01:50
		OUT_SCENE	02:33
		EN_ROUTE	06:08

- Hoopa Station

		OUT_SCENE	06:37
		OUT_SCENE	15:09
		OUT_STATION	15:59
		AVAIL	16:19
X10	GARCIA	DISP	06:59
	GARCIA	EN_ROUTE	06:59
	GARCIA	AVAIL	07:13
		DISP	07:13
		AVAIL	07:20
		DISP	07:20
		EN_ROUTE	07:20
		OUT_SCENE	09:01
		OUT_SCENE	15:09
		AVAIL	16:19
X15	BUIHNER	DISP	06:47
		EN_ROUTE	06:48
		AVAIL	07:25
X25	HANSON	DISP	06:38
	HANSON	EN_ROUTE	06:38
	HANSON	OUT_STATION	07:03
		AVAIL	07:13
		DISP	07:13
		AVAIL	07:20
		DISP	07:20
		EN_ROUTE	07:20
		OUT_SCENE	09:01
		AVAIL	18:28
X30	MOREY	DISP	23:16
	MOREY	AVAIL	23:18
	MOREY	DISP	23:19
		EN_ROUTE	23:19
		OUT_SCENE	23:40
		OUT_SCENE	23:41
		OUT_SCENE	23:41
		OUT_SCENE	23:46
		AVAIL	00:00
		DISP	00:04
		EN_ROUTE	00:04
		OUT_SCENE	01:41
		AVAIL	01:59
Y1032	COOKE	DISP	07:06
		EN_ROUTE	07:06
		OUT_SCENE	12:04
		AVAIL	18:38
Y1047	IRELAND	DISP	07:06
		EN_ROUTE	07:06
		OUT_SCENE	12:04
		AVAIL	18:38
Y1081	GAREY	DISP	12:57
		EN_ROUTE	12:58
		OUT_SCENE	17:08
		AVAIL	19:52
Y550	FRIDLEY	DISP	12:57
		EN_ROUTE	12:58
		OUT_SCENE	17:08
		AVAIL	19:52
Y572	COONFIELD	DISP	07:08
	COONFIELD	EN_ROUTE	07:08
		OUT_SCENE	12:04
		AVAIL	18:37
		DISP	19:42
		AVAIL	19:42
Y587	QUENELL_B	DISP	07:20

Main

Wed May 5 08:14:57 2004

		EN_ROUTE	07:20
		OUT_SCENE	09:01
		OUT_SCENE	15:09
		AVAIL	16:19
Y596	SYLVIA	DISP	07:08
	SYLVIA	EN_ROUTE	07:08
		OUT_SCENE	12:04
		AVAIL	18:37
		DISP	19:42
		AVAIL	19:42

7

7

Thu May 6 16:40:48 2004

CFS REPORT

DATE: Thu May 6 16:40:35 2004

Time Frame: 05/02/04 00:00 - 05/04/04 23:50

=====
CFS NUMBER: 050304-140 DATE/TIME RECD: 05/03/04 23:14:27
CASE: 200402888 DATE/TIME SENT: 05/03/04 23:14:33
INC CODE: PURV DATE/TIME CMPL: 05/04/04 21:07:07
INC CODE DESC: PURSUIT VEHICLE
FINAL DISP: REP
=====

=====
ADDRESS: B:STATE HWY 169 MM 25 APT: CITY: PHONE:
COMP NAME: CHP ADDR: PHONE:
IN PROG: PRI: 1 WEAPON: ALARM: PRI UNIT: X1
CALLTAKER: [REDACTED] DISPATCHER: [REDACTED]
=====

UNITS ATTACHED: 2502, 2504, 2506, 25A1, 25A2, 25T, 7K1, 8H1, A7, A8, A9, BUDDYSTOW, G10, J21, K26, K27, L23, L66, Q12, Q4
+ 0, Q44, S12, S42, X1, X10, X15, X25, X30, Y1032, Y1047, Y1081, Y550, Y572, Y587, Y596

PERSONS:
TYPE: OFF SAFETY

NAM: [REDACTED]
DOB: [REDACTED] AGE: 29
HAI: BLK EYE: BTN
ARMED AND DANGEROUS: Y
LSW:
MISC:

VEHICLES:
TYPE: OFF SAFETY

[REDACTED]

Thu May 6 16:40:48 2004

ZIP#:95531

COMMENTS:

[REDACTED] 00:22:32
2507, OS, MARTINS FERRY BRDG/STATE HWY 169
[REDACTED] 01:15:43
[REDACTED] SEEN 10 AGO MM 14, PROCEEDING EAST.
[REDACTED] 01:19:23
[REDACTED] BLACKS OUT WHEN IT SEES ANOTHER VEHICLE, THEN PROCEEDS EAST.
[REDACTED] 01:28:16
25X2 HAS VEHICLE APPROACHING HIM
[REDACTED] 01:29:31
BLK NAV NB ON 169
[REDACTED] 01:29:41
25X2 IN PURSUIT
[REDACTED] 01:30:04
2507 WB 169
[REDACTED] 01:33:47
SHOTS FIRED
[REDACTED] 01:35:44
SHOTS FIRED AT HVTPD VEHICLE
[REDACTED] 01:35:56
STILL HEADED TOWARDS JOHNSONS
[REDACTED] 01:37:31
NB 169 30-35 MPH
[REDACTED] 01:38:26
25X2 MORE SHOTS FIRED
[REDACTED] 01:39:00
2504, 2507, 25X2, 2404, IN PURSUIT OF [REDACTED]
[REDACTED] 01:39:14
(HAVE BEEN IN PURSUIT)
[REDACTED] 01:42:04
25X2, MORE SHOTS FIRED
[REDACTED] 01:42:58
STOPPED, WINDOWS SHOT OUT
[REDACTED] 01:44:00
DUTY OFFICER NOTIFIED, X1 WILL BE ENROUTE
[REDACTED] 01:44:14
ROUNDS EXCHANGED, 25X2
[REDACTED] 01:45:39
A7 WILL BE ENROUTE SHORTLY
[REDACTED] 01:47:43
CHP BEING CALLED OUT

01:48:43

25X2 NEG UPDATE, STILL CHECKING AROUND COROMNR

Thu May 6 16:40:48 2004

[REDACTED] 01:50:00
25X2 REQUEST 87 W S42
[REDACTED] 01:50:23
LOST SIGHT OF VEHICLE
[REDACTED] 01:52:37
22.08 MM
[REDACTED] 01:53:41
[REDACTED] 01:55:18
A7 ADVISES TO HOLD OVER ALL SWING SHIFT UNITS
[REDACTED] 01:56:11
WC CHP SGT/OFC CLEARING SHORTLY
[REDACTED] 01:56:19
NEG CHP HELO, OR USCG HELO
[REDACTED] 01:57:13
S42 AND OTHER HVTDP UNITS AT MITCHELL RD
[REDACTED] 01:59:47
7.62 RIFLE CASINGS RECOVERED BY CHP IN ORICK AREA.
[REDACTED] 02:01:56
S42 4 MILES OUT
[REDACTED] 02:07:33
THREE CHP UNITS STAGING IN KLAMATH AREA IN CASE [REDACTED] DOUBLES BACK.
[REDACTED] 02:10:26
ADDRESS CHANGED TO [NO VALUE] AT 02:10
[REDACTED] 02:10:34
BUSEY NOTIFIED
[REDACTED] 02:11:16
8 MILES FROM END OF RD
[REDACTED] 02:11:38
2 MILES FROM SIMPSON RES
[REDACTED] 02:12:13
COBINE NOTIFIED
[REDACTED] 02:14:02
SHERIFF NOTIFIED
[REDACTED] 02:18:18
AMBULANCE STAGING AT MARTINS FERRY
[REDACTED] 02:18:30
X1 20 MINUTES OUT
[REDACTED] 02:27:33
BACKED OUT .5 MILES.
[REDACTED] 02:28:19
CONTAINED MCCKENNON HILL TO END OF RD.
[REDACTED] 02:29:02
OVER PECWAN RIDGE RD, IF SIMPSON HASD INSTALLED SUMMER BRIDGE.
[REDACTED] 02:51:29
PAT FREESE NOTIFIED, BRIDGE IS PROBABLY IN THE WATER, SIMPSON EMPLOYEES

Thu May 6 16:40:48 2004

IN THE AREA. FREESE WILL ATTEMPT TO CONTACT THEM AND HAVE THEM LEAVE THE AREA. FREESE IS REQUESTING PHONE CONTACT AT [REDACTED] WHEN [REDACTED] IS IN CUSTODY.

[REDACTED] 03:07:55

X1, 25A2, STADNING BY, TWO THREEE MAN UNITS ARE SETTING UP PERIMTER

[REDACTED] 03:10:56

GPS N 4116.725 W 12349.930

[REDACTED] 03:46:03

CLEARED THE VILLAGE AREA OF JOHNSONS BAR.

[REDACTED] 03:47:48

POSSIBLE TRACKS LEADING TO THE SCHOOL

[REDACTED] 04:12:08

INCIDENTCODE CHANGED FROM ASSISTA TO PURV AT 04:12

[REDACTED] 04:43:06

COMPLETED CHECKING SIMPSON P10, PECKWAN RIDGE RD

[REDACTED] 04:46:34

DR NUMBER 200402888 ASSIGNED FOR AGENCY HUMBOLDT CO SHERIFF

[REDACTED] 04:46:37

PRIMARY UNIT CHANGED FROM X30 TO X1

[REDACTED] 05:22:10

25A2 IS REQUESTING ID TECH AND OFFICER INVOLVED SHOOTING TEAM AS WELL AS SWAT TEAM.

[REDACTED] 05:22:46

0600 PHONE Q40 OR Q44

[REDACTED] 05:29:01

X1 ADVISING TRIBAL IS REQUESTING 4X4 VEHICLES, POSSIBLY X25.

[REDACTED] 05:29:17

EPD NOTIFED, DAVE PARIS WILL CALL JIM DAWSON

[REDACTED] 05:29:28

JIM DAWSON HAS BEEN NOTIFIED.

[REDACTED] 05:33:13

DA TEAM WILL BE ENROUTE CLOSER TO DAY LIGHT HOURS.

[REDACTED] 05:35:10

PAT FREESE WITH SIMSPON IS GOING TO HAVE ALL HIS PEOPLE PULL OUT AND STAY OUT OF THE AREA UNTIL THE [REDACTED] IS CAUGHT.

[REDACTED] 06:08:39

2507 LOCATED VEHICLE

[REDACTED] 06:08:49

VERY END OF RD NEAR JOHNSON

[REDACTED] 06:09:50

SINGLE [REDACTED] AT THIS TIME

[REDACTED] 06:11:12

[REDACTED] VEHIVLE IS NEAR JACK NORTON SCHOOL

[REDACTED] 06:11:39

FOUR UNITS HEADING TOWARDS [REDACTED] LOCATION

[REDACTED] 06:12:59

Thu May 6 16:40:48 2004

X1 IN AREA
[REDACTED] 06:17:45
TRIBAL HAS LAST SIGHT OF [REDACTED] BUT THEY, HAVE IT NARROWED DOWN.
[REDACTED] 06:21:29
25X2, 42CHP, X1, IN THE AREA
[REDACTED] 06:41:54
CANCEL CODE 33, UNITS HOLDING PERIMETER.
[REDACTED] 06:45:28
DAVE PARIS ENROUTE HCSO TO 87 WITH 7K1
[REDACTED] 06:46:30
APD NOTIFYING THERE DETECTIVE, HE WILL BE ENROUTE HCSO SOON
[REDACTED] 06:47:23
X1 STAGING AT MM 14.50
[REDACTED] 06:49:08
H14 ENROUTE.
[REDACTED] 06:49:26
GARY BATES APD ENROUTE HCSO
[REDACTED] 06:54:14
CODE 33.
[REDACTED] 06:54:36
SHOTS FIRED
[REDACTED] 06:55:20
UNREADABLE
[REDACTED] 06:55:51
SHOTS FIRED WB 169 TOAWRDS JOHNSONS.
[REDACTED] 06:56:59
EXPIDITE, [REDACTED] POSSIBLYT ENROUTE [REDACTED] RES
[REDACTED] 06:57:27
ALL [REDACTED] ARE CODE 4.
[REDACTED] 06:58:10
ALL OFFICERS ARE CODE 4. MOVE STAIGN ARE TO 2504
[REDACTED] 07:04:53
IRELAND IS WITH Y1032
[REDACTED] 07:05:05
SLYVIA, AND COONFOIELD ENROUTE CODE 3.
[REDACTED] 07:21:01
X10, Y587, X25, EN CODE 3
[REDACTED] 07:29:33
H14 ON SCENE, IN THE FOG
[REDACTED] 07:50:43
H14 LOCATED VEHINCLE PARKED BEHIND [REDACTED] RES
[REDACTED] 07:52:18
Y596 REQUESTING A NEGOTIATOR
[REDACTED] 08:18:13
POSSIBLY A 15 YOA AND A GRANDMOTHER LIVING IN THE [REDACTED] RES.
[REDACTED] 08:19:27

Thu May 6 16:40:48 2004

[REDACTED] DRIVES A NISSIAN PICKUP
[REDACTED] 08:31:30
A9 ENROUTE CODE 3
[REDACTED] 08:53:16
FBI IS ENROUTE FROM WILLOW CREEK
[REDACTED] 08:54:48
HI4 IS AT THE COMMAND POST
[REDACTED] 09:28:26
A9 AT HOOPA STATION GETTING A FAX OF HOUSE PLAN
[REDACTED] 10:35:48
CHP PILOT HAS SATALLITE PHONE
[REDACTED] 10:36:51
[REDACTED] 10:47:09
PER K27 HAVE G10 RESPOND TO MARTINS FERRY BRIDGE
[REDACTED] 11:08:45
NEW SAT PHONE NUMBER [REDACTED]
[REDACTED] 11:21:05
AMBULANCE STAGING AT MARTIN FERRY BRIDGE
[REDACTED] 11:41:46
G10 CAN CANCEL RESPONSE TO MARTINS FERRY BRIDGE, K27 WILL DIRECT HER
TOP NEW CRIME SCENE
[REDACTED] 12:47:36
[REDACTED] EN RESIDENCE IN [REDACTED] PK
[REDACTED] 13:05:06
CODE 33
[REDACTED] 13:05:14
RECONN TEAM APPROACHING
[REDACTED] 13:31:55
HOUSE AND OUTBUILDINGS ARE CLEAR. NO ONE THERE. CANCEL CODE 33
[REDACTED] 15:16:24
VEH ENTERED INTO SVS SYSTEM AS IMPOUNED AT DOJ LAB
[REDACTED] 15:30:32
BUDDIES WILL BE ENROUTE
[REDACTED] 15:31:44
VEHICLE TO BE TOWED TO EUREKA
[REDACTED] 20:40:21
VEHICLE AT DOJ
[REDACTED] 20:40:29
DOJ WILL BE THERE SHORLTY
[REDACTED] 23:15:02
BLACK NAVIGATOR, TOWING A UHAUL TRAILER.
[REDACTED] 23:15:50
CHP REQUESTING ASSISTANCE
[REDACTED] 23:18:23
SETTING UP AT VISITOR CENTER AT FREESHALAGOON

Thu May 6 16:40:48 2004

██████████ 23:22:03
CHP HAS LOST CONTACT WITH VEHICLE
██████████ 23:31:20
S12 IS 101 PAST PP DR.
██████████ 23:37:52
X30 PAST TRINIDAD
██████████ 23:46:14
BLOCKING NB 101 TRAFFIC.
██████████ 23:53:38
CHP IS SET UP S OF ORICK NEAR A DAIRY, CONCEALED.
██████████ 23:53:45
6 MILES UP BALD HILL S RD
██████████ 23:55:01
RANGERS TAKING FIRE
██████████ 23:56:40
TRIBAL NOTIFEID
██████████ 23:57:08
2404
██████████ 23:57:30
MARITNS FERRY

UNIT ACTIVITY ASSOCIATED WITH CALL:

UNIT	SUB-UNIT	STATUS	TIME
2502		DISP	00:02:21
		EN_ROUTE	00:02:23
		EN_ROUTE	00:02:34
		EN_ROUTE	00:03:09
		EN_ROUTE	00:05:57
		EN_ROUTE	00:06:43
		OUT_SCENE	00:40:27
		EN_ROUTE	01:31:56
		OUT_SCENE	02:18:19
		OUT_SCENE	06:35:25
		AVAIL	08:30:17
2504		DISP	00:02:21
		EN_ROUTE	00:02:23
		EN_ROUTE	00:02:34
		EN_ROUTE	00:15:05
		OUT_SCENE	01:25:31
		OUT_SCENE	01:28:37
		OUT_SCENE	01:31:25
		OUT_SCENE	06:35:25
		OUT_SCENE	06:38:12
		AVAIL	08:30:17

Thu May 6 16:40:48 2004

2506		DISP	01:32:21
		EN_ROUTE	01:32:56
		OUT_SCENE	02:18:21
		OUT_SCENE	06:35:25
25A1		AVAIL	08:30:17
		DISP	01:33:10
		EN_ROUTE	01:33:20
		OUT_SCENE	02:18:23
		OUT_SCENE	06:35:26
25A2		AVAIL	08:30:17
		DISP	07:09:38
		EN_ROUTE	07:09:40
		OUT_SCENE	07:09:41
25T		AVAIL	08:30:27
		DISP	06:20:26
		OUT_SCENE	06:20:33
		OUT_SCENE	06:35:26
7K1		AVAIL	18:46:07
		DISP	06:34:38
		EN_ROUTE	06:34:42
		OUT_SCENE	12:04:10
8H1		AVAIL	17:55:11
		DISP	09:51:33
		OUT_SCENE	09:51:41
		OUT_SCENE	12:04:10
A7	JIMENEZ	AVAIL	17:55:11
		DISP	01:45:21
		EN_ROUTE	02:03:39
		OUT_SCENE	02:15:48
		OUT_STATION	02:15:55
A8	DOWNEY	AVAIL	14:13:52
		DISP	12:06:29
		OUT_SCENE	12:06:38
A9	CAVINTA	AVAIL	18:02:14
		DISP	07:56:48
		EN_ROUTE	07:58:41
		OUT_SCENE	09:26:37
		EN_ROUTE	09:47:42
		OUT_SCENE	10:44:03
		EN_ROUTE	18:28:09
		OUT_SCENE	19:20:31
		EN_ROUTE	19:57:33
BUDDYSTOW		AVAIL	21:01:33
		ATTACH	15:27:48
		AVAIL	15:27:48
		EN_ROUTE	15:30:35

Thu May 6 16:40:48 2004

G10		_DETACH_	18:42:10
		DISP	07:54:37
		EN_ROUTE	07:54:41
		EN_ROUTE	08:44:33
		OUT_SCENE	12:04:09
		EN_ROUTE	18:26:31
		OUT_SCENE	19:20:58
		EN_ROUTE	19:31:46
J21		AVAIL	21:07:07
		DISP	13:10:17
		EN_ROUTE	13:10:21
		OUT_SCENE	14:07:55
		AVAIL	16:50:58
K26	FREEMAN	DISP	08:32:54
		EN_ROUTE	08:33:02
		OUT_SCENE	12:04:09
		EN_ROUTE	18:28:09
		OUT_SCENE	19:20:43
		EN_ROUTE	19:57:38
		AVAIL	21:06:41
K27	SCHLESIGER	DISP	06:52:43
	SCHLESIGER	EN_ROUTE	06:52:48
		OUT_STATION	07:14:03
		AVAIL	08:02:13
		DISP	08:34:20
		EN_ROUTE	08:34:22
		OUT_SCENE	12:04:09
		EN_ROUTE	18:28:08
		OUT_SCENE	19:20:37
		EN_ROUTE	19:57:28
		AVAIL	21:07:07
L23	WAHLUND	DISP	23:19:14
	WAHLUND	EN_ROUTE	23:19:16
		OUT_SCENE	23:40:25
		OUT_SCENE	23:41:05
		OUT_SCENE	23:41:11
		OUT_SCENE	23:46:01
		AVAIL	00:00:44
		DISP	00:04:55
		EN_ROUTE	00:04:57
		OUT_SCENE	01:41:37
		AVAIL	01:59:34
L66	PETERSON_M	DISP	06:44:44
		EN_ROUTE	07:13:05
		OUT_SCENE	12:04:09
		AVAIL	18:28:57

Thu May 6 16:40:48 2004

Q12	GAINNEY_M	DISP	06:49:48
		EN_ROUTE	06:49:50
		OUT_SCENE	08:46:33
Q40	BERRY_G	AVAIL	18:23:33
		DISP	09:31:57
		OUT_SCENE	09:32:15
Q44	HICKS_C	AVAIL	17:07:50
		DISP	07:00:05
		EN_ROUTE	07:07:42
		OUT_SCENE	07:29:54
S12	MAUS	AVAIL	19:23:38
	MAUS	DISP	23:17:43
		EN_ROUTE	23:19:17
		OUT_SCENE	23:33:00
		OUT_SCENE	23:46:01
		AVAIL	00:00:44
		DISP	00:04:55
		EN_ROUTE	00:04:58
S42	FILYAU	AVAIL	00:07:15
		DISP	00:00:29
		EN_ROUTE	00:00:32
		EN_ROUTE	00:06:07
		EN_ROUTE	00:06:17
		OUT_SCENE	00:40:16
		EN_ROUTE	01:30:53
		EN_ROUTE	01:31:38
		OUT_SCENE	02:17:58
		OUT_SCENE	06:35:42
X1	MILLER	AVAIL	16:37:02
		DISP	01:41:58
		EN_ROUTE	01:50:54
		OUT_SCENE	02:33:32
		EN_ROUTE	06:08:59
		OUT_SCENE	06:37:10
		OUT_SCENE	15:09:30
		OUT_STATION	15:59:20
X10	GARCIA	AVAIL	16:19:18
	GARCIA	DISP	06:59:01
	GARCIA	EN_ROUTE	06:59:03
		AVAIL	07:13:48
		DISP	07:13:54
		AVAIL	07:20:31
		DISP	07:20:46
		EN_ROUTE	07:20:48
		OUT_SCENE	09:01:37
		OUT_SCENE	15:09:30

Thu May 6 16:40:48 2004

X15	BUIHNER	AVAIL	16:19:18
		DISP	06:47:49
		EN_ROUTE	06:48:29
X25	HANSON HANSON HANSON	AVAIL	07:25:10
		DISP	06:38:33
		EN_ROUTE	06:38:42
		OUT_STATION	07:03:37
		AVAIL	07:13:42
		DISP	07:13:53
		AVAIL	07:20:31
		DISP	07:20:45
		EN_ROUTE	07:20:47
X30	MOREY MOREY MOREY	OUT_SCENE	09:01:36
		AVAIL	18:28:57
		DISP	23:16:17
		AVAIL	23:18:59
		DISP	23:19:14
		EN_ROUTE	23:19:16
		OUT_SCENE	23:40:25
		OUT_SCENE	23:41:05
		OUT_SCENE	23:41:11
		OUT_SCENE	23:46:01
		AVAIL	00:00:44
		DISP	00:04:55
		EN_ROUTE	00:04:57
		OUT_SCENE	01:41:37
		AVAIL	01:59:34
Y1032	COOKE	DISP	07:06:28
		EN_ROUTE	07:06:31
		OUT_SCENE	12:04:09
		AVAIL	18:38:06
Y1047	IRELAND	DISP	07:06:28
		EN_ROUTE	07:06:31
		OUT_SCENE	12:04:10
		AVAIL	18:38:06
Y1081	GAREY	DISP	12:57:36
		EN_ROUTE	12:58:03
		OUT_SCENE	17:08:18
		AVAIL	19:52:51
Y550	FRIDLEY	DISP	12:57:36
		EN_ROUTE	12:58:03
		OUT_SCENE	17:08:18
		AVAIL	19:52:51
Y572	COONFIELD	DISP	07:08:03
		EN_ROUTE	07:08:05
		OUT_SCENE	12:04:10

Thu May 6 16:40:48 2004

Y587	QUENELL_B	AVAIL	18:37:16
		DISP	19:42:24
		AVAIL	19:42:57
		DISP	07:20:46
		EN_ROUTE	07:20:48
Y596	SYLVIA SYLVIA	OUT_SCENE	09:01:37
		OUT_SCENE	15:09:30
		AVAIL	16:19:18
		DISP	07:08:03
		EN_ROUTE	07:08:05
		OUT_SCENE	12:04:10
		AVAIL	18:37:16
		DISP	19:42:24
AVAIL	19:42:57		

Total Number of Records: 1

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Jim Dawson, Investigator, DDA

SUBJECT:

STATEMENT OF: Rodney Lane Gilliam, CHP Officer

VICTIM:

LOCATION:

DATE & TIME: May 5, 2004

ALSO PRESENT:

JD=Jim Dawson

RG=Rod Gilliam

GZ=Greg Ziegler

JD with,

GZ Sergeant Greg Ziegler from the CHP out of Redding.

JD And we are talking to?

RG Officer Gilliam, CHP Willow Creek Resident Post.

JD Officer Gilliam can you please uh give me your full name and spell it?

RG Rodney Lane Gilliam, G-I-L-L-I-A-M.

JD And Rod how long have you been on the job?

RG Twenty nine (29) years.

JD And can you tell me where you were yesterday, what time you came to work, if you had a partner?

RD I was uh at my residence, at uh I think it was one fifty five (1:55) am and I was dispatch, Redding dispatch called and advised me that there was, of the situation that there was a uh armed and dangerous person, he was shooting at vehicles they wanted me to go down to the resident post and meet Officer O'Diear. We were to double up and head down one sixty nine (169) towards Pecwan and met up with the uh personnel that were down there and there was a scene of a shooting there, they wanted us to meet up with Sergeant Miller of the S.O. and go from there.

JD Okay help me out just a little bit, since I'm a little unfamiliar with the operation up here, do you normally run somebody after midnight, uh?

RG No, were, ten thirty (10:30) at night is uh the last uh, when the officer goes off duty, then we're on call from ten thirty (10:30) to six (6) o'clock the next morning.

JD Okay and who else is on call besides yourself?

RG Well there's four (4) officers here and every night a different officer, it's uh, you want the names of the officers?

JD Yes please, uh huh.

RG Myself, Officer O'Diear, Officer Eshom, and Officer Nolan, four (4) officers here.

JD So your CHP dispatch notifies you out of Redding CHP?

RG Yes.

JD Out of Humboldt?

RG Redding.

JD Redding CHP okay, and do you remember exactly what they told you on the telephone when they called?

RG They just said that uh, there was an incident started in Crescent City, that the uh [REDACTED] was firing at the units that were pursuing him and he had gone on Bald Hills road and came out on one sixty nine (169) and that uh it, I don't believe I don't remember if they said, they told me at that time that the Tribal officers had been shot at, but they told me basically just go enroute and we'll give you more information enroute.

JD Okay now where did you go to?

RG Uh came to the resident post, picked up Officer O'Diear and then we went north on ninety six (96) and west on one sixty nine (169) and uh at milepost twenty two (22) uh we

came across uh Officer O'Rourke from the Hoopa Police Department uh and uh Sergeant Miller was also there, I don't, I believe that was the only two (2) officers, oh and uh Lieutenant Kane were at the scene uh milepost twenty two (22),

JD Uh huh

RG We arrived around approximately three (3) o'clock.

JD About three (3) o'clock in the morning, this was yesterday, that would be five (5) four (4), that would be,

RG The fourth (4th) yeah the fourth (4th).

JD Okay.

RG It might have been closer to three thirty (3:30) when we arrived.

JD Alright and what happen when you got there?

RG Uh basically were, Kane, or Lieutenant Kane and Sergeant Miller, I don't think, I don't recall if (INAUDIBLE) was there or not, I know Lieutenant Kane was there, Miller might have been there, it was such a hazy day, but uh Kane filled us in on what had happened and uh, I believe Miller was there and said we're just gonna wait until daylight, until uh, said the [REDACTED] was still down there and described the vehicle to us and said that they were, the SWAT team was coming, they wanted the CHP Helicopter, but they were going to wait to daylight to uh, to really start looking, they didn't want us looking until uh, because of the circumstances with the rifle. So basically we just uh parked and waited until daylight.

JD Now can you tell me what he told you about the circumstances that had occurred already?

RG Uh just, they didn't have a lot of details about what, I didn't find out until later the exact details, but it was basically, uh officer O'Rourke was there so he had first hand knowledge of what happen to him and he just told us that they were, they were advised to standby at the Bald Hills Road at Martin's Ferry Bridge and looking for the [REDACTED] and the [REDACTED] vehicle did pass them, they started pursuing it and uh, eventually the [REDACTED] started shooting at them. They took several rounds, or they were shot at several times, and hit at least once.

JD Did he tell you how or under what circumstances under which he was shot at, O'Rourke?

RG Uh he said that when they were going around corners, the [REDACTED] would lean out and shot at them, as they were going around corners and the last incident, I guess that happen two (2) or three (3) times, the last incident at milepost twenty two (22) O'Rourke, when he came around a corner the [REDACTED] was actually stopped in the road, leaning out taking careful aim at him.

JD What did he say he,

RG He said he saw what was going on so he lay down in the front seat of the patrol vehicle, when the shot went threw the windshield.

JD Okay.

RG And that was when they, I, he did say return fire, Officer O'Rourke, but I don't remember if it was that occasion or prior to that, but that was the end of that pursuit, that's when they decided to stop following the [REDACTED] vehicle.

JD Okay so after you got your briefing from them, what else, what did you do at that point?

RG We just parked there on the shoulder and we're, we're, we waited for daylight, that was out intention, and uh approximately six thirty (6:30) that morning it was starting to get light uh there was two (2) additional units, at least two (2) units were further west of us, we were advised by a tribal unit that done, I think it was twenty five oh four (2504) that they had saw the [REDACTED] vehicle, near Martin, near Pecwan Creek Bridge, which is about probably six (6) miles west of our location and uh so the three (3) of us, Officer O'Diear and myself in one (1) vehicle uh, Lieutenant Kane, no let me think about it cause Kane had already left, Filyau was there and Miller and uh Officer uh Joe, what's Joe's last name,

RS Masten.

RG Masten uh all proceed and separate three (3) vehicles, five (5) of us in three (3) vehicles started going westbound and uh we got to Martin's Ferry Bridge, not Martin's Ferry Bridge, we got to Pecwan Creek Bridge and uh stopped, uh we knew that the two (2) other units were in Pecwan or in Johnson, which is west about two (2) miles west of us and so they, they felt the Tribal Officers that were in Johnson felt that the vehicle was somewhere in between our location and their location and there was two (2) or three (3) roads in between us, in between us, uh our intentions at that point were to wait there at the bridge until, we knew the helicopter, CHP helicopter was enroute, we were gonna let the helicopter search the roads for us and uh so we were just going to wait there on one sixty nine (169) at Pecwan Creek Bridge, until the helicopter arrived.

JD Okay so were you actually stopped on the bridge or were you on the shoulder?

RG We were on the uh, just west of the bridge or just east of the bridge on the shoulder. Just east of the bridge.

JD Okay, so the bridge wasn't blocked?

RG No, no way.

JD What happen then?

RG Uh one (1) vehicle past our location, our intention was just to check all vehicles coming out make sure the [REDACTED] wasn't in a, civilian's vehicle. One (1) vehicle past, it was a [REDACTED] Nissan pickup, [REDACTED] was the driver, uh, Sergeant Miller made contact with him and talked to him. I didn't talk to him, just advised him what we were doing, checked the vehicle, then let him go through. We were sitting there talking then around seven (7) o'clock in the morning, we had, we could see the, there's a north, to the north of the bridge there is a road on the northwest side of the Pecwan Creek Bridge there's a dirt road that parallels the Pecwan Creek on the west side of the creek and there is a, you can see back probably a quarter of a mile, it's a clear view and there's a bunch of wrecked cars down there, junk cars, and someone, don't recall who it was said "here he comes" and I looked up and saw the blue Lincoln Navigator coming south on the dirt road toward one sixty nine (169).

JD Okay, what uh, you know the name of that road, or is there a name to it?

RG For lack of a better name, Pecwan Creek Road, but there is no official name that I know of.

JD Okay so which direction was your facing in?

RG I was facing east, on the south shoulder of one sixty-nine (169).

JD Facing east on the south shoulder?

RG Yeah.

JD Okay and how were the other units faced?

RG I believe all three (3) vehicles were facing east.

JD Okay, what happen then?

RG Uh we all ran to our cars, uh I got in my car, Officer O'Diear, I was the driver, Officer O'Diear was the passenger, right front passenger, I had the only sedan, I was able to turn around and I got my vehicles facing westbound and uh in the mean time Deputy

Filyau and Joe Masten got in his pickup and Fred didn't, had the long pickup could turn around so he started backing up, down one sixty nine (169) westbound, so I fell in behind the pickup, backing up and Fred backed almost all away, about to the middle of the bridge and uh by that time I saw the navigator pulling up to the stop sign, he stopped and uh probably three quarters away across the bridge Deputy Filyau stopped, I parked my patrol vehicle directly behind him in between the [REDACTED] vehicle, or I, basic, I, I was using Fred's pickup as a shield. I stopped as I was getting out of my patrol vehicle, I heard the shots and the, I heard the, the, the, bullets striking the pavement and also striking uh Deputy Filyau's pickup.

JD Okay let's just backup just a hair here, you say that Filyau is in the lead, he's backing up?

RG Yes.

JD You're right behind him?

RG Yes.

JD And where's Miller?

RG I assume Miller was behind me in his vehicle but I couldn't, I didn't actually see, I just assumed his vehicle was behind.

JD Okay and you were, which side of the bridge were you on, were you in the middle or right or left side?

RG At what, at what point?

JD Uh when he, when you were backing up, or when Filyau was backing up and you were behind Filyau,

RG Uh huh.

JD Were you both in the center of the vehicle, of, of

RG (INAUDIBLE) uh actually Deputy Filyau was on in the, I don't believe there is a dividing line on the bridge but he was on the south side of the roadway.

JD Okay.

RG And I, I was basically all set, I was in the middle of the road cause I could see the vehicle and as he came to a stop, I moved my vehicle over as far as I could to the left so I had Deputy Filyau's vehicle as a shield.

JD Okay, so what happen then, that you saw exactly at that point?

RG Like I said I got out, I saw uh I saw both Masten and Filyau open the doors, saw the doors open, attempt to get out and then I heard the report of the rifle shoots and hear the sound of the slugs hitting. I yelled for Fred to get out of there and uh at that point Officer Masten came running around the right front of the patrol vehicle to the, uh to my location where I was, towards the, the right front grill area. I thought Masten was hit cause the look on his face and I talked to him later, and he also thought he was hit too, but uh asked if he was okay and he says "I think so" and so we uh, the shooting continued briefly uh at one (1) point I looked over and saw Officer O'Diear uh to my right, to my right, and fired two (2) shots with the rifle, uh I heard three (3) loud, three (3) other loud bangs uh, I learned later that it was Deputy Filyau firing, I didn't know at the time, I didn't actually see him firing uh, uh it happened within fifteen, (15) twenty (20) seconds it was over and someone said, probably Filyau that he's leaving, he's driving away. So I looked around and saw the vehicle proceeding westbound and so got back in my car, O'Diear got back in my car, drove around Fred's unit and I took the lead in the pursuit uh, it wasn't going very fast uh I didn't get real close to him. I watched him go around a corner, I'd slow down as I came to the corner until I saw him clear on the other side, then I'd take off again. He went around two (2) or three (3) turns, I saw the brake lights come on, so I stopped my car and uh by that time Filyau and Miller arrived behind me and I parked, got out, took cover and uh the vehicle was not insight at that time and I told them I'd seen the brake lights and it was around that next corner, uh we could see, as long, we could see where the, one sixty nine (169) continued westbound, we could tell that he didn't come out of that corner we knew there was two (2) units uh at the end of that straight away the two (2) tribal units, so we knew he was in between us, and we (INAUDIBLE) the vehicle, the uh house was right above where in the vicinity he stopped so we assumed he was at or near the house. Uh at that time we uh decided to back up uh to the location that you gentleman saw us came arrived yesterday and uh waited there until SWAT arrived. Did see the [REDACTED] or the vehicle after that.

JD Okay, going back just a little bit, when you were on the bridge, you're saying it was just getting light at that time.

RG Yeah it'd been like probably fifteen (15) twenty (20) minutes.

JD What do you think it's about seven (7) o'clock?

RG Uh when the shooting occurred around seven (7) o'clock yes.

JD Okay so you actually saw the vehicle coming up to the uh, uh, were it met the actual roadway from that uh side road that was coming off that dirt side road?

RG Yes.

JD Okay and what did, did you see the [REDACTED] get out of his vehicle?

RG No.

JD Okay, what did you see him do?

RG I didn't, to tell you the truth once I saw the [REDACTED] as he came to the stop sign and once uh Fred, I saw Fred was slowing down, stopping, I moved my position, my patrol car over to the left, my left and I didn't see, I couldn't, I didn't have a view of the [REDACTED] vehicle, so I didn't see him or the vehicle at that point. Once I got out of the car, the pickup being so high, uh (inaudible phone ringing) so I couldn't see over or around it.

JD Okay.

RG And so I didn't see him until he was driving off again.

JD So did you, how many rounds do you think the [REDACTED] fired?

RG I would guess six (6) or seven (7).

JD Could you tell the difference between the sound of the rifle he was shooting and the sound of the weapons being discharged around you?

RG The only one's (1) that I distinctly remember were Fred, the three (3) that Fred shot, I didn't know it was Fred at the time, but later talking to him they were, the pistol had a distinct loud noise, louder than even the rifle, (INAUDIBLE) O'Diear, I don't remember, I just remember Officer O'Diear shooting I really don't remember the sound of that, but I do remember the three (3) loud reports of Deputy Filyau's service revolver.

JD Okay, the [REDACTED] rounds uh, you say you heard them hitting the pavement?

RG Yes.

JD How many rounds do you think you heard hit the pavement?

RG Uh at least two (2) or three (3), I felt the debris on my legs and on my feet. I just kind of remember that.

JD Uh did you, was that weapon a full automatic weapon or could you tell?

RG Uh sounded like a semi-automatic.

JD You've heard a fully automatic weapon fire before?

RG Yes, it wasn't a fully automatic.

JD Okay all right, so he was firing a semi-automatic?

RG Yes.

JD And how many rounds do you think he fired?

RG Six (6) or seven (7).

JD Six (6) or seven (7) okay. Now did you return fire at all?

RG No.

JF At any time during the course of this did you shot?

RG No.

JD Alright, did you see the [REDACTED] at any time?

RG Yes.

JD Okay, did you see muzzle flashes coming from his weapon?

RG No.

JD What was he doing when you actually saw him?

RG He was driving, had both hands on the steering wheel, uh looking, looking at us as he was approaching one sixty nine (169).

JD Oh okay.

RG I could see him actually, I mean I could see the, I couldn't identify him, I saw a person driving, looking towards location.

JD So he stopped there at the edge of the roadway, did he step out of the vehicle at that point?

RG No I never did see him get out of the vehicle.

JD Okay so you don't know if he was shooting from the vehicle or from

RG No, don't know.

JD Okay, all right and you were armed at that time with your service uh pistol?

RG Yes.

JD Okay and McGuire had the uh AR?

RG O'Diear had my AR, yeah. It was uh, it was uh we made a tactical error when he joined me, he didn't take the AR out of his vehicle, so we only had one automatic, semi-automatic rifle in my vehicle.

JD So let me go back a little bit now, there, they've got there vehicle in reverse, there pickup truck is stopped, so they open the doors I take and they both come out, now they've got no shield towards the [REDACTED] right?

RG Uh oh, oh, Masten had a shield. The uh if I could draw you a map it would be easier.

JD Yeah, please do.

RG The way that the angles, (INAUDIBLE) show you on a piece of paper. See here is the bridge.

JD Uh huh.

RG Fred's pickup wound up, it was kinda at an angle like this,

JD All right.

RG And my, my vehicle was like this. So Masten had the, the it would be the, like a rear of the, when he got out the open door, at least he had this portion,

JD The engine block or

RG It's not the engine block or

JD I mean the rear of the vehicle.

RG The rear of the vehicle, yeah. Uh but, Deputy Filyau had absolutely no cover when he, and he was in a bad situation, and I believe Officer O'Diear was standing to the, it would be the left front of Filyau's vehicle.

JD Now where did Filyau go to when he got out?

RG He never got out of the vehicle.

JD I'm sorry.

RG He never got out of his vehicle.

JD Okay he was in the vehicle the whole time?

RG Yes, even when he fired I believe he was just leaning out firing and then when, he might have got out briefly but when we noticed, when I noticed the vehicle was going we all got back in so, if he got out I didn't notice. To my knowledge he stayed in the vehicle the whole time.

JD Now there was a round that hit the back end of the vehicle to the right rear uh,

RG (INAUDIBLE) box.

JD Now did you hear that hit?

RG (Laugh) It's possible.

JD Okay,

RG I mean I don't know the individual sound I hear, but I heard rounds hitting.

JD Okay, you heard rounds hitting, like the vehicle you mean?

RG Yeah, hitting the vehicle and pavement. Heard rounds, heard the impact of the rounds.

JD And you felt the debris actually hit you, and hit the, hit the roadway?

RG I assumed it was the roadway debris cause things were scattered, I felt my legs, or things, there was debris hitting my leg.

JD Now did you sustain any injuries there?

RG No.

JD Uh any scrap marks or anything from the debris hitting your uh?

RG No.

JD Okay, all right so the [REDACTED] then fires a rounds, he gets back in his vehicle and he starts to move off?

RG Yes.

JD And you say he moved off slowly

RG It was uh you know, forty five (45) to fifty (50) it wasn't a high rate of speed away from us.

JD UH, did it look like his vehicle had been hit by anything or maybe he'd been hit?

RG No couldn't tell.

JD Okay, all right and so then he moved off and then you all started, you, you were the lead unit at that point?

RG Yes I went around Deputy Filyau's vehicle at that point.

JD Did you have red light and siren on or anything?

RG No.

JD Okay and you had O'Dear in the vehicle with you at that time?

RG Yes.

JD Okay was there any discussion back and forth between you at that point in time?

RG Uh yeah Will kept say "don't get to close", "don't get to close" and I said, and I said well I'll stay back you know, and he, he didn't want to come around the corner to fast, which I was well aware of then, he didn't want to come into another ambush so, I stayed well back and uh didn't clear the corner. The corners there are not real, I mean they're sharp but you can see threw them fairly easily, it's not, they weren't like a horseshoe corner where you could go around a corner and not see anything so I could, you know you could just look out a little bit and could see, we cleared each corner, there's two (2) or three (3) until he, until he went around the last corner I saw the brake lights and then they disappeared and that's when I stopped and I lost sight of his, of his vehicle. We kept looking to make sure he didn't come out the other side in the straightaway and when he didn't, that's when we backed of secured our location.

JD Okay, did you have an idea that he's gone up uh towards [REDACTED] driveway or?

RG I'm pretty familiar with the area, I figured that's, he was either up towards the house or parked in front of that driveway.

JD Okay, just to go back just a little bit from the beginning, how much sleep did you have that night so far?

RGAbout three (3) hours.

JD Okay and now today you've had how many hours. I'm taking to you now?

RG About six (6) hours.

JD Feeling pretty good now?

RG Yeah, I'm alive.

JD Yeah, that's always a good sign. Okay I don't have anything more. Rich do,

RS Hey uh Rod when you guys were running back to the cars, do you remember another vehicle coming by you guys about that time?

RG Yes I do. That, that happen before the shot out, the shooting started. I forgot about that uh, we were right when uh we first saw the vehicle, we ran back to our cars, I turned around uh and backed up and I was getting ready to pass uh, probably the reason I didn't pass Deputy Filyau, he was backing up, a car was coming westbound, I'm sorry coming eastbound, Fred stopped, that was right at the beginning of the bridge, the car past Fred, past my location and then I believe it was a female driver and uh then continued backing up, and then I (INAUDIBLE) was the same after that.

JD Do you remember the color of that vehicle?

RGNo, it seemed like it was a light, but I don't really remember.

GZ Would you like Rod to fill in the diagram?

JD Yeah could you do that for me, cause I'd like to take that diagram if you don't mind, if you could label the vehicles for me.

RG Okay.

JD And the direction that would be helpful. Who was who there and where?

RG Uh do you want me to put the names on there?

JD If you don't mind.

RG Okay, uh do you want it, well how else do you want it labeled?

JD Just give me the direction and then

RG Okay well there's, I put north up here, west would be that direction

JD Okay, what's the name of that bridge is there?

RG Okay.....

JD (INAUDIBLE) now if you'd put your name on the both of the page and your horsepower. Thank you very much.

RG Yeah.

JD Anything you'd like to add?

GZ Do you have any questions?

RS Did you find the lady, did you guys talk to the lady?

JD Yeah okay.

RS She knew who you were.

RG She knew who I was, probably a school employee?

RS Yeah.

JD I'm going to end this interview at this point in time, the time is eleven thirteen (11:13) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Jim Dawson, Investigator, D.D.A.

SUBJECT:

STATEMENT OF: Will O'Diear, CHP Officer

VICTIM:

LOCATION: Willow Creek Resident Post, Willow Creek, California

DATE & TIME: May 5, 2004

ALSO PRESENT: Rich Schlesiger, Detective, Greg Ziegler, Sergeant, CHP Redding

JD=Jim Dawson

WO=Will O'Diear

RS=Rich Schlesiger

GZ=Greg Ziegler

JD Hours, Jim Dawson, Humboldt County District Attorney, together with Rich Schlesiger, Detective, Humboldt County Sheriff's Department,

GZ And Sergeant Greg Ziegler with the CHP out of Redding.

JD And we're talking to?

WO Officer Will O'Dier, with the Willow Creek resident post of the Highway Patrol.

JD Will how long have you been on the job?

WO Twenty (20) years.

JD And how do you spell your last name?

WO Capitol O' D-E-I-A-R.

JD Okay, and how long have you been assigned up here in Willow Creek?

WO Ten (10) years I believe.

JD Thank you, and Will can you tell me, yesterday uh this would be the fourth (4th) I believe or maybe the evening before that, how were you notified about this incident that occurred up here in Willow Creek?

WO Redding Highway Patrol dispatch called my house, using telephone and woke me up at two (2) o'clock in the morning requested that I respond.

JD what did they exactly say to you, do you remember?

WO It would be a summation, or another words

JD That's fine, go ahead.

WO Um something to the effect that there was an armed [REDACTED] that had that had a high caliber rifle that had already injured a CHP Supervisor Sergeant out of the Crescent City Office. (The sound of a telephone ringing)

It's going to keep ringing I think, no that got it, okay, um that a Sergeant from the Crescent City office apparently had sustained some injury due to glass fragments, or what not fell on his face when he had rounds flying threw. Should we stop and deal with that?

JD Yeah can we, it would be nice to uh, I'm going to turn this tape recorder off for a second here.

JD We're gonna go back on the tape, the time is uh eleven twenty nine (11:29). Okay so you were notified by CHP dispatch, we're recounting exactly what they had uh said to you on the phone, or the best you can remember.

WO The best I can recall is that the information was pretty sketchy, we had that it was a [REDACTED] Lincoln Navigator, that they knew it was at least one (1) male [REDACTED] in the vehicle, that he had a high powered rifle, perhaps a semi-automatic, that there had been a pursuit, and shots fired, uh that CHP receiving rounds, as well as uh other agencies and that it was traveling up and over Bald Hills road, heading towards one sixty nine (169) or it was on one sixty nine (169) at this point and that Humboldt County S.O. was requesting and Tribal Police were requesting our assistance.

JD So where did you respond from?

WO My residence in Burnt Ranch.

JD And then you came to this office here?

WO I came the residence post here and met uh Officer Rod Gilliam.

JD Okay what happen then?

WO At that point I took uh, my tactical helmet and some equipment out of my rig and grabbed the new fresh battery for my extender, he and I had both jumped into his patrol car and we proceed down one sixty nine (169).

JD Now did you take you're um issued rifle?

WO We used, I had, Rod had one (1) I didn't take a second (2nd) one (1) because there wasn't an electric lock to secure it, so I felt that one, one (1) rifle was enough at that point so we, I opened up the electric lock on Rod's rifle and uh got it ready to deploy.

JD Okay, so did you know where to go at that point?

WO All we knew at that point was uh one sixty nine (169) approximately mile post twenty (20) and that there had been an incident there and we didn't, that was the command post or something, wither there or Martin's Ferry bridge. As we got closer we had radio contact with uh Tribal and the S.O. and they gave it to me as milepost twenty (20).

JD When you got to milepost twenty (20) what, what happen then?

WO I believe when we got to mile post twenty (20), there was uh a meet and confer, that was a temporary command post at that point and uh we were there for, I'm not sure it was dark, so at least an hour and were trying to uh they were sending, Kevin Miller was sending units, two (2) man units down on one sixty nine (169) patrolling the area looking for the [REDACTED] and the rest of us were staying up river to keep it contained, so that there was no egress out of the area. They also had an ambulance staged at uh Martin's Ferry Bridge and we pasted that ambulance and one (1) Yurok Tribal Officer vehicle was parked there and as we continued down, we met with them.

JD So there wasn't anybody else there at the bridge besides the one (1) Yurok unit?

WO I believe at the bridge it's self when we went by there was, al l there was, was the Hoopa and one (1) Yurok vehicle.

JD What time do you think that was?

WO Um, it's got to be between three, three thirty (3, 3:30) in the morning something like that.

JD Okay so what happen then?

WO Uh we were there for well over an hour and maybe longer and at some point uh one (1) of the tribal officers that was down river farther uh west of us, reported sighting the vehicle and, and so we went proceeded down there to back them up and they lost sight of the vehicle, and so we ended up down around mile post fourteen point five (14.5) and uh we went down as far as the school, I think they said it went up the School House road to the Jack Norton School, and so we all ran up there and it ended up being the bus driver actually was the person that was up there and so at that point we informed the bus driver that he wasn't to bring any kids to school that day because of the circumstances and so he left and uh they started going up the side roads once it started getting light and better visibility and looking for them. We left there and went back up the road to mile post fourteen point five (14.5) and it's probably close to six, (6) six thirty (6:30) at that point and we there near the bridge where the creek runs under at fourteen point five (14.5) and so uh Kevin Miller was in a Ford Bronco and Gilliam was driving the uh black and white Ford Crown Victoria that I was in the right front seat, and then there was Fred Filyau from the uh Humboldt County Sheriff's Department and he had um Tribal Officer um Joe Masten, is his name, Joe Masten was in the right from seat of the pickup truck that Fred Filyau was driving, and so those three (3) units met at mile post fourteen point five (14.5) of which I have my little diagram here, there is a little shoulder area, this, this would be uh west and east and north and south, so we were just east of the bridge uh facing eastbound so the uh, Fred Filyau's pickup truck would have been the one (1) closest to the edge of the bridge and then there was the black and white CHP unit and then there was the Ford Bronco belonging to the S.O. and that's how we were staggered. We got out of our vehicle there we were discussing you know, where the [REDACTED] could have been and how we should, you know, how would we contact that vehicle if had contact with it. Now one (1) of the locations, they thought he might have gone up this dirt road up past this creek and in fact it turned out that's where he was, um we were there for maybe thirty (30) minutes um and it's getting close to seven (7) in the morning when uh the [REDACTED] showed up.

JD So you're off the bridge?

WO Yes.

JD You're on the side of the roadway?

WO Yes.

JD And who first observed the [REDACTED] vehicle?

WOI'm not sure, I think it was a general consensus but I think it may have been Fred Filyau or that saw it first and when, when he noticed it, I believe it's a Madrone tree or a laurel tree that was in bloom that was about a hundred (100) and fifty (50) yards, maybe two hundred (200) yards from the edge of the pavement up that dirt road and in

clear line of sign between us, so the driver of that would have been able to see us and we saw him quite clearly and uh and he drove our attention and Fred said he noticed I think He said he noticed it as soon as it was passing, that, that, that Madrone tree. So at that point we all turned and saw and we all got in our vehicles uh intending to, you know make contact with that [REDACTED]

JD Now were the vehicles lights on?

WO I don't believe so, it was just at that point it was coming on daylight.

JD Alright. Could you and you saw the vehicle your self?

WO Absolutely.

JD And you saw the driver of the vehicle?

WO I saw a person behind the wheel, the vehicle had tinted windows, the drivers window I believe was down and I just saw a person in dark, in dark clothing, I couldn't at that kind of range I couldn't identify the individual.

JD So what happen then?

WO I, at that point the, we all got in our vehicles, um Fred Filyau got in his rig with uh Joe Masten, he put his uh four (4) door Ford F250 in reverse, backed up along the bridge and stopped at about this location which and the [REDACTED] vehicle, he was only doing about ten (10) fifteen (15) miles an hour, he was not in any hurry. He pulled up to about this position here on the dirt, um maybe five (5) to ten (10) feet away from the edge of the pavement and as Fred began to back up, he got with in about fifty (50) fifty two (52) yards, I paced it off the other day cause I had to know about fifty (50) yards away the [REDACTED] began um (INAUDIBLE) firing on Fred's vehicle. Now Fred didn't stop his truck straight, it was at a angle so that it was off, not quite centered, and so that the cab was slightly canted out a little bit here as I describe in this diagram that I will give you so that it will helps.

JD Okay

WO And they started taking rounds, uh Officer Gilliam stopped his, the patrol car facing straight on about eight (8) to ten (10) feet behind the vehicle uh everybody got, Officer Gilliam got out and proceeded to what would be the right front of the uh, Ford pickup um, rounds were coming into the cab area of this truck. I exited the right front door and ran around, seeking cover and concealment and came up to this location, at this point I could see that Joe Masten and, and, uh Deputy Filyau were completely in a du- indefensible position, they were receiving fire, I could see pieces of, because of the uh adrenaline things kind of slowed down for me, I could see pieces of glass and debris and plastic flying all

around them as the rounds were traveling threw the cab area. Um Joe Masten was able to get out and come into this location where Officer Gilliam was and Joe Masten and I was. Fred was uh, was really in a bad spot, I was really very concerned for him at that point. He was covering his head, he was laying across the seat as rounds continue to come in um, there was a certain sense of panic on his part obviously um, I was convinced at that point it was just a matter of time before he took rounds, or was, or was killed. I truly believed that at that point, um we started taking rounds as well, there were rounds skipping on the pavement, hitting the curbing and bouncing off, there were chunks of a, of a asphalt concrete bouncing off my boots and off my pants legs, as well as Joe Masten's. Um I grabbed a hold of Joe Masten and said it's not safe to stay here we need to get behind the other patrol car and I drug him around and walked him part way back and sat him in the back of this rig. I turned around and grabbed Rod, put my hand on Rod's back and realized he didn't have a vest on then I kinda went "oh crap" and said hey Rod we need to get back farther. Rod said "oh I think I'm safe right where I'm good I'm gonna stay here by the engine block" I then looked at Fred and could see that the condition that he was in, he was just flopping around in the rig. I thought that he'd probably been hit by that time and realized that I needed to take the fight to the bad guy, I needed to do something cause he's gonna continue to fire or we were gonna get killed. I looked at this point, the problem was cause the truck was, was canted there was the whole length of the bed that I would have to walk past before I could shot up over the top cause there were uh tool boxes and stuff in the way, the rounds were passing right threw the truck, they didn't provide me with any cover, so there was no way that I could shot from anywhere in here and maintain any kind of cover plus I had other people that were in the way and it just didn't seem like a good choice, so I retreated back around the back of the patrol car and saw that Joe was in good position, he had cover, Rod had cover and concealment and at that point my main concern was Fred Filyau.

JD Okay.

WO I figured Fred was going to die if I let this continue, so I made a choice to go ahead and put myself in jeopardy and so at that point I, I ran out across and, and to where I had a clean line of sight with this [REDACTED] and ran about oh maybe a dozen feet over to the edge here and, and took (INAUDIBLE) and I started firing rounds at the [REDACTED] almost immediately his fire stopped. I fired at least two (2) rounds, the first round I think went in to the, in probably near the drivers area I was aiming there obviously and he lit up his tires and started going, I fired a second (2nd) round as the vehicle just started on to the pavement and at that point the [REDACTED] going down the road and accelerating. I didn't feel I had a good target so I ceased firing at that point, and then went ahead and checked on Fred now between my first and second round as he stopped firing Fred, who's door was opened and had received some rounds in his door there, Fred leaned out the side of the vehicle and with his right hand turning, laying across the seat, capped off two (2) or three (3) rounds out of his service pistol as he as he would go along the side of the truck. He didn't, he wasn't really aiming so much as trying to get this guy to back off and uh at that point after Fred had fired those rounds and I fired my second round, the [REDACTED] left the area. I checked on

Fred, nobody was injured that we could tell so we all flipped around and at that point uh I think uh Miller showed up. He was trying to turn around in here and got, something got messed up and (INAUDIBLE) running up to help, his rig was never in amongst all this. Then we all proceed up the road after the [REDACTED] uh Rod Gilliam and I were in the lead and uh we went down the road approximately half of mile and we got into a location where there were bluffs on the right, and there was uh steep uh hinge point with, with bluffs down to the river, steep incline, you, you had no position of cover or concealment and the road was only maybe fourteen (14) feet wide and the [REDACTED] brake lights came on and there was still fog and, and, and, beginning of the day so he was half a mile ahead of us, we saw the brake lights and then he, we thought he may have turned up the hill, a driveway later on it turned out that he had.

JD Uh huh

WO And uh we decided not to go any farther because of his past history of lying in wait and ambushing officers and so at that point everybody stacked up in a line in a place where they couldn't turn around or have a good concealment so I initiated a conversation with this S.O. supervisor that was there, Kevin Miller and said "hey I feel uncomfortable about our tactical, tactic at this point, I feel that we're in an unsafe location, lets back up and find a place where we got enough roadway and we've got some cover and concealment. So we backed our rigs up about a quarter of a mile, we got to a place where there was a big rock shoulder that came out and there was dirt shoulders on either side and it gave us enough room to turn the rigs around, and we put uh one (1) patrol car up against the, the embankment and Fred Filyau's truck sideways, so that we had an engine block and then I directed the, the Sergeant Kevin Miller to bring his bronco in and put his engine block staggered in line so that we had multiple firing positions, in case the [REDACTED] came back and then uh I initiated additional conversation with him and said, okay based on his behavior I think we have, you know, every right to shoot this guy before he comes at us, so I said let's get in this firing position where we have an open line of sight, let's not let him close in where he can make his weapon available and so, so we'd made a plan and we decided that if he showed up, started coming our way we were just going to light him up, and uh fortunately that didn't happen, um and uh we waited for called for back up and help and helicopters um and some details I did leave out that I forgot to mention until now, is when I first got the call, I requested that the dispatch look into a helicopter because it was a full moon and a clear night and you could see really well, and the helicopter wasn't available and I requested that at first light they launch, and the other thing I requested is that the dispatcher tell uh Rod to grab the spike strip so we'd have one (1) with us in the event that you know there was a pursuit and we could lay down a spike strip, um for some reason that wasn't relayed to Rod and we ended up getting a spike strip later. Um lets see what else um that's pretty much it, then the S.E.T. showed up and all the other things that went down. Any other questions that you might have?

JD Yeah just a couple.

WO Sure.

JD When, did you actually see the [REDACTED]

WO I saw a..I saw pale kind of face and dark clothing in the wi, inside the window frame of that vehicle with a rifle barrel sticking out the window. It appeared to me, he's in the car, window rolled down the barrel of the SKS hanging out. I'm calling it a SKS cause I saw the round, that, the, the type of round casing sitting on the ground and that kind of fire power, it was going right through the vehicle, it would have to be some sort of assault weapon.

JD Okay, did he actually get out of his vehicle, could you tell?

WO I don't believe he did. I think he stayed in the vehicle and was shooting out the window at us and the physical evidence kind of supports that cause when I went back and looked, I know he fired at least seven (7) to eleven (11) rounds at us, from that location and there was only two (2) casings sitting there where he was parked, and so that kind of lends me to think that, and supports that idea he was firing from inside and the casings are inside the rig.

JD Okay, uh could you see muzzle flash?

WO You know, I, I was to darn busy.

JD Okay.

WO I was to busy to even worry about at that point uh I uh there was no doubt that we were taking rounds cause stuff was skipping around our feet and going threw vehicles and I could see stuff breaking um the adrenaline had kicked in so that my perceptions were altered in a sense that time slows down, and I'm seeing things somewhat in slow motion while Fred was getting stuff coming threw him. I was amazed that he wasn't dead or shot. I really thought, that, that, that Fred was gonna die, and that's the reason I ran out there cause I, I figured I was gonna try to save Fred's life, and uh and then time got up to normal speed again when I started, about the time that Fred was firing his rounds, uh things started to pick back up for me again after approaching normal perception of time.

JD Now when Fred was firing his round, was the vehicle moving at that point?

WO This vehicle?

JD Yes.

WO I don't believe so, cause when I fired my first round, he was still stopped there and between my first round Fred fired his three (3) and the [REDACTED] was pulling out, and I fired my second (2nd) round as he was just getting on the roadway and if I hit the vehicle at all with the second (2nd) round it would have been in the, in the rear quarter panel as the vehicle was turning to, on to the roadway.

JD So it'd be the left rear quarter panel?

WO It would be the left rear quarter panel area.

JD Okay, do you remember where your first (1st) round would have gotten, any idea?

WO Right in the area where the driver was, the driver's window near the either the, it's gonna be in that frame, A pillar post, B pillar post in that area is where I was aiming.

JD Okay and that vehicle was sorta of what quarter broad side to you?

WO It was almost entirely broad, yeah pretty much broadside it would have been a slight angle maybe you know fifteen (15) degrees off, of, of, of, of a total ninety (90) so it was pretty close to broad side. I'm looking right down into that vehicle.

JD Alright.

WO My round went threw the drivers window, it would have hit the windshield cause of the slight angle, if that answers your question.

JD Yes it does. Uh the other question, you had no cover out there then, you just did you prone out or did you (INAUDIBLE)

WO I had, I had no cover at that point. I had a tactical helmet on, I knew I was taking a big risk, what I did do is I ran over and got near the railing, I figured I could. I could get down, one (1) of the things that concerned me was that the rounds were, he was skipping rounds across the ground and so laying down didn't seem to be an option.

JD Uh huh.

WO Uh I thought Fred was wounded our was going to die, so my thought was if I could go here and draw fire and lay fire down on him, take the battle to him, then I could make this guy hesitate and maybe Fred could get out, we could save Fred, and that was my thought and so I just jumped out and I said well, if I, if I die trying at least I'm going to save Fred. I figure all these people were in jeopardy and somebody had to do something, no one was returning fire, we were all totally defense at that point and there was nothing in my mind that would have prevented him from getting out and advancing on our position and killing all of us, and so I had to get to a spot where I could shot, the back of this vehicle

was blocked by the front of his, I had no line of fire to sustain cover, there was, there was no cover available anywhere in this area, uh on either side or I could, would have stopped his rounds and so I really didn't have a choice in my mind at that point, it was either take an action or wait and see what happened and I thought that being pro active was probably better for everybody involved.

JD How many rounds did fire?

WO Two (2) that I remember, possibly three (3). I know I fired at least, least one (1) at him directly, I may have fired a second one (1) and then as the vehicle starts spinning it's tires and coming up on to the pavement, I fired, I fired another round and may have hit the vehicle in that uh left rear quarter panel.

JD Okay, and uh how many rounds do you think he fired total, any idea?

WO I believe at least seven (7) to eleven (11) rounds, um I looked at Fred's rig, there was at least two (2) rounds, one (1) round threw the, the uh right rear where the tool box is, there was two (2) rounds threw the side near the gas tank that also penetrated the, the second door of the crew cab and Fred's door popped open while Fred was trying to get out, at one (1) point, Fred tried to get out at one (1) point and two (2) rounds went threw the door, the frame of the door near the B pillar post,

JD Uh huh.

WO Went threw that and hit the dash right, and just missed Fred by just, just you know by nothing, and Fred flopped back down inside the rig trying to get out of the way of the rounds that were coming at him and it, and it was at that point you know that I said you know you got to do something you know and then there was another one (1) that lodged somewhere else. I think at least five (5) rounds hit that, I saw at least, at least two (2) or three (3) rounds were skipped threw the ground because Joe Masten and I were both taking, were taking uh, uh material that was being kicked up, I don't know if it was pieces of lead or asphalt concrete chunks that were flying and hitting us, but at least three (3) or four (4) of those uh were, were coming threw underneath, so we were both under fire.

JD No did you sustain any injuries, scrapes or (INAUDIBLE) marks, anything on you legs or (INAUDIBLE)

WO No, I'm just real lucky, no I didn't.

RS Hey will when you guys met at mil post twenty (20) did uh you talk with Joe O'Rourke about what happened?

WO Yes.

RS What did he tell you?

WO That's a good question. Joe told me that the, that the [REDACTED] that he was in pursuit of the [REDACTED] and Joe Masten was there as well and that the [REDACTED] would wait till he got around a switch back and then would like, would shoot out the window of his rig at them, and then at one (1) point he came around a blind corner and the [REDACTED] was standing out side of his rig and fired rounds at him and a round came threw his windshield and he laid across the seat and a round came threw.

RS Okay, did uh Joe tell you that he fired back or anything like that?

WO I believe he said he, he returned fire, but I we didn't get into that. I, I didn't feel it was appropriate to try to talk to the guy after he'd been through a shooting to really you know make him uncomfortable or anything, cause it seemed like everything settled down and.

RS When you guys were on Pecwan Bridge there prior to the Navigator coming out, do you remember a car coming by you guys?

WO There may have been a red or small compact car that drove out of the, of the area yes and we looked at that vehicle, and we even stopped it and there was a sole male driver, I think that had uh come out of one (1) of the residence in the area.

RS What about after that, was there another one (1) when you were getting back in your car?

WO Possibly but I'm, I'm a little fuzzy on that detail.

RS (INAUDIBLE)

JD Okay we're going to end this interview, the time is eleven fifty-one hours (11:51).

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Mike Losey, DDA Investigator

SUBJECT:

STATEMENT OF: Fred Filyau, Deputy Humboldt County Sheriff's Office

VICTIM:

LOCATION:

DATE & TIME: May 5, 2004 @ 11:50 am.

ALSO PRESENT: Dave Parris, EPD Detective

ML=Mike Losey

FF=Fred Filyau

DP=Dave Parris

ML Uh today's date is May the fifth (5th) two thousand and four (2004) and the time is approximately eleven fifty (11:50) pm., correction, AM. Uh present at DA Investigator Mike Losey, Eureka Police Detective uh Dave Parris, Humboldt Deputy Sheriff Fred Filyau and we're at Fred's house in Willow Creek and we're going to be talking about the incident um in uh, down at Martin's Ferry and uh east of there, would that be east?

FF That's northeast.

ML Northeast.

FF No, what a minute, well it's west, northwest, highway ninety- six (96) which is eastbound,

ML It's be east coming back, okay, yeah. Um Fred why don't you go ahead and your last name is F-I-L-A?

FF Y-A-U,

MI Y-A-U.

FF Three (3) letters.

ML Why don't you go ahead and tell us how you got involved in this incident with this uh vehicle.

FF Well I was at the Chevron in uh Willow Creek uh having a cup of coffee talking to the clerk, when the dispatcher called me on the radio and requested uh a phone call.

ML Do you recall about what time that was?

FF Vaguely, but it was sometime before midnight.

ML And that would have been Monday night?

FF That would have been Monday night right. I've lost a day; I was up for thirty- four (34) hours yesterday.

ML Yeah, that's a long time.

FF But anyways

ML And um, go ahead, I'm sorry.

FF Uh they called me and asked me to uh call them on the (INAUDIBLE) they called me on the radio, so I went over to the phone at the Chevron, in Willow Creek and dialed nine, one, one (9-1-1), [REDACTED] answered and

uh, uh, he, he asked me if I knew what was going on, or if I'd heard what was going on and I couldn't, I didn't know what he was talking about at first you know. I'd heard some chatter on the radio, but it was over on the coast and it didn't really apply to us, as far as I could tell, and uh that's when he told me that there was uh about Crescent City and the uh (INAUDIBLE) he asked me if I was going to go to Pine Creek Road or Martins Ferry and uh there was some discussion over that and uh it was, so I just started rolling that way uh it was determined that, that uh I should go to uh Pine Creek Road with Tribal Police. It wasn't my determination, all I could think of was they, we had a non-sworn Yurok female officer at the bridge in, at Martin Ferry with no back up, with a [REDACTED] coming over Bald Hill road and he'd been shooting at cops.

ML Man.

FF And that's where I wanted to go, but uh someone else decided that I would go with Tribal Police at Pine Creek Road. Uh enroute I worked with Tribal Police on the radio trying to determine where (INAUDIBLE) deployment was going to be uh, uh and uh they ended up having, I believe three (3) of there Hoopa Tribal Officers going to Martin's Ferry. Um so I felt better about going to Pine Creek, but not really cause I knew that [REDACTED] was not going to come down Pine Creek Road, even a seasoned person traveling Bald Hill road doesn't know where the turn off to Pine Creek into Hoopa is. Some people that don't know how to read maps, think that, from, it come, uh Bald Hill road goes from Orick right into Hoopa, it doesn't. You got to really pay attention know where that little wooden sign, with that worn out Hoopa written on it to get that road, it goes to Martin's Ferry. Anyway we went to the one hundred (100) acre road and sat there and waited.

ML Who's we?

FF That would be uh, um Tribal Officers one (1) was uh, oh they call him baby Joe, I think he's, he's an O'Rourke, I think his name is Joe O'Rourke, they call him baby Joe and um some of the other tribal officers.

ML Masten or?

FFJoe wasn't with me yet. I think Willie was up there.

ML Okay now Joe Masten wasn't with you yet?

FF I don't think Joe was there yet.

ML Okay.

FF Give me a second. He wasn't in my vehicle yet uh I was solo. Um I don't remember which officers were there.

ML Okay.

FF Uh I don't hang out with the Tribal Police Officers and there's some young one (1) that I don't recognize. Um

ML So, so you were parked

FF I've got a blank on there names.

ML That's okay. You were you were parked at One Hundred (100) Acre road.

FF At One Hundred (100) Acre road right there on Pine Creek road. Uh it's between the valley floor and uh the Bald Hill intersection of Pine Creek road. Um we sat there uh and uh we later learned that uh, uh we heard that the officers at Martin's Ferry uh had signed the vehicle, that the vehicle, that the vehicle had turned uh or had come across the bridge and headed uh down one sixty nine (169). Uh they were basically blocking one sixty nine (169) so that the [REDACTED] couldn't get out uh, uh towards Weitchpec, and ultimately highway ninety six (96), and the pursuit began and shots were fired, (INAUDIBLE)

MI Now did you hear that on the radio?

FF I heard them say, "Shots fired". I didn't know if anyone had been hit or what had really happened, something to that effect, but anyways I uh, um that's when we all left that location. Oh yeah Bobby Kane was there at the one hundred (100) acre road too.

ML Okay.

FF Cause he gave me a jacket, I was getting cold. That's why I remember him and uh after we heard that they sighed him down there and that's when we took off and went back to the valley floor to ninety six (96) and north to Weitchpec and then our one sixty nine (169) and uh, uh to get out Highway ninety (90) or one sixty nine (169).

ML So you didn't, you didn't take Pine Creek?

FF No, it was faster to go back to the valley floor, hit Highway 96 (ninety six) and out, uh the road going up Pine Creek and then back down Bald Hill would have taken much more time. It's a rough road; it would have been slower traveling, run the risk of blowing a tire on that rocky road out there. Uh there is a lot of different issues why you, you would go that way. It just wasn't faster. And we all went that way, to ninety- six (96) and out.

ML So you came in from the Weitchpec side?

FF Uh we went up Highway ninety-six (96) from Hoopa to Weitchpec and then into one sixty nine (169), past Martin's Ferry,

ML Past Martin's Ferry?

FF Bridge and just kept on going.

ML Um do you remember the traffic, any of the radio traffic going in on your way? It took a little while for you to get from there,

FF Yes it did and it went by pretty fast, and but I, I didn't know some of the Tribal Officers (INAUDIBLE) past me, I'm driving that sluggish old truck you know it's so darn big and long doesn't corner all that well and it's got stud tires still. They were suppose to be off on May one, but anyways um apparently two (2) of the officers or someone was at the Tribal Office, because I went blowing by the Substation where the Tribal Police Station is and some of there units were coming out of the highway and they were behind me and so when I went on the bluffs they were somewhere back there.

ML Okay

FF And uh,

ML Do you remember two, (2) two (2) units?

FF I believe it was two (2) units. One (1) was uh an explorer, that might have been Chance um Carpenter,

ML Chancy.

FF But I'm not sure which one (1) it was, I believe he's the one (1) driving the expedition or whatever it was.

ML Okay so you get uh you get on to uh

FF One sixty nine (169)

ML One sixty nine (169) and uh

FF And we just kept on going. There was some radio traffic, a lot of radio traffic uh

ML Any of it stand out, that you recall?

FF Just the [REDACTED] shooting, the exact wording I can't tell you what it was, shots fired and uh, we're taking more shots, that sort of thing.

ML You hear any officer's return, say they returned fire or anything like that?

FF No not over the radio. If they did I either didn't hear it or uh it didn't register.

ML Okay.

FF Um, once I heard that they were taking fire I got on the radio and told them to call out X one (1), and then the dispatcher came back, they, they apparently couldn't hear a lot of stuff that was being said or didn't understand, I don't know and uh they came back and asked me to repeat, and all of a sudden it dawned on me, well the over time things, no one (1) wants to pay overtime you know so just, then I told dispatch notify X one (1), which is Kevin Miller.

ML Kevin.

FF And uh continued on out the road, uh there's some radio traffic between myself and uh, and uh Dave Morey, who is a the uh Sergeant in Eureka, um

ML Do you recall what that was?

FF Oh he made number of inquires about who was there and what the actual deployment of personnel were, what the numbers were and which in Weitchpec were with me uh at Pine Creek uh

ML Okay.

FF That sorta thing. Um I asked for a time line because we'd been waiting for the um, uh [REDACTED] to come over Bald Hill uh, I wanted to know the time he was last seen and what uh and what location he was last seen at. That came back with six (6) miles up Bald Hill road from one oh one (101) and the last time was observed was at twenty three fifty seven (23:57) so from that I was able to look at my watch and determine how long it would take a person to drive, if they're driving straight threw to get to our point or to Pine Creek or Martin's Ferry and somewhere along in there Dave Morey uh a little after that he came back and said last time we saw him was about fifty (50) minutes ago and I looked at my watch and I said that's consistent with what dispatch had given me for the time line, so we were able to try to figure out our time of engagement or predicted time of engagement.

ML So when you were, when you were having that conversation um on the radio and trying to figure out the time, where were you physically at?

FF At that very time, when that radio or that communication was going on I was still at the one hundred (100) acre road.

ML Okay.

FF And uh it came, it worked out pretty close cause it wasn't ten (10) fifteen (15) minutes later that uh Tribal Police and the Yurok officer observed the [REDACTED] on Martin's Ferry road.

ML Okay'

FF And that's when uh we left the One Hundred (100) Acre road and started responding, the time we left I don't know, I didn't uh really look at my watch but there again that would put it at maybe, maybe one (1) or, or shortly thereafter.

ML So at One Hundred (100) Acre road um do you remember um that uh who, who was the uh officer, the Tribal Officer that was with you, you mentioned, Kane, Bobby Kane.

FF Robert Kane was there uh for some reason I thought Baby Joe was there, but I he wasn't.

ML Okay.

FF Uh because he was at Martin's Ferry the reason I know that is his car's the one (1) that got shot. Very luck young man. Um and Joe Masten was down there I believe with uh Baby Joe.

ML So he wasn't at the Hundred (100) Acre road with you thought?

FF No, no, I believe Willie was there, Colegrove, I'm trying to think who else, which other Tribal Officers were there.

ML So then, that's and then you left from there and you came back and two (2) more Tribal units fell in behind you when you past the sub?

FF It was either two (2) more or one (1) that uh, one (1) that had been up there at the Hundred (100) -Acre roads with me. I think one (1) was short on gas.

ML Okay.

FF And it's, it's I think it's one (1) of there newest officers that uh he was almost out of gas so he pulled into the, the station. That just came to me, I remember him saying that on the radio asking one (1) of there officers to pick him up, cause he was low on gas.

ML So you guys all convoyed out then to Martin's Ferry Bridge.

FF Well we just, we just went you know we weren't, we weren't clustered together cause

ML Not together.

FF And Chancy said "I don't know how you can drive that truck threw the bluffs so fast." I said motivation. He had a hard time keeping up.

ML Okay.

FF Even thought it's sluggish you know it. We uh, we um went right on by uh Weitchpec Store down ninety six (96) past Martin's Ferry uh just continued on out until uh, uh we met up with the other officers.

ML Where did you meet up with them?

FF I been trying to remember where that was, but uh one (1) of the locations that we, that they last observed the, the [REDACTED] vehicle or they lost sight of the [REDACTED] vehicle, (INAUDIBLE) I don't remember the actual location. Um X one (1) started responding, he came out and started responding, and uh.

ML When you met up with the other officers at that point wherever it was along one sixty-nine (169) who was it that you met up with, do you recall?

FF We were just kind of sitting around checking different places and then we um, then X one (1) caught up with us uh that's when we pretty much clustered together and uh made plans to do a more detailed down river search.

ML So you kind of put together a, uh a plan once he got there as to go uh a little bit further,

FF We were already doing, we were already uh checking some of the places where we thought he might be or where he could have gone, and uh he pretty much had us you know stay at a certain place until he caught up so that we kind of collaborate and decide what we were going to do and we were, we decided on the area right around the McKinnon Hill, uh just uh the up river side of uh McKinnon Hill. Some of the officers had gone as far as McKinnon Hill because Baby Joe's vehicle had been shot um just uh just up river from McKinnon Hill. There was glass on the ground and wanted to secure that, that's where they stopped. Uh the reason they didn't go any further was because there was some corners, what happen was during the pursuit from what I understand, this isn't from what I actually know, it's what I've been told, is that as Baby Joe was coming around a corner, the [REDACTED] shot at him as he rounded the corner, it's like the [REDACTED] stopped and waited for him, and as he came around the corner, he capped off a round at the Tribal unit.

ML At Baby Joe's unit?

FF Yes and it hit dead center in the windshield, low and uh Baby Joe said that he uh, he saw the guy pointing the gun at him and he just laid down.

ML Jeez.

FF Across the center console and the bullet came through the windshield and must have went right, right over his shoulder, and hit a up right bar in the uh, it separates the uh the cab from the passenger area in the back where the dogs at. He had a K-9 (nine) and

ML Uh huh.

FF It nicked one (1) of the metal up rights and then shattered the rear window, and that's where they stopped and that's about where we uh um all got together.

ML So you get there, um X one's (X-1's) there, Miller?

FF Not yet.

ML Not yet.

FF No.

ML Um Baby Joe's there, is uh Joe Masten

FF Joe Masten's present, that's, that's there Sergeant, Joe Masten uh Tribal Sergeant. Um they did go beyond that and check as far as um McKinnon Hill, which is (INAUDIBLE) where the road is pretty wide and there is a day care up there and other residences, the couldn't really verify that there were tracks going up the road so they returned to where, excuse me, returned to where they uh, uh the Tribal Police vehicle had been shot, and that's where I met up with them. So they cleared the road to that point.

ML What happen then?

FF Uh we then waited for uh Miller to show up, uh we uh decided to park our vehicles there and I doubled up with uh, or Joe doubled up with me and uh two (2) other Tribal Officers doubled up in two (2) patrol vehicles so we had a total of six (6) and Miller remained, remained at the location where we parked our vehicles, we parked in a such a way where the front of the vehicle is pointed towards the uh, the roadway, it was a wide turn out and we just backed our vehicles in there, one (1) right after another and uh we left someone there including Miller, um because we were leaving cars there ,

ML Uh huh.

FF And Joe got in with me and then two (2) Tribal Officers doubled up with their Officers,

ML Joe Masten got in with you?

FF He got in with me and uh the plan was to go down one sixty nine (169) and uh check for the [REDACTED] basically to patrol the area and uh so we headed on down, I was in the lead, Joe kept saying "why do we have to be first", we're always first, because we're senior officers, so I had to explain that to him. I think he understands that, but anyways we uh we head on down river and we were checking any, any roads or driveways that may have recent tire marks with the wide tread.

ML Were you actually driving into the driveways, or just looking?

FF No, we were looking at them, looking at skid marks, we were looking at anything that looked uh very recent, we were looking for anything that indicated that it was someone in a hurry,

ML Uh huh.

FF Either stopping or going, there was a lot of peel out marks and uh you can see where someone had peeled out in gravel uh, where ever we would see that, we would examine the, the site and measure off the, the, uh the wide of the tire span.

ML Uh huh.

FF You know to see if it's a small vehicle or large vehicle, large vehicle would be consistent with what we're looking for and uh the same for driveways cause we saw recent tire marks going up so were just basically tracking and making note of each location because Miller said, I don't want you going up and checking any off road, or anything off the road, right just yet. So we did that and continued on down and we got to uh oh I guess Pecwan, just before Pecwan Creek, so we were around [REDACTED] residence uh and that's just before Pecwan Ridge Road, P ten (10) which is uh a Simpson road.

ML Okay.

FF It doesn't become Simpson until it gets off the reservation, which is about a mile, yeah, the reservation is one (1) mile on each side of the river, so uh above that it's called a P-Ten (10) and it goes all the way over to uh Klamath Glen on the other end of Highway one sixty nine (169) but you gotta forge two (2) creeks to get there, and I understand they have a gate, but we checked that road to make sure or you know really verify where or not something was uh had gone up there and even though Miller told us not to go off road, uh I and Joe went ahead and continued up that hill, left the other officers down on one sixty nine (169), that way we know that the [REDACTED] went down the river somewhere and they would be able to report to us that he didn't get by us, that sorta of thing. We went up there and there was there was a little water in the uh, uh, roadway, it's a dirt road, and a there was a little water and a dip in the depression of the road, and there was no track going beyond it and that indicated that no one (1) had been up that road, at least three (3) or four (4) hours cause it was cold, so it wouldn't have dried. So that put that road, you know or discounted that road you know, it's one (1) he may have gone on and so we continued on, and we uh, so we got back on one sixty nine (169) and headed back towards Pecwan Bridge and uh um went ahead and checked the, the next one (1) would have been the uh Pecwan Creek Road, which is just on the north, northwest side of the uh Pecwan Bridge (INAUDIBLE). Um and it goes off to the uh road, the Pecwan Creek, the Pecwan Creek Road goes to the uh, goes to the east. Uh we couldn't tell, there was too much track in there um we went by that and we could see down in the village, the village is Johnson's Bar. Some people

ML Okay

FF Some people confuse that whole area for Pecwan, it's not, Pecwan is at the creek. The end of the road is Johnson's Bar, (INAUDIBLE)

ML So you went all the way to the

FF Mo, Mo, Morek Village

ML Morek?

FF So I call it the village, because that's where the most population base is for that area, lot more houses, lot more people.

ML And that's all the way to the end?

FF All the way to the end. That's where their new fire hall is, they got a new fire hall down there and uh that's where the houses are. There's a couple of house along, that dot along the side and uh there's the [REDACTED] residence uh, uh that's where the [REDACTED] ultimately went but anyways, uh the [REDACTED] residence, and I drove into the [REDACTED] residence to check it as we were going out uh, Joe and I drove up to the [REDACTED] residence, we drove around up in there and there was a little white car there in front of the house, and it was dark and uh so no one was up or anything, of course who knows, no electricity down there and uh so [REDACTED] wasn't there so we backed up and went down the hill, back down to one sixty nine (169). We drove out, we checked up uh, uh on the [REDACTED] house, which would be the next one (1) towards the village and then there's a bunch of junk cars at the [REDACTED] place, junk cars in there so we were kind of scanning with my overhead, I've got a remote control light on top of my truck, my patrol vehicle and so I was dialing in the remote with the joy stick for the light.

ML Yeah.

FF Scanning all the cars to see if this new black vehicle was any, amongst them and so we're, we continue on down and we go into the village and everything is really dark, like I said there is no electricity, went in there and we left the two (2) Tribal Police sedans, right, almost right a the uh uh church at Morek, at the village and uh I drove uh up to the fire hall, looked around the [REDACTED] residence, we seem to recover a lot of stolen cars behind there house so I checked that our, I came out of the fire hall driveway and went into the [REDACTED] driveway, went into the [REDACTED] uh driveway, checked around the back of their house, off the edge and actually behind there house, there's nothing there so we backed on out of there, came down, I drove up the, the um, uh the cemetery, which is up the hill from the village and nothing up there, so we turned around and came back down uh checked over the side, where there's some houses uh down over a steep bank and then uh not find anything, we went back down and uh, uh into the village, and then exited the village as we cleared it, and our [REDACTED] wasn't there so we uh ((INAUDIBLE)) out uh, uh one sixty nine (169) back tracking uh ,

DP That would be eastbound then right?

FF That would be, would be eastbound, it's just, it uh you can call it east west, but it's more north south than it is anything else, but um we were going up river, how is that, now we're going up river, now we're going up river instead of down river, we're going up river and we get up to uh the Jack Norton School Road,

ML Uh huh.

FF And I went ahead and turned up the hill, again leaving the two (2) Tribal units's on the highway. Joe and I went up there and we checked the school, gate was locked. We turned around there, we drove into the [REDACTED] residence, [REDACTED] residence, two (2) big dogs in there, we didn't have to worry about that place. We came back down the hill so we cleared the school started making our way again and we uh, uh we just sat at the bottom of the hill at school, at school road and one sixty nine (169), how's your tape doing?

ML Yeah it's good.

FF And we uh, we sat there for quite awhile, talking and waiting and uh by then Miller was enroute to make a phone call to town cause someone wanted to talk to him so he could find a place where his cell phone could connect or something to that effect. Um we waited, waited, waited, a lot of time elapsed. We just decided well let go ahead and make our way back towards uh, uh or uh our original muster site, uh I mean where Miller was at, (INAUDIBLE) fire department stuff coming out there, anyways we get a, um we're on our way and we were getting pretty close and finally (INAUDIBLE) was able to make radio contact with Miller and he asked for our location, I gave it to him,

ML They (INAUDIBLE)

FF They were returning, we cleared the village and uh he said uhthe Lieutenant said that he'd like to have us secure the village, and I informed him that we had searched the village and uh, uh but we didn't leave anyone down there to block off the road, um and we decided to have two (2) of the officers return, so four (4) officers, two (2) cars, went back down there to sit at the intersection of School Road and uh, uh, the uh, highway one sixty nine

(169) and he, Miller asked me uh Masten to return to his location. We were sitting there and uh, uhit was almost daylight, just barely daylight it was uh getting close and uh we heard the (TELEPHONE RINGING, maybe she'll get that)

FEMALE VOICE: Fred, it's for you.

FF Give me a second.

ML Sure will.

FF Hi, I'm in my interview right now, can you make it quick. I don't remember, it was about what two thirty, (2:30) three (3:00) o'clock, all right, okay, uh huh. Bye.

FF Okay.

ML So you were at, was it School?

FF No

ML Or you were back,

FF I was back at location just up river from McKinnon Hill.

ML Okay.

FF McKinnon Hill is located at mile post marker, twenty one forty one (21:41) so we were just up river from that location about a half mile maybe.

ML Okay.

FF And uh some radio traffic came in from the officers that returned to that area, that uh, um, they believe they uh, they believe they saw the veh, saw the [REDACTED] Uh [REDACTED] uh vehicle had apparently started to come into uh, um the village. At that time the officers were not at the intersection were not at the intersection of School and one sixty nine (169), they had actually gone into the village and were parked at the uh, at the church, and we uh, we traveled

down there, all of us together in a (INAUDIBLE) and that would be uh myself, with Joe Masten on board. Uh CHP Officers, Rod Gilliam and uh was driving one (1) of there patrol cars and uh his partner, CHP Officer William O'Diear and Kevin Miller in his bronco.

ML Okay.

FF And that's how it was uh as we went down the road it was uh, um...I can't remember, what, how, where we were situated, the three (3) of us, I think I was probably in the lead cause like I said, Joe "we're in the lead again" so but anyway, so we're going down river again and uh we stop at the old dance grounds, just uh, just down river from Pecwan Creek Road, just a short distance, it's within oh two hundred (200) feet. We stopped there, we talked briefly um, Masten and I uh ended up driving into the village and talking to one of the Officers and um, one (1) of the Officers, I don't remember which one (1) uh said uh, the reason I said that I wanted to confirm that he, they actually had a visual on this, on this [REDACTED] vehicle. So I went into the village and talked to him and uh, um he said "yes" uh, he, the [REDACTED] drove, was driving into the village and uh, he apparently our police car, our patrol car, put the rifle out the window, pointed it at us and then backed out of the village. It's like once you start into the village, you can't turn around, you gotta back up and find a place to uh turn around. It's got junk cars on both sides and it's real close quarters. So I was able to verify yes, we had somebody actually had a visual from where they were at they could see down the highway, all the way to the bridge, and they said that they didn't see any taillights go past the Pecwan Bridge, so we knew that the [REDACTED] had to be in the area between the village and the Pecwan Bridge.

ML Okay.

FF At least we believed that. The history on the guy was that he was shutting off his lights periodically but we had a pretty good idea that he wasn't beyond the bridge, from what they told us. After I left there uh, we, uh we then, that's Masten and I drove up to the school, because it was about time for the school bus, you know to start doing it's thing, if fact we saw one (1) of the bus drivers go by us headed up to the school, so we drove up there and I told Joe there's no school today (INAUDIBLE) I think she's in training, they have a nickname for her, I can't think of it right now, um my wife knows her.

But anyways uh, uh I talked to her and told her what the situation was and uh that we were hunting for this guy, shooting at people and uh it's not a safe place. She apparently put kids in or one (1) or two (2) kids in the bus, and she left the area of the school. She's already opened up the gate. And uh, um and generator going and all that, but anyways um she left in the bus, while I was apparently either at the uh that's what, cause we came down, we left there, Joe and I did, and we went and checked the [REDACTED] residence again to make sure the [REDACTED] didn't go in there. We were just trying to clear the area where people were known to be and uh so we came out of there and I don't know if she left while I was up at [REDACTED] um or when I was up checking a second time at the [REDACTED] residence again, the white car is still there and we came out and headed back towards the uh, uh where Miller and the CHP unit was.

ML Now was it uh, it, pretty light at that time?

FF Yeah, yeah it was getting light yeah it was a full moon most of the night so it was we had pretty good vision.

ML So your back um with Kevin then?

FF We were back with Kevin and the CHP unit, I pulled up to them, they were parked at the uh, um on the bridge, on up riverside, right at the mile post marker. Um ...there's a milepost marker right at the end of the bridge, it's kind of twisted.

ML Okay.

FF And anyways they uh Miller broadcast that as our location and that's why the milepost marker happen to stand out in my mind um his car was parked almost right there, off the bridge, but right there at the milepost marker, then there was CHP and they're facing upriver. I pulled up right behind the CHP car and I'm facing up river, so CHP unit and I are actually on the bridge, and Kevin's is just off of the bridge, but we are real close together. We were kind of conversing a little bit and uh, um as we uh, as we were doing so um, it was either Joe or uh O'Dear, Will O'Dear who first sounded off, there's the vehicle or there's the [REDACTED] or something like that and we all turned and looked off the bridge over to uh, uh towards Pecwan

Creek road, and the uh, it's the [REDACTED] vehicle is slowly traveling down the, or down creek from uh, or downstream from the uh Pecwan Creek road, towards highway one sixty nine (169).We all jumped in our vehicles, I started backing up after Joe got in the truck, I started backing up trying to get back to the uh, off the bridge basically, bridge, we were basically sit, sitting ducks, oh man if he gets by us he's gonna go down gonna get in a mess, you know it's gonna be a hairy mess with those, with those young officers down in Morek, uh closer to people so I'm backing up, thinking I could maybe beat the guy to the uh the, the highway, cause he's still quite a distance on uh, on the creek, on the road.

ML On Pecwan Creek Road?

FF Pecwan Creek Road, which is a dirt road, and it kind of, it's down hill from the bridge, obviously the bridge is higher and he was moving so slow, I thought maybe I could back up and get into a better position or safer location cause the bridge, like I said you're out there you know, not a good spot, no escape, no protection, um so I'm backing up, another reason, CHP couldn't get out, or couldn't move

ML Couldn't go anywhere.

Ff Because I was right behind him and uh they were facing the wrong way too um I'm backing up, and the [REDACTED] apparently sped up because I got a, I'm looking over my shoulder backing up and I saw him get into a position there and uh, um, when I say position I mean getting closer to one sixty nine (169) to the pavement.

ML And actually now behind you guys?

FF He's not at, well he's not, he's almost behind me.

ML Almost.

FF Uh when he, when he got next, or right at the edge of the road, to the pavement, then he would have been right me but at the initial point he wasn't really there but I'm backing up and I see him, he sped up as he, and then came to a, uh eventual stop. But CHP unit was actually able to turn around

and was facing towards me, had the patrol car, front end to front end. I don't know how the heck he got that squad car turned around so fast but, I think Rod must be a magician or something, but anyways he got it turned around so he's facing, he's coming at me and uh, um I looked, when I looked back I saw the [REDACTED] vehicle come to a stop there, and I went oh crap and I saw his face clearly the interior of the vehicle was dark, I could see his face but I couldn't see any clothing or anything like that, all I saw was his face, it was like a light was casting down on his face, um and then I saw the barrel coming out of his, of the cab. He never opened the door or anything he just, he just poked, brought the gun up and I could see the barrel coming out of the window and that's Joe said uh, I can't remember what he said, I think he said, "stop, stop, stop" and uh I'm thinking oh shit man this guy is going to, he's going to be able to hit Joe. It's like all I was thinking of was Joe, you know, he was gonna be in you know uh, he was going to be more at risk than anyone else, because he's gonna be opening that door, he's gonna have to walk around that door. I can't believe I was thinking about this stuff, but I knew he's have to go around that and he'd be fully exposed and uh I think it was, I think it's because all these years I've thought of you know, when I go to work with a, with a partner or a trainee that my job is to protect that trainee, and even though he's, you know, been working a long time and he's a Sergeant and all that you know, I think that's what it was, you know, I've got to protect my partner at all costs. So I kind of turned, I, I turned the wheel to the right so that the rear end swing just a little bit, not a lot but, but some, which turned me more to the [REDACTED] and I was thinking okay, if I do this right, I'll be able to get out of the truck and around this door in time or to the edge of the bridge. I'm looking at the (INAUDIBLE)

(BACKGROUND NOISE, INAUDIBLE) bad spot too, and um it all happened so fast. It's like describing it, it's so slow, but it happen really fast and all of this just came together, but I turned the wheel a little bit and uh, I, I remember yelling, go, go, go, to Joe and uh he's out of the truck faster than I can uh, he's out of the truck faster than I even imagine, and uh um that's when I uh, oh I opened my door because I intended to exit and I walked out and my feet planted on the, on the floorboards of the truck. I walked out to the left (BACKGROUND NOISE, INAUDIBLE) looking backwards towards the [REDACTED] vehicle and I could see the gun barrel and I could see his head cock off to the side, like he's looking down the sights, so he took aim and I could, like I said I could clearly see his face and I could see the barrel. I

couldn't see if he had a scope on it or anything like that and he, he wasn't that far away.

ML Uh huh.

FF You know I figured he was about fifty (50) yards or so and when I started going up there and looking at the bridge afterwards I thought well maybe a hundred feet or something like that you know, I'm not good at estimates, but he was real close, but uh I remember seeing him cock his head like he was looking down the sights and I had a, I was walking out at that time, and I'm thinking I don't have enough time, so I (INAUDIBLE) reached for my guy and I was wearing a Tribal Police jacket, cause I, Bobby gave me a jacket earlier cause I was cold, and I couldn't get my gun out of my holster cause when I rocked to my right I, my arm got pinned next to my arm rest, so I couldn't get my gun out of my holster at that point cause I rocked so far and that's when the bullets started flying, and uh I remember hearing, it was really a loud (INAUDIBLE) on whatever kind of gun this guy was firing and uh, I was uh, I heard the impact uh of the, of the rounds. I don't know how many rounds but I heard the impact and I could feel things hitting me uh when I rocked in I had my boots clamped together at the heels so my, as I rolled in I had my feet out almost on the edge of the door casing, cause I was trying to get my gun out and uh there was a little bit of a delay in the firing, I rocked to the left again. I looked again he's still sitting there about that time uh, um, uh I heard a gun shot uh and it wasn't from behind me and got my gun out, I (INAUDIBLE) in again, I'm taking some more shots and I rocked back out again and uh, uh I hung my body outside the, the cab of the truck, barely and stuck my gun sideways on the, on the side of the truck and I couldn't look down my sights but I could clearly see the [REDACTED] and it's like the barrel is point upward just a little bit, I could only guess now, that he was probably doing that because Will had fired at him, or someone from our side had shot.

ML Uh huh

FF And uh, and uh, uh, that's when I let go, I, I was positive that I had capped off two (2) rounds real fast and then no, there was three (3) there and Rod said he, later he said he heard three (3) rounds from a pistol, but uh, so I don't know if I shot twice, or two (2) or three (3) times, I 'm think I shot three

(3) times but I don't really know. Um I fired three (3) rounds and the barrel was coming down again, (INAUDIBLE0 as I was shooting those three (3) rounds, somewhere between the first round and the last round there was another round fired by, from our side. It was so loud that my ear just felt like it exploded, cause it was so, so loud, the concussion was so intense, cause I was leaning out the door this way firing and there was one (1) more round uh in the guys gun, I rocked back in and there was some more shots.

ML So you see the gun come back out, you say?

FF I didn't see the gun come down but uh after I got down firing my rounds and I heard the blast from our side, I rocked back inside because I was, I started taking some more rounds, and again I was feeling stuff hit my legs, hit my shoes.....It seemed like uh he, he might have still been shooting when I was firing at him, so I'm a little bit unsure about that one (1) little fraction of the moment there, but I remember when I was looking outside, it's like the gun was pointed up just a little bit, uh it wasn't, because initially I could see the barrel, I couldn't see the length of the barrel, just the tip of the muzzle as he was looking down, and uh there was no flash or nothing like that, I couldn't see the bullets, cause you know I've heard people say oh I can see the bullets, you know, well yeah okay, there was no seeing no bullets, all I knew, I could feel the stuff hitting me, you know in the cab. I was trying to make myself as small as I could in the, in that front seat and under that steering wheel uh most of the debris that hit me was in the legs, top of the boots and the soles of my feet, and Will said he could see stuff flying around all around my head and everything and there was that I felt, like things hitting me, you know it could have been just fragments of plastic and you know, maybe some lead I don't know. There was lots of lead dust,

ML You could feel it the, on your head and face?

FF I could, I could feel, things were flicking on me. The other guys said a lot of rounds went under the truck and struck the pavement so perhaps he was hitting the ground and some of the rock was flying, cause on, when I had the door open it's got that plastic shield where, you know from the door panel and it had peck marks on it, in it where things have struck it, they weren't bullets.

ML Uh huh.

FF They were, they were either rock debris, or fragments of the bullets might have hit it uh, but there was also, there was one (1) bullet hole actually in the inside of the door. (INAUDIBLE) I didn't notice that until late, uh but what I did notice was that plastic door panel has a bunch of fleck marks in it and, and penetration points and that stuff was probably flying at me.

ML Uh huh

FF Uh I don't know if the dash got hit at all, but uh, uh, I didn't really inspect it that close, um and uh, uh, after uh, after the shooting ended uh I remember, I remember uh after I fired it three (3) times and I heard the one (1) round from uh from Will, I rocked back inside and uh, uh there was like a, there was no more shooting going on and I rocked outside for another folly and his vehicle had, I saw the rear end of his vehicle, so he was pulling out so I can only assume that when he realized that we were gonna shot back that uh, that he wasn't going to stay there.

ML So when you rocked back out, had he made the corner, had he turned on highway one-ninety (19), one sixty-nine (169)?

FF I, I could see the uh the rear lights of his car, or not lights but the uh taillights,

ML Uh huh.

FF They weren't illuminated or anything, they're just you know the rear of his car, um

ML So how did

FF However I couldn't see him, his vehicle had got to the point were uh my truck was blocking about half of his vehicle so all I could see was about the last, the rear quarter panel and the rear to his vehicle as he was rounding the corner, or pulling off of uh, uh Pecwan Creek Road on to one sixty nine (169), and heading that way.

ML Okay.

FF Um when he pulled out, I put her back in reverse, Joe jumped back into the truck with me and uh, um CHP went around me, they were in the lead um I backed up into Pecwan Creek uh, uh road, put her in drive and followed CHP.

ML And Kevin was behind you?

FF Kevin had to run back to his truck.

ML Okay.

FF Uh the truck was facing the other direction so, yeah he fell in behind me and uh, um the uh, um, we got to uh a point where the road uh made a sever right, where there was a boulder so the road round, or curved around this boulder and made a right, sever right, as it uh followed the river.

ML Uh huh

FF And uh the story was the guy would stop his vehicle, get out of the car, or aim the gun out the window or whatever and wait for the cop to come around and he would fire at them, well Rod being apparently of the state of mind, or realization that that was what he was doing he stopped, he didn't go around that rock. I said good call, you know and uh the Tribal Officers at the other end uh protecting the village, they uh reported back that the vehicle did not enter Morek Village, did not go up to uh, to the school so it had to be contained within a certain area. So where you say, I don't know, did you go to the scene yesterday?

ML Yes.

FF Okay if you were out at the scene, you saw where my truck was parked

ML Uh huh.

FF CHP backed up out of there; I pulled my truck in right there so it could be used as a barricade uh if there was another fire. I figured it's got holes

in it now, it won't hurt to have a few more and uh it offers a good protection, now it worked for us when uh, uh the CHP car was situated behind the truck so that when rounds were being fired at us on the bridge, it protected the uh squad car and it's occupants uh the sheriff's bronco was down at the other end of the bridge so uh it wasn't at risk and Miller wasn't at his truck uh he, apparently when the shots were being fired uh he got out of his truck cause initially he got into his truck, just like all of us got in the car, and he would, I don't know if he was starting

(INAUDIBLE) or if the shooting began before he was able to get in the, get into his truck, and get it to roll. But uh when the [REDACTED] started down one sixty- nine (169), CHP went around me and I looked and Kevin was running towards his truck. So

ML Then did he follow you down to where you ended up with your truck?

FF Yeah he fell in behind me, CHP then there's me and he was right behind me um and the CHP stopped before that rock, so that you know, he wouldn't risk uh you know being shot at too. Uh that was a good call cause we would have all been at risk if we would have just barreled on down there if he was hiding behind there like he was doing with you know CHP out of, from Crescent City.

ML Yeah.

FF Uh and with Tribal Police when they were following him earlier and shooting at them at every corner, they go around a corner, he'd, he'd, he'd stop, and he'd fire back at him you know, the road follows, it 'S' curves back and forth, and as it does that, the [REDACTED] they would get into a position where he'd have a straight shot towards the patrol vehicle as it's rounding the corners, so at ever corner he took advantage of you know the, you know, the fact that we were exposed and that worked for him so, possibility of it working for him again uh, we weren't gonna put our selves at risk there. At that point also we knew that there was one (1) residence, between our location, where the rock is, and where I parked the truck as a barricade, we knew there was a residence there that may have occupants in it, and there was a car there so I would guess

ML That's the [REDACTED]

FF And that's the [REDACTED] residence so that gave us some real major concern, but one (1) of the people that lived there had left earlier, we saw them leave in there red pickup and that was a [REDACTED] Um and I knew that there was a old, a lady, an elderly lady that uh last time I was there she was wheel chair bound, I think she's bed ridden now, uh obviously she would have been there.

ML Did you go up there and uh or wait?

FF The house?

ML Yeah.

FF We did not go past that rock, at that point we were waiting for uh the S.E.T. Team to arrive, in fact they had already been called and we uh apparently were preparing to respond when the [REDACTED] came out of Pecwan Creek Road, so by then you know, it was over.

ML Sure.

FF And far as us, as far as we were concerned. Um and uh but we still situated ourselves right there, and the other officers remained at the intersection of one sixty nine (169) and, and uh, and the uh, the school, protecting the school, protecting the uh village, uh and that just left two (2) residences, no wait, one (1) residence between the school and the uh, uh and where we were at, and that was the [REDACTED] residence.

ML So you waited until Cavinta got there, quite a bit later?

FF Oh that was hours later.

ML Were you there when he got there?

FF Yes.

ML Okay, um

FF And the F.B.I. showed up and

ML So the Calvary

FF U.S. Marshall showed up,

ML Everybody.

FF CHP uh Lieutenant uh, a couple of them I think uh, a Chief showed up, they got there before we did, before our,

ML Were they in a helicopter?

FF No they didn't ride the helicopter, the helicopter, we had one (1) helicopter come in and confirm that the [REDACTED] vehicle was in fact at that residence, because even though someone tells us something, even though it's another officer, you know it didn't get past here or there or you know what ever. Uh we still need to verify.

ML Sure.

FF You know, we're skeptics, we're cops, what do you expect, we're suspicious of everything.

ML Yeah, we want to see with our own eyes.

FF That's exactly what we want to do, but the uh, the CHP Helicopter came in, first we called early, and a fixed wing won't fly at night, not in the mountains. Helicopter we're not going to send them out on the mountains you know and come daylight, they came in., uh verified they saw a Mercedes at the uh [REDACTED] residence, a Mercedes, god I thought it was like a Toyota Camery or something, you know, they all look the same, and uh, uh the Escalade, and the Escalade was the [REDACTED] vehicle.

ML At some point um then uh, did you go with CHP to get blood work or anything done?

FF Yeah about um, I don't know what time, it was sometime after noon, one (1) something like that, um I and Will O'Diear uh went with uh, a CHP Officer, or Sergeant. I think his name is Steve Howard. I was trying to remember last night.

ML Is he from here?

FF Uh he's, he's in charge of the Officers that are assigned here, but he works out of Weaverville. They don't have a Sergeant assigned here anymore that lives here.

ML So did you have your gun belt and gun at that time?

FF Yes.

ML So you guys go from uh the scene where the command post was eventually set up, um with Steve Howard and got your blood drawn?

FF We went, at first we went to the uh CHP residence post, in Willow Creek, right in front of the Cal-Trans building,

ML Uh huh

FF On highway ninety-six (96) and the uh, the revolver for Will O'Diear was inspected by his Sergeant and returned to him. It was missing one (1) round, but the gun had not been fired, according to what the CHP Sergeant said, and I asked him if he needed to inspect mine as well, sure. So he also inventoried the belt and each item on the belt, and he did the same to mine. He removed every round from,

DP Who was that that checked that, his Sergeant?

FF The Sergeant.

DP I interrupted you, did he check yours as well?

Ff He checked mine as well, what he did was he removed the magazine from the weapon, cleared the weapon, cause I carry it with more than two (2)

that's a smart thing to do, but anyways uh, uh he removed those rounds, removed the round, cleared the gun and then he counted each of the rounds that was, that was in that, the magazine, magazine, he discharged from the uh, the magazine, logged the number and then he removed the extra magazines from my uh, gun belt and removed each round from those magazines, counted them, and documented them as well. You'll have to talk to him about uh, the numbers.

ML The numbers?

FF Yeah I didn't pay attention (INAUDIBLE) really interested in at that point, I was tired (INAUDIBLE) on the verge of (INAUDIBLE)

ML Ready to go, ready to go home huh?

FF Right, yeah, yeah.

ML So um, he gave your, your gun back and

FF He returned uh, all the items he loaded the magazine back up, uh

ML Did he put the magazine that was in the gun it's self that he had removed back into the gun?

FF That's the one (1) that he put back in to the weapon, I'm pretty sure of that.

ML Do you keep you magazines fully loaded?

FF Yeah, as many as I can get in there. Some, there's one (1) magazine I believe that it's really tough to get that last round in there, you've gotta push really hard.

ML Uh huh.

FF Sometimes I can get it in and sometimes I can't. Depends on how sore my thumb is after reloading the darn thing, when we're shooting at the range.

Um and after we got done there, oh and uh Gary Bates was present, while this was going on. He is also part of the shooting team, right?

ML Yes.

FF And from that point we went to the uh, uh the Six (6) Rivers Medical Clinic and [REDACTED], uh drew blood from us. This is my (INAUDIBLE) she gave me a Tasmania devil.

ML Now where is Six Rivers Medical, is that on uh,

FF Highway ninety- six (96).

ML Highway ninety-six (96).

FF Right I don't go to the other clinic, I don't like the Doctor.

ML Uh so they blew, drew blood from both of you and the CHP Officer

FF They bled us.

ML And then who took, who took the samples, did she keep them or?

FF She returned them to the CHP Sergeant, and the uh, uh, the type of kit used was the same used for D.U.I. draws, and you know they don't come with a alcohol swab, that's pretty cheesy. But anyways yeah she drew, [REDACTED]
[REDACTED]

ML And then she gave it back to Sergeant Howard?

FF She gave it, she gave it back right, and he was present while that was being done,

MI Um

FF Bates was not present, he had already left.

ML Um and how did you get home; did you go home at that time?

FF Yes, CHP uh Sergeant dropped me off, Ben Doane was over there at the office, he was gonna give me a ride home, he lives right there, um but we were going to the clinic anyway so I told him I'll call my wife, it worked out because my wife, she was kind of stressed out, she took some uh cold medicine,

ML Uh huh.

FF And she won't drive if she takes anything so Steve Howard drove me home.

ML Okay.

FF Then my, my gun belt disappeared.

ML You were, you were in a fog boy when we came over last night, yesterday afternoon, you were just out.

FF Yeah my wife say that she went in there told me that uh you guys were here, and then she said you were snoring, I don't even know how I could wake you up.

ML We hated, we hated to do that.

FF It was the voices that finally raised me.

ML Yeah.

Ff Yeah.

ML Do you have a rifle in your truck?

FF Not now.

ML You, you did though?

FF Oh yeah, I had a M-16 (sixteen) in there, and, and a shotgun.

ML Where, where are those right now?

FF The shotgun was left in the truck when I left the scene. The rifle, I was packing it around most of time I was out there,

ML Uh huh.

FF While we were waiting uh, I stayed on point.

ML And where is the M-16 (sixteen)?

FF And the M-16 (sixteen) was given to Cavinta and placed in the back seat of his patrol vehicle.

ML As far as you know he's still got it?

FF The ammo was removed and uh placed in the back of his pickup or his vehicle. I wanted to dispose of it or secure it, but I did not want to put it into back in the patrol vehicle, mine, because I knew that there, one (1) it was going to be seized as evidence and two (2) uh or stored as evidence, and two (2) because it's gonna have to go to the body shop and you know I want that weapon in particular secured.

ML Do you have any other weapons in the truck, other than the rifle and the shotgun?

FF I don't think so, there's some knives, there might be other items in there that I use for training, you know if I have a new trainee I take it and you know kind of secret them away and see if they locate them during the inventory search, beginning of shift and the end. Or if we have a prisoner I'll slip something in there.

ML No other firearms?

FF I don't think so if there is, it would be a five (5) shot derringer maybe.

ML And where would that be?

FF It might be in my bag, I don't know, it might be in my safe, I can check.

ML It would be in a, in a, bag like a uh

FF Why don't I check and see if it's in my safe, it's right in the room right here,

ML Okay

FF It will take me a second.

ML Sure...

FF Well longer than a second, butit's not in there.

ML Not there.

FF Nope.

ML Okay so the Derringer might be in a bag?

FF Might be in a black bag.

ML Is it like a leather bag?

FF Not it's a uh, uh, uh it's a nylon bag, just stuffed with a bunch of stuff, um I went on vacation and uh, I grabbed everything out of the truck that was loose and I just threw it in there, and we brought it in the house and I hadn't put all my stuff back in or organized it before I, you know, when I got back I just grabbed the bag and shoved it in there, it's on the center console uh in front of the radio.

ML In the front?

FF Yeah between the two (2) seats. I take the handle of it, one (1) of the handles and I put it over the four (4) wheel drive shift, and it's got a little tiny hole so it will clip on the side, and it's a little revolver type uh twenty two (22) magnum.

ML Is it loaded fully?

FF Yeah, five (5) rounds, it's about that long.

ML And um do you have any others?

FF Knives.

ML No other knives. Do you carry a backup or anything on you?

FF Not usually.

ML Did you that night?

FF No. I forget about that little derringer. Not there either.

ML Okay, can you think of any?

DP Fred when you were firing those two (2) or three (3) rounds out the door, I probably know the answer to this question but I'm going to ask it anyway, I, I assume that all the expended rounds went out the truck, out towards the door and on to the ground, would that be your assumption?

FF I would have to guess that because the uh, as I'm sitting there, when I rocked out, the gun was extended beyond the, the door jam.

DP Door jam?

FF Door jam and turned sideways, I mean instead of being up this way, it was turned sideways this way

DP Okay.

FF Cause I was holding the gun this way and looking out.

DP So the extraction would have been down.

FF So yeah, they would have blown up and out, or down side usually.

DP Yeah, okay.

FF So.

DP Did you ever stop at the scene and pick them up?

FF No.

DP Okay, whatever was there was left there.

FF Yeah. We'd noticed that they had been run over because Will O'Dear whoever was standing around and everyone showed up, um Will O'Dear took a walk, just we wanted to you know walk down to the bridge and kind of look things over, and we're walking along there and uh we were looking for my rounds, we were looking for his rounds, looking for the [REDACTED] rounds, didn't see any of the [REDACTED] rounds at first uh, mine we easy to spot because they were shinny, we only saw two (2) and they had both been run over already, and we figured that they had tumbled down the, the uh, the road because they were run over and it seemed like they were a lot closer to where the [REDACTED] vehicle was, than where we thought we were.

ML Okay.

FF We thought we were closer to the middle of the bridge but we were almost at the other end of the bridge, yeah

DP Okay

FF And then uh we couldn't find any of Wills, Wills rounds apparently went off the bridge, cause he was right, he said that he was standing real close to the um, the rail, um which would be about right, if he were stand, if he was standing up firing those rounds would have been pitched off to his right, and off the bridge, and uh later on the found one (1) of his expanded uh, uh, casing

ML Casing,

FF Down off the bridge, how they did it, I have no idea.

ML what was he shooting?

FF I think it was an AR-15 (fifteen) and he was he was using Rod Gilliam's uh, assigned AR-15 (fifteen). So that would have been a what, a two (2) two (2) three (3) round.

ML Uh huh.

FF And I'm, I'm convinced that without his, without him firing, to distract the [REDACTED] I would never have been able to return fire, or discourage the guy from you know, continuing his barrage uh and he's the only one (1) that returned fire, Will was, no one (1) else returned fire.

ML Have you thought about as far as how many shots this guy shot at you, do you have any idea?

FF You know I, I didn't do any counting, um we were kind of bouncing the idea of how many rounds there might have been, and we almost settled on eleven (11) maybe, and my truck had what, four (4), five (5) six (6) rounds in it?

ML I saw four (4) holes, but there's very well could be more in there.

FF Did you see the one (1) under the door, or inside the driver's door when you open the door, there's one (1) you've got the plastic uh, uh,

ML Cover.

FF Cover on the door where all the things are right there, you know where you put stuff.

ML Yeah.

FF Right under the edge of it, there's another round right there and I didn't see that one (1) until later, I was walking (INAUDIBLE) yeah that was

a round, but it didn't penetrate all the way, it was like it hit at an angle and that could have been some of the stuff that was spraying around my feet.

DP take a look back, what time did you start your shift that day, or the night before right?

FF Five (5) o'clock.

DP Five (5) PM?

FF Right I had got up that day at uh five thirty (5:30) morning. I couldn't sleep anymore and, and I had things to do.

DP You got up the previous morning at five thirty (5:30) when to work that night at five (5) pm.

FF At five o'clock, yeah,

DP Seventeen hundred (1700).

FF Yeah, usually I take a, a hour or two (2) hour nap around two (2) o'clock every afternoon before I go to work.

DP Okay.

FF And uh, um that's how I you know, able to work all night.

DP Okay.

FF Otherwise oh man, I'm dumping that coffee down.

DP Yeah, my next question to you, is (INAUDIBLE) question that we have for you, uh on any medication that day at all?

FF No.

DP No aspirin, no Doctors medication, no nothing?

FF I, I've even uh, uh gone off my supplements for uh a few weeks, I take a lot of health food supplements.

DP Okay.

FF And uh to maintain my weight.

DP Any alcohol consumption between the time you woke u, five thirty (5:30) that morning and five (5) pm, going to work?

FF No, I don't drink alcohol.

DP Okay, no, no alcohol during the time you were working?

FF No, no, I don't know what (INAUDIBLE) do to me, but

DP The what?

FF (INAUDIBLE) it's being banned I understand, the sports guys use it, so.

DP Not suffering for any injuries as a result of this shooting, or any injuries or any ailments, prior to that day.

FF No, I have injuries, but you know, I'm old and I'm broken and I been in business too long, but no. Uh when I took a shower I noticed that there was some (INAUDIBLE) marks on my leg, but

DP What?

FF Some red marks

DP Red marks,

FF But,

DP On your left leg?

FF Yeah the one (1) leg, the one (1) that was taking all the flack uh I don't know if that was from something yesterday morning, or if it was from my weed eating around the yard the day before or earlier in the day actually, um cause went out and weed eat in my shorts.

So I get all these little flecks here, I have a history of it. See all these little spots here, they were all red in the shower last night.

DP Okay.

FF As messed up as that leg is, I should, I should realize not to wear shorts when weed eating.

DP Fred you wear, you wear glasses are you corrected twenty, twenty (20/20) with, with the glasses that you wear?

FF I think I'm pretty close yeah, this is the first year that uh, when I got my drivers license they said I had to have corrective lenses, and I just renewed my license in March.

DP And you were wearing these glasses on the day of the shooting?

FF Yes.

DP Okay, anything we haven't asked you that you think might be important?

FF Uh as far as this, I don't think so.

DP Either that day that you think might be important or the time of the shooting or afterwards, that you thought there was something we should be aware of?

FF Well, thanks for asking, this morning at coffee um I was there with a group of people and Rod was there also, and we're kind of talking a little bit about what was going on you know, and it dawned on us that uh, this Mexican guy, might have been the same guy that was involved in a fight at the pool hall in Willow Creek, several uh, several months ago and when I went over there

to deal with the problem, [REDACTED] was there [REDACTED] yeah big question mark, I see it in your eyes, [REDACTED] was there with this Mexican guy.

DP How long ago was that?

FF Several months ago, I'd have to get with Rod to get a little closer date because I didn't take a crime report, every, most of the participants had left and the owner was like, nay it's over you know, but [REDACTED] was there and the Mexican guy was there and [REDACTED] was still mouthing off, she use to be married to Frank, uh Masten.

ML Okay.

FF And Officer that committed suicide in eight two (82).

DP Well is [REDACTED] [REDACTED] relationship to [REDACTED] [REDACTED]

FF Yes, we're getting to that.

DP Okay.

FF So there was a connection between that Mexican guy and [REDACTED] and the downriver location, because the old lady that's bedridden now, she's related to all of them.

DP She's related to [REDACTED]

ML But [REDACTED] wasn't living there.

FF No.

DP That would be [REDACTED]?

FF Yeah, that was her name, I kept wanting to say [REDACTED], but it's [REDACTED] so

DP [REDACTED] might be related to,

FF [REDACTED] right. So he may have had, that might have been why he went to that residence because he'd had some prior contact with people at that residence.

DP Although it might be, I mean let me kick this by you, would it be could he have possibly have come to conclusion as a result of knowing that there were officers down at the village, and then no officers where you were, that he might have known that that's the only location he could have gone, would be the [REDACTED] residence?

FF Could have been, yep but there, but there again, I've got to point out, it was the only residence and the only road between where we were positioned and where the four (4) Tribal Police Officers were positioned, so we had no other location to go, but I thought we both, Rod and I both thought it was rather um, interesting, or thought provoking that we had contact with this Mexican guy,

ML Uh huh.

FF And I don't know, maybe he is the same guy.

ML Did you talk to the Mexican guy?

FF No I did not.

ML Okay he was already gone you said?

FF He was a little bit mouthy too, but he kept on yelling at [REDACTED], let's go, lets go, lets go.

ML So he was there?

FF Oh yeah he was there in the passenger seat of [REDACTED] red vehicle.

ML Oh.

FF I think she was driving like a, a, like a pathfinder or something like that. It was red, he was in the passenger seat, she was kind of lippy and I just told

her to just go, go away you know, cause even though she's mouthy, she's still family, old school protective the family, even though she's not, even though her, well he ex husband now, is dead, cause he killed himself, still family,

ML Sure.

FF Even though she was intoxicated she wasn't going to go to jail.

DP Fred that was a four fifteen (415) call, and you responded to it?

FF Didn't get it as a four fifteen (415) call, I was at coffee at the seventy-six (76) station, I get coffee a lot. Everyone comes to the gas stations, you know, so they know where I'm gonna be and you could hear the noise, and I think Cory Hicks, he was off duty and he got on radio and called me, on clemar, cause he carries the portable radio for the fire department, which has our clemar and our main channel on it, uh he was just walking around town, because his wife worked at the Chevron and uh he heard what was going on and he called me, so I drove in there.

ML So uh would there be, there wasn't dispatch or anything?

FF No.

ML Did you tell dispatch that you were going there, code out or anything?

FF No I don't think I did.

ML So dispatch isn't going to have a record, as far as the date or anything?

FF No.

ML Did you write it down on a, do you keep your note books?

FF No.

ML You don't keep them?

FF No, I mean for real, I don't even have notebooks.

DP This was the pool hall, is that the call, or the name of the business?

FF Yeah, no it's,

DP It's the one (1) on Main Street.

FF You know I asked them what they were calling it, it's there initials uh, uh, it's like 'JC' or 'CJ's' or something pool hall, it's where the old post office use to be.

DP Okay. So at the time of the shooting, you never really got a clear view of this guy, from the standpoint that you could identify him?

FF Oh no I couldn't have identified him, uh

DP So when you say

FF I did get a, when I saw him, when he stopped uh at uh, um at Pecwan Creek and one sixty nine (169) the light was casting on his face, so I got a good view of his face, but I couldn't have identified him.

ML Because of the distance, away?

FF Uh it's the lighting, probably (INAUDIBLE) probably both. You know he looked like an ant (INAUDIBLE) even though he was close, he was only fifty (50) yards away, um the night I saw him, the night over at the pool hall, there was no light inside the pickup truck, uh the vehicle, and he was in the passenger seat, so I didn't get a

DP So what makes you connect those two (2) together, if you didn't see?

FF The name of [REDACTED] the [REDACTED] residence, and the uh, um the uh and [REDACTED] now a day or two (2) later, Chance Carpenter with Tribal Police took an assault report that took place on the reservation, either the day after the day before or earlier the day that I had contact with them at the pool hall, and he identified who this guy is.

DP Chance Carpenter?

FF Chance Carpenter, with Tribal Police, Hoopa Tribal Police. He actually wrote a crime report on this assault that took place, I think at the High School and he identified who this guy was that [REDACTED] was hanging around with.

DP Where does [REDACTED] live?

FF I'm not positive. Her maiden name is [REDACTED], not maiden name but her

ML Married name.

FF Her prior married name. [REDACTED] is her maiden name. She may be remarried, I don't know.

ML Um do you have the uniform you were wearing that day?

FF Uh huh.

ML Have you washed it or cleaned it or any?

FF No, I think, (INAUDIBLE).

DP Any damage to it?

FF Here's the shirt,

DP Let's take a look at it and see.

ML Anything else that you can think of, um, I'll go ahead and shut,

FF Be careful with it, that's one (1) of my favorites and its twenty (20) years old, pre wartime.

DP Okay, only one (1) clarification, you were wearing this shirt, this is a uniform Humboldt County Sheriff's Department shirt, with a badge, name plate and patches, but in addition to that though Fred, you were wearing a coat over top of this that you had gotten from who?

FF From uh, Bobby Kane.

DP Bobby Kane?

FF Yes, I was wearing a, a, had the uh Tribal Police badge, cloth badge on it, and patches, and I believe it's black or dark blue.

DP And where is that now,

FF It's,

DP Gave it back to him?

FF With Bobby Kane.

DP Okay, all right, and looking over this shirt, I don't see any, any damage.

FF I'm looking for the britches.

DP I don't see any wholes, or any signs of gunpowder residue or dirt. It appears to be intact and in good shape.

ML I'll get a shot of it.

DP Pardon me?

ML I'll get a picture.

DP Okay.

FF Maybe I threw them in the dirty clothes. These have wrinkles on them, so that must indicate I, I wore them.

DP Okay (INAUDIBLE)

FF I'm pretty sure those are, I don't normally wear those kind of pants but yesterday, I just, I thought I'd probably thought I'd have to go swimming yesterday or I mean, the day I going to work.

DP These are green khaki issued, Humboldt County Sheriff's pants.

ML Can you leave that out, we want to just get a picture of it?

FF All right.

ML That documents, yeah.

DP I don't see any damage to the pants, nor any foreign substance on the pants.

ML Okay and boots?

DP Black magnum boots,

FF Not they are not magnum.

DP Oh there not magnum.

FF No, no, I took those out of (INAUDIBLE)

DP Oh those are inserts?

FF Yeah there inserts, make out of latex.

DP Okay, okay, there black oxford boots, matter of fact there is a brand, here on the bottoms.

FF I think they are Rocky.

DP Yep they are Rockies. They appear to be intact and undamaged, nothing on the soles. (INAUDIBLE)

MI Are those twelve (12) inch high?

FF I, I don't know.

ML They look like they are twelve (12).

DP Same thing with the right boot, there

FF (INAUDIBLE).

DP Also Rocky but there's not damage, nothing on the soles, soles aren't cut.

FF I'd say that's about ten (10) inches.

DP Zip up the side, and lace up the front.

FF Yeah, I kind of looked the boots over to see if there was any damage to em,

DP Yeah I don't see any damage.

FF I don't see any, there a little scuffed up on the toe, one (1) of them, about made me cry, normally they're spit shinned.

ML Okay. Can you think of anything else Fred that we haven't talked about or questions that we haven't asked, anything come to mind?

FF I guess not, I think I've covered just about everything.

ML You've done a good job going through this and

FF Yeah. The only thing that I had was, was different was the, the information that was put to the F.B.I. Officers that were present and the other Investigators, uh that was different from my story and the story offered by the other officers that were involved, um is that Miller's story about the guy exiting the vehicle and shooting,

ML Uh huh.

FF He never exited the vehicle.

ML Oh.

FF And I didn't want to make it a point out there because I didn't want to embarrass Miller, but for an official reporting of it, I think that it needs to be clearly established that the story is squared away and the guy never exited the vehicle, he didn't open his door.

ML Okay.

FF He stuck the gun out the window.

ML Okay can you think of anything else.

DP Nope sounds good.

ML Okay were going to go ahead and end the tape, and it's one thirty (1:30pm) approximately in the afternoon.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective, Humboldt County Sheriff's Department

SUBJECT:

STATEMENT OF: Joseph Masten, Sergeant, Hoopa Tribal Police Department

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004

ALSO PRESENT:

RS=Rich Schlesiger

JM=Joseph Masten

RS Okay, date May four two thousand four (May 4, 2004) time is fourteen ten (14:10) hours. Joseph right?

JM Yes sir.

RS Middle initial?

JM "T"

RS And Masten, uh date of birth Joe.

JM [REDACTED]

RS And your employed by Tribal Police, right?

JM Yes sir.

RS How long have you been working for them now?

JM Eleven (11) years.

RS Uh what time did you start your shift yesterday?

JM Eighteen hundred (1800) hours.

RS Okay, um while you were on patrol uh what brought you out this way down uh, downriver?

JM Uh we were advised an agency assist to BOLO for uh a [REDACTED] Escalade I believe uh coming over Bald Hills road that took several shots at the Highway Patrol and uh Fish Biologist and we staged at the uh Martins Ferry Bridge on one sixty nine (169).

RS Okay, when you saw "we" who is "we"?

JM Myself, Officer O'Rourke, Officer Mabry, and a Yurok Tribal Police Officer Marianne, I don't know her last name.

RS I already talked with her. Um how³ were you guys set up at the bridge?

JM We were set up on I would call it the south side of the bridge, we were just kind of lined up there.

RS Towards Weitchpec?

JM Towards Weitchpec, yes, our cars were all lined up dialogue together.

RS So they were all facing forward then?

JM They were all facing forward, yes.

RS So they were all facing towards Pecwan?

JM Yes.

RS Okay, um were the lights on or anything, on the cars?

JM The headlights weren't, um but I seen headlights coming towards us, I yelled for somebody to turn there overhead lights on, I believe it done, I, I can't be positive because I was focused in on the vehicle approaching us, but I was yelling for someone to turn there overheads on.

RS Okay, so where was everybody at in that little?

JM myself and Officer Joe O'Rourke were at the front of his vehicle and uh Marianne I believe was next to her's and she's way out by the road, I don't even know if she had, I don't think she had a weapon, I'm not sure.

RS Okay,

JM And uh.

RS You guys had your weapons drawn then?

JM Yes.

RS Okay, and uh so you saw the headlights coming down Bald Hill right?

JM Uh really didn't see it until the very end until, then it started to turn on the bridge.

RS Bridge, okay and when did you notice it was the [REDACTED] SUV?

JM Uh right when it drove in front of us.

RS Anybody, did he fire shots at you, did you guys fire shots at the vehicle anything like that?

JM No not at that time, uh we ran, I ran to my vehicle, Officer O'Rourke ran to his.

RS Which one (1) is yours, the, the car

JM The Crown Victoria.

RS Okay.

JM And uh Joe since he was close to his rig, was in his rig and took the lead and I got behind him and then Darrel got behind me.

RS Okay.

JM And we pursued it,

RS Was Marianne behind all you guys?

JM Uh you know I believe she was.

RS Okay.

JM She was behind uh Officer Mabry, we continued, (HELICOPTER NOISE IN BACKGROUND)

RS So it was Joe, you , Darrel, and Marianne

JM And Marianne.

RS Okay.

JM Got approximately, I'd have to guess maybe a half a mile, and her I believe three (3) gun shots,

RS Did you see anything?

JM I did not see a muzzle flash.

RS Okay, okay, you're familiar with the area Joe, what area was that in where he first shot at?

JM That was just north of uh Martins Ferry Bridge. Uh I'm not to familiar with the area to where I could say Notchko or wherever.

RS Okay, so he fires then, do you know how many times he fires there?

JM I believe three (3) times.

RS Okay

JM And uh we continued on we backed off, we continued on and we heard another one (1) or another two (2) shots uh I kept getting on Clemar advising all units to watch the switchback, because that seems to be where the shot were coming from was around the switch backs.

RS Okay, so when his car would turn which way would he shot?

JM He, he would be going, turning to left and we'd be pulling up and he would,

RS So the drivers, his driver's side would be facing us.

JM Drivers side would be facing us.

RS Did you ever see the person in the vehicle?

JM Uh, not at (INAUDIBLE) later on

RS Later on, okay. So you guys keep going he shots that time, when does, when does, when does the guy shot again?

JM Uh he shot several times, we got further down the road, we heard a couple more shots, uh we backed off and actually started to lose sight of the [REDACTED]

RS Okay.

JM Uh the vehicle.

RS Did you ever see muzzle flash at all?

JM I didn't.

RS Okay.

JM I did not see a muzzle flash.

RS But you could hear it?

JM I oh I could hear it yes, um I was calling the uh pursuit we had our overheads and sirens going, overhead lights, emergency light,

RS When did you guys turn on your siren Joe?

JM Uh, part way, part way through the pursuit, we uh lit it up first thing to try to attempt to conduct a traffic stop on it and when it failed to do so, we activated the siren.

RS Several minutes into it, you started the sirens?

JM Yes I uh, actually kinda I turned, I turned my siren off so I could hear the radio, so I could call the pursuit, so I could hear the gun shots,

RS Okay.

JM And uh eventually uh

RS How many, during that span there before he actually gets to the one (1) point where he stops, how many rounds do you think were fired at you guys?

JM I would say five (5) to seven (7) rounds.

RS Okay.

JM Um we come around a corner and I see the vehicle stop, I see Joe stopped and I hear

RS How can you tell it's stopped?

JM Uh the break lights and the vehicles there and I hear bang, bang, bang.

RS And is Joe stopped?

JM Joe, Joe's stopped, Joe's in the vehicle Joe exits the vehicle um when, after the third (3rd) round I was behind him and his back window shattered.

RS Okay, were you still in your vehicle.

JM I was still in my vehicle, he exited his vehicle as I was getting ready to get out, he I observed him fire I believe it was three (3) rounds and then the vehicle started to pull forward, started to take off.

RS Okay.

JM Um I exited my vehicle ran up behind uh Joe's vehicle and I asked if he was okay and he was looking down um yelled at him, he ran back we got behind his vehicle then we proceeded back behind mine and uh I just checked him over make sure he wasn't hit. I didn't feel comfortable where we were so I get back to my vehicle, Joe jumps in with me and we go up, up the road maybe not even a quarter of a mile, just to make sure it was safe for us to be standing where we were.

RS I was back there Joe and there's like a turn out up the road a little possibly where he stopped at

JM Yes.

RS Is that where you guys turned back around and checked?

JM Uh yeah

RS Where your vehicle is parked now.

JM Yeah we turned around, I believe where my vehicle is parked now and we went back and we sat there and waited for um back up units to arrive and decide what we were gonna do.

RS Okay, when Joe got out of, what side of the vehicle did Joe get out of?

JM He got out on the drivers side.

RS Okay and then you saw him fire three (3) rounds?

JM I believe it was three (3) rounds.

RS Was he pointed towards the direction of the [REDACTED]

JM Uh yes, uh (INAUDIBLE) I believe hit short.

RS Okay.

JM I believe I seen the dirt kick up.

RS Okay, did he have a one (1) hand grip, two (2) hand grip?

JM Um I couldn't, I couldn't honestly say.

RS So he's walking kind of back towards you.

JM He was basically baling out of the rig.

RS Okay, so he bales out, and he's, but he's looking down, but he's backing up at the same time.

JM Yeah he's kind of you know, he's kind of back, he's firing the three (3) rounds and the vehicle starts taking off and I exit with my long run to the front, the back of his rig and I'm yelling at him, he comes back.

RS Okay.

JM And then like I said after that we move back to my rig and I'm yelling at him, he comes back.

RS Okay.

JM And then like I said, after that we moved back to my rig and we're making sure he was okay.

RS Okay.

JM And I didn't feel comfortable, I didn't know if that vehicle was around the corner or, or what and I wanted to make it safe for us to at least to be in that area so we went out there and we turned around

RS Okay.

JM Where my car is and then went back and we parked there until Lieutenant Kane arrived on scene and took over.

RS Lieutenant Bobby?

JM Lieutenant Bobby Kane arrived on scene and took over.

RS Uh went, what time do you think you first saw him come across Martin's Ferry?

JM Uh a rough estimate, lets see roughly one thirty (1:30).

RS Okay and then when about does he stop and fire those rounds at you guys?

JM We were probably gees I'd say fifteen (15) minutes into the pursuit, ten (10) to fifteen (15) minutes.

RS Okay.

JM Uh the speed they estimated the speed, we were hanging back and we were doing thirty-five (35) miles per hour I believe.

RS Okay so he wasn't hauling ass then.

JM No he wasn't.

RS Bobby gets there and you guys wait for back up, who all shows up?

JM Uh Lieutenant Bobby Kane shows up, um Officer O'Rourke, or Corporal Will Hostler, Officer Chance Carpenter, Officer Darrel Mabry, Officer Paul Craft and Deputy Fred Filyau of the Sheriff's department.

RS And Darrel was already there with you right?

JM Yeah, I'm sorry Darrel was already there with us.

RS And so you guys are there and where do you guys go from there?

JM Uh did um, uh Sergeant Miller of the Sheriff's department arrives, we move up the road in stage.

RS Okay, where do you guys stage at?

JM Um, I believe it's the road just below I want to say McKinnon Hill, like I said I'm not really familiar with area.

RS Okay.

JM There's a wide turnout where we all pulled in,

RS Okay, and you guys stage there.

JM We stage there and we're just kind of waiting, we have the ambulance on stand by, we send Officer O'Rourke who's family surveyed the area, his brother surveyed it to go get maps so we can look at the maps and then uh Sergeant Miller was on scene and took over the investigation and lead in um got into two (2) man units.

RS Okay.

JM Three (3) two (2) man units.

RS Okay, who was with who,

JM I was with Deputy Filyau of the Sheriff's department,

RS In his ride?

JM In his unit.

RS Okay.

JM In his pickup. Corporal Hostler was with uh Paul Craft, Officer Carpenter and Officer uh,

RS And they were in

JM Together,

RS Tribal cars?

JM Yeah they were in Tribal rigs.

RS Okay and where, where was Sergeant Miller?

JM Sergeant Miller arrived but when we come to make sure things were safe at the end of road uh he was, he was back where we first pulled over.

RS Okay.

JM Um him and uh Lieutenant Kane I believe left before that and uh or Lieutenant Kane stayed there with him, I'm not sure, he, he did leave and then return, so I'm not sure what point he left.

RS Okay and eventually you guys ended up here.

JM Yes we ended up at the end of the road here at uh Johnson's.

RS Is this called Johnson's here, where we're at?

JM Uh right where were at now, this is Pecwan Creek.

RS Pecwan Creek okay.

JM (INAUDIBLE) here at Pecwan Bridge. We um went to the end of the road, we checked School House, School road, went up to the school uh.

RS So you guys went all the way to Pecwan.

JM Yeah we went all the way to the end of the road,

RS To the very end of the road.

JM And we checked it, we checked a couple of different road, the [REDACTED] we checked the uh School road, uh checked the road where the ceremonial grounds are down by the river and we started to go back to met and during that time we were advised have two (2) units stay down at the end of the road, so Corporal Hostler and Officer Craft and Officer Carpenter and then they went back down to the end of the road.

RS And so that way right?

JM Yeah the end of the road.

RS Okay.

JM Myself and uh Deputy Filyau returned back to where uh Sergeant Miller was located, were we first pulled over and uh Rod Gilliam from the Humboldt County, I'm sorry, the CHP and Will O'Dear were there.

RS Okay and that was back at the shooting site?

JM Where the shooting was, yes and um while we were there we were advised by the units down river at Johnson that they had seen the vehicle,

RS Okay.

JM And uh so we responded down this way uh checked a couple side roads, spoke to them and we didn't see anything, we came back parked on the other side of the Pecwan Creek Bridge.

RS So it'd been on the east or towards Weitchpec side.

JM Yeah towards Weitchpec side. And as we were standing there talking the [REDACTED] vehicle come pulling out of the uh dirt road below the bridge.

RS Okay, this road right here?

JM Yeah.

RS And how were your guys vehicles parked over there Joe?

JM We were all facing towards Weitchpec.

RS Okay.

JM Um,

RS So there was, which car was where?

JM It was uh Sergeant, CHP and then Deputy Filyau and I were the last ones (1).

RS Okay so you guys were all behind each other.

JM Yes.

RS Okay. When you guys see, who notices the vehicle pulling up the dirt road?

JM Uh I noticed it and I, I forget who else noticed it at the same time cause everyone started to run for there vehicles.

RS Okay, and you all got back in your same cars?

JM Uh, I the same vehicles we were in,

RS Right, right okay. So you got back in with Fred?

JM Yeah.

RS And everyone else got back in the other vehicles and what happen then?

JM We started to back up, uh

RS Fred was driving?

JM Fred was driving,

RS Okay.

JM We started to back up cause we had cars in front of us and we didn't want to be stuck on the bridge where you know that was my feeling, and by the time uh, I told Fred I don't want to be stuck in a vehicle, we stopped, I opened the door and the [REDACTED] starts firing at the vehicle, hitting the vehicle.

RS Okay, were is the [REDACTED] parked when he starts firing?

JM Um when I ran up towards, which would be the back of the pickup, I had my long gun, and the vehicle was on the dirt road right by the pavement I believe.

RS What kind of long gun do you have Joe?

JM I have an M-16 (sixteen).

RS Okay.

JM Um at that point one (1) round hit the tool box near my head, I was uh had debris, the [REDACTED] rounds hit the ground, I had debris hit my legs. I was backing up towards the front of the rig looking for better cover and uh at that point when I kneeled down I just heard a bunch of, of gun fire, um Deputy Filyau was still in the rig and uh,

RS So when you went to the back he was still, how was he in, in, in the truck?

JM Um

RS Not real sure?

JM Not real sure,

RS You know he when, and, and, and Fred fired his gun?

JM I, I didn't see that.

RS Okay, you just started hearing gunfire.

JM I just started hearing gunfire.

RS Okay and,

JM I know at one (1) point when I ran back towards the front of the vehicle for better cover, I looked over and I seen Officer Will O'Dear of the, of the California Highway Patrol discharge his weapon.

RS Okay, and what kind of gun did he have when he fired?

JM Uh he's got a long gun, I'm not sure if it's an AR.

RS Okay, okay, and he's pointing at, towards the [REDACTED]

JM Towards the [REDACTED] vehicle.

RS Did you see the [REDACTED] at that time?

JM I seen him just before the round hit the tool box.

RS Okay. _____

JM Where I was.

RS Did you see him with a weapon?

JM I honestly can't say I seen, I seen the gun.

RS Okay, so he all, you pretty much just start hearing shots fired?

JM Yeah, I go up, I'm bringing my gun up, hitting it off safety and I, I didn't even get a round off cause it hit and it backed me up and I could feel the rounds hitting the ground and the debris come up, so I kept back pedaling towards the front, the front of the rig and I got down by the tire on one (1) knee and there is still debris so I stood back up and that's when I looked over and seen Will O'Dear.

RS So from the truck where was Will standing?

JM Will was kinda behind me, we were all kind of scrunched

RS Okay kind of all behind the front of Fred's truck.

JM Yeah, and Fred's truck, but he stepped out towards the side,

RS Okay and, and you said that a round hit the tool box, I know what the tool boxes look like, was it the front, side, do you have any idea?

JM It was, it was the very the back by the tailgate.

RS So like the butt end of it.

JM The butt end of it.

RS Okay.

JM One the passengers side.

RS How many rounds do you think were exchanged?

JM I probably heard myself, probably six (6) to seven (7) shots, but couldn't be exact on that.

RS Okay, okay um lasted just several seconds?

JM It was, yeah it was pretty quick.

RS Okay.

JM It was a long maybe twenty (20) second, I hate, I hate to guess.

RS Okay so when you get back up from behind the truck, or do you see, do you see, do you see him drive away or?

JM I see the uh [REDACTED] vehicle continue down towards, towards, Johnson's the end of the road.

RS Okay.

JM Um by that time we baled back into the rig and CHP had the lead. We get behind them, we continue down the [REDACTED] vehicle brake lights came on and what were had with this guy laying in wait, we stopped and we last seen the vehicle, looked like it turned up a dirt road.

RS Okay.

JM And after that point we backed off

RS Okay, who was in C.H.P's vehicle, uh Will and?

JM Will and uh,

RS Rod.

JM Will and Rod.

RS Okay and so where about do you see the brake lights turn on, where all the cars are parked down there?

JM Yes,

RS Okay.

JM Uh maybe even a little bit past that, cause we backed up around that corner a little ways.

RS So two (2) three (3) hundred yards down the road probably?

JM Yes.

RS Okay so you guys wait from that point, where do you guys wait at from there?

JM We just sat up there at the corner and

RS Which corner?

JM Uh the one (1) where all the vehicles are parked,

RS Down here, okay

JM Yes.

RS Okay, okay, then there is a dirt road that goes up a hill there?

JM Yeah uh a few hundred yards down the road there is a dirt road the goes up to the [REDACTED] residence.

RS Okay, okay. Is the vehicle ever, the [REDACTED] vehicle located?

JM Uh it was located by the California Highway Patrol uh Helicopter.

RS Okay.

JM I myself haven't seen it um. I have not been past where the command post was.

RS Okay, and what kind of vehicle was it that you saw?

JM Uh I believe it was a [REDACTED] Escalade.

RS Okay, SUV type, the fancy kind?

JM Yeah the fancy type, [REDACTED]

RS Okay.

JM Tinted window.

RS Alright Joe anything I haven't asked you that would be important for me to know, that I might have skipped, anything you can think of?

JM Uh not off hand, it was, it was hairy the guy, you know was, had disregard for the safety of anybody and I'm just glad none of the officer got injured, with Officer O'Rourke taking a round threw the windshield,

RS Yeah that was close.

JM Yeah it was close, and that was the thing is he, he stopped we give him enough, we were tailing far enough back but when we come around that corner it was just brake lights, he was there and boom, and I was pulling up behind Joe's rig and I just seen the back window shatter, uh he climbs out and he's like caps, three (3) I believe it was but like I said I seen the dirt hit too, rounds hit the dirt.

RS You could see that even with the headlights and that?

JM Yeah.

RS Okay,

JM And uh like I said I exited my vehicle you know and he was kind of looking to see if he was okay, was yelling at him to get behind the vehicle.

RS Okay well I can't think of anything else unless you can.

JM No.

RS All right I'll end the interview at fourteen thirty-two hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective, Humboldt County Sheriff's Department.

SUBJECT:

STATEMENT OF: [REDACTED]

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004

ALSO PRESENT:

RS=Rich Schlesiger

[REDACTED] [REDACTED]

RS Let's see here, the date is May fourth, two thousand, four (May 4, 2004), time is seventeen fifty two (17:52) hours, and it's [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

RS [REDACTED]

[REDACTED] Yeah.

RS And it's [REDACTED]

[REDACTED] Uh huh.

RS [REDACTED]

[REDACTED] Uh huh.

RS Date of birth [REDACTED]

[REDACTED] [REDACTED]

RS And you live up Pecwan Hill.

█ Uh huh. See you already knew all this.

RS I knew some, I tried to make it up your hill, but the car wouldn't make it.

█ Oh it wouldn't huh.

RS Uh message phone?

█ Um, geez I forgot my boyfriends phone number, he just changed his number, uh lets say uh █

RS And his name is?

█ █

RS What's █ last name?

█ █ my Dad.

RS Okay. P.O. Box?

█ █, Hoopa, nine five, five, four, six, (95546).

RS Okay, I was down at the █ and I got radioed saying that you had some information to, to pass on to me.

█ Uh huh.

RS Or what would that be.

█ Well he showed up at my house six (6) o'clock this morning, but I don't know where you're getting you're information from, probably my boss, she just like (blah, blah, blah)

RS Someone just, well no, one (1) of these guys radioed me and said you were here.

█ I just told them I want to go home, am I going to be able to go home, but anyway he showed up at my house six (6) o'clock this morning.

RS What time did you wake up?

█ Me?

RS Yeah.

■ I get up at five thirty (5:30).

RS Five thirty (5:30), so you were already up?

■ I was up, had one (1) braid in, but I didn't have my other one (1) in, so I'd say it's about five (5) after six (6) ten after six (6).

RS Okay. Did he knock at your front door?

■ No, he drove in the yard and I, my dog barked and he was going very slowly.

RS drove in what?

■ In his ■ blazer.

RS ■ Blazer, SUV?

■ Yeah.

RS Okay.

■ Whatever it was.

RS So it, I'm trying to get, lay out your house for me kind of, there's a house.

■ There's a house sits over here,

RS Okay.

■ And the driveway comes up this way.

RS Right into your house?

■ Yeah and it kind of comes up and it's a big yard, so the dog barks and I look out there and I see a guy in his ■ SUV and I just thought it was, my cousin has a rig like that, ■ has a rig like that, I just thought it was one (1) of them so I just bee bopped out there and didn't even ask what he was doing, he just said I need to go on threw, and I said no you need to turn around and go back down the hill, and he said can I walk, or he said walk threw and I said no you need to turn around and go back down the hill as I'm looking at his gun right here.

RS So he's got it?

■ Yeah he's got it like this, leaning

RS Was his arm up here?

■ Yeah.

RS Okay, and was it pointing out towards you?

■ Yeah well kind of, but you know around here there's a lot of hunters so I'm thinking,

RS Right, right.

■ You know it ain't no, but then I noticed that he had a bullet hole on the side of his rig and his window was shattered out here.

RS The rear window was shattered?

■ Yeah.

RS On the drivers side?

■ Yeah and he had garbage bag over it, you know it's like what the heck you know and I didn't really want to ask no questions, so I just said, you just need to turn around and go down the hill.

RS Where was the bullet hole at?

■ Like right behind his door right here.

RS Right, kind of between the passenger, and

■ Yeah like right here, right back behind him you know, pretty close to him.

RS Okay,

■ And then

RS Did he threaten you at all or anything?

■ No he was really calm you know besides he had a (INAUDIBLE) look you know not like he's been on the run all night, you know. It didn't he didn't seem to appear as he's been on the run all night.

RS Well but calm though huh?

■ Yeah calm.

RS Not like he was on drugs or anything like that?

■ No and then when he left, he left slow, so then I called my boss and I said there is somebody that came up here and I need to hustle this guy down the hill and get him out of here and then I met up with him on the steep part over there, probably where you couldn't make it up,

RS Right around that short sharp turn there.

■ Yeah it's like shot I am stuck now you know behind him.

RS So he's going down the hill and you catch up with him?

■ Yeah and then I past him right about over there, well before you, right after, before you get to all them cars.

RS Okay.

■ And I past him, and he just kind of looked at me you know when I was passing him

RS Was the gun still out at that time?

■ Yeah.

RS It was still. Was the gun all the way out or was it just kind of

■ No just kind of out you know

RS Just the barrel kind of showing?

■ Yeah just the barrel, yeah.

RS what did the gun look like?

■ Well I'm only looking at the tip of it, but it was a barrel with a little barrel probably below it you know, well you know like when you load all the way up.

RS Okay.

■ Like an automatic.

RS Okay, uh

■ Not a two (2) double barrel like this open.

RS Okay, you know what color it was?

■ Like a gray on the end.

RS Gray on the end, okay. How much of the barrel did you see, how many inches would you say?

■ Probably like two (2) to three (3) inches.

RS Okay, so pretty much you had it covered with just his arm?

■ No he just had it laying there, it wasn't covered.

RS Okay, but the rest of the barrel I meant.

■ I couldn't see I didn't bother to look down, I didn't want to be looking around (INAUDIBLE).

RS Okay, can you describe what he looked like?

■ He had a black hat, FBI it said on it, (INAUDIBLE) at first I thought is this really the FBI, no it wasn't the FBI but uh, he kind of had black hair hanging out, slender kind of face, Mexican.

RS Any facial hair?

■ No, not too much, maybe a mustache.

RS Uh

■ I think he was wearing kind of a blue coat.

RS Okay.

JD Who do we want to process uh Filyau's truck?

RS DOJ.

JD Okay you want it towed or driven in or?

RS [REDACTED] gonna drive it in.

JD Okay does she know, okay that would be fine.

RS Okay. Uh where was I now.

[REDACTED] We were at the, the look of him.

RS Yeah well the look of him, slender face, white guy?

[REDACTED] Black, no, no, no Mexican I think he's Mexican, what do you think, then again do you know what this guy looks like?

RS I may.

[REDACTED] Yeah okay. Mexican he looked like to me.

RS Okay, never got out of the car or anything like that?

[REDACTED] No.

RS Could you tell body wise, if he was a bigger guy, smaller guy?

[REDACTED] Smaller.

RS Okay.

[REDACTED] He didn't look like he was too hefty.

RS Okay uh so pretty much he goes up, it's about, the road, can go past your house then, no.

[REDACTED] That's it.

RS So you don't know what he meant by going threw.

[REDACTED] He wanted to walk.

RS He wanted to walk threw the woods.

[REDACTED] Yeah, he wanted to walk and I said no, you need to turn around and go back down the hill.

RS You ever seen this guy before?

■ No, no.

RS Okay, um so he, he just says hey, I want to go threw, he's got the gun resting on his arm,

■ Uh huh.

RS Sticking out the drivers side window, you kind of get freaked out about it because of the blown out window with the garbage bag, the bullet hole.

■ Well I was starting to think, it's like not, not really bad until I have to go to work and then I'm thinking I'd better take my stuff with me,

RS Right.

■ In case something happens to me.

RS And you eventually, when you leave to go to work how long was that after when you first saw him.

■ Well it was a lag in time, so I'd say I bet he left here, I bet he left my house like maybe fifteen (15) after.

RS Okay, and when

■ By the time I got done talking to him,

RS So he was there quite awhile then.

■ No, no, maybe, maybe four (4) minutes.

RS Four (4) minutes okay.

■ But he was taking along time to get down that hill,

RS Oh I see it's fifteen (15) minutes from the time.

■ Yeah it was taking him awhile to get down that hill, and I'm lagging time cause I know I've called my boss and I'm going, I could be a little late for work.

RS Okay, okay.

■ So.

RS So you met him down there at the sharp turn, the steep part.

■ Yeah where I can't back up.

RS And he just keeps going?

■ Yeah and there's cow's there and he's being nice to the cows, you know putting on the brakes,

RS Okay.

■ And then that's kind of scaring me because I'm thinking he's gonna stop.

RS Okay.

■ He's gonna trap me there.

RS Okay and you get down here at Pecwan Creek, down where all the cars have been dumped and you just past by him?

■ I past him before the cars, but I'm waiting, waiting to make sure he gets past that other driveway there that goes up, cause I don't want him hanging around, I want him to come on and then I looked over here and seen the Sheriff cars, and I thought shit.

RS So you saw all the Sheriff cars down there.

■ And I'm thinking shit this guy,

RS where were the Sheriff cars parked?

■ they were on the other side of the bridge.

RS And which way do you go to work to?

■ That way, Hoopa.

RS Okay, where do you work at?

■ The Hoopa bus shop, bus driver.

RS Oh okay, so did you go, did you pass by the cop?

■ thinking there gonna maybe stop, no, they just hustled back around here and then this, then I just kind of kept on going slow and then all of a sudden I just (INAUDIBLE) you know.

RS So when you, so when you're by the cops down at the end of the bridge, Weitchpec side

■ Uh huh.

RS They all get in their cars?

■ Right and there getting in their cars, they're moving.

RS Okay. Do you remember how they were parked?

■ Well two (2) of them were facing that way, and I think Rod in his Highway Patrol car was

RS Rod Gilliam?

■ Yeah facing that way I think, then they all kind of turned, they didn't care if I was there or not, I wanted to ask them what was going on but they didn't care,

RS Okay, so

■ Yeah.

RS So they all hope in and start driving towards this way?

■ Uh huh.

RS they drive towards this way, do you see anything happen?

■ No because I'm over the hump.

RS Okay, so you just keep on going.

■ You know the hump, I'm gonna keep on going, I ain't gonna stop and turn around, probably, well no I shouldn't say that.

RS And then all of a sudden you said you made a noise, was that gun noise?

■ Oh all kinds, yeah.

RS Okay, lots of guns.

■ Uh huh, well it sounded like a twenty two (22) to me, but I don't know.

RS Right.

■ I'm just going ohhh.

RS Right, how many, how many rounds do you think you heard?

■ Maybe two (2) three (3) four(4).

RS Okay.

■ Quite a few.

RS And so you just keep going?

■ Uh huh. I'm not going to stop and surprisingly I couldn't believe he made it past this point, I thought he went threw this way, but it looks like he came out and made it by them some how. They must have long view shots. Your sheriff's.

RS Okay.

■ I don't know, I was surprised and disappointed to here that he is still running around here, that's for sure you know.

RS Yeah, um I'm disappointed too. I wish we could get him.

■ Yeah, I'm disappointed about that.

RS Does that person look familiar?

■ Yeah that looks like him.

RS Okay.

■ Nice picture.

RS ■ is there anything that I haven't asked you that uh might be important?

■ No.

RS That you can recall.

■ No.

RS Okay, pretty much covered her all?

■ Uh huh.

RS Okay, well I appreciate you coming down and talking with me and uh defiantly keep the door locked and all that tonight.

■ Yeah probably huh I'll just tell him to go down the hill.

RS Or tell him to go threw.

■ Yeah just keep on going, yeah.

RS All right so we'll end the interview at eighteen o five (18:05) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective, Humboldt County Sheriff's Department.

SUBJECT:

STATEMENT OF: [REDACTED]

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004

ALSO PRESENT:

RS=Rich Schlesiger

[REDACTED] [REDACTED]

RS Let's see here, the date is May fourth, two thousand, four (May 4, 2004), time is seventeen fifty two (17:52) hours, and it's [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

RS [REDACTED]

[REDACTED] Yeah.

RS And it's [REDACTED]

[REDACTED] Uh huh.

RS [REDACTED]

[REDACTED] Uh huh.

RS Date of birth [REDACTED]

[REDACTED] [REDACTED]

RS And you live up Pecwan Hill.

█ Uh huh. See you already knew all this.

RS I knew some, I tried to make it up your hill, but the car wouldn't make it.

█ Oh it wouldn't huh.

RS Uh message phone?

█ Um, geez I forgot my boyfriends phone number, he just changed his number, uh lets say uh █

RS And his name is?

█ █

RS What's █ last name?

█ █ my Dad.

RS Okay. P.O. Box?

█ █, Hoopa, nine five, five, four, six, (95546).

RS Okay, I was down at the █ and I got radioed saying that you had some information to, to pass on to me.

█ Uh huh.

RS Or what would that be.

█ Well he showed up at my house six (6) o'clock this morning, but I don't know where you're getting you're information from, probably my boss, she just like (blah, blah, blah)

RS Someone just, well no, one (1) of these guys radioed me and said you were here.

█ I just told them I want to go home, am I going to be able to go home, but anyway he showed up at my house six (6) o'clock this morning.

RS What time did you wake up?

█ Me?

RS Yeah.

■ I get up at five thirty (5:30).

RS Five thirty (5:30), so you were already up?

■ I was up, had one (1) braid in, but I didn't have my other one (1) in, so I'd say it's about five (5) after six (6) ten after six (6).

RS Okay. Did he knock at your front door?

■ No, he drove in the yard and I, my dog barked and he was going very slowly.

RS drove in what?

■ In his ■ blazer.

RS ■ Blazer, SUV?

■ Yeah.

RS Okay.

■ Whatever it was.

RS So it, I'm trying to get, lay out your house for me kind of, there's a house.

■ There's a house sits over here,

RS Okay.

■ And the driveway comes up this way.

RS Right into your house?

■ Yeah and it kind of comes up and it's a big yard, so the dog barks and I look out there and I see a guy in his ■ SUV and I just thought it was, my cousin has a rig like that, ■ has a rig like that, I just thought it was one (1) of them so I just bee bopped out there and didn't even ask what he was doing, he just said I need to go on threw, and I said no you need to turn around and go back down the hill, and he said can I walk, or he said walk threw and I said no you need to turn around and go back down the hill as I'm looking at his gun right here.

RS So he's got it?

■ Yeah he's got it like this, leaning

RS Was his arm up here?

■ Yeah.

RS Okay, and was it pointing out towards you?

■ Yeah well kind of, but you know around here there's a lot of hunters so I'm thinking,

RS Right, right.

■ You know it ain't no, but then I noticed that he had a bullet hole on the side of his rig and his window was shattered out here.

RS The rear window was shattered?

■ Yeah.

RS On the drivers side?

■ Yeah and he had garbage bag over it, you know it's like what the heck you know and I didn't really want to ask no questions, so I just said, you just need to turn around and go down the hill.

RS Where was the bullet hole at?

■ Like right behind his door right here.

RS Right, kind of between the passenger, and

■ Yeah like right here, right back behind him you know, pretty close to him.

RS Okay,

■ And then

RS Did he threaten you at all or anything?

■ No he was really calm you know besides he had a (INAUDIBLE) look you know not like he's been on the run all night, you know. It didn't he didn't seem to appear as he's been on the run all night.

RS Well but calm though huh?

■ Yeah calm.

RS Not like he was on drugs or anything like that?

■ No and then when he left, he left slow, so then I called my boss and I said there is somebody that came up here and I need to hustle this guy down the hill and get him out of here and then I met up with him on the steep part over there, probably where you couldn't make it up,

RS Right around that short sharp turn there.

■ Yeah it's like shot I am stuck now you know behind him.

RS So he's going down the hill and you catch up with him?

■ Yeah and then I past him right about over there, well before you, right after, before you get to all them cars.

RS Okay.

■ And I past him, and he just kind of looked at me you know when I was passing him

RS Was the gun still out at that time?

■ Yeah.

RS It was still. Was the gun all the way out or was it just kind of

■ No just kind of out you know

RS Just the barrel kind of showing?

■ Yeah just the barrel, yeah.

RS what did the gun look like?

■ Well I'm only looking at the tip of it, but it was a barrel with a little barrel probably below it you know, well you know like when you load all the way up.

RS Okay.

■ Like an automatic.

RS Okay, uh

■ Not a two (2) double barrel like this open.

RS Okay, you know what color it was?

■ Like a gray on the end.

RS Gray on the end, okay. How much of the barrel did you see, how many inches would you say?

■ Probably like two (2) to three (3) inches.

RS Okay, so pretty much you had it covered with just his arm?

■ No he just had it laying there, it wasn't covered.

RS Okay, but the rest of the barrel I meant.

■ I couldn't see I didn't bother to look down, I didn't want to be looking around (INAUDIBLE).

RS Okay, can you describe what he looked like?

■ He had a black hat, FBI it said on it, (INAUDIBLE) at first I thought is this really the FBI, no it wasn't the FBI but uh, he kind of had black hair hanging out, slender kind of face, Mexican.

RS Any facial hair?

■ No, not too much, maybe a mustache.

RS Uh

■ I think he was wearing kind of a blue coat.

RS Okay.

JD Who do we want to process uh Filyau's truck?

RS DOJ.

JD Okay you want it towed or driven in or?

RS [REDACTED] gonna drive it in.

JD Okay does she know, okay that would be fine.

RS Okay. Uh where was I now.

[REDACTED] We were at the, the look of him.

RS Yeah well the look of him, slender face, white guy?

[REDACTED] Black, no, no, no Mexican I think he's Mexican, what do you think, then again do you know what this guy looks like?

RS I may.

[REDACTED] Yeah okay. Mexican he looked like to me.

RS Okay, never got out of the car or anything like that?

[REDACTED] No.

RS Could you tell body wise, if he was a bigger guy, smaller guy?

[REDACTED] Smaller.

RS Okay.

[REDACTED] He didn't look like he was too hefty.

RS Okay uh so pretty much he goes up, it's about, the road, can go past your house then, no.

[REDACTED] That's it.

RS So you don't know what he meant by going threw.

[REDACTED] He wanted to walk.

RS He wanted to walk threw the woods.

[REDACTED] Yeah, he wanted to walk and I said no, you need to turn around and go back down the hill.

RS You ever seen this guy before?

■ No, no.

RS Okay, um so he, he just says hey, I want to go threw, he's got the gun resting on his arm,

■ Uh huh.

RS Sticking out the drivers side window, you kind of get freaked out about it because of the blown out window with the garbage bag, the bullet hole.

■ Well I was starting to think, it's like not, not really bad until I have to go to work and then I'm thinking I'd better take my stuff with me,

RS Right.

■ In case something happens to me.

RS And you eventually, when you leave to go to work how long was that after when you first saw him.

■ Well it was a lag in time, so I'd say I bet he left here, I bet he left my house like maybe fifteen (15) after.

RS Okay, and when

■ By the time I got done talking to him,

RS So he was there quite awhile then.

■ No, no, maybe, maybe four (4) minutes.

RS Four (4) minutes okay.

■ But he was taking along time to get down that hill,

RS Oh I see it's fifteen (15) minutes from the time.

■ Yeah it was taking him awhile to get down that hill, and I'm lagging time cause I know I've called my boss and I'm going, I could be a little late for work.

RS Okay, okay.

■ So.

RS So you met him down there at the sharp turn, the steep part.

■ Yeah where I can't back up.

RS And he just keeps going?

■ Yeah and there's cow's there and he's being nice to the cows, you know putting on the brakes,

RS Okay.

■ And then that's kind of scaring me because I'm thinking he's gonna stop.

RS Okay.

■ He's gonna trap me there.

RS Okay and you get down here at Pecwan Creek, down where all the cars have been dumped and you just past by him?

■ I past him before the cars, but I'm waiting, waiting to make sure he gets past that other driveway there that goes up, cause I don't want him hanging around, I want him to come on and then I looked over here and seen the Sheriff cars, and I thought shit.

RS So you saw all the Sheriff cars down there.

■ And I'm thinking shit this guy,

RS where were the Sheriff cars parked?

■ they were on the other side of the bridge.

RS And which way do you go to work to?

■ That way, Hoopa.

RS Okay, where do you work at?

■ The Hoopa bus shop, bus driver.

RS Oh okay, so did you go, did you pass by the cop?

■ thinking there gonna maybe stop, no, they just hustled back around here and then this, then I just kind of kept on going slow and then all of a sudden I just (INAUDIBLE) you know.

RS So when you, so when you're by the cops down at the end of the bridge, Weitchpec side

■ Uh huh.

RS They all get in their cars?

■ Right and there getting in their cars, they're moving.

RS Okay. Do you remember how they were parked?

■ Well two (2) of them were facing that way, and I think Rod in his Highway Patrol car was

RS Rod Gilliam?

■ Yeah facing that way I think, then they all kind of turned, they didn't care if I was there or not, I wanted to ask them what was going on but they didn't care,

RS Okay, so

■ Yeah.

RS So they all hope in and start driving towards this way?

■ Uh huh.

RS they drive towards this way, do you see anything happen?

■ No because I'm over the hump.

RS Okay, so you just keep on going.

■ You know the hump, I'm gonna keep on going, I ain't gonna stop and turn around, probably, well no I shouldn't say that.

RS And then all of a sudden you said you made a noise, was that gun noise?

■ Oh all kinds, yeah.

RS Okay, lots of guns.

■ Uh huh, well it sounded like a twenty two (22) to me, but I don't know.

RS Right.

■ I'm just going ohhh.

RS Right, how many, how many rounds do you think you heard?

■ Maybe two (2) three (3) four(4).

RS Okay.

■ Quite a few.

RS And so you just keep going?

■ Uh huh. I'm not going to stop and surprisingly I couldn't believe he made it past this point, I thought he went threw this way, but it looks like he came out and made it by them some how. They must have long view shots. Your sheriff's.

RS Okay.

■ I don't know, I was surprised and disappointed to here that he is still running around here, that's for sure you know.

RS Yeah, um I'm disappointed too. I wish we could get him.

■ Yeah, I'm disappointed about that.

RS Does that person look familiar?

■ Yeah that looks like him.

RS Okay.

■ Nice picture.

RS ■ is there anything that I haven't asked you that uh might be important?

■ No.

RS That you can recall.

■ No.

RS Okay, pretty much covered her all?

■ Uh huh.

RS Okay, well I appreciate you coming down and talking with me and uh defiantly keep the door locked and all that tonight.

■ Yeah probably huh I'll just tell him to go down the hill.

RS Or tell him to go threw.

■ Yeah just keep on going, yeah.

RS All right so we'll end the interview at eighteen o five (18:05) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger Detective Humboldt County Sheriff's

SUBJECT:

STATEMENT OF: Kevin Miller, Sergeant, Humboldt County Sheriff's Office

2nd. Interview.

VICTIM:

LOCATION: California Highway Patrol Office, Willow Creek, California

DATE & TIME: May 5, 2004

ALSO PRESENT: Jim Dawson, Investigator District Attorney's Office.

JD=Jim Dawson

RS=Rich Schlesiger

KM=Kevin Miller

JD At the California Highway Patrol Office in Willow Creek, I'm Jim Dawson Humboldt County District Attorney's Office, together with Detective Rich Schlesiger Humboldt County Sheriff's Department and we're talking to:

KM Sergeant Kevin Miller.

JD How are you today Kevin?

KM I'm doing good, how about you guys.

JD Good how much sleep did you get last night Kevin?

KM About five (5) hours.

JD About five (5) hours.

KM Yeah they had me come on early today.

JD Okay let me ask you a few preemptory questions, uh how long have you been on the job Kevin?

KM Uh total uh coming up on eleven (11) years.

JD Eleven (11) years, okay. And uh you are a Sergeant?

KM Yes.

JD And when were you appointed to the rank of Sergeant?

KM Uh just a little over a year ago.

JD One (1) year ago, and what's your horse power, serial number?

KM My what?

JD Serial number, pin number?

KM Oh ten twenty five (10-25).

JD Ten twenty five (10-25). Okay Kevin can you tell me what time you came on duty yesterday?

KM Uh yeah I got called out about one thirty six (1:36) or so in the morning.

JD And who called you?

KM Uh Sergeant uh Stewart.

JD Sergeant Stewart, what did Sergeant Stewart tell yeah?

KM Uh he told me that uh Deputy Filyau was responding to assist Tribal Police who were in pursuit of a vehicle down one sixty-nine (169) and that I was to respond also.

JD Okay now where is Sergeant Stewart out of, is he out of Eureka?

KM Yeah he was on duty supervisor out of main station.

JD Now you're the supervisor for the uh Hoopa area here?

KM Yeah

JD Are you the only Sergeant up here?

KM Yes.

JD Okay so. Okay so what happen, you get this call at zero one thirty six (0136) in the morning, uh how much sleep had you had prior to that?

KM About a hour and half.

JD About a hour and half, okay go ahead.

KM Okay uh so I cleared about ten (10) minutes to two (2) and responded uh up to the area, when I cleared they advised that the pursuit wasn't in progress anymore but they're had been shots fired and they were requesting that I responded code three uh so I think I arrived on scene probably around two thirty (2:30) or so.

JD Where did you respond to?

KM Highway one sixty nine (169), I don't remember the milepost marker now, um but I just kept going until I ran into all the Tribal vehicles and uh then Deputy Filyau had got there I would say from listening to the radio probably about twenty (20) minutes before me.

JD Okay.

KM And this was on highway one sixty nine (169) and then we uh we staged there for awhile got some more information, I found one of the Tribal vehicles had been shot at,

JD Uh huh.

KM And the location where it had been shot at and the officer returned fire, was a little further up the road than where we were staging, so I moved our staging points further up the road so it was beyond where that scene was at so we could secure that, and then um

JD By up the road do you mean back towards Willow Creek?

KM No, more towards the end of the road uh I'm going to say westbound, some people say it goes more south, I say it goes west east.

JD Okay.

KM More west, westbound, probably within about a quarter mile, the distance we move, uh we moved to a turn out just uh with the seeing distance of where the glass was in the road.

JD Okay go ahead.

KM Uh and then I uh, I uh had all of our guys uh the, I think there was ten (10) between ten (10) and twelve (12) of us on scene.

JD Who, who did that consist of?

KM Uh, I left my note pad at the office, I had a, I had a whole roster.

JD Okay.

KM But I'll go from memory here.

JD Please.

KM There was myself, Deputy Filyau, Lieutenant Kane from Hoopa Tribal, Joe Masten from Hoopa Tribal, he's there Sergeant, there's Joe O'Rourke he is the uh K-9 (nine) Officer and the one whose vehicle was shot, he had fired some rounds uh there was Officer Mabry, Officer Craft, Officer Hostler, and Officer uh Colegrove, uh no Carpenter, Mr. Carpenter, then later on after we moved our staging point on the crime scene um Officers uh Gilliam and O'Dear, CHP arrived on scene so, I think there, I counted it one (1) time I think there were twelve (12) of us.

JD Was there anybody there from the Yurok Tribal Police?

KM Yes, but the were farther up the road, they were at Martin's Ferry there was one (1) one (1) officer from there agency up there at the bridge.

JD Okay.

KM So they weren't actually down at the staging point, I past them on the way in and I can't remember if it was a female officer, her name

JD Okay.

KM Uh so anyways I had everyone pick a partner and I had units, we had uh three (3) three (3) double units two (2) man cars, go down the rive, go down it was still dark out

JD Uh huh.

KM So I told them just to go down highway one sixty nine (169) cause I wanted to get containment on the other end, down by Johnson at the end of the road, and plus that's there's a lot of house in the area and there's a school down there too so we wanted to get people down in that area, so I send them down the road and they patrol checked uh they checked the school and then they checked around, what they refer to as the village, which is Johnson, um they didn't find anything at that time and then I had to leave and come back up to Weitchpec to the Tribal Offices to contact my Lieutenant who was wanting a phone call, I don't remember exactly what time that was. So I left,

then I went back down to the staging point or what we referred to as the command post and Deputy Filyau and Joe Masten, the Sergeant from Tribal, they were a double unit, they'd arrived back at um the command post basically so that left us with two Tribal police cars with two (2) guys in each, so four (4) Tribal Officers down at the end of the road, so I just had them stand by there so we had some what of a containment, and then um a pretty good period of time went by and then one (1) units that was parked down there at Johnson, one (1) of the Tribal Police units radioed us that the vehicle, [REDACTED] vehicle was backing out of a road in the village, uh and that they were, they confirmed it was the vehicle, they confirmed that it was occupied by one (1) [REDACTED] and then they uh stated that [REDACTED] had uh pointed the rifle out the window at them.

JD Who was it that told you that?

KM Uh let me think here.....it was Carpenter, yeah Officer Carpenter radioed that now, they didn't indicate that they said he put weapon out the window and then he drove off that didn't pursue and there were no shots fired, but I left Officer O'Rourke at the original scene and then I took the remaining officers with me so it consisted of the two (2) CHP Officers and there one (1) vehicle, Fred and Joe in Fred's truck and then me solo in my truck and we went down responded (TELEPHONE RINGING, excuse me a minute here, call them back, sorry about that).Um so we began responding there direction to get down uh to get our containment closer and to respond down there in case they ran into problems, um we got down by the Pecwan Bridge and um they had lost sight of the vehicle so they just said that uh, we lost sight of the vehicle, so we began just some of the side road and we didn't find anything we ended up back at the Pecwan Bridge, and we were parked on the east, east side of the bridge and it over looks the Pecwan Creek road, or there is different names for it, uh so we were there probably there, give or take some time maybe an half hour or so um just wanting to see if we saw anything come out and pretty soon uh we see the Lincoln Navigator start coming down that Pecwan Creek or Pecwan Bridge Road or whatever and it's, it's moving real slow so we're all parked facing eastbound, so Fred jumps in his car and begins backing up because the road comes out of the west end of the bridge, opposite where we were parked

JD Yeah.

KM Fred began backing up, uh the CHP Officers, turned, jumped in there car and turned around and headed back over to the other side of the bridge, and then I got in and radioed dispatch, that we had a visual on the vehicle, I got in my vehicle and started to back up and that's when I began hearing uh gun fire, just a series of pop, pop, pop, pop, pop, type noises, so I called out shots fired and then uh I could see in my rear view mirror, CHP Officers taking cover on the opposite side of there patrol car and uh so I exited my vehicle and began running towards there vehicles which were still like on the bridge uh there was still some more sounds of sporadic gun fire, just a couple shots and then I saw Officer O'Diear uh go to the other side of the bridge opposite the patrol cars, with his rifle and I saw him fire two (2) rounds, uh down range, and then they started yelling that the vehicle was leaving so we ran back to our cars and went after the vehicle, um we followed them down the road um I want to say maybe a little over a quarter mile, then the CHP units saw it stop around a blind turn,

JD Uh huh

KM So we stopped thinking that they were trying to do what they'd done to the Tribal Officers, um, so then we approached the corner a little bit slower and the vehicle was gone, uh now the other units that were at the end of the road at Johnson had moved up to and area called School Road, it's the road that goes to the school, um and they were staged there so we knew that the only, there was only one (1) driveway between our two (2) locations and we could see that he wasn't out on the road, so we were pretty confidant that he had gone up that driveway, pretty much set up containment at that time, shut down the road and then uh waited for additional personnel and S.W.A.T. to get there.

JD Okay going back a little bit, the time frame that you were on the bridge, was it light then?

KM Yes.

JD What time do you think that was?

KM Uh it was after six (6), I think it was between six (6) and seven (7) somewhere in there, somewhere in there, maybe around six thirty ish (6:30).

JD Now when you were on that bridge, did you fire any rounds towards any?

KM No I didn't.

JD Did you fire any rounds during the (INAUDIBLE) of this whole situation?

KM No I didn't

JD Okay, while you were on the bridge, could you determine, could you actually see the [REDACTED]

KM No I couldn't

JD Did you see any muzzle flashes?

KM No.

JD How many rounds did you hear him fire?

KM Uh I heard a whole lot of rounds being fired um I would estimate anywhere from eight (8) to twelve (12) rounds being fired, now there is an arch on the bridge, and from where I was coming from with the patrol cars parked where they were I couldn't, I could only see the very top of the car, uh so I couldn't tell who was firing. The only person I actually saw fire rounds was uh Officer O'Dear.

JD Okay, all right so could you determine the difference between the sound of the shots from the [REDACTED] and the sound of the shots from your people?

KM No they pretty much all sounded the same.

JD Okay.

KM This all happened, I would say five (5) to ten (10) seconds.

JD Five (5) to ten (10) seconds okay and uh so when he, I, I (INAUDIBLE) from what you are saying I presume that he got back in he vehicle at some point and moved on down the road.

KM And drove down the, drove back down the road, yes.

JD Okay and uh you all got back in your vehicle and proceeded to pursuit after him?

KM Yes.

JD Is that with code three (3) lights and siren anything like that?

KM Uh I didn't have my lights and sirens on, I don't think anybody actually did at that time.

JD Okay, okay, okay. All right

KM Well I was just going but I mean for any him, it's pretty obvious, I mean all of our cars are marked we were all in uniform so.

JD Okay, so then the next thing you see is him going around a corner?

KM Right, and the CHP, the CHP unit that was in the lead said hey he stopped around the corner, so we all stopped and then we kind of slowly edged our way up there, to see if he was still there and he was gone.

JD Okay.

KM So then that's when we backed up a little bit to where we had a little more of a, there was a turn out in the road where we could get out of the way if we had to more operating room there, and that's where we held our perimeter for the rest of the day.

JD Okay, could you tell if he had a full automatic weapon or semi automatic or?

KM You know I didn't hear any fully automatic fire, everything was uh semi auto it was just pop, pop, pop, not any uh pop-pop-pop-pop.

JD You have heard fully automatic weapons?

KM Oh yes, yes.

JD Okay so you cordoned off the street there so he couldn't go either direction, correction, so what happened after that?

KM Uh we held that perimeter for uh quite some time until uh our S.W.A.T. Team got there and there were some additional CHP units and uh some additional Sheriff's Department personnel, then Lieutenant Cavinta showed up.

JD Uh huh.

KM And assumed command at that point.

JD Okay, and there was a search made I take it of that area?

KM Uh yes, yeah.

JD Were you involved in that search at all?

KM Yes.

JD And what, what did you find?

KM Okay um I'm part of the S.W.A.T. Team so I ended up going up on the uh residence located up the driveway, prior to that we had information CHP helicopter flew over and spotted the [REDACTED] vehicle in the driveway, so we went out there uh, we ended up uh calling one (1) person out of the house and detaining him,

JD Who, who is that now?

KM Uh Jason something uh.

JD Okay go ahead.

KM And then uh we went up to the front of the residence and we uh were met with another individual, I think his last name is [REDACTED] he

JD Is that [REDACTED] [REDACTED]

KM I think so, he, his legs were

JD Yeah.

KM He was on crutches, called him out of the house and detained him, made entry on the house,

JD Uh huh.

KM Cleared the house, didn't locate the [REDACTED] inside, uh there was, the only other person inside was an elderly, elderly bedridden female uh then we cleared all the out houses and we searched the surrounding woods and didn't locate anything.

JD Okay uh was the K-9 (nine) unit brought up here?

KM No. It was requested but for whatever reason it was unavailable.

JD What about the K-9 (nine) that the Tribal Police have?

KM Um we explored that option too, but apparently it was pretty rattled after cause it was in the vehicle that was shot, so it was pretty rattled I guess.

JD Okay so when you searched, did you search the house?

KM Yes.

JD Okay and there was, what did the occupants there tell you?

KM Um I only had a real brief conversation with both the males.

JD Uh huh.

KM The female was asleep, she, we didn't talk to her um and both the males indicated that uh the vehicle had just shown up in there driveway and they didn't know who's it was, it had been parked there all morning and they didn't seem all that concerned about this car just parked in there driveway so.

JD Hmm.

KM Um but as far as an in tell uh or uh, an in depth interview with them, this was real quick on the side of the road as we were making our approach, hey is this guy in there, no it's just so and so and uh the people who they said were in the house, were in fact in the house, the one's (1's) [REDACTED] told us about.

JD All right how long was it um from the time that you sat up your perimeter on either side of this driveway to the time frame that you actually started your search.

KM Uh it was a very long time.

JD Hour two (2) hours?

KM Probably two (2) or more hours by the time all of our S.W.A.T. Team got here and all the equipment got there and uh the helicopter had to re fuel a few times and then we uh deployed some look out snipers on the other side of the river to get visual on the residence before we came up to it.

JD Okay.

KM Because we had information that uh we were able to get a hold of the other son that lives in the house and we knew that there was an elderly bedridden female in there

JD Uh huh.

KM And another male in the house who was uh injured,

JD Right.

KM So we thought we could have a barricaded type hostage situation so we wanted to make sure we played it.

JD Okay did you use any type of diversionary ordinance out there?

KM Uh there were two (2) teams that went up to the residence, I was in team two (2) and there was team one, (1) the team leader of that team was Sergeant Garcia.

JD Okay.

KM And his team deployed two (2) diversionary devices,

JD That was outside?

KM Yes outside, uh one (1) was, one (1) diversionary device was deployed on the uh [REDACTED] vehicle before we approached it, or before that team approached it and there was another one (1) on the shed on the back side of the residence that was deployed.

JD Now when you got up there did you notice the vehicle was that window already blown out of it or was that a the result do you think of a diversionary device or do you think that?

KM Well now I don't think it was a result of the diversionary device and the reason I say that is that uh after the shots were fired, Officer O'Dear told me that he had shot the window out of the vehicle and that was the only window in the vehicle that was missing.

JD He shot the window out?

KM Yes.

JD When did he do that, did he say?

KM When he fired his rounds on the bridge, cause I asked, I said did anybody hit the [REDACTED]

JD Uh huh.

KM And then um, Will told me or Officer O'Diear told me that he thought he had shot out the window, and it was Team One (1) that from the SWAT Team that, that, threw the bang diversionary device and approached the [REDACTED] vehicle. My team was covering from the main residence from the opposite side there and I don't recall hearing or seeing the window shatter at that time.

JD Okay.

KM And we had a pretty good view of the front of the car.

JD What else can you tell me that I haven't asked you?

KM That's you know that's pretty much it.

JD Okay.

RS Kevin when you guys were on Pecwan Bridge,

KM Uh huh

RS anybody else get in with Fred?

KM Get in with Fred?

RS In his truck?

KM I believe Joe, Sergeant, Sergeant Masten, Tribal Police was ride, he was riding with him.

RS Okay, and when you said, you said you could see the [REDACTED] car, what portion could you see of it?

KM Just the top, mostly the top of it, yeah cause the bridge arches.

RS Okay, could you tell uh what type of vehicle it was?

KM Well I could because I saw it driving out the road.

RS Okay.

KM And I could tell that it was a black Lincoln navigator, it was pretty distinctive, it's a really nice car so

RS Okay, that's all I have.

KM And I, I mean I got a really good view of the (INAUDIBLE) driving out the road.

RS Pecwan Hill Road?

KM Uh huh.

JD Just one (1) follow up I had for you Kevin; at any point in time did you see the [REDACTED]

KM No.

JD Did you see the [REDACTED] shooting at you or your people?

KM No.

JD Did you ever see muzzle flashes?

KM I didn't see any muzzle flashes, well I may have, you know even when Officer O'Dear was shooting it was daylight out, I don't remember seeing any muzzle flashes, but I remember seeing his brass deflecting and I could tell cause he was in the shooting poise and he was, you could tell he was shooting.

JD Do you know how many rounds he fired?

KM Two (2) to my knowledge

JD All right.

KM That's all I saw so

JD Okay and um you didn't discharge, just going over it again, you didn't discharge your weapon at all?

KM No I did not.

JD Okay fine.

RS Kevin when you said deflecting, were they deflecting off of something or just ejecting?

KM Ejecting, sorry ejecting yeah.

JD Okay we're gonna end this interview, the time is ten thirty four (10:34) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Jim Dawson, Investigator District Attorney's Office.

SUBJECT:

STATEMENT OF: Sergeant Kevin Miller

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004@ 14:05 pm.

ALSO PRESENT:

JD=Jim Dawson

KM=Kevin Miller

JD It's five four oh three, (5-4-03), The time is fourteen thirty five (1405) hours, Jim Dawson, District Attorney's Office, I'm talking to Sergeant Kevin Miller, Humboldt County Sheriff's Department. Uh Sergeant Miller can you please explain to me what happen, when this whole incident began, where you were, who you were with and what uh precipitated this.

KM Okay, well I'm Sergeant Kevin Miller, with the Humboldt County Sheriff's Department, Supervisor for the uh Hoopa Station, and uh I got called out about one forty (1:40 pm) by uh the main station sergeants, advised that there was a pursuit in progress, shots fired in the highway one sixty nine (169) area, where we're at now. So I responded from Willow Creek out here, uh Deputy Filyau was the only other deputy that responded out, he was ahead of me and got on scene probably about twenty-twenty five (20-25) minutes before me. At the first location, I can't think of the mile post marker right now, but it's where the uh Tribal Police unit uh was shot

at, uh set a perimeter there and secured that scene, uh then we began coordinating uh other units to come further down river, uh and get down into the, the village area, at the very end of the road at Johnson, and then we staged units there, just checking the main road right here, uh, I forget exactly what time it was, but I believe it was around, between six (6) and seven (7), the units that were down here at the end of the road in Johnson, the Tribal Police units, they radioed that they spotted the vehicle coming out of one (1) of the dirt side roads, um they didn't attempt to pursue the vehicle or stop it at that time uh so, myself and Deputy Filyau, uh two (2) CHP Officers, and one (1) Tribal Police Sergeant responded from our original command post up there and uh to come down here to assist Tribal units and they advised that the car was probably down one (1) of two (2) or three (3) roads down in this area. Um so we got down to the uh Pecwan Bridge, which is the bridge you're looking at right there and uh began checking, just some of the side road, in the area looking for the vehicle, we didn't have any success so we went up to the uh, east side of the Pecwan Bridge there, myself, again one (1) Highway Patrol car and then uh Deputy Filyau was double with the Tribal Police Sergeant uh Joe. We parked on the east side of the bridge right there and we were there for, I would say maybe a half hour or so there is a road that runs inland parallel from the bridge right there and I can't think of the name of the road right now, but anyways we saw a car matching the [REDACTED] description coming out on the road towards us, uh so we began to move out vehicles towards it to intercept it, uh I ran back to my patrol car began turning it around before I could get it turned all the way around I started hearing shots being fired, uh behind me so I stopped my vehicle, radioed in to our dispatch that shots had been fired and then I uh I moved, I began moving forward towards Deputy Filyau and the vehicle and the CHP Officers vehicles and I could see them engaging, I, I could see one (1) of the CHP Officers firing rounds, um I, I assume at the vehicle. There was a slop in the bridge from where I was coming from I could just see the, barely see the top of the vehicle um and then from that point uh they said that the vehicle was moving and coming further westbound on uh one sixty nine (169) so I ran back to my vehicle, got in it, turned around, we came down here to just about where we're at now, and the lead car I believe I, I forget if it was Highway Patrol or Deputy Filyau, said that the vehicle they saw just, they saw it stop around a corner so we stopped then we lost sight of the vehicle so we just secured the scene until the Helicopter got over head and then they spotted the vehicle up in that driveway and we're here now.

JD Okay so during the course, you did not fire any rounds?

KM I did not fire any rounds.

JD Did you see the [REDACTED] at any time shooting?

KM No I didn't.

JD Okay did you hear rounds being fired by the [REDACTED]

KM I heard quite a few rounds being fired but I couldn't tell you who's was who's. Uh the only person I actually saw firing there, there weapon was the Highway Patrol Officer, he fired two (2) rounds.

JD Okay and where was he, what direction was he firing from here?

KM Uh he would have been firing westbound uh towards where the vehicle was coming out.

JD Okay.

KM Again because of the slop of the bridge, you can see it right there, the vehicle was down in that I couldn't, I was further back from them when I exited my vehicle would come up.

JD So what your saying is the [REDACTED] was coming out of that side road over there and then stopped?

KM Yes.

JD And then the [REDACTED] then did he get out of the vehicle?

KM I, I don't know, I couldn't see.

JD Okay and uh but you did, there was shooting going on

KM Yes.

JD (INAUDIBLE) afterwards?

KM Yeah cause the vehicle started to come out, so I ran over radioed dispatch the vehicle was coming out and I started, just started to turn my vehicle around to go back up to assist the other officers when the shots started being fired. So I exited my vehicle and like I said the only person I saw shooting was uh, the CHP Officer.

JD Okay and uh who was with you, was it Officer Filyau?

KM Deputy Filyau was with me and then there was Sergeant Joe Masten from Tribal Police.

JD Okay.

KM And then the two (2) Highway Patrol Officers from the Willow Creek office um and there names are escaping me right now.

JD To your knowledge did uh Deputy Filyau fire any rounds?

KM Uh Deputy Filyau informed me later that he had fired rounds, I don't recall seeing him fire any rounds, but he did tell me that he had fired some rounds.

JD Okay

KM Whether it was from his hand gun or his rifle, I don't know, he had both.

JD What distance would you say the [REDACTED], [REDACTED] was when he was shooting?

KM I would say, I would estimate about thirty (30) yards, give or take some.

JD Okay did you see any muzzle flashes?

KM No, like I said I really didn't have a good view because of the slope of the road, I just saw the top, and then I saw people moving around, and I heard the gun fire.

JD And could you identify the CHP Officers that were shooting?

KM Uh, yeah I know them, I can't think, uh Will O'Diear was the CHP Officer I saw fire two (2) rounds from (INAUDIBLE)

JD O'Diear or is it Diear?

KM O'Diear.

JD Okay. Two (2) rounds you say?

KM Yeah from his rifle.

JD Okay anything else?

KM And then uh the other CHP Officer was uh,.....Rod uh

JD Gill?

KM Gilliam, yes.

JD And what was he armed with, do you remember?

KM Uh I don't recall.

JD Okay.

KM And I, I didn't see him fire any rounds. I, I remember when I was getting ready to back up I remember seeing both the Highway Patrol Officers exiting there vehicle in my rear view mirror and running for cover on the opposite side of there vehicle.

JD Uh huh.

KM And like I said seconds after that, that's when fired, shots were fired so.

JD Okay and what did the [REDACTED] do then after the shots were fired, which direction did he proceed in?

KM He, he uh proceeded uh westbound here on one sixty nine (169).

JD So he got back in his vehicle?

KM Got back in his vehicle and headed down, down river as we would call it, westbound towards the end of the road.

JD Okay and at some point in time you say he went up another side road here?

KM Well we were able to determine that that would probably be about the only side road because the other containment team at the other of the road, when they heard the shots fired, they moved our direction,

JD Uh huh.

KM And then we lost sight of the vehicle again, we stopped everyone again and the driveway where the car was later found, was the only driveway between our two (2) containment teams location.

JD Now did you go up to that location.

KM Uh just now yeah, as part of the SWAT Team,

JD Okay and what happen when you got up there?

KM Uh we found one (1) subject and I don't have his name, uh he was ordered by the helicopter to come outside.

JD Uh huh.

KM He was a younger male [REDACTED]

JD That would be uh [REDACTED]

KM Yes.

JD Okay.

KM So he came out and was detained by our team and then our team moved up to the residences up there

JD Uh huh, uh huh.

KM And we got to the, towards the main residence we could see the very back end of the uh, the vehicle, [REDACTED] vehicle parked behind a tree and some rocks and a little like generator shed.

JD Okay.

KM And we went up and then we detained another [REDACTED] inside the house who was on crutches, a male [REDACTED] and then,

JD Uh huh.

KM Inside was an elderly female.

JD Okay.

KM Cleared the house, didn't locate any additional [REDACTED] uh everyone up there was uh pretty cooperative.

JD This other [REDACTED] was [REDACTED].

KM Uh I didn't catch his name.

JD He has two (2) banged up legs?

KM Yeah, on crutches?

JD Yeah. Okay did they say they'd see the [REDACTED] or anything.

KM The comments were that uh, this vehicle, well this is from [REDACTED], when we brought him down.

JD Uh huh, uh huh.

KM Quickly de-briefed him he told us that uh, he had uh, that the vehicle had parked there all day and they didn't see who was driving or why it was there and didn't seem all that concerned about it.

JD I got ya.

KM And then we didn't really get any information, well the elderly female in there she didn't even wake up, she's, looks like she is bedridden.

JD Anything else you can tell me?

KM Uh no I think that's pretty much it.

JD Okay we're gonna end this interview this will be at fourteen forty five(14:45) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Detective Rich Schlesiger

SUBJECT:

STATEMENT OF: Chance Carpenter, Tribal Police Officer

VICTIM:

LOCATION:

DATE & TIME: May 5, 2004 1300 hrs.

ALSO PRESENT:

RS=Rich Schlesiger

JD=Jim Dawson

CC=Chance Carpenter

JD May fifth two thousand four, thirteen hundred (May 5, 2004 @1300) hours.

RS District Attorney Investigator,

JD Jim Dawson.

RS And officer

CC Chance Carpenter.

RS Of the Tribal Police Department. Um Chance I didn't hear what ya had just told Jim about how long you'd been employed here and all that.

CC Uh just about a year and a half (1 ½) with uh Tribal Police, after a previous employment of over three (3) years.

RS And then you went to Yurok?

CC I went to the Casino for a year and a half (1 ½) and went to the Yurok for probably around a year.

RS Okay, okay and uh you're working yesterday?

CC Yes.

RS Or were you called out?

CC I was called out the night before.

RS The night before, that's what I meant.

RS Uh do you remember what time you were called out?

CC I believe it was around eleven thirty (11:30).

RS P.M.

CC Between eleven thirty (11:30) PM and midnight.

RS Had you fallen asleep yet, or anything like that?

CC No.

RS And when was the last time you slept?

CC Um I had slept, let's see it was my day off, so I go up that morning, I 'd probably gotten up about ten (10) or something around there, ten (10) AM.

RS Okay, let me give this to you. Chance Carpenter, right?

CC Yes.

RS What's your badge number?

CC My call sign is zero six (06), twenty-five zero six (2506) and my I.D. number is one, one, two, six (1126).

RS Um and you get called out, who called you at home?

CC The dispatcher, [REDACTED] uh, I can't think of his last name now.

RS Your dispatcher or ours?

CC Our dispatcher, our tribal dispatcher.

RS Okay and what did he tell you?

CC Said that I needed to come in to the office, that uh there had been an incident where by a [REDACTED] had shot out a CHP, shot at a CHP vehicle, disabling it and he was coming over Bald Hills Road, I need to stand by at the Office until further notice.

RS Okay, and that was about eleven thirty (11:30)?

CC Yeah.

RS What time did you make it here?

CC Uh I want to say just before midnight, or somewhere around there.

RS When you got here, then what?

CC I stood by and uh sat in the office listening to radio traffic for awhile, some of the radio traffic wasn't as clear as uh it could be, so I went out to my police vehicle and turned it on, heard the shots fired and other commotions going on down there, and requested to uh head that way. I spoke to Adam two (A2) Bobby Kane, Lieutenant Kane on the radio and he said yeah, head that way, and I followed Fred Filyau. Fred Filyau uh came by the office cause he'd obviously come threw Pine Creek Road. He went by and I got behind Fred and uh made it down to the incident (INAUDIBLE)

RS Was Fred, I'd heard that before, was Fred and somebody else set up on Pine Creek Road?

CC It appeared that Fred and Bob were set up on Pine Creek Road, and Willie.

RS Okay, okay, I'd heard that.

CC Yeah.

RS I didn't know who it was, okay.

CC I think when they got set up on Pine Creek Road, that possibly the [REDACTED] had already gone by and I came in, everybody set up and these guys (INAUDIBLE) down there um, Martins' Ferry. The [REDACTED] vehicle, it's down by Martins' Ferry Bridge and uh (INAUDIBLE).

RS And how were you notified, how were you notified by that, radio?

CC I was listening to the radio traffic

RS Were you still here or were you in your car then?

CC I was here.

RS So you see Fred come take come by, and does anybody else go by?

CC there was a vehicle in front of Bobby, I didn't know at the time, he doesn't have a marked vehicle, and it was dark. He went flying by first.

RS Okay, and did you hop in a patrol unit then?

CC Yes.

RS Yes, where'd you guys go then?

CC Uh made it down to the first incident area where Officer O'Rourke and the [REDACTED] had exchanged rounds at each other.

RS Okay, who, who was all down there when you met down there?

CC Fred, uh Joe O'Rourke, I just remembered Joe had already left.

RS Yeah.

CC Joe had already left the area. Fred, Bobby, uh Joe, Willie, Paul Craft, Officer Paul Craft.

RS Joe Masten right.

CC And Joe Masten.

RS And Joe O'Rourke,

CC No

RS No just Joe Masten, and so what did they tell you happened?

CC Oh at that time it was related that Joe O'Rourke's vehicle had been shot, um and the [REDACTED] maybe just around the corner from us so we staged there and eventually uh Sergeant Miller of the Sheriff's Department, and Lieutenant Kane uh talked about the next step and what to do, so we backed up a little bit from there um and we made a little game plan and Sergeant Miller suggested that we take two (2) man units, and get beyond the incident area and start patrolling for the [REDACTED] At that time Darrell and I doubled up, Willie and Paul doubled up and Sergeant Masten and Deputy Filyau doubled up. Since

Deputy Filyau had the best spotlight and I didn't have one (1) I followed Deputy Filyau. We went down uh to the end of the road and,

RS You say we, who was all down there, you?

CC Those three (3) doubled up units.

RS Okay, all of them.

CC Lieutenant Kane and Sergeant Miller stood by at the incident area and kept it secure.

RS Okay.

CC So three (3) vehicles went down, one (1) Sheriff's department vehicle, two (2) Tribal's, with Darrell doubled up with myself and we went down to the end of the road and we took our time, as we were going down we did see spot, or uh taillights ahead of us on a portion of the road where you can see ahead a little bit.

RS On one sixty-nine (169)?

CC Yeah, near Moore's Rock somewhere there was some taillights and we believe that was the [REDACTED] vehicle and uh we just kept proceeding with caution because of all the turns and turn outs on the road. Fred would light it up and we'd back Fred up if something was to happen, if he was fired upon, we were prepared to uh assist.

RS Did you guys ever, so you guys did see the again?

CC At that point we believe it was, it was in the dark and it was taillights, and it did (INAUDIBLE)

RS And what time was that at night?

CC I'm not sure of the exact time um, I didn't uh mark it down.

RS No rough estimate?

CC It was, it must have been after, after one (1) am, I would guess.

RS Okay, and what happens after that?

CC We didn't see the vehicle again, we made it down to the end of the road, uh Fred checked some driveways, I checked one (1) driveway, a bus drivers driveway um and at

that point Lieutenant Kane wanted to call all vehicles back to the original incident area, Sergeant Miller said negative, two (2) vehicles go to the end of the road and standby. So uh

RS Was Sergeant Miller down there with you guys by then?

CC No he stayed at the incident area, him and uh Lieutenant Kane stayed at the incident area.

RS And that was just uh west of where the shooting happened with Joe?

CC It would be just east I believe yeah.

RS Okay or yeah that's right you guys drove back farther,

CC Yeah.

RS Okay and so you guys go down there and he wants two (2), two (2) down at the road, end of the road.

CC Yeah two (2) vehicles.

RS And it's you and Darrell and Willie and Paul.

CC And Paul.

RS Okay what happens next?

CC We stood by for quite awhile and I didn't check the time but eventually in the daylight hours, morning hours, uh we were standing by, kinda parked our vehicles a little tactical uh way and saw, in the, in the early morning hours a black, uh what was that vehicle

RS SUV?

CC Yeah SUV, it was a Lincoln Navigator, we saw a Lincoln Navigator creeping towards us at a slow rate of speed.

RS And where exactly were you guys at?

CC We were right next to the Wahteck Church.

RS Okay and you guys were parked how, kinda how you said kinda tactical?

CC Uh parked my north end of my vehicle kinda to the east,

RS Okay.

CC Um so that it was kinda quartered with the road, instead of in line with the road and not,

RS So it was perpendicular.

CC Kinda quartered so I could use it as a, as a shield if the [REDACTED] came towards us and the vehicle behind us was also quartered the same way so that we could run back to it and use it if the [REDACTED] went down on the dirt road past us.

RS Okay I understand, and where did you see the [REDACTED] vehicle, the [REDACTED] navigator come out from?

CC Uh because of the curves in the road, I would estimate it was near the uh Weitchpec School road.

RS Okay.

CC There is a long straight away there, there's also vehicles on each side of the road near the church, obstructing the view, so we were looking between those vehicles when the vehicle crept up on us uh the [REDACTED] or the person driving the vehicle, no, seen that we were there and just started backing up, at that point I had my gun, I ran up along the parked vehicles that were there and stood by and watched for it to come back out and pop back towards us and it did. We radioed and let other, the other officers know that uh the vehicle had went back towards there direction from ours.

RS Okay, and so how far away from you, from, from, from the navigator were you guys when it came towards you and then backed up.

CC I'm going to say over a hundred yards. Uh I'm not sure uh beyond that but it was over a hundred yards.

RS Did you see lights or anything?

CC No, I just notice it had a unique grill.

RS So was it light out when he,

CC Yes.

RS Got there. Did you guys have your emergency lights on or anything?

CC No, because our vehicles were quartered, it was easier, easier to see the sides of our vehicles, that they say police.

RS Okay, so he get about a hundred yards away, starts backing up, does he do a u-turn or how does he do that?

CC He just backed right up and because of the obstructed view I couldn't tell if he, my depth I couldn't tell how far back he actually was and uh at that point uh I wasn't sure if he turned into the school, backed up into the school, cause I lost view of him uh or if he turned into a possible driveway before that I just knew that he backed that way and radioed to Sergeant Miller advised that he backed up that way and he could possibly be at the school or he could possibly have backed on up and be around another turn or further that way.

RS Okay. Then what happens after that?

CC Well we stood by instead of immediately pursuing, we stood by and figured since they were coming from the other way they might flush him our way and uh, we ended up taking more ground up to the school and in order to do the safe way, Officer Mabry and I got up on higher ground and walked up to the next driveway with our guns, with our AR's and we seen, we cleared that then we came down to (INAUDIBLE) we had Willie and Paul bring our patrol vehicles all the way up to the school road, and once we had secured the school road, we figured there wasn't many driveways between there and Pecwan Creek so had the vehicle come back, he would not be able to use School Road.

RS Okay, you guys pretty much stayed there at School Road at that point?

CC Yeah

RS Um what happens after that?

CC We did advise Sergeant Miller uh, or I requested (INAUDIBLE) to take more ground and move forward, and he said to stand by so we just stood by. At that point we heard the uh, shots either exchanged or shot at uh Officer or Deputy Filyau's vehicle because we could hear him on the radio saying his vehicle had taken some shots and we could hear the shots going off uh they were loud, a lot of caliber.

RS Obviously you shot guns,

CC Yeah.

RS You could tell the different between a rifle and a handguns?

CC Yeah it sounded like a rifle.

RS Okay could you hear any other type of rounds besides a rifle?

CC Because of the echo's off the river it was kind of hard to tell, um it almost sounded like two shotgun rounds, but uh the echo's and coming around the turns and stuff I really wasn't sure, but it didn't sound like a handgun.

RS And it was light out at that time?

CC Yeah.

RS Okay. After you hear uh them saying shots fired and all that what do you guys do after that?

CC We were prepared at that point, I advised Sergeant Masten that we were standing by and if the vehicle came our way since it had just shot at uh Deputy Filyau we were going to fire at will, the vehicle, he said uh to stop the vehicle if it came our way. So we stood by and we stood there for quite awhile, uh ready and they began clearing the driveways from the other side uh to see if uh the vehicle, try attempt to locate the vehicle.

RS Was the vehicle ever located?

CC Eventually uh the vehicle was located I know by the helicopter near the [REDACTED] residence.

RS Okay. How many rounds would you say you heard fired?

CC I thought I heard four (4) or more, but the echo's kinda sometimes blends um, it sounded like two (2) different rounds, that I heard, but I'm not positive, two (2) different types of guns but I'm not positive, two (2) of them were louder than the other ones (1's)

RS Two (2) of them?

CC Yeah two (2) of them sounded louder, but you know the vehicle could have been moving, and with echo, sounded louder than, than the rest of them, course if you if you listen to echo's you may be hearing more than just the, the original shots.

RS Right.

CC So it's hard to tell I mean when fire off works go off in the valley, you'll hear them then you'll hear them again and again with the echo's, so with those mountains it's was hard to tell.

RS Okay, anything Jim, I think that will do it.

CC Okay.

RS Okay thanks Chance, I'll end the interview at thirteen fifteen (13:15) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Detective Rich Schlesiger

SUBJECT:

STATEMENT OF: Darrel Mabry, Tribal Police Officer.

VICTIM:

LOCATION:

DATE & TIME: May 5th, 2004 @ 13:56 P.M.

ALSO PRESENT: Jim Dawson, District Attorney Investigator

JD=Jim Dawson

RS=Rich Schlesiger

DM=Darrell Mabry

JD Today's date is five, five, zero four (5-5-04), the time is thirteen fifty- two (13:52).

RS I'm Detective Schlesiger, I don't know if I've met you.

DM Darrel Mabry, please to meet you.

JD It's a pleasure.

RS Let's see the date is May fifth, two thousand four (May 5, 2004) thirteen fifty six hours (13:56). Darrel what's your full name?

DM Darrel Leroy Mabry, Junior.

RS How do you spell Mabry?

DM M-A-B-R-Y.

RS How long have you been uh employed with Tribal?

DM This tribe, December seventeenth (17th) is my first day.

RS And you worked somewhere else prior.

DM I worked six (6) months for the Yurok Tribal down there.

RS Okay, um, let's see what day are we on here, did you work the third (3rd) that night?

DM Yes.

RS Okay you were on duty, with Joe?

DM I was on yeah.

RS Okay, what, what was your shift?

DM eighteen hundred to zero four hundred (1800 to 0400)

RS Were you and Joe doubled up that night, or were you guys in separate cars?

DM Baby Joe, Joe O'Rourke

RS Yes.

DM No he was, Joe O'Rourke was actually off.

RS No, Joe

DM Oh Joe Masten, no, no.

RS How did you guys get this call of this uh shooting [REDACTED]

DM I got the call, I was at my house, um Joe was actually briefing me on another detail and I was talking on my cell phone and Larry, our dispatcher came over talking to Joe and said, this is, there was a car, a shooting with C.H.P. um [REDACTED] is suppose to be heading over Bald Hill and he goes I need you down here now. So I responded from my residence, which is down in lower Campbell Field. I got here, he briefed me a little more on it, told me that there was a black navigator that um shot up a C.H.P. Unit and a Forest Service unit and was heading over Bald Hill.

RS Do you recall what time that was about Darrel?

DM I'm going to say a little after twelve (12) somewhere around there, that's my, yeah it was a little after twelve (12) cause I got back in the valley after transporting around eleven

thirty (11:30) I got gas, went home, and had some dinner, so it was around twelve, (12) twelve fifteen (12:15) somewhere around in there.

RS Okay, and you met Joe here, were do you guys go from here?

DM I ripped down towards Bald Hill and ninety six (96) and on the way he asked me which way is the shortest way for me, other than going this way, and um cause (INAUDIBLE) we didn't know which way he was coming.

RS And did Joe follow you?

DM Yes.

RS Okay, and you guys arrived where?

DM We arrived at one sixty nine (169) Martin's Ferry Bridge, we um got together a little plan, what we were gonna do. Joe O'Rourke arrived around twelve thirty (12:30) I think somewhere around there.

RS I recall, did, did,

DM Joe Masten went to Joe's house to get him up.

RS Okay, that's right, okay.

DM So then Joe O'Rourke showed up a little bit later and that's when we gathered our little game plan, what we were gonna do.

RS Okay, was anybody else there?

DM Um Marianne Smith.

RS Okay and she's from?

DM Yurok Tribe.

RS Okay um what was your guys game plan?

DM Um the game plan was to basically set up a type of little perimeter around Martin's Ferry Bridge, um the main purpose was to try to get him from not going back on the Highway, we wanted to channel him down river, um figured we had a better chance down there, um Sergeant Masten's vehicle parked first off the bridge, Joe O'Rourke, then Marianne um once the vehicle came off the mountain at about zero one twenty five hours (01:25) he came across, we set up a put all of our rigs ready to take gun fire, he

RS How were your rigs set up?

DM Joe Masten was here, Joe O'Rourke was here, I was next, then Marianne was the end.

RS Okay.

DM Kind of like a little band (INAUDIBLE)

RS Okay.

JD Maybe you could uh diagram that out for us.

DM Okay it would be um the bridge coming across like this, which is Bald Hill Road, um Joe Masten's rig was now parked like this,

JD That's one sixty nine (169), did you (INAUDIBLE)

DM This is one sixty nine (169) about right here, this is (INAUDIBLE) um he parked at that angle for to get more coverage uh I think Joe O'Rourke rig was probably somewhere this, mine was probably, see mine was, were, were kind of all parked at a similar angle to try to get most coverage out of our vehicles, and Marianne was kinda parked like this, not this is (INAUDIBLE) like this actually, so she was parked like that, um I was on this side (INAUDIBLE) Joe was here, Marianne was there, vehicle came across and just slowly went down river, (No, no, babe) like that.

JD Could you date that for me and put your name on it.

DM Today's date?

JD Yeah today is the uh, yeah the fifth, (5th) it's two (2) o'clock, put your name on there for me. Could you label who was who in this situation?

DM Um I'll just put Sergeant Masten, okay.

JD Thank you.

RS Darrel when he comes down there do you guys have your guns out or anything like that?

DM When we first seen him coming down the river, down the hill we were kind of just waiting, we's waiting, waiting, waiting, and we heard, we had a um radio call that he was somewhere at fourteen (14) mile, that information was ten (10) minutes old, so we were

kind of guessing at what time he'd arrive. It was five (5) minutes prior to one thirty (1:30) that we were actually gonna clear out of there cause that was the information we were gonna get so, we seen him coming down the rig, we were kind of standing around, kind of wasting time, just talking about it and we come, uh he come down the hill and we all took cover with our weapons, uh they were all out anyhow we brought them out prior to that and we just posted up, waited for him and uh he comes down slowly across the bridge, we wait, wait, and wait, just to make sure and about right at with the bridge, comes off of, makes the entrance on to the highway we notice it's the vehicle waiting and um nothing happens, he just kind of nonchalant goes around us and takes off westbound.

RS Did anybody have their emergency lights on or anything like that?

DM Yeah Joe, Sergeant Masten said turn your emergency lights on prior to getting here, yeah.

RS And headlights or anything like that?

DM I think no, it was mainly emergency lights.

RS Okay when he goes, what happens next?

DM We all hop in our vehicles, Joe O'Rourke takes off first, Sergeant Masten second, (2nd) myself third, (3rd.) and Marianne's fifth (5th).

RS Okay.

DM We all have our lights on except for Smith because she was in the back, um then we just follow him (INAUDIBLE) forty (40) miles an hour.

RS Okay.

DM And then um Sergeant Masten radioed what we got, where we're going, um he confirmed it to me, he goes is this the right rig, I go yes that's a navigator, you can tell by the headlight, and um it was black, it was, it was, matched the description um.

RS Anybody turn their sirens on?

DM About two (2) miles, I would say a mile and a half, two (2) miles into it, we turned our sirens on that's when he shot the first rounds (SOUNDS OF A CHILD PLAYING IN THE BACK GOUND) yeah.

RS Shot his first round, you worked at that area quite a bit?

DM Yeah I worked it quite a bit you know when I was with Yurok.

RS Where was that first (1st) area at?

DM The first (1st.) area was possibly half a mile past Miners Creek, the new Miners Creek Bridge.

RS Okay.

DM Right in there.

RS Okay.

DM Gonna go over a little cover, go up there's a little cover area right in there.

RS How many rounds did he fire there?

DM I heard three (3).

RS Okay.

DM Yeah, we slowed down backed off, and then we followed and before we got to, I think it Quimby Creek it goes around like that, Joe Masten said be careful cause, because cross fire crossed and that's when the next two (2) shots came.

RS Okay

DM So we followed some more um and we kind of backed off a little bit more actually, we just followed him and uh he fired again, actually after the second round, the second round was fired, the second group was fired, I backed off quite a bit to where I don't think I heard the um, the third rounds that were fired, I think they were fired somewhere around Cappell, uh lower Cappell Creek.

RS Okay.

DM I think so we kept on following him, backing off, we came around Cappell Creek, I told them to be careful cause it goes up the hill and they have a pretty good advantage of us over there, so I was worried about that and I looked a crossed and I seen no taillights or nothing so I was like man he's getting it on so I seen Baby Joe go up the hill, I followed them we come around and we're just kind of you know, trying to catch up but not really um and all of a sudden I hear fire again, I see little Joe O'Rourke rig stop , I see the window busted out, he gets out, stands there, I thought he was shot. Joe Masten stops um he said take cover, I don't, I don't think, I don't think, I didn't see the vehicle at that time, (INAUDIBLE)

RS So you were quite a ways behind

DM Yeah, I was

RS Joe & Joe then.

DM Yeah, I got there probably maybe five (5) seconds after.

RS Okay.

DM Sergeant Masten got there.

RS Okay, during any of this time did you ever see muzzle flash or anything like that coming from that vehicle?

DM No.

RS Just heard the sounds and, when you finally pull up and you see Joe O'Rourke is, is he walking, he gets, you see him, you see him get out of his

DM I see him get out of his vehicle, he standing there facing it and he's looking down like this.

RS Okay.

DM That's why I thought he was shot, he's just kind of stands there and we, I hop out, I take cover on my passenger side, and um Sergeant Masten is on his drivers side taking cover and Joe O'Rourke is kinda behind his door a little bit, and um it was really hard to see cause we had, Joe, Sergeant Masten's flashers were kind of obstructing my view, flashing, blinding me.

RS Uh huh.

DM So I got on my passenger side, not knowing if that guys was still up there, some time went by and then told (INAUDIBLE) hide behind Sergeant Masten's vehicle (BACK GROUND NOISE FROM CHILD PLAYING) um he went back up his vehicle on his passenger side to cover (INAUDIBLE) again and we kind of uh, just kind of waited, and at that point kind of game plan um Sergeant Masten goes somebody's going, I need to make sure it's clear so Joe O'Rourke's vehicle stayed there, Joe O'Rourke hopped in with Sergeant Masten, they went up and cleared it. Marianne hopped in with me, we went up around behind McKinnon Hill Road, and he cleared and so we went back and that's when everybody else arrived.

RS Okay, when everyone else arrives uh, where do you guys go after that?

(CHILD SINGING IN THE BACKGROUND)

DM Um we told Marianne to take off because she's not a sworn officer, she's was just kind of there to make, just in case the really hit the fan to you know, **(INAUDIBLE)** take off, we all went back down to Cappell Creek Bridge and gathered there, at that time that's when Sergeant Miller arrived and pretty much took over um, made a plan on what to do, Um we just kind of waited, probably for about a hour down there.

RS Still dark out at that time?

DM Yeah. So I made a game plan to go up in front of the incident location, which is down McKinnon Hill, we all parked there um made another game plan to double up, left two (2) people back at, just in front of the scene um we all doubled up, just to basic go down and clear the road itself, no side roads.

RS You all doubled up with who?

DM Um Sergeant Masten doubled up with Fred Filyau, I doubled up with um Chancy Carpenter, and oh that's when O'Rourke went back to find his brother to try to get maps of the area, and uh Sergeant Miller, Lieutenant Kane and stayed back, and Willie Hostler and Paul Craft we were us too.

RS And where did you guys go to?

DM We but, we went on every stayed on one sixty nine (169) headed west and just tried to clear the road, trying to see any tracks um made it to the end of the road, Fred cleared the end of the road, up at the cemetery um cause he had the light on his rig, actually we just kind of blacked out behind him, just following him with our parking lights on um trying not to show to much light. We cleared the end of the road, made our way back, went up to the school, cleared up there, went up to McNeil's, **(TELEPHONE RINGING)** cleared up there, um on the way back, kind of shined, we didn't really go, we didn't go towards Butch Reeds up Pecwan Creek, um we cleared that just kind of like spotting it with the spot light um Filyau went up the camp road, which is the Pecwan Ridge Road, I think they call it. I didn't see no tracks in the water so that clear, headed back towards Lieutenant Kane and Millers position and then Miller radioed us telling us to have two (2) units park down at, in Johnson's village, so Officer Carpenter, Hostler, and Craft and I went down there and parked at the church, um we parked there for awhile and about, it was about zero seven thirty (07:30) we were kind of just talking, talking to the pastor wife and I turned around and looked there was that rig parked around, at the Kenta's, it was just sitting there.

RS The what?

DM That Navigator, it was parked right in front of the Kenta's, it's um, there's a bunch of cars parked along that side of the road by the church.

RS How far away from the church?

DM I'd say two hundred fifty (250) feet.

RS Okay.

DM It was sitting there, we never heard it pull up or nothing.

RS It was just sitting there.

DM Yeah it scared the shit out of us. So we all run around and got our guns and Willie said the guy pulled something, or showed us something, couldn't tell if it was a gun?

RS Did you see anything?

DM No, I just seen the rig, I was trying to get my gun, got my gun

RS They had, no headlights or anything?

DM No it was blacked out, it was daylight, it was just right at daylight

RS Okay.

DM And it backed up clear down towards the School Road, lost sight of it,

JD Wait, wait, wait I, I, lost that.

DM Okay.

JD You saw the [REDACTED] vehicle?

DM I saw the [REDACTED] vehicle.

JD And it was parked?

DM It was parked.

JD Where at?

DM Um let me see; sure you don't want me to draw it for you?

JD Yeah please, get you another piece of paper here.

DM Um the church is here; we're parked here,

JD Okay where's the main road?

DM The main road is like right here, it goes around like this there's a long straight stretch um.

JD Is there a driveway up to that church?

DM Um the church is right on the road.

JD Oh okay.

DM I mean it's right on the road (INAUDIBLE) kind of goes around like this, the, the pastor's parked like right here and Chancy was backed up right here

JD Uh huh.

DM There's a house here, there's a house here, there's a trial up here, there's a bunch of cars along the rode here, there is a house here and that rig was parked probably like right here when we first saw it.

JD On the road.

DM On the road, it snuck I mean it was so quite we didn't even hear it coming, we didn't even notice it coming.

JD Where were you guys?

DM We were kind of like in this area here. I had my back towards it, Willie was actually right here in his rig looking in his rig, I was like right here and I just turned around seen it parked right here, it was facing us um it was probably, probably two hundred and fifty (250) feet to him from us. I mean he could have easily sat up and picked us easy I mean he had a clear line of sight, there's a bunch of cars sitting along here, the roadway here.

JD Uh huh.

DM This road is actually a lot smaller, but um and once we saw it, it backed up clear

JD Lights off?

DM There's a road, a road that comes up and there is a church up here too and um there is a truck parked here, it backed up clear past here and back over in here is the school and it turned around somewhere over there.

JD So what you are supposing is this vehicle came up here, saw you guys parked there and just stopped there for a while huh and then when you guys saw it, it started to back up?

DM Uh huh.

JD Turn around?

DM No, it turned around somewhere out of our sight.

JD Okay so he backed up lights off down here

DM Lights off yeah.

JD What time was that?

DM I'd say about zero seven thirty (07:30).

JD This was after the little shoot um up with uh the, with the uh Sheriff's Deputy and the CHP?

DM What time did, what time did that happen?

JD About seven (7:00) o'clock.

DM Okay this is before that, this is before that.

RS It was about six thirty (6:30).

JD About six thirty (6:30) okay.

DM That's what time that happened?

JD Yeah

DM Okay it was before that then, I was just guessing at the time.

JD Okay so it's still dark then?

DM No it was, it was, it was just um, it was just daylight.

JD Just daylight.

DM Just daylight, I'm thinking, I was thinking it was around, (no stop it) it was around seven thirty (7:30) cause I just looked at my cell phone, I thought I was gonna, I looked at my cell phone cause I'm gonna go up to my grandma's and call my wife and tell her I'm all right.

JD All right so it was about seven thirty (7:30).

DM I mean that could be wrong but,

JD What happen then?

DM Okay the rig backed up, lost sight of it, um from the porch of the church right here, you could see the west side of Pecwan Bridge, there's a little opening, I told um we need to watch that so we don't, make sure he don't go past that point, so I watched um those guys watched down the road make sure he didn't come back at us, we watched for awhile, I thought, I thought I seen the vehicle go up Pecwan Creek on that road, so I radioed um

JD Pecwan Creek Road you mean that dirt road that goes up with all the junk cars?

DM Yeah up that road. When we seen the vehicle I radioed Control one (1) and told them what we seen and where it was going and um we just kind of sat up, Chancy sat up under his rig and I sat up on the porch right here watching threw this opening, watching Pecwan Creek Bridge and I thought seen the rig go up that way, so I told them this is where it's at, didn't go over the bridge so it's in between us and them. Um they went past the vehicle,

JD Who is they?

DM Ninety thirty (90-30) which is Rod Gilliam.

JD Okay.

DM Um Filyau

JD Okay.

DM And I think um I don't know if Miller was there or not.

JD Okay.

DM But they went past Pecwan Creek Bridge, went over it, went up School road checked, went up McNeil's checked, cleared it and headed back to that direction, that location there.

JD On the, on the bridge?

DM On the bridge, and then

JD Did you get to, the information to them that he had possibly gone up that road?

DM Yes.

JF Okay.

DM Yes, cause I told them we didn't see it go over the bridge.

JD Okay.

DM So after that, while they were going in, we (INAUDIBLE) area, me and Carpenter took off on foot to this road to clear it

JD Uh huh.

DM To make sure he wasn't parked over here, cause you couldn't see this road from the, you couldn't see if anything was parked up there at night time, so we thought it might have been, we actually seen some tracks up there, so it might have been parked there when we were driving down the first time, so it was clear. Craft and Hostler met us down here at the School Road where we sat up again um we were setting up, got our rigs all set up um they said the vehicle was coming out and then we heard gun fire so we really set up that time, just kind of got where we were, where we were all gonna set up at um, this is another drawing here

JD (INAUDIBLE)

DM Um this would be ninety (90), one sixty nine (169), School Road goes up like this, this kind of goes around like that, this is one sixty nine (169) this is headed towards Pecwan Creek.

JD Okay put a label on that other one (1) will you?

DM This is um Jack Norton Road,

JD That's the school.

DM Yeah, um Officer Carpenter set his vehicle up right here, I (INAUDIBLE) Officer Craft set up here with his vehicle, um Carpenter's here, Hostler's here, I'm over here behind a tree, good line of sight through here, Officer Craft's here, um we heard gun fire um we all set up where we were gonna be at, Masten radio's us, he's on our way, um Filyau actually radioed us, said my rig took several shots um,

RS What channel were you guys on?

DM We were on Clemar.

RS Okay.

DM Channel two (2). Um he's got a high powered rifle, um he's only one (1) man, um take him out, Sergeant Masten goes he's coming your way take him out, make sure he's taken out so were, were waiting, then I heard him say, we seen brake lights and that was it. So we're thinking okay he's still coming, we wait, wait, wait, um Sergeant Masten said if we need to somebody go up to that road, and make sure he went up there, I'm like, well if he didn't, because you can't see from the bridge to where if he were to go around the corner from there you wouldn't be able to see him, so we're thinking, I'm thinking you know if we head that way, we meet him, no way. I'd rather you know, I just told him we'll stay right here basically, so we wait, and wait, and wait so there is only one (1) road in between the bridge and them, that's where the [REDACTED] is so we're still waiting, they're still waiting and after a period of time goes by we, obviously know he went up there.

JD Uh huh.

DM So we're just kind of waiting to see what next and that's when the, shortly after the helicopter arrived and seen the vehicle parked up there faced out.

RS At [REDACTED]

DM (INAUDIBLE)

RS When you were down the road, how many shots did you hear?

DM Sound like I heard two (2) shotgun shots and about four (4) to six (6) rifle, pistol rounds, something like that. (Background noise) Yeah that's all I heard

RS Okay.

JD Could you label those for me and put your name on it.

DM Yeah.

JD Thanks.

RS Okay I'll end the interview at fourteen twenty (14:20) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Jim Dawson, Investigator

SUBJECT:

STATEMENT OF: Joseph O'Rourke, Hoopa Tribal Police Officer

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004 @ 12:20

ALSO PRESENT:

JD=Jim Dawson

JO=Joseph O'Rourke

JD May the fourth, and the time is twelve twenty (May 4, @ 12:20) we're up in the Hoopa area and I'll be talking to Joseph O'Rourke, Hoopa Tribal Police. Okay Joe could you start again how you were notified and who called you out and go through the whole scenario one (1) more time for me.

JO Okay. Sergeant Masten contacted me at my residence, I believe it was around one (1) o'clock, knocked on the door, I didn't wake up my wife woke me up and said someone is knocking on the door. I went to check the door, no one was there, right then I heard sirens, right off my driveway, got a hold of uh dispatch over the radio and Sergeant Masten told me that he needed my assistance and wanted me to meet him at Martin's Ferry Bridge. Got ready, eighty-seven (87) with him at Martin's Ferry, he informed me that there was a [REDACTED] possible heading this way who had shot at a CHP officer in Del Norte County, or maybe Humboldt. So from there we just was waiting uh, Sergeant Morey told us to wait until about one thirty (1:30), if not, if he didn't show up then, then we'd clear. About one twenty (1:20) or so um we received information that that [REDACTED] had shot at a biologist that was up there on the hill and heading out way. Shortly after that uh saw lights across the river coming down uh Martin's Ferry there. We got behind our patrol vehicles as that car past us and turned left on to one sixty-nine (169). We observed that it was the vehicle that we were looking for, so from there I jumped in my vehicle, was the primary car, activated my emergency lights and sirens. Uh Sergeant Masten was secondary, Daryl Mabry was the third (3rd) car and Mary Ann was the tail car. Uh [REDACTED] didn't stop, sped up between

speeds of thirty-five (35) forty (40) miles an hour. Just a little bit of this side Cappell, Upper Cappell Creek on the in turns, two (2) shoots were fired, um noticed muzzle flash out of the drivers side door and after that, every other, every in turn there when we were kind of level with each other, he'd pop some rounds off so we decided, we're not, we're gonna wait for him to get through those before we go through those and then here at Cappell I knew it was a big one (1) so I waited for awhile, then I started going through, saw his taillights on this side so I sped threw that and then come around this turn here, was coming up here, I saw his, noticed he had his, hit his brakes and he was at a stop. Two (2) shots, I heard two (2) shots go right out my window there and (boom, boom) hit the, laid across the seats there, into the passenger seat. Immediately after that a bullet hit my windshield and then I exited, fired four (4) rounds and moved to the rear of my vehicle. From there Sergeant Masten was behind me and told me to get back there, he came back up, shined his lights over there, I got my shotgun out of the front seat, we went to his vehicle to clear around the turn because the vehicle, after I shot my four (4) shots that vehicle slowly took off around the turn up there. We went up there to see if um he was lying in wait around that turn, in a possible ambush situation, and it was clear we came back and uh waited for backup.

JD Okay let me, let me go back on a few things. How many times do you think he shot at you when were coming threw these 's' turns and he would be on one (1) side of the [REDACTED] and you'd be on the other?

JO Uh at a time or all together?

JD All together first off.

JO I would say, lets see two (2) three (3) six (6) nine (9) seven (7) eight (8), say twelve (12) all together possibly.

JD Now how did you know he was shooting at you then?

JO Um as I was going by he's be leveled off with me and I could see the muzzle flash coming our way a couple times, not every time, um actually I believe the first time was more or less warning shots out the side of the window uh.

JD What do you mean warning shots?

JO I don't, I don't maybe um intimidating shots or something, trying to intimidate us to not follow him or something, I don't know.

JD Why do you say that?

JO Um cause we were in pursuit of him.

JD Okay, go on.

JO Um but after that the bullet, I mean you could start hearing the bullets hit. I mean literally hitting stuff, right you know as we're going by.

JD What did, what did you hear them hit?

JO The trees or

JD You could actually hear that?

JO Yeah you can hear snapping you know going by um and then actually here, I mean I actually heard the whistling going by, the bullet whistling going by the window uh so.

JD Now when you got up to here, how many times did he shot at you when he was up there and you were down here?

JO I was still moving. He had shot twice (2) while I was still moving and when I came to a stop and as I laid across the seat, one (1) more was shot and that's when it hit my window, and there was, the first two (2) were pretty quick, boom, boom, and there was a pause in there for that third (3rd) one (1). Then that's when it hit hit my windshield.

RS Did you see muzzle at that time?

JO On the third (3rd) one (1)?

RS On any of those?

JO The first one (1) I believe because I just, I was going down as I was coming by, coming to a stop and kind of going down at the same time, believe I caught a corner out of that, out of a corner of my eye, muzzle flash out of the drivers side door.

JD Did you actually see him?

JO I didn't see him no,

JD You the muzzle flash?

JO Muzzle flash.

JD All right now this glass here looks like tinted glass from the rear window of your vehicle, is that correct?

JO Yes.

JD Your rear window is shot out?

JR Yes.

JD And what about your front windshield?

JO It has a hole in the front about six (6), six (6) inches or so off of the steering wheel, to the passenger side.

JD Is that the only hole you noticed in your vehicle?

JO Well there is a, also a hole, cause uh I have the K-9 unit and there's some bars in there metal bars

JD Uh huh.

JO For the cage, there's a hole in that too.

JD Okay, all right.

JO But I believe that's the same bullet that's the same bullet that traveled

JD Okay now, lets walk up here bit, if we anticipate that this is probably the back of your vehicle here, we'll say right here is probably the back of your vehicle,

JO Uh huh.

JD Cause the glass is all kind of in a line here.

JO Yeah.

JD All right now if we go up to the front of that vehicle, we're gonna, you were shooting from the side, the drivers side of your vehicle?

JO Yeah.

JD You want to show me where you were at, just kind of take a position like you were, were you shooting from behind the door?

JO I think I, I believe I's

JD Oh no, no, you just run over my evidence.

JO I believe I was shooting off the uh, here's the edge of the door right here like that,

JD Okay.

JO Because I, I was trying to get away from the lights of the truck, and kinda into dark.

JD Okay and you know fired four (4) rounds?

JO Yeah.

JD You're positive?

JO Yeah.

JD Okay and how many rounds did he fire at you?

JR Three (3).

JD Three (3). Okay at this point in time I'm going to end this conversation, the time is twelve thirty (12:30), today's date is five (5) four (4) zero four (04) (5-4-04).

JD The time is twelve forty five (12:45) we're going back on the tape, Detective Schlesiger, myself Jim Dawson, D.A. Office talking to Hoopa um, Hoopa Valley Tribal Police, Joe O'Rourke.

RS Joe when you guys were at Martin's Ferry, which way were your car's facing?

JO West.

RS Okay so all four (4) of them were facing that way, did you have headlights on?

JO Uh when we saw the lights coming down when we activated our emergency lights.

RS Okay did you have headlights on?

JO One (1) car did I believe, that was the Yurok Tribal car.

RS And that would have been?

JO Mary Ann.

RS Mary Ann, okay.

JR I believe she was (INAUDIBLE)

RS And he takes off and you, you follow Joe, Darrel and Mary Ann, or you follow him?

JO I, I follow him yeah.

RS (INAUDIBLE) primary,

JO Yeah

RS Joe's secondary, uh Darrel

JO Darrel and Mary Ann.

RS Darrel and then Mary Ann okay. Um you carry your forty (40)?

JO Uh huh.

RS Obviously a shotgun, what else do you carry?

JO I got the shotgun from Darrel.

RS You got the shotgun from Darrel?

JO Yeah, cause uh I have the K-9, so I don't have the racks right here.

RS Okay

JO And so from there I grabbed Darrel's gun

RS Out of his car?

JO Yeah.

RS Did you go on the passenger or drivers side?

JO He had given that to me when I wanted (INAUDIBLE) before

RS Oh before.

JO Yeah before he even,

RS So where did you have that sitting in the,?

JO That was in the seat.

RS Okay, and how did you go and get that, that gun, when you came back up, remember you said you walked back to the rear of your car?

JO Yeah, yeah.

RS And then did you go on the drivers side or the passengers?

JO Passengers side yeah.

RS On your truck on the back window, do you have anything colored on it?

JO On the back window?

RS Yeah.

JO Yeah I got the uh, it says K-9 on the bottom.

RS Okay, is it on the window?

JO Yeah it's a sticker that's put on there.

RS What color is that sticker?

JO Red.

RS Okay, and also don't if you told Jim, you know the area pretty well?

JO Yeah.

RS Grew up here?

JO Yeah.

RS Which areas did he shot at you at?

JO Uh

RS The first one was were?

JO Just this side of Cappell uh, Cappell road.

RS (INAUDIBLE)

JO Incline, I believe it's uh

RS Just this side you mean west?

JO Yeah just west of upper Cappell road and there is a creek in there, I'm having a hard time remembering the creek. I believe it's uh, Mercer, Merker, Meker creek.

RS So you're in between upper Cappell and, and the creek?

JO Yeah it was in the incline.

RS Okay and where is the second (2nd) place he shoots at you at?

JO The second place would be the next incline.

RS Okay do you know that?

JO Which was, I don't remember I don't, Devils Creek maybe.

RS Devil's Creek around in there?

JO Yeah

RS What about after that?

JO After that,

RS Let me back you up for a second, upper Cappell, how many rounds are fired?

JO Right after upper Cappell, three (3) I believe.

RS Okay, Devil's creek?

JO Two (2).

RS Okay, then go on from there.

JO And then.....on the bridge, yeah cause he shot first one's (1) were kinda on a straight, they weren't quit on the incline, they were on a straight. Then when we started going on those inclines, started shooting across at us, so then on the bridge,

RS Which bridge?

JO Uh the one(1) that's all painted up.

RS The one's (1) with the Native American designs okay.

JO Designs on them?

RS Okay, so and that's a left hand turn.

JO Yeah.

RS Going across there okay.

JO And that one (1), I came around the corner, realized I was in open, and believe he fired three (3) there too. So that's basically from there when we decided we were not going to be in his sign on those left hand turns, his line of sight (INAUDIBLE).

RS Okay did he shot at you guys anymore after that, after the bridge?

JO Not that I recall, because after that we had started waiting for his to get threw those turns and then we would speed threw and catch back up, then one (1) he'd hit another one (1),

RS So it wasn't until this point here

JO That,

RS That he shoots the very final times.

JO Yeah because after a few shots fired at us, we were keeping a pretty good distance. He was actually when I traveled through there he was quite a ways ahead of me and he had just stopped so I don't, that's probably the only reason I actually caught up to him that quick, cause he stopped.

RS Did anybody else uh fire there weapons?

JO (INAUDIBLE)

RS When did you, when did you turn on your siren?

JO Um just as he, we'd gone by him, we said that's him, just in got just to about Mitchell road when I had a good visual on him.

RS Did you have your siren and somebody else or was it just you?

JO Everybody did.

RS Okay.

JO I know I did turn it off at one (1) point in time, cause I got on my P.A. and said he was stopped, he did stop (INAUDIBLE)

RS Where was that at about?

JO That was about Devil's Creek.

RS Yeah prior to shooting at you or after?

JO No actually that was before he shot at us.

RS So you say that out there then, afterwards he shots rounds at you.

JO Yeah, the he shots yeah.

RS Did you ever see a gun at all?

JO Not physically no, I never.

RS You say you shot warning shots, were they back towards you or were they back out the?

JO The way that I kind of, my opinion of it was he had it rested on his, out the driver side window so I think the first couple weren't intentionally aiming at us, but just shots out the window.

RS Okay.

JO In that direction, cause he was on more of a straight stretch so I was more behind him, so I mean he didn't have a clear line of sight at me, unless he was you know reaching out like that but I don't, I don't

RS Okay.

JO I don't think that.

RS Okay when you guys stopped here and he began shooting at you what was going through your mind?

JO Uh, this guys trying to kill me, um I, I mean the way it was I just figured an ambush and he has a scope or something on that thing and I was scared.

RS Do you have anything else Jim?

JD When you were, when he was shooting at you back here, did you ever get a, a, did you ever actually see him, when he was up here and you were back there stopping your vehicle when the round went threw the windshield, did you ever actually see him?

JO No.

JD Okay you just saw the muzzle flash you said?

JO Yeah, and at one (1) point in time I thought I may have seen him like a dome light or something, a light other than a brake light or headlights, but I couldn't, I can't say for sure, I thought I did see something like that.

JD How many muzzle flashes did you see?

JO Uh from here?

JD Uh huh.

JO One (1).

JD One (1) muzzle flash.

JO Just kind of out of my peripheral vision.

JD You said before you heard, you heard uh the twang of a bullets going by?

JO Uh huh.

JD How many, how many of those did you actually hear?

JO Two (2), three (3).

JD Okay. All right we're gonna end this conversation; the time is twelve fifty four (12:54).

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Detective Sergeant Freeman, Humboldt County Sheriff's Department

SUBJECT:

STATEMENT OF: Officer Paul Craft, Hoopa Valley Tribal Police Department

VICTIM:

LOCATION: C.I.D. Unit, Humboldt County Sheriff's Department

DATE & TIME: May 5, 2004 @ 3:30pm.

ALSO PRESENT:

JF=Juan Freeman

PC=Paul Craft

JF Okay I'm Detective Sergeant Freeman of the Humboldt County Sheriff's Department, today's date is May fifth, two thousand and four (May 5, 2004) and the time is three thirty (3:30pm) location is my office in the C.I.D. unit of the Sheriff's Department uh present here is Officer Paul Craft, it's spelled C-R-A-F-T.

PC Correct.

JF Okay and this is regarding case number two, zero, zero, four, zero two, eight, eight, eight, (200402888)and uh this is basically uh attempted murder on a peace officer also dovetailing into an officer involved shooting case. So Paul my understanding is, is that you may have been in the area where one (1) of these shootings took place or near and heard shots or something like that?

PC That's correct.

JF Okay why don't you just go through from start to finish what your experience was.

PC Um Monday evening and I don't remember the exact time, it was I believe before, a little before midnight, uh there was a call over the radio that C.H.P. was looking for a

vehicle that had shot at a C.H.P. vehicle um it was the [REDACTED] Lincoln Navigator that they were looking and several officers head north on ninety six (96) up towards Weitchpec in case he came that way across Bald Hill Road and myself and several other officers went to the top of Bald Hill uh on Pine Creek Road in Hoopa in case he came that was.

JF Okay some of the officers headed for where?

PC Uh Weitchpec.

JF Okay, and you and some other officer went to Bald Hill or the top of Bald Hills Road?

PC Yeah, it was uh myself, Will Hostler, and Lieutenant Kane, and there was a, Sheriff, Sheriff's Deputy Fred Filyau was up there.

JF You and who else what was the other officer of yours?

PC Uh Kane and uh Hostler,

JF Hostler.

PC Will Hostler.

JFSo while you guys were going to Pine Creek he was probably coming down

PC Yeah.

JF Martin's Ferry huh?

PC That's what it looks like.

JF Also just as a side, cause I'm barely familiar with the area out there cause I worked as a resident deputy out there for several years, it was a long time ago but I'm kind of familiar with the area. Okay so uh you guys went to the top of Bald Hills Road and of course didn't see anybody?

PC Correct.

JF So uh what was the next thing that happened then that alerted you that something might be going on?

PC Right before one thirty (1:30) that would have been Tuesday morning on the, I don't know what the date was, the second (INAUDIBLE) .

JF Uh that would have been the fourth (4th).

PC Or the third no wait.

JF It would have been the fourth (4th)

PC Today's the fourth (4th).

JF Today's the fifth (5th).

PC It is okay, uh

JF So it would have been early yesterday morning.

PC early yesterday morning, it would have been Tuesday morning, at one thirty (1:30) in the morning and,

JF One thirty (1:30) or one twenty five (1:25) or

PC It was right before one thirty (1:30) cause dispatch had just called at one (1) o'clock and said we could clear at one thirty (1:30) and then it was right before one thirty (1:30) when

JF So between one twenty five (1:25) and one thirty (1:30) about right, okay.

PC Yeah.

JF So you guys cleared?

PC We were going to and that's when the radio call came from uh Sergeant Masten who is one (1) of our deputy or one (1) our officers who went to Weitchpec and he was saying that they could see uh a vehicle, that may be the [REDACTED] vehicle coming towards them at one (1) of the ridges there, and I'm not familiar with the area, which bridge they were at.

JF Does Pecwan Bridge sound familiar?

PC I think it was Pecwan Bridge and stated that the vehicle was (INAUDIBLE) they identified that it was the [REDACTED] vehicle and then the next thing we know we heard some shots on radio.

JF (Coughing) Sorry. You heard shots on the radio, so the mike was keyed?

PC Could hear, yeah while the Sergeant was speaking and uh several shots were fired, and he stated that also over the radio.

JF Okay, so did you guys go towards the uh

PC Yeah uh Officer Hostler, all of us that were on top the hill we came back down and through Hoopa and that's when Hostler dropped his car off and he just got in with me.

JF Okay and so then did you guys go back down river that way or?

PC Yeah we were headed down river, I don't remember exactly where we were at but that's when the other radio call came or they were in pursuit of the vehicle and I assumed that they stopped, I don't know for sure if the guy stopped or if he shot while he was driving but he shot back at the other vehicles that's when he shot Officer O'Rourke's window out.

JF Do you remember about what time that was?

PC I don't.

JF Okay, but this is all after one thirty (1:30)?

PC Yeah.

JF So that was when Officer O'Rourke's window got shot out and so

PC (INAUDIBLE) cause when we arrived on scene is where they had, they stated the vehicle had gone around the corner and they had just stayed where they were at uh unable to see if he continued on or just waiting around the corner, when we got there is when, they were all securing the same area at that time and waiting on us to arrive, and X-1 (one) Humboldt County was on his way as well.

JF Okay so the shooting was all over with by that time?

PC That, that shooting was.

JF Was there any more?

PC It was the one (1) after that, that was early yesterday morning around six thirty (6:30) seven (7) o'clock maybe, around six thirty (6:30) maybe,

JF What time was that?

PC After we had gotten there, we had gone we split up we had two (2) man vehicles and then there were three (3) of us vehicles that went continued on from that shooting site to end of the road, going up and down driveways and roads, looking for the vehicle until we got to the end and we just posted down there at School Road, or actually we posted at the Village there at the end of the road, and it was around six thirty (6:30) when we saw his vehicle approaching us (INAUDIBLE) see Darrell Mabry, one (1) of our officers was the first one(1) who noticed it once by the time we turned around Officer Hostler stated that he could see a, a gun out the window uh I never could see it cause he was to far back by the time got close to (INAUDIBLE) if he just continued he was probably a couple hundred (100) yards away and it was the windy roads, he was in and out but he just slowly backed up until he got down around the corner out of sight.

JF So he saw you guys down there and he backed up?

PC Yeah apparently he was coming towards us and uh lady come out of her house right there where we were at, at the church and we turned around to talk to her and that's when Mabry turned around and saw him, he was just driving straight up towards us, he probably got within a hundred yards before he probably noticed us and started backing up.

JF So he backed up, this is right around six thirty (6:30) in the morning?

PC Somewhere around there.

JF And then he backed up and then went out of sight?

PC Yep went around the corner there, which would have been right at School Road, I think it's called School Road it goes up to the

JF Jack Norton School?

PC Yeah Jack Norton School. There is a gap in the trees cause we were up on the hill and where the road winds down to, is that the Pecwan Bridge that's the one,

JF Pecwan

PC bridge that's the one (1) down there, so we could see the Pecwan Bridge and were watching for the vehicle to cross and talking to and talking to the officers at the other end, who were coming enroute code 3, which would have been uh Deputy, Deputy Filyau, Masten, I don't know who else was with them, there the two (2) that I know or (INAUDIBLE) his vehicle got hit during that shot out, but as we were watching it, it was probably about five (5) to ten (10) minutes later after we had seen him, we got down to the bridge area and we were trying, telling them they were looking for him, didn't see him, and I think they started back going east, back across the bridge to search the other side, when

he came out of another road there and started, that's when they had there shot out, we could hear the shots from that probably twelve (12) to fifteen (15) rounds it sounded like.

JF Yeah just from my notes and my report I'm just going to say that you all heard twelve (12) to fifteen (15) shots during the final shot out, cause you couldn't really see what was going on

PC At that would, well we probably could have if we'd got back up but at that time we were still posting our vehicle, not knowing if he was coming back or what

JF Right.

PC And so all we could hear was there reports from that and then that's when I guess, we just hear over the radio that he took off up into the road that went up to the house, where his vehicle was found.

JF Okay is there any other detail about any of this that you want to fill in?

PC (INAUDIBLE) yeah we just stayed, we were able to move down, knowing that he was between us we moved up to the Jack Norton School Road,

JF Okay.

PC So that uh, that was the only other road past where he was at so, (INAUDIBLE) if he came out.

JF Okay and so that's pretty much the end of the uh shooting, after that it was uh searching and all the stuff, we were kind of there for some of that.

PC Yeah, we just stayed on scene until we were released.

JF Yeah, I saw you guys coming out as I, you were coming out of there as I was

PC That's right huh.

JF Little [REDACTED] Taurus.

PC Yeah that was a long night.

JF Laughing

PC I hadn't slept the night before either so I had gone to work for two (2) days without sleeping, like an hour and a half, we got a newborn at the house so

JF Oh, oh god.

PC Got colic and

JF Yeah.

PC Going on like three (3) days, by the time I went to bed last night, like three (3) days, four (4) hours, I was dragging.

JF Yeah.

PC Plus the ups and all that, the adrenaline and all that stuff, body was just hitting a low.

JF Well yeah,

PC Not to mention the drive back on that road.

JF Oh yeah, well see what happens is, you know all the excitements over with, the adrenaline is subsiding so then all you feel is the fatigue.

PC Yeah.

JF Boy and that's along ways out of there.

PC I didn't realize how long that road, it was in the fog when we went in but coming out, I didn't think we was ever gonna get back to Weitchpec.

JF I use to drive down there all the time, I was the Orleans Resident Deputy for four (4) or five (5) years, and uh I use to go down there all the time. It just took forever. The roads better now than it use to be.

PC I was surprised, I thought it was going to be a really bad road, but it was just paved and nice uh fog lines on the sides.

JF Use to be just bumpy ole' lumpy concert about as wide as this room, and of course it's still very windy but

PC Yeah.

JF No fog lines, no centerline, no nothing at night in the rain or fog

PC That would be scary.

JF It was, yeah it was spooky.

PC Especially if you had to go Code Three (3) down to the end or something.

JF It's like Sleepy Hollow.

PC Yeah.

JF It looks like your driving through endless Sleepy Hollow. Okay if that's all the details you have why uh, let's see there is something else.....I've got a sheet with some standard questions on it, I just want to make sure I covered everything, oh yeah here some, here some things that we need to cover. Uh do you have a uh like and I.D number, serial number, badge number, something like that?

PC I do, I have to look and see what it is, I just got my I.D. my H.C.S.O. I.D. number is fourteen ninety-nine (1499).

JF Have you got a Tribal Police uh,

PC I have a call sign but they don't stay sometimes they get changed, but right now it's twenty-five-zero-six.

JF Twenty-five, (25),

PC Zero six (06).

JF Zero six, (06), okay yeah twenty five is your agency designator, okay and uh lets see, and your date of hire was, do you remember?

PC Uh when I first started county it was the end of June, June fifteenth (15) or something like that, I don't remember the exact day.

JF Six fifteen zero three (6-15-03)

PC Yeah that would be close enough, it was right around there.

JF Okay, and your shift that you're on now,

PC Uh eight (8), it's eight (8) or six (6) to two (2), or four (4) a.m. six (6) to four (4), it's considered a night shift.

JF So you go to work at four (4) P.M., get off at four (4)?

PC Eight (8), sorry, eighteen hundred (1800), six (6) o'clock, eighteen hundred (1800).

JF Oh okay, so you're on four (4) ten (10's)

PC Yeah, (INAUDIBLE) it's worked out pretty good too.

JF Uh huh, okay and your supervisor at the time of all this stuff.

PC Uh Joe Masten, Sergeant.

JF Okay. A lot of this stuff has to do with uh the officers that were involved in actually involved in actually discharging their weapons, so anyway skip over all these things. Let's see weather, uh weather conditions were good?

PC Right.

JF Lighting was dark cause it was early morning or

PC Uh it was a full moon out and if I remember there was no cloud cover until early in the morning.

JF Okay. Okay so

PC It was pretty light out.

JF Full moon maybe that's what was wrong with that [REDACTED]

PC Yeah cause I specifically remember saying earlier in the night, man it's a full moon.

JF Yeah.

PC Going crazy, we were going to call to call the last two (2) nights.

JF Yeah, okay and let's see do you remember your vehicle number that your,

PC Uh (INAUDIBLE) it's uh four five zero one nine five (450195)

JF Four five zero (450)

PC One nine five (195)

JF That's a lot of

PC tribal plates with Indian (INAUDIBLE)

JF Oh you don't have like a vehicle number, like vehicle two (2) or three (3) or?

PC Oh no, we just; we just only use our call sign.

JF License plate, oh your call sign and license plate.

PC We don't use even use our license plate, we have our own, I mean they're issued to us, but that's just the one (1) that I drive, but we don't ever what vehicle we're in or anything.

JF Okay and so it's a marked vehicle right?

PC It is.

JF Has lights and siren on top?

PC It does.

JF Have you ever uh heard of this guy, or seen this guy before?

PC Have not.

JF No, okay.

PC No.

JF Did you ever get a good look at the guy?

PC Did not. It was always the vehicle.

JF Okay, very good, I think that ought to do it, the time is three forty six (3:46) P.M.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective Humboldt County Sheriff's Department

SUBJECT:

STATEMENT OF: William Hostler, Hoopa Tribal Police

██████████

LOCATION:

DATE & TIME: May 5, 2004

ALSO PRESENT: Jim Dawson, D.D.A. Investigator.

RS=Rich Schlesiger
WH=William Hostler
JD=Jim Dawson

RS What's your full name Willie?

WH William Erick Hostler.

RS And I know you left the Tribal P.D. before once for a little while didn't ya?

WH Uh I left in May two thousand (2000) and I came back in December two thousand (2000).

RS Okay.

WH I went to Wildland Fire.

RS Okay, that's right.

WH I stayed with the Tribe, but it was just,

RS And prior to that how long were you employed with the Tribe?

WH The Tribal Police, uh November nineteen ninety six, (1996) I came in.

RS Okay and you,

WH Went to the Police Academy in January of ninety seven (97), graduated May of ninety seven (97).

RS And you worked until the Wildland?

WH Wildland and then I came back,

RS Until present?

WH Until present time.

RS Okay, and you're a Corporal?

WH Corporal now yeah.

RS Um were you working, not last night but the night before, or were you called out of your residence.

WH I was called out of my residence.

RS Okay.

WH Day shift now so

RS Day shift now, okay what time did you get home from that day?

WH Uh it was my day off?

RS It was your day off.

WH Yeah so.

RS Uh what time did you get called at?

WH Um it was right, right around midnight. I think it, uh the log has it as uh four (4) minutes after midnight.

RS Okay.

WH They called us out and said uh, respond uh, cause they were ship, shipping units to one sixty nine (169) Martins Ferry Bridge, but they wanted units with uh County, so it's Fred Filyau, to meet up at Pine Creek, Hundred (100) Acre Road, it's another road that, (inaudible) coming into the reservation so we put four (4) units up there and then the units we had down there.

RS Okay, who, who went to Pine Creek?

WH There was uh, me, Officer Craft was called out, Lieutenant Kane showed up there and Deputy Filyau.

RS Okay who was doubled up and who wasn't?

WH Everybody had there own rigs.

RS Own cars okay, and who went the other way, to Martin's Ferry?

WH It was um Sergeant Masten was on duty, and um Officer Mabry was on duty and then uh Officer O'Rourke was called out from his residence, he's living in Weitchpec right now so he's probably the first one (1), met Joe and Officer Mabry down there, and Officer Carpenter was called out of his residence, from Norton Field and he responded that way.

RS Okay.

WH All had there own rigs.

RS Okay and so you, you were at Pine Creek?

WH Uh huh.

RS Um what happens after that while you're there with those guys?

WH Um, what was it "X" thirty (X-30) is on the radio and said over, says um if they haven't spotted them, you know they gave a time frame, last time somebody saw them, then um we get, if uh by oh one thirty (01:30) if nobody spotted em, then everybody was to go home so, and it was about ten after one (1:10) I think got a call, a resident reported they saw a black rig was turning his lights on and off and he was at mile post fourteen (14) so we're where's mile post fourteen (14) is that closer to the Hoopa area or is it past, we knew it was right in the general area where the turn off to come Bald Hills to Hoopa,

RS Uh huh.

WH Or was it past (INAUDIBLE) Martin's Ferry. Then about one twenty (1:20) one twenty five (1:25) I forget what Sergeant Masten said we have a vehicle approaching, then

I'm like he went over Control One, (1) he went Code thirty three (33) then the next thing you know come back, it's the vehicle, we're in pursuit. Then that's when we went there basically Code Three (3) until you know

JD (INAUDIBLE)

WH Bald Hills and all the way from down there, we met them down, but that was I forget where we were when they said um, maybe we were in Hoopa, maybe we were in the Bluffs, when the first shots were fired.

RS Okay.

WH (INAUDIBLE) you know we get down there then, then, we get maybe to Weitchpec or on one sixty nine (169) when they said that we have, actually shot again and hit a rig, we met them at milepost twenty two (22)

RS Twenty two (22)

WH Twenty two oh eight, (22.08)

RS Yeah.

WH That's where we met them, that's where we met up with uh Officer O'Rourke, three (3) vehicles parked there and um Sergeant Masten, Officer Mabry, the Yurok rig was there, [REDACTED] was there, um and then (INAUDIBLE) was there, then we decided we didn't know where they wanted to go farther up the road, we sat there and we talked and we said "no" we'll just pull back down to the Bridge, forget what creek that is, right there so then a few minutes later, twenty (20) minutes, maybe half hour, that's when Sergeant Miller showed up and that's when we decided to go up, make sure, get back to the crime scene and secure that, then we got up there and um we decided we'd put um three (3) units, two (2) man units and then just cruise (INAUDIBLE) uh Deputy Filyau and Sergeant Masten were in his vehicle with lead, then Officer Carpenter, Officer Mabry went in um middle rig, then uh I was with Officer Craft in the Crown Vic and we just cruised down the road towards um Pecwan, checking the little off roads here, and checking see if we seen fresh tracks. Made it to uh Wautek, um the Church down there, fire station, turned around there and then um we start coming back, then Sergeant Miller got us on Clemar, he said I want you to leave two (2) units down there, four (4) of us, stay down at Wautek so by then Deputy Filyau and Sergeant Masten went back and met with um, Lieutenant Kane and, and um Sergeant Miller there little command post they had just north of the original crime scene.

RS Okay.

WH And then.

RS You guys were stationed at the School then?

WH No we were stationed at the church.

RS And what time was that?

WH We were probably there from maybe four (4) to about daylight.

RS Did you guys see anything during that time?

WH No, we didn't see nothing you know, nobody was out. Then before, I guess it was right before daylight we seen a rig and it had no lights on, but it was a [REDACTED] van that, like there's the church then just south of that there is a residence, you know (INAUDIBLE) [REDACTED] van that came and said oh yeah, I never seen nobody I'm just, you know, coming down to wake my daughter up, so then maybe a little bit after that then, then that's when he showed up (INAUDIBLE) so I guess (INAUDIBLE) [REDACTED] rig, we're just you know, just talking you know I had my, we had um our rigs were parked facing north, and I was my backed turned to the road and like I said I (INAUDIBLE) and Darrel, Officer Mabry goes hey there it is and it was just creeping up the road and it got to that residence and there was parked cars, I mean like four (4) five (5) parked cars along the road in front of the residence and there is a basketball hoop and he stopped right there and then we all just looked at each other, we raised our rifles at him to see what he was gonna do, then while he was backing out that's when I noticed that something came out and (INAUDIBLE) on the mirror.

RS On the mirror.

WH You know I just saw the motion come up it looked like something black you know.

RS Yeah.

WH And I thought to myself and after later we talked you know why I didn't fire was cause the residence there, that lady was just there getting out of her rig.

RS And it looked like a rifle?

WH It looked like something you know, I had after him,

RS Something black.

WH Something black, and plus everything that happened before you know.

RS Yeah okay, and that's as he's backing up.

WH He's backing up real slow.

RS How far away is he from you?

WH down the road, he's probably about sixty (60) yards.

RS Okay.

WH You know and he's backed up real slow and then we radioed in and they said oh we're coming your way, but then they said just hold your ground because once you get down there you can, you can see them go up School Road but there's, we kept looking, walked down the road, we didn't know what he was going to do so they told us to just stay your ground and just let him, and then when they came um, um what is it, Pecwan Bridge, I don't know maybe it's five, (5) five (5), six (6) miles from so when they get down there that's when he's coming out of that residence, or coming out of Pecwan Creek Road or residence, the Reed residence right there, there's a road down there, that's when they initial shot out.

RS Did you hear anything?

WH Oh hear ten (10) rounds right off there, it was like (imitating gun fire)

RS And by that time are you guys still at the church or are you guys at the school?

WH We're at, we're at the church. They said just stay your ground then we'll just close in wait until we get in there you know so you know were holding our ground and we were gonna get ready to um get in when we heard the initial shots and then you hear like (imitating gun fire) you know it's like so that's when we talked, that's when he's shooting the first rounds are his, then it's officers returning fire.

RS Okay.

WH Then Sergeant Masten gets on the radio, shots fired, we're getting our rigs ready to come down there, he says no, we're at School Road, he says stop there, he's coming towards you guys, and then they said, we set up right there at School Road there's a corner, School Road goes up to the left, and the corner comes around, so we stayed right there you know for the cars in the road kind of, but he could barely get threw if he had to and we just sat up there with our guns (INAUDIBLE) but he never did come and they couldn't tell cause they stayed back across the bridge so they didn't know where exactly where he went. So then after that we said they don't know where, someplace between Pecwan Bridge and School Road, so then they said we'll just wait, we'll just hunker down until

RS Was it light out when uh you heard the shots?

WH It was getting light, I mean you could see I mean there was you know, sun wasn't up but it was light you know.

RS What um, what did you guys do after that then?

WH We just stayed right there at School Road then we had a, well the first time we were sitting up waiting for him, then we had a school bus come down the hill, from School Road, the driver, the school bus driver and we just you know and we just, went up the road a little bit, I ran up the road and we just (INAUDIBLE) we just gotta stay and get this bus out of here, if he comes around the road, we got to protect this bus, we got the bus, it's like hey go in the road and just stay there, now don't and she says well I, I was going to the church, I guess that's where she parked the bus at the church, and she went into the church so.

RS How many shot would you say you heard?

WH I'd say at least, at least fifteen (15) fifteen (15) at least fifteen (15) cause I know that initial (INAUDIBLE) of round, it was like (IMITATING GUN FIRE) it was like then you know, and it sound like, I though I asked the guys later I got, did you hear that shot gun, you know, (INAUDIBLE) you can tell the difference between a pistol or a gun you know what I mean, you know, but it sounded (INAUDIBLE) but I asked around, anybody have a shotgun you know cause nobody said they said they shot a shotgun, you know but it was just an echo at least fifteen (15) rounds at least.

RS All right Willie I'll end the interview at fifteen twenty-five (15:25) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective, Humboldt County Sheriff's Department

SUBJECT:

STATEMENT OF: [REDACTED] A. McFarland

VICTIM:

LOCATION:

DATE & TIME: May 6, 2004

ALSO PRESENT: Jim Dawson, Deputy District Attorney Investigator.

RS=Rich Schlesiger

JD=Jim Dawson

[REDACTED]

RS Okay the date is May sixth, two thousand four (May 6, 2004) time is (INAUDIBLE) hours, it's case two, zero, zero, four, zero two eight, eight, eight, (200402888). [REDACTED] what's your full name?

[REDACTED] It's [REDACTED].

RS [REDACTED]

[REDACTED] Uh [REDACTED] is [REDACTED]. It's land.

RS [REDACTED] your date of birth?

[REDACTED] [REDACTED]

RS And where do you live at [REDACTED]

[REDACTED] I live [REDACTED].

RS phone number?

█ At home is █ and I have a cell phone also, if you want that?

RS That's fine, well give me your cell just in case.

█ █

RS You're employed with?

█ National Park Service, Redwood National Park.

RS As a Biologist?

█ Yeah Biological Technician

RS (INAUDIBLE)

█ Yeah Biological (INAUDIBLE)

RS Phone number at work?

█ (INAUDIBLE) █

RS Uh how long have you been a Biologist with uh State Parks?

█ Uh I've been with Redwood National State Park, as a Biologist since the first of April. I think that's right.

RS Okay, um.

█ And I worked with uh that park before as a um, technician for Cultural Resources, so I've been there for over a year.

RS Okay and um back to the fourth (4th) okay.

█ Uh huh, it that Monday?

RS Tuesday.

█ Okay yeah Tuesday, early in the morning.

RS What time did you wake up

■ Tuesday?

RS Tuesday.

■ Uh let's see I went to bed at about four thirty five (4:35) um and probably got up at eight thirty (8:30) yeah.

RS Don't get much sleep then.

■ Yeah, well no that was unusual.

RS Um and what time did you arrive at work?

■ Well Monday was the night of the incident.

RS (INAUDIBLE)

■ (INAUDIBLE) I'm confused why you're asking about Tuesday.

RS Monday then.

■ Okay, Monday, um I probably, lets see what was my Monday.

RS What time did you got to work?

■ Monday's I don't have class, I go to work at two (2) in the afternoon.

RS In the afternoon. Okay uh did you meet at the, at the Park Station there in Orick?

■ Yeah we all meet at S.O.C. and then we get ready for whatever we're gonna do, do our planning.

RS What does S.O.C.

■ Shop Operation Center,

RS Okay.

■ Sorry. Um then we meet with the crew and talk about what sites were gonna go to and what we need.

RS So you guys meet at two (2)?

■ Uh huh.

RS Who, who's you guys then?

■ It was ■ myself, and our Supervisor ■, our other two- (2) crewmembers um, ■ and ■ were already out at a site, they were doing an overnight so.

RS You guys met, did like a little briefing.

■ Uh huh, trying to decide what sites to go to.

RS And where did you guys, what time did you guys leave?

■ Um, I have all these written down at work, but lets see if I just remember, we wanted to be out before dark because we were doing a hiking to get Spotted Owls and certain protocol you have to follow (INAUDIBLE) um so I think we left work at four thirty (4:30) is my recollection now,

RS Okay.

■ I have it written down cause we keep a field log of where we are when and

RS Okay.

■ That sort of thing for our data.

RS Um and you guys headed out to Bald Hills?

■ Yeah um we go up Bald Hills Road, and then we went down the Tall Tree's Access Road, it's called and parked at the Tall Tree's Trailhead, which is the trail a lot of people take in the park, um but we have two (2) owl sites that we call from there so we hiked in, did our job with owls and hiked back out.

RS So did you, did you park down there at Tall Trees then, then you walk in?

■ Yeah, yeah.

RS What time did you guys make it back to you, your truck?

■ Our vehicle, it was probably um about eleven thirty (11:30).

RS That night?

■ That night.

RS Okay, then where did you guys go from there?

█ Then we drove um, we had one (1) more site to call cause we had uh some Owls that were located at our Cloak Head Creek site, but we also had another species of (INAUDIBLE) so we didn't do our regular calling so we drove uh from the Tall Trees Grove parking area, to the gate cause there is a gate there um park service gate that's locked and then we back tracked a half a mile so that we would be above the point where we would usually call and then we'd call from there so that was sort of a not typical survey point, but it was one (1) we've added in just to try to see what was going on with this pair of owls so we called there fifteen (15) minutes, got back in the car and drove back to the gate, unlocked the gate and went to the Bald Hills road and then started going back towards S.O.C., so that would have been turning left on to the road,

RS Heading back down towards (INAUDIBLE)

█ Heading back down, yeah.

RS And eventually uh, well let me get this first, what kind of vehicle were you guys driving?

█ A jeep.

RS White?

█ Yeah.

RS Cherokee was it or something like that?

█ Something like that yeah, it's, it's.

RS The longer ones (1).

█ Yeah it fits people in the back.

RS And where is everybody sitting in it?

█ Okay I was driving,

RS Okay.

█ Uh █ was in the front passenger seat.

RS Okay.

█ █ was in the back um on the passenger side.

RS Okay, what did you guys come on?

█ We saw um, like I said I was driving and I saw a vehicle with it's headlights on stopped in the oncoming lane, so it wasn't pulled off, it was still in the road, and I also saw

RS Is it one (1) lane or two (2) lanes?

█ It's two (2) lanes.

RS But it's not paved right?

█ You know parts are paved, parts are not.

RS Okay.

█ It's, it's real sketchy

RS Okay.

█ Um and I, I think I was trying to remember whether that section we were on was paved or not and I can't be absolutely positive.

RS Okay.

█ I know what we had seen, cause we were trying to figure out exactly where we were cause they tried to go back and find you know bullet casing and what not and there's um I remember as I was driving seen the trailhead sign for Lost Man Creek

RS Okay.

█ Um which is on the right hand side.

RS Okay.

█ Because we had hiked Lost Man a few days earlier so I

RS So you're closer towards Orick, you've past Lost Man Creek, right?

█ Yeah we just past Lost Man Creek and we were before Lady Bird Johnson Grove cause I remember driving past that after the incident.

RS Okay.

■ Cause it gets (INAUDIBLE) so it was on a stretch where um there's second growth forest I believe on both sides of the road um so there's trees on both sides, not like you have an overlook anywhere, uh it was fairly straight, slightly downhill grade for us, but not real steep, because it does start to get really steep and really windy.

RS Okay.

■ Um after, after that point so it was before it got really windy and steep. Um so anyway I saw a car with headlights shine towards us um a large vehicle, not like us, it was actually (INAUDIBLE)

RS Do you recall what color?

■ I just saw headlights shinning so I didn't really see what the color of the vehicle was.

RS Okay your jeep, does it have any markings on it?

■ Uh as far as like state markings?

RS Yeah.

■ No, no.

RS No nothing.

■ Just the white,

RS Does it have government plates?

■ Yeah, it's got government plates, and I also saw a man in our lane, standing parallel with his vehicle and I wasn't sure, you know why they were standing there of course and so that's when I started to slow down and ■ and I were talking back and forth, you know saying what do you think is going on, he's like oh be careful go really slow there's you know, there's somebody stopped there.

RS Who was the man standing then?

■ He was standing um in our lane, probably about the middle of our lane, um parallel with his vehicles, so um

RS Okay.

■ And then when he saw us coming as we approached, he went between his vehicle and the trailer, he was hauling a U-Haul.

RS Okay.

■ And uh I didn't see the color of the SUV, but I know I saw the U-Haul and it was U-Haul brand U-Haul it wasn't another brand and, and, I just started thinking at that point, this is weird because for one (1) you just don't Bald Hills Road is not one (1) you choose to drive with a U-Haul.

RS Right.

■ Dumb, and also I think just you know living in Humboldt you see a U-Haul out in the woods and you start to get suspicious.

RS Exactly.

■ Um so I was like this is a little strange, so I was going slowly and um I asked ■ should I pull over and he said well we're suppose to check and see if they need help, but instead of stopping with the vehicle I just kind of rolled on by and I think that just comes from being a woman and being more you know cautious about things.

RS Uh huh.

■ It's like well I'm not going to stop and I'm going to king of assess the situation, so I, I went very slowly by, looked over and what I saw was a man crouched down between the car and the trailer, where the hitch would be.

RS In front or behind the hitch?

■ I believe behind the hitch, from where I was, the hitch would be between us.

RS Okay.

■ And you get to this point where it's like well what actually did I see and what was my mind trying to make sense of because I saw he was holding something, I assumed it was a flashlight and I know that the individual looked at me, or looked at us because I saw his face, and my impression was that he was smiling at us and I don't know if that was something I projected on to it or but, there wasn't a look like panic or concern or and so I read his expression as either I'm okay you can keep going, or gee I'm glad to see you because I need help so that why I still wasn't sure, well what should we do and um I think that was the point where I was (INAUDIBLE) should I pull over and um but he didn't look surprised or shock or you know to see us and he was kind of crouched down.

RS At that point how far would you say you guys were from him?

Well we were, he was in his lane and we were in the other lane so

RS That's not very

Yeah like six (6) feet or whatever that is, not far at all and um I interrupted his crouched position as he was fiddling with his hitch, like maybe he had something wrong with his hitch or just checking the connection or something, um so I pulled forward uh flowing to a stop um put the car in reverse and you know (INAUDIBLE) running threw my head you know is this a safe road to backup but, but it also you know still not real comfortable of a situation so I put it in reverse and started backing up and I remembered hearing, well looking back (INAUDIBLE) cause I was backing up so I was looking back to make sure that I wouldn't hit the trailer,

RS Which, which shoulder?

(INAUDIBLE)

RS Threw the middle then?

Threw the middle yeah and I remember seeing um the man come back from between his vehicle and the trailer and standing in lane again and then I remember hearing a pop, pop, pop, sound and just instinctually knowing get out of here, this is not get out of here, this is not good. Uh I don't remember putting the car back into drive, but I know I did cause I just height tailed it out of there after that and um glass was flying to the front because I could feel it showering the side of my head and um then was like you know, oh shit, what's happening.

RS Uh huh.

And uh he was crouched down and he looked at me and I was just kind of you know hunched down driving, (INAUDIBLE) had to drive and uh when he looked back and he said you know he just shot out our back window and that's when I first realized oh, we're being shot at because you know for there to be glass flying something has to be hitting the glass so therefore someone's shooting at us.

RS Uh huh

So that's when it first like sunk in, um and of course I knew was okay cause he was talking to me and I looked back and I could see the window was all shattered and

RS The very back window?

■ The very back window, the back window and um I could see ■ crouched down also and um so I wanted to make sure she was okay and once I saw that you know everybody was relatively okay then I wasn't, it's like I wasn't scared, I wasn't panicked, I was just focused on getting out of there and so I just drove.

RS Okay.

■ And um then at that point the road um like as I said we were at a straight, fairly flat stretch and right after that point the road gets real windy.

RS Okay.

■ And so then we went into you know trying to find the cell phone and call on the radio for a south district ranger, realizing they're all off duty so he found my phone that I had in my pack and I thought I had our dispatcher programmed into it but I didn't so then we found the work phone, called the dispatcher and that's when we called Nor-Com and told them what had happened and

RS When you saw him walk our, where exactly in the road would he be standing, right

■ In the middle of our lane.

RS In the middle of your lane, okay.

■ Yeah.

RS Okay, did you see him raise anything, or anything like that when he was standing back there?

■ Um when we were coming towards him and said he might have been carrying but, carrying something but I think it was a flashlight cause that, that would have made sense to me.

RS Uh huh

■ Um so that's what I would have interrupted it as. I remember seeing him in our lane and thinking um you know maybe he's not the only person, somebody else might jump out from between the car, or there might be kids around or something, so that's why I was really slowing down cause I didn't want to hit somebody and um and then so he was standing in the middle of the lane, jumped between the vehicle and the trailer and then when he came back out and I was looking back, he did raise something and cause I remember ■ saying is he, you know, is he flagging us down because he was waving something.

RS When you say raised something can you demonstrate for me.

Well it's like he raised his arms, I mean I wasn't focused on him because I was focused on the trailer so I wouldn't hit it, I mean I didn't want to hit him either but I knew I wasn't that close and um so I was sort of like it was just in my peripheral I saw him but uh just kind of like raised something and

RS Was it with both hands or some type of thing?

You know I couldn't say for absolute certain

RS But something.

Something, something comes up, I could just see movement. As I say I wasn't focused on him um and then as soon as I heard you know started hearing the sound, it's like that part is just like blocked out I don't remember exactly what I did, I just know that I was getting out of there.

RS Okay, yeah. When you heard those pops, did you see any flashes or anything like that when you were looking back?

We were kind of talking about this and, and um cause there was light and I don't know if that was, I mean it couldn't have been reverse lights on the vehicle because it was obviously parked, it wasn't going anywhere, but there was light shinning at us so that's why I think also that's why I interrupted there must have been a flash light un and was discussing how, he's like I don't if that was a flashlight or a blast from a gun, your just that there's light but not knowing what to associate it with and you know your brain interrupting what you would expect it to be not you know something as bizarre as someone shooting at you.

RS Um what time was it about when you were there?

There, well it's only a few minutes past the Tall Trees Grove access so I'd say it was right around eleven thirty (11:30) midnight (12).

RS Okay, okay.

And as I said I have this written down in my notes of where we locked the gate and that sort of thing, I just don't have those with me I do have those times written down.

RS Did you guys have your windows rolled up or rolled down?

Rolled up.

RS Okay all of them were rolled up?

■ Yeah yeah.

RS Did any of the windows, besides the back one(1) get blown out?

■ No, no, it's just like seven holes in the back window I think.

RS Okay.

■ The shots kept coming, it was just like pop, pop, pop, pop, pop, and I just remember thinking this is never going to end.

RS Okay.

■ You know I've got to get far enough away.

RS These pops how many of them would you say you heard?

■ Oh as I said they just kept going, so um I think it took the first two (2) for me to realize something is wrong, that's not like me (INAUDIBLE) or something, it's either coming at us and then um, I think at that point the glass started flying too.

RS Okay

■ So um I just remember thinking these are never going to end, but I would say there were at least a dozen.

RS Okay, could you hear anything else besides the glass and the pop, pop?

■ I don't think, ■ swearing that was probably about it.

RS Okay, this man

■ Uh huh.

RS You, you, you said you looked at him, could you describe him to me?

■ Yeah he was not very tall I think when I looked at him he was about um about as tall as the SUV and the trailer, they were about the same height. It wasn't like they he stuck way up or way down below, it was about the same.

RS How tall would you saw he was?

■ Um, so at this point I know how tall he is (INAUDIBLE)

RS (INAUDIBLE)

■ I mean I know, I knew he was under six (6) feet, I knew he wasn't that much taller than me and I'm five, five (5'5")

RS Okay.

■ So um and uh I remember seeing dark hair, I know he's been described with a mustache, I don't remember the mustache, I just remember the facial expression which I was you know had a hard time interrupting.

RS Have you looked at the paper?

■ No I haven't seen the photograph.

RS Um obviously it was dark out, was the moon out?

■ Yeah the moon

RS That you could see him very well.

■ It was almost full, um so there would have been moonlight there of course our headlights and there seems to be, that's why I think he must have had a flashlight or something cause there seem to be light between the trailer and the, the back of the vehicle. I mean enough that I could see the face pretty well.

RS Okay, hold on one (1) second for me all right?

■ Oh sure.

RS Does this person look familiar to you at all?

■ That could have been it I'd have to see him smiling.

RS Okay.

■ Yeah and he had a hat on, so I don't remember like poufy hair, I remember dark hair on the sides.

RS Do you remember what kind of hat?

■ Um like a baseball cap type a thing.

RS Do you remember what color?

■ It was dark, I think he was wearing like all blue, or (INAUDIBLE) dark clothes.

RS All blue or dark colors.

■ Yeah.

RS Okay.

■ Yeah that could be because I remember kind of a wide face and um I didn't focus as much, but the eyes definitely look similar, he had kind of a broad face, eyes wide spread, and (INAUDIBLE) smile.

RS Smiling at you huh?

■ Yeah that was the weird thing, it is like you know someone smiling at you and it's like oh.

RS (INAUDIBLE) um.

■ But as I told the sheriff, I said you know if I past him on the street I'd probably (INAUDIBLE) as that's the person cause I wasn't thinking that type of.

RS Well and it's dark and I can understand that.

■ Yeah and he was crouched over too.

RS Right.

■ And it was kind of looking up at us so.

RS Okay with a hat on.

■ Yeah.

RS Um I know you didn't get that good a look at the, the SUV but can you remember if it was a light color or dark color?

■ I already, I've been told what it was so I don't want to say, but as I say it was large and then the U-Haul was large so it was yeah, but I didn't, I didn't look at the color of it, I can be honest about that.

RS Okay the U-Haul was it a, there's different sizes of U-Haul trailers.

■ It was probably the largest thing you can haul behind a vehicle.

RS One of the bigger ones (1).

■ Yeah as I said it was not a low to ground one (1) it was probably about six (6) feet height or so and um big boxy thing.

RS Okay, cause they, we all see them and there's the bigger one(1) and I think there is a medium one (1) and there's that little dinky one (1).

■ It was not the dinky one um, I wouldn't know exactly how long it was, I know the height was the same height as I said as the SUV, it was a rather sizable one(1).

RS Okay. ■ is there anything that I haven't asked you that uh would be important for me to know that you can think of?

■ I don't think so, where it was that I saw him, yeah I tried to just put everything in the statement, I think the only think I might not have been in written statement that I talked about today which was something that came up and I was thinking about it later was that I'd seen him um in our lane, before we past him, um that might be something.

RS When you, when you first got there, he was in your lane?

■ Yeah, yeah and I think I might have been the only one (1) who saw him standing there cause we were talking about it before, I don't remember him standing in our lane and thinking that's really odd, and that's when I started thinking is he flagging us down, but then he jumped, you know away from us, so that's why I was wondering is someone else going to jump out from behind the vehicle and yeah.

RS Okay the other thing I wanted to ask you there's the SUV, the trailer?

■ Uh huh.

RS And you guys, how far do you guys pull up and put (INAUDIBLE)

■ How far past?

RS Yeah.

■ Um I guessed it was about like five (5) car lengths so

RS So quite a ways.

■ Yeah it was quite a ways um, I think so, I think about five (5) car lengths.

RS And then

■ Um cause I was, as I said I was really hesitate, so I wasn't ready to stop and say "hey you need some help" so

RS Right, right.

■ So I was, I was rolling on by and then we talked about it a little bit and I stopped before I put it in reverse.

RS So you stopped as soon as you put it in reverse you start to back up?

■ Uh huh.

RS How far do you back up until you see him in the middle of the road.

■ Maybe a car length.

RS Okay and then how long, as you still backing up when the shot happen?

■ Oh yeah, cause I had every intention of backing up parallel to him again.

RS So how far are you coming back until the shots fired?

■ Um how far?

RS Yeah.

■ I guess it was like I said, I thought it was like a car length.

RS About the same in there as when you first looked back and seen him?

■ Yeah, well yeah, well maybe a little bit longer, it was probably another second, two(2) seconds

RS But not much.

■ Second, two (2) seconds later, not like it was very long.

RS Okay,

■ Yeah.

RS Anything else ■

■ I think that's it.

RS Yeah, I'll give you my card and we'll go from there.

■ As I said, you know as I think about it more and

RS Exactly yeah and remember a few more things.

■ Yeah.

RS Okay we'll end our interview at fourteen forty- seven (14:47) hours.

■ And I can get a copy of um like exactly what time it was from my log book.

RS That would be great, yeah, that would be real great.

■ Okay.

RS Okay.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Jim Dawson, DDA Investigator

SUBJECT:

STATEMENT OF: [REDACTED]

VICTIM:

LOCATION:

DATE & TIME: May 6, 2004

ALSO PRESENT:

JD=Jim Dawson

[REDACTED]
JD Jim Dawson Humboldt County District Attorney's Office, I'm in the Sheriff's Department Detective Bureau and I'm talking to,

[REDACTED] [REDACTED] uh Biological Science Technician at Redwood National and State Parks, based out of Orick.

JD How do you spell your last name [REDACTED]

[REDACTED] [REDACTED]

JD What's your date of birth?

[REDACTED] [REDACTED]

JD What's your home address?

[REDACTED] [REDACTED]

JD What's your phone number?

█ Uh, █

JD █

█ everyone always does that, █

JD Okay and how long have you worked for the department?

█ Um, I've been on permanent for two (2) years, seasonal additional three (3) years so I've been five (5) years, based in Orick.

JD Okay what is, predominately do there?

█ I go perform fish and wildlife surveys.

JD Okay and on May fourth (4th) where were you?

█ I was uh in the Bald Hills coming off Tall Trees Grove, actually it was the night of, end of May third (3rd) or late about eleven forty five (1145) we finished our evening.

JD Who's "we"?

█ Um █ and █ uh seasonal technicians that I worked with. that evening. Uh we were going back down the hill, down Bald Hills road, it would have been basically westbound Bald Hills road, and uh then kinda came around the corner and saw a vehicle, dark SUV with a U-Haul stopped in, on his lane which would have been the right lane going east bound, stopped in the lane and uh our policy, working for the National Parks Service both the other two (2) women I work with are seasonal so they don't necessarily know all this, I know what our policy is so I told her to slow down and we went past the vehicle and we're suppose to give assistance um, you know see if the vehicle, what the problem is, you know call for a ranger, call for a tow truck whatever.

JD Uh huh.

█ So we um proceeded past the vehicle, as we were going past the vehicle, noticed a um quote a Hispanic looking man, uh kind of bend over at the trailer hitch and I saw him stand up and I noticed he had a dark mustache, that's when I said he was Hispanic looking more than say native American or um, uh we pasted his vehicle about twenty-twenty five (20-25) yards, I told █ that lets back up and see what the problem is, or what's going on um I was in the passenger, front passenger seat.

JD Uh huh. Who was driving?

██████████ was driving and ██████████ was in the back seat behind me on the right side, and uh I turned around and looked over my left shoulder as we started to back up and I noticed a light um flashing and I know I had difficulty focusing what exactly that was, I'm not sure if that was a flashlight flashing at us or if it actually was the muzzle blast um you know within you know pretty much as that time as soon as we started backing up um we started getting shot at, I don't, I did not realize we were being shot at until probably the second (2nd) or third (3rd) time you know I really heard the noise um at that time um I covered my head and turned around and put it between my legs,

JD Uh huh.

██████████ Um was there for a second. I think I you know yelled you know we're being shot at, the back window was shot out, I turned to my left and looked at ██████████ to make sure, I could feel the car was moving and I wanted to make sure that we were going down hill and not, cause we were in reverse when this first happened, that she just didn't punch it and go closer to being shot at.

JD Uh huh.

██████████ She, we were going, everything was fine uh we were taking off down the hill um, you know I think shots were still continuing to go, asked if she was okay she said yes, I turned around and asked if ██████████ was okay she said yes. Um we just started heading down the hill, I tried to get on the park radio to call a ranger but I knew they were off duty at that time uh so then we started looking for cell phones, ██████████ got her cell phone um, thought we had the NorCom dispatch programmed in her cell phone it wasn't, um I told ██████████ to look for I think, someone we told ██████████ to get the park service cell phone cause we have the NorCom dispatch um programmed in that, uh she located the, or she got the NorCom there gave it to me I dialed the phone and at that time you know I said who I was, were I was, what just happened um, then the dispatch woman told me that she got a call about fifteen (15) minutes before this that CHP officers were fired at on the by- pass, at which time that made me feel very relieved because I knew that law enforcement would be on this guy, cause that's what I was worried after we got shot at that someone could get there cause Bald Hills goes forever, pretty easy to disappear up there. Um was online with the dispatch woman as we went down hill um met Bald Hills where it met 101, we turned southbound uh on 101 as soon as we came at the north end of Orick, I saw a CHP officer pulled over the side with his headlights on and ██████████ started flashing he headlights and he hit us with his spotlight uh, ██████████ pulled over I was still on the phone with dispatch, I ran across to the cop, CHP officer said our vehicle's just been shot about I think I said six (6) seven (7) miles up Bald Hills road, and he took off in pursuit and then we went back to uh our office there in Orick and proceeded to call our Ranger and so forth.

JD How far up Bald Hills road do you think you were?

██████████ I would say uh approximately six (6) miles.

JD And do you have any markings on your vehicle to differentiate it from a uh, as a government vehicle?

Just the license plate, we don't have any insignia's on the side of the door and I think that's when he started shooting is cause we slowly went by I don't know if he knew we were the feds yet or not, but as soon as we put our lights, back up lights on which we have our license plate lights, so he would have seen the federal vehicle there, we were only twenty (20) twenty-five (25) yards away from him so I'm sure he saw that and when he saw those reverse lights come on you know, we were going back to help him and he thought we were going back to you know do whatever.

JD Uh huh.

Um and that's when he started shooting?

JD How many rounds do you think he fired at you?

Uh well from the car there is like eight (8) or nine (9) but I couldn't, I don't know if he fired more than that um.

JD You don't know?

No. All I know is I heard pop, pop, pop and you know realized what, what was going on.

JD How many rounds did you hear hit the car?

Um to be honest with you, I don't know even know if I heard any of them really hit the car.

JD (INAUDIBLE) rear windshield, rear window

Well it's evident there's six (6) of them, (laughing) so but you know just with, with, I remember hearing the noise and, and the popping noise, but as far as hitting the windshield, but I remember said, I said you know blanketity-d- blank , the windows shot out so,

JD Did any of those rounds hit the front windshield?

No.

JD Okay, all right uh would you recognize this guy if you saw him again?

■ Um vaguely I have a semi impression of what his face looks like um, I recognize the big black mustache, you know that's definitely

JD Does this look like him?

■ For the most part, but not, I can't say one hundred (100) percent that that was him.

JD Okay, that's all right. What else can you tell me that I haven't asked you?

■ UM, nothing really I mean that's pretty much what our,

JD Did you ever see a gun?

■ I never saw a gun a no.

JD Okay and could you tell if he actually had a flashlight or if that might have just been the uh muzzle flash of the gun?

■ I could not tell you that either. I did not, no.

JD Did you see his vehicle actually move away from the scene after that?

■ No.

JD You were moving this direction, he was going that direction.

■ Yes.

JD Okay did you see anybody else around there with him?

■ No.

JD Okay, do you remember if his car was running at the time or if it was turned off, do you know?

■ Um I do not know what it was doing, it was yeah.

JD When you went by was your window rolled down, his win, your passenger side window rolled down or anything?

■ My passengers side definitely not and ■ I don't think was either, the driver, I don't believe so.

JD Okay. Al right I can't think of anything else to ask you at this moment, if you've got something else that you haven't told me.

■ No, no.

JD All right, we're gonna discontinue this conversation, the time is fourteen forty-five (1445) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Investigator Jim Dawson

SUBJECT:

STATEMENT OF: [REDACTED]

VICTIM:

LOCATION:

DATE & TIME: May 5, 2004

ALSO PRESENT:

[REDACTED]
JD=Jim Dawson

JD I'm in the Sheriff's Department Bureau and I am talking to?

[REDACTED] [REDACTED] [REDACTED]

JD [REDACTED] can you please tell me who you work for?

[REDACTED] I work for Redwood National State Parks service.

JD All right, what do you do there [REDACTED]

[REDACTED] I am a biological technician, I just started a couple weeks ago and I'm uh primarily doing Spotted Owl surveys.

JD Okay, could you spell you last name?

[REDACTED] [REDACTED]

JD Okay and it's [REDACTED] with a [REDACTED] OR [REDACTED]

[REDACTED] A [REDACTED]

have done that, but um about oh probably seventeen hundred (1700) or so we went to you know the tall trees grove, a place called Emerald Creek, we went down the trail there. We parked behind a locked gate and we were done with our survey at about um twenty-three thirty (twenty three thirty) came back out and we did one (1) last call point behind the parked, or behind the locked gate. I really don't know the names of these places cause I'm totally new.

JD Okay

█ came out through the park gate and it's, and then came out on the Bald Hills road about a couple miles east of Lady Bird Johnson Grove.

JD A couple miles east of there?

█ Yeah, up hill from it, unless I have my directions wrong. So we're driving down towards Lady Bird Johnson Grove turn off and that's when, before we got to Lady Bird Johnson Grove I think it was we came upon a guy parked on the road, he was in a large, he wasn't in the truck, but he had a large shinning dark colored SUV, and it was hitched to a U-Haul trailer that was like a box shaped trailer about the same size as the SUV.

JD Uh huh.

█ And when I saw him, cause I was in the back seat, so I wasn't in the front seat, I didn't see what he was doing at first but when I saw him he was standing bend over the trailer hitch looking like he was fiddling with the trailer hitch. I don't know he had a flashlight or some kind of light back there and his headlights were also on so it was dark out, there's no lights on the road, we just had our headlights in his headlights and when I saw him, we were going by him cause we weren't quite sure if we should stop, so we were going by slowly. █ was in the right passenger seat in the front and █ was driving

JD █ is in the right front?

█ Yep, right front.

JD And

█ I was in the right rear, █ was driving.

JD Who was driving again?

█ █

JD █ driving.

■ Uh huh.

JD What kind of vehicle was this?

■ We were in a jeep Cherokee, white. I don't know what year.

JD Okay and did you have any type of emergency equipment in that vehicle, red lights, siren, anything like that?

■ No we had government license plates though. We had no other markings on the vehicle.

JD No markings on the door or anything?

■ Nope, just plain white.

JD And no light bar on top or anything like that?

■ No.

JD Okay go ahead, so what happen then?

■ So were driving slowly by and we're, they're kinda discussing in the front, you know should we stop and help this guy, what is the deal and it seemed kind of weird to all of us that you know, that you'd run into someone on Bald Hills road in the middle of the night pulling a trailer, that just

JD And what time do you think that was?

■ It was probably quarter to midnight, somewhere around in there.

JD Okay.

■ And so this all happened really fast but it seemed like it was in slow motion, so I, my part of the car was going by his thing, I, my immediate thing that I thought I saw was a rifle in his hand, but that seemed so odd and out of place to me, it just didn't like I thought I must be seeing things but before I could even say that to ■ and ■ had told ■ that we should back up and see if he needed help. ■ worked for the service for four (4) years and that's kind of the policy that if we run into people that are broken down on the road in the middle of the night, try and give them a hand if we can, but if it's a weird situation, we call the authorities.

JD Sure.

█ Could really tell. So we start, █ started to back up the truck and then we thought we saw, █ and I thought we saw the guy flashing us with a flashlight and I thought he had like at his right thigh and he came up with it a couple times like that and was flashing it, and then we thought he uh had it by his head and like turned it on and off a couple times but in retrospect we think that might have been the, the shot from the gun like the firing.

JD Uh huh muzzle blast, okay.

█ So just as we were starting back up he started shooting at us and it took us a second or two (2) to figure out what the heck was going on and um something went whizzing by my left cheek and grazed me on the cheek and the next thing I saw, █ and █ were crunched down and oh my god, better get down and didn't know which way to duck because him shooting something at us.

JD Uh huh.

█ Then um, we just said we got to get out of here and we just, █ drove very well, round a lot of curvy roads, but as fast as she could and even as we were driving away he was still shooting at us, and uh my worry was he's shot out a tire or something but he didn't and as we were driving away █ was getting on the radio to call Park Rangers, but they weren't on duty at that time of night.

JD Uh huh.

█ And we had to dig through and um find a cell phone and find the number for the Nor Com district that we're suppose to call, found that, gave the phone to █ he called, I don't know because Nor Com's in Sacramento or something, you probably know all this but

JD No.

█ There not really, you know they don't know exactly who we are, so █ had to explain the whole thing to her, trying to figure that out and um, she said oh well CHP officer was just shot at like fifteen (15) minutes ago and by the time we kind of got the situation um explained to her we were at the junction of Bald Hills road and 101.

JD Uh huh.

█ Turned south to go back to our office which isn't far from there and within a few seconds we ran into a CHP Officer on the other side of road and he flashed us down. █ got out and talked to him, that (INAUDIBLE) and we went back to our office and um █ had radioed us just as we were pulling into the office, she didn't know what was going on but she was on our survey too and we just keep in radio contact every now and then um we pulled into the parking lot, backed the jeep in um, got out and looked at

everything and we were pretty amazed cause there were at least six (6) seven (7) holes in the rear window and several of them were right at our head um level and pretty good aim.

JD Whoa.

■ Um none of us were hurt and we pulled our gear out, cause were just use to doing that when we know that we're suppose to leave everything in place but we had sweaty clothes from hiking, mice that we had to put away and um so then ■ took some photographs of the rear windshield and by that time uh a park ranger showed up, I couldn't even tell you his name right now cause I don't know anyone yet from the park service but uh shortly after that ■ showed up and then the head park ranger, ■ showed up, a sheriff's deputy came later. We were there until about three (3) in the morning talking to everybody and writing out statements.

JD How many times do you think he shot, how many, how many rounds did you hear?

■ Did I hear?

JD Uh huh.

■ Um, I'd say I heard at least seven (7), but we saw more holes than that.

JD Did you?

■ there were, there was one (1) threw the rear bumper, metal bumper, one (1) that pierced that and then there was one (1) that broke the right tail light uh, um turn signals Had a light and then skidded off or marked at least the side of the, the quarter panel in the back.

JD Uh huh.

■ ■ told me that it had imbedded in the wheel weld but I didn't really see that.

JD Uh huh.

■ So and the whole, the rear window was shattered of course, but in place still. I guess that's basically it.

JD Where did the rounds go to that went threw the back windshield?

■ Uh we didn't see anything in there, of course it was really dark when we got back

JD Did it knock out the front windshield?

■ It didn't and um I think who ever it was investigated afterwards, cause we been off work for a couple days, I don't know if it's the police, the sheriff's or the CHP but they couldn't find any things inside or any exit holes so

JD Huh.

■ Um things inside or any exit holes so we're not sure what he was firing, and ■ had glass in her hair so she had little tiny shards of glass in her hair and uh like I said I felt something graze my cheek and it was hot and stinging but I didn't have any wounds from it.

JD Okay.

■ Um ■ I don't think got hit or felt anything.

JD That vehicle has no red lights on it or blue lights, or any kind of emergency lights?

■ No, no. Well if you're trying to get at like why would he shot at us, um what we think is when we backed up he saw that we had government license plates cause it says, I don't know what it says on them, but there definitely different there marked plates and um

JD Okay.

■ You know but the fact that I think he saw a rifle as we were driving by, kind of made me think he was on the ready, cause he was, he had been being chased by the CHP at that point but we didn't know that so, I don't know I can't think of.

JD Okay so you were coming, I guess it would be west bound on Bald Hill road?

■ Uh huh.

JD And he was, his vehicle was facing eastbound?

■ He was facing, well he was facing up hill, we were going down hill.

JD Oh okay.

■ In case the road you know curves a lot there.

JD Yeah and uh

■ He was going in and we were going out.

JD Okay

■ Of the park.

JD Would you recognize him if you saw him again?

■ The sheriff deputy asked me that and you know, it's a maybe I might recognize him, yeah.

JD Take a look at this see if this,

■ Yeah I've seen this on the news and stuff, but yeah that definitely looks like him, he was very, he was dark hair, big dark mustache, um dark eyes and he had a cap on.

JD A cap on, what kind of cap?

■ Some kind of baseball cap.

JD Can you tell what color it was?

■ Um maybe tan but it was dark out and (INAUDIBLE)

JD Did you see any writing on it?

■ No, I didn't see anything.

JD Okay.

■ Again everything happened so fast that (INAUDIBLE) was like, like I said ■ and ■ were in the front so they saw a bit more than I did.

JD Okay, okay you weren't hurt in any way though?

■ No.

JD Physically?

■ No not physically, physically I, I was you know physiologically or whatever

JD Yeah

■ Not very good.

JD Okay all right. Is there anything I haven't asked you?

■ Well I don't quite know if you're trying to pinpoint, but um, I don't think there is anything you haven't asked me. I know ■ zero out the odometer and you guys will probably get that information from the, the last call point we were at because we had to measure, we had to go to the gate, zero it out and go back in like a half a mile, so from the gate plus a mile to where were she had the odometer reading.

JD OKAY

■ She could tell you more specifically where this happened and ■ is real familiar with that road too and they've both been up there a bit so they have a better sense of where we were.

JD Okay you're the new kid then.

CW I'm the new kid. ■ pretty new but she's been there about a month, or so five (5) weeks. That was my first time up that far up on Bald Hill road. When you're in the back and it's dark it's kind hard to know exactly where you are so.

JD Yeah okay. Okay ■ I appreciate this.

■ Okay.

JD I'm going to end this interview, the time is fourteen thirty four hours (1434 hrs.)

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective

SUBJECT:

STATEMENT OF: [REDACTED]

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004

ALSO PRESENT:

RS Rich Schlesiger

[REDACTED]

[REDACTED]

RS Okay the date is May fourth, two thousand and four, (May 4, 2004) the time is
[REDACTED] "o" five (11:05) hours. [REDACTED] right?

[REDACTED]

Correct.

RS How do you spell that?

[REDACTED]

[REDACTED].

RS Middle name, [REDACTED]

[REDACTED]

[REDACTED]

RS And last name?

[REDACTED]

[REDACTED]

RS And your date of birth, [REDACTED]

[REDACTED]

[REDACTED]

RS Where do you live at [REDACTED]

[REDACTED] I live in Loleta.

RS Where I was raised.

[REDACTED] Oh.

RS What's your address in Loleta?

[REDACTED] [REDACTED]

RS Phone number?

[REDACTED] [REDACTED]

RS Okay, I just talked with Marianne and she told me that you were doing a ride tonight with her, or not tonight but pretty much all day now.

[REDACTED] Correct.

RS What time did you start riding with Marianne?

[REDACTED] Um probably about five (5) o'clock in the evening.

RS Okay, then that would be yesterday.

[REDACTED] Uh huh.

RS Where, where did she pick you up at?

[REDACTED] She picked me up at my house.

RS Okay and you guys drove on out here?

[REDACTED] Correct.

RS Okay and um do you remember when Marianne said something to you about a shooting or anything?

[REDACTED] Um when we were down by Pecwan, we could hear um Del Norte taking about a shooting over by uh Trees of Mystery.

RS Okay, okay, uh what did you guys do then after that?

■ Uh we patrolled over in that area and um.

RS In what area?

■ In the Pecwan area.

RS Okay.

■ And um then as we were listening to the radio we heard that it was headed down towards Orick.

RS Okay.

■ And uh Marianne made the comment that she thought it would come over this way and she said should we head down that way and I said yes.

RS Cause of Bald Hills road?

■ Yes.

RS Okay.

■ And um just about the time we got down here we heard uh I think it was dispatch say that CHP or one (1) of the patrols had found the U-Haul on Bald Hill.

RS That the truck was supposedly carrying?

■ Correct.

RS Do you know what time you guys got the initial call about?

■ Uh the first call?

RS Yeah when you guys heard the traffic?

■ Oh I want to say around ten (10) o'clock but I could be mistaken.

RS And what time did you guys make it hear?

■ Um around eleven (11).

RS Eleven (11) okay. Did you guys meet with anybody here?

■ Uh Darrel Mabry.

RS Okay.

■ He's uh with Hoopa.

RS Okay and Joe and Joe?

■ Joe and Joe yes.

RS Okay.

■ I just saw two (2) more uh Hoopa rigs (INAUDIBLE)

RS Okay do you know who they were?

■ No idea.

RS Um and did you guys have the vehicles parked a certain way?

■ Um initially we were over on the um,

RS East side of the bridge?

■ East side of the bridge and Darrel and Marianne moved the um rigs over here to the west side of the bridge, um they started getting ready to, you know, get there guns ready and I decided to get out vehicle and um move down to the second turn out down there and then that's when the other um Hoopa.

RS So, so the turn out down here that we can see, so it

■ Yes.

RS It would be westward.

■ Yes, and um two (2) more Hoopa rigs showed up and they decided to line up the cars facing westward on the east side of the bridge.

RS So they had it blocked so he couldn't go towards Weitchpec?

■ Correct.

RS And did you see a vehicle come by?

■ Yes I did, I saw um lights coming down the road off of Bald Hill and they were approaching slow.

RS Okay.

■ And um I thought it was a car initially and then when it hit the bridge, I noticed it was a SUV.

RS Okay what color was it?

■ It was black, by the time it past me I noticed it was black.

RS Anything stand out about it?

■ Uh no just that it was uh the exact description of the car that was over the radio, a black Navigator.

RS Okay it was a Navigator?

■ Yes it was.

RS Okay.

■ And um it headed towards uh Pecwan.

RS Okay.

■ And it wasn't speeding.

RS Okay how fast would you say it was going?

■ I want to say about between thirty five (35) and forty (40) miles an hour.

RS Okay.

■ It wasn't going very fast.

RS Okay what happen after that, after it past you?

■ Um the Hoopa vehicles let out um, I noticed there was a SUV vehicle led first, with Marianne in the rear.

RS Okay, lights on, on the car or?

■ Yes.

RS Sirens?

■ No sirens, just lights.

RS Okay.

■ And uh they went down the road and probably about ten (10) minutes down the road, I heard gun shots.

RS How many?

■ I only heard one (1).

RS Okay, loud?

■ Yes it was fairly loud.

RS Do you shot guns?

■ Um since the academy yes.

RS Okay, so you're in the academy right now?

■ No.

RS You've been through it?

■ Yes, last Jan, uh

RS So you know the difference between a rifle and a handgun?

■ Yes.

RS What did it sound like to you?

■ Sound like a shotgun.

RS Okay, real loud.

■ Yes.

RS Okay so you hear one (1) shot about ten (10) minutes later, then what happens?

■ Um there, there gone uh I didn't hear anything else, I didn't see anything else and I waited out here for two (2) hours. I saw a Sheriff's going by and one (1) CHP.

RS Okay and you were just standing there waiting?

■ I was just sitting over on the logs.

RS Okay over here (INAUDIBLE) bridge.

■ Correct.

RS And eventually Marianne comes back and gets you?

■ Yeah about um, uh two forty (2:40) in the morning she came and got me.

RS Okay and she closes down the road and all that?

■ Yes.

RS And there was no shots fired here at the bridge then?

■ No.

RS Nothing, okay. Um and so you pretty much you guys have been here every since?

■ Yes.

RS A little tired?

■ Yes.

RS ■ is there anything about last night that you think would be important for me, that I haven't asked you?

■ Um I know that there were two (2) patrol rigs waiting over on Pine Creek road.

RS Hoopa or

■ I believe that they were Hoopa and a Sheriff.

RS Okay.

■ Um

RS Cause Bald Hills can go over to Pine Creek right.

■ Right. Um and I didn't see CHP coming down Bald Hill road, they came down the one sixty nine (169).

RS One sixty nine (169) and so did the other patrol car then?

■ All the patrol cars came down one sixty nine (169).

RS Okay, okay, um so is that about it, that you can think of?

■ That's about all.

RS Okay ■ well thank you and we'll end the interview at eleven, eleven (11) hours. Thank you.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective, Humboldt County Sheriff's Department

SUBJECT:

STATEMENT OF: [REDACTED]

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004

ALSO PRESENT: Shawn

RS=Rich Schlesiger

[REDACTED]
[REDACTED] down here.

RS Okay, I'll just set this down right there. Lets see the date is May fourth, two thousand four, (May 4, 2004), the time is sixteen-thirty (16:30) hours, and you're first name ma'am?

[REDACTED] [REDACTED]

RS How do you spell that?

[REDACTED] [REDACTED]

RS Middle name?

[REDACTED] [REDACTED]

RS And last name?

[REDACTED] [REDACTED]

RS [REDACTED]

[REDACTED] [REDACTED]

RS And your date of birth [REDACTED]

[REDACTED] [REDACTED]

RS Okay, what,

[REDACTED] [REDACTED]

RS Okay, what is your address here?

[REDACTED] It's just [REDACTED]

RS [REDACTED]

[REDACTED] [REDACTED]

RS And uh what's your guys [REDACTED]

[REDACTED] [REDACTED]

RS [REDACTED]

[REDACTED] Uh [REDACTED]

RS [REDACTED]

[REDACTED] Yeah.

RS Any message phone or anything like that?

[REDACTED] My [REDACTED]

RS What's that number?

[REDACTED] [REDACTED].

RS [REDACTED]?)

[REDACTED] Yeah.

RS [REDACTED]?

[REDACTED] Yeah.

RS What's her first name?

[REDACTED] [REDACTED]

RS Okay, her last name, [REDACTED]?

[REDACTED] No, [REDACTED].

RS [REDACTED]

[REDACTED] [REDACTED]

RS Okay, and as I've said I'm Detective Schlesiger and I forgot your name,

S [REDACTED] (INAUDIBLE)

RS Um [REDACTED] we're trying to figure out um what you saw today.

[REDACTED] Uh huh.

RS Obviously you guys are up on the hill and have a pretty good view.

[REDACTED] Yeah really good view actually.

RS Down there, down there on the bridge. Um did you guys hear something first or how, how, how did you it go down, why don't you explain that to us?

[REDACTED] Because obviously we have a scanner, we was listening to it and my mom says hey it said something about Pecwan Creek, so now we (INAUDIBLE) and they were all just sitting down there and (INAUDIBLE) and then my boyfriend went down there because I wait for my daughter's school bus to come, but this happen before (INAUDIBLE) they all came running to the bridge and they said vehicle coming, then they said shots fired and then they all came running up here and they all started shooting back and then they chased him down that way.

RS So where were you guys at exactly then?

[REDACTED] Well me and my boyfriend went down there (INAUDIBLE) so we went down there cause I didn't know if my baby, teacher was gonna be able to come up here.

RS Okay.

■ So I went down there and they said for us to get back up here because (INAUDIBLE).

RS Okay so you guys ended up coming back up here, so when, do you remember what time was that around, when you first saw them down there?

■ It was about six thirty (6:30).

RS Six thirty (6:30) am?

■ Okay, and then they said hey go back up there, did they say why or anything like that?

RS Did they tell you why or anything like that?

■ Because they said that the guy was armed or dangerous or whatever.

RS Okay armed and dangerous or something like that?

■ Yeah.

RS Okay um so you came back up here ■ then you heard something on the scanner then or was that prior?

■ That was before then.

RS Okay, so what happens to pull your attention to look down on to the bridge?

■ Because after I heard that down there and they said Pecwan Creek and stuff and so we went down there and those guys were down there.

RS So you heard Pecwan Creek, shots fired, or was?

■ No it just said something about Pecwan Creek and my mom was sitting there at the table and she said hold on, listen it said something about Pecwan Creek so then we just looked all down there at the creek.

RS So you looked down there?

■ Yeah

RS And you saw the cop cars?

■ Yeah.

RS How were the cop cars parked?

■ One (1) was parked over there and one (1) was parked over there

RS On the

■ (INAUDIBLE) in to here,

RS So towards Weitchpec?

■ Yeah.

RS Okay. Do you remember how many cop cars there were?

■ Um I think there was only a couple, (INAUDIBLE) I don't recall.

RS Okay, do you remember what colors?

■ one was a white Blaze or Bronco I think.

RS Okay.

■ And

RS You know the difference between our cars and Highway Patrol cars?

■ Yeah.

RS Um do you remember which way they were facing?

■ I do believe they were facing (INAUDIBLE)

RS Okay so towards Weitchpec again, okay and then you said that when we first stepped in you said you saw people running around shooting.

■ Yeah well that's after when we came down there and they (INAUDIBLE) like turned around and they was all standing right there and (INAUDIBLE) and they said vehicle coming, and then they said shots fired, and then they all started shooting back like that

RS And you heard that over the scanner?

■ Yeah and they jumped in their ride and they took off down that way and they said they possibly went up the ■ ranch, that's all.

RS Okay, did you see anybody shooting guns or anything like that could you tell?

■ (INAUDIBLE) several people down there, but I don't know

RS Cops

■ Yeah, I couldn't tell if it who and stuff but,

RS Were the cop cars turned around or were they still facing?

■ They were actually (INAUDIBLE) turned around and they (INAUDIBLE)

S Were they all in uniform or did it look like uniformed officers is that what your saying, and you just, you couldn't see any of those vehicles?

■ No cause it was to far back this way?

RS Could you hear uh the shots?

■ Uh huh.

RS How many shots would you say you heard?

■ Uh probably about um a couple shots, and then

RS Two (2) or more than two (2)?

■ Um more than two (2) I don't know (INAUDIBLE)

RS Um do shot guns at all?

■ (INAUDIBLE)

RS Okay did any of the cop cars have their lights on or anything like that?

■ No.

RS And you never saw any other vehicles?

■ No.

RS Um and you didn't see any of them shooting or anything like that, you just hear the fire, you kind of saw them running around and they get in they all took off down that way, towards [REDACTED] right?

[REDACTED] Yeah.

RS Do you got anything [REDACTED]?

S When you're looking out the window, you didn't actually see the shots fired, you just heard them and then went to the window and just saw?

[REDACTED] Yeah

S So after the scanner and you heard something about Pecwan Creek and looked outside, saw the cop cars, you came inside and didn't look out again until after you heard the shots, is that correct?

[REDACTED] (inaudible)

RS Anything you can think of we haven't asked you [REDACTED] that might be important?

S Your boyfriends name, I guess, the one (1) (INAUDIBLE) .

[REDACTED] He wasn't here I took him out, I'd actually taken him up the road and dropped him off at [REDACTED] because he had to go to work, (INAUDIBLE)

RS What's your boyfriends name?

[REDACTED] [REDACTED]

S He was not with you when it happened?

[REDACTED] No.

RS He went down the first time.

[REDACTED] Yeah cause I took him down there cause I wasn't about ready to have him walk down trail because about when shots fired, so he probably would have been over there in the line of fire?

RS Who ended up picking up [REDACTED]

[REDACTED] Um I dropped him off at [REDACTED]

RS Oh so you went and took (INAUDIBLE) him okay.

S Is this how you spell his [REDACTED]

[REDACTED] It's [REDACTED]

S Do you know what his birth date is?

[REDACTED] [REDACTED]

INAUDIBLE

OTHER INTERVIEWS BEING CONDUCTED IN THE SAME ROOM,

[REDACTED] Say if that person was to come here and they were trying to break into my house, than do you we have the right to protect ourselves?

RS Yes.

[REDACTED] Because we don't have a phone or nothing so.

RS Right. When they first got there you said all of them were out talking around the car?

[REDACTED] Uh huh.

RS And you look out, you don't look out until you hear the, the scanner traffic of

[REDACTED] Pecwan Creek.

RS Pecwan Creek, shots fired, vehicle coming?

[REDACTED] Uh huh

RS Looking out you can kind of, you can't see them shooting, but you can hear, hear the guns going off,

[REDACTED] (INAUDIBLE)

RS Okay and how long was the time from when you was them standing out of there cars, to the time you heard the shots?

[REDACTED] Not very long, (INAUDIBLE) a few minutes or so.

RS A few minutes.

S (INAUDIBLE)

■ Yeah it wasn't that long.

S Say under five (5) minutes?

■ About five (5) minutes maybe.

RS All right, thanks ■ and we'll end the interview at sixteen forty (16:40) hours.

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE: 200402888

INTERVIEWER: Rich Schlesiger, Detective, Humboldt County Sheriff's Department

SUBJECT:

STATEMENT OF: Marianne R. Smith, Yurok Police Officer

VICTIM:

LOCATION:

DATE & TIME: May 4, 2004 @ 010:53

ALSO PRESENT:

RS=Rich Schlesiger

MS=Marianne Smith

RS Okay lets see here, the date is May fourth, two thousand four (May 4, 2004) the time is ten fifty three (10:53) hours and it's Marianne, middle initial Marianne?

MS "R".

RS Date of birth?

MS [REDACTED]

RS And you're with Yurok Tribal Police?

MS Yes.

RS How long have you been employed with them?

MS Um since June.

RS June of last year?

MS Actually its been since July of two thousand three (July 2003) [REDACTED]
[REDACTED]

RS Okay, no problem. Um what time did you start your shift yesterday?

MS Six (6) o'clock last night.

RS Six (6) o'clock last night, and you were suppose to get off at six (6) o'clock this morning, right?

MS Four (4) o'clock.

RS Four (4) o'clock okay, (INAUDIBLE) Um how were you made aware of this call?

MS Um I was down at Pecwan, we were down there um doing patrol and I was listening to it over the radio.

RS Okay. What did you hear exactly?

MS Um that there were shots fired down at the Trees of Mystery and then they said that he was headed south.

RS Okay.

MS And I told my, my ride along, [REDACTED], she was with me, I told her I said I bet he's gonna head over Bald Hills, because he hadn't made it down to Orick, they had a thing set up down there, so we came down here and about that time we got down here, they said that he, that he had turned up Bald Hills road.

RS When you say "we", you and [REDACTED]

MS Yes.

RS Okay and she's your ride along?

MS Yes.

RS And you guys came up from Pecwan then?

MS Yes.

RS Okay um what time was that about, do you remember?

MS It was about twelve (12), somewhere around in twelve (12).

RS midnight?

MS Yes.

RS Okay, you hear that you come up the road, you get here to Martin's Ferry Bridge right?

MS Yes.

RS Where did you go from right here?

MS We went across the bridge, and my corporal called and asked me

RS Who's your corporal?

MS John Olifiant.

RS Okay

MS He called and asked me if I heard about it and I said yes and I said we're at Martin's Ferry Bridge right now and he says well you heard what they said, just back off and observe, and I said yes and then I'm, I'm not sure if I called Humboldt or Humboldt called me, I let them know that I was here I think.

RS S.O.?

MS Yes the S.O. and they said to stand by, that Hoopa Tribal would come down.

RS Okay so where did you end up staging at?

MS Over on this side right here.

RS Okay so the east side of the bridge?

MS Yes.

RS Where the purple car is kind of in there?

MS Um one (1) was pulled up a little bit further toward the stop sign,

RS Okay.

MS There was another one (1) right next to it, and another one (1) right next to it and I was on the outside over there.

RS Yeah so were you guys blocking the whole roadway then?

MS Yes.

RS Okay so he would have had to turn left here?

MS YES.

RS To get down towards Pecwan?

MS Yes.

RS Okay do you remember what time that was about when, when he showed up?

MS I'm not really certain, maybe

RS From the initial call, how long would it be?

MS I want to say between two thirty (2:30) and three thirty (3:30).

RS Okay so it was quite awhile.

MS Yes it was quite a while, it took them um, we heard them say that he was um you know he was just going at an easy pace and he was blacking out where ever a car came to him.

RS Okay and was someone in pursuit of him at that time still?

MS No.

RS No. okay

MS As far as I know there wasn't anybody in pursuit.

RS Okay

MS They had stopped at the trailer.

RS Okay and who's, who's, who's trailer is that, who's property?

MS It was his.

RS Oh at the trailer, okay.

MS He had a trailer hooked on, a U-Haul

RS That's right, the U-Haul okay so the cops just stopped there?

MS As far as I know.

RS So you guys are sitting here, you and who else?

MS Um Joe Masten.

RS Okay.

MS Joe O'Rourke,

RS Okay.

MS Darrel Mabry.

RS Okay, and there was three (3) cars?

MS Four (4) counting mine.

RS Okay. So they were all in separate cars?

MS Yes.

RS And are you guys standing, where you guys standing when he comes across the bridge?

MS Oh and we had our cars set so that they were, we could go over the engine

RS Okay, okay.

MS For cover.

RS So he comes across the bridge, which would be north, from south to north,

MS Yes.

RS And he turns on to one sixty nine (169), what kind of truck was it, or car?

MS A [REDACTED] car.

RS [REDACTED] car, was it a SUV, a truck?

MS An SUV.

RS Uh do you know what kind of make or anything?

MS No, the told us it was a Lincoln Navigator, and from where I was at I couldn't really see.

RS But it looked like an SUV?

MS Yes it was a SUV.

RS they come across here, no shots are fired or anything?

MS No.

RS Okay, do you guys get into pursuit with them then?

MS after he left we got into our cars, Joe O'Rourke went first, Joe Masten went next, Darrel Mabry went next, then I went last.

RS Okay, and did you guys have your lights and sirens on, just lights, what was going on?

MS We just had our lights on, I just had my back caution lights on.

RS Okay

MS And the other two (2) and the other two (2) in front of me had there lights on.

RS Okay.

MS And once they um, I'm not sure which one (1) hit there sirens but one (1) of them hit their sirens.

RS Okay so eventually they turned on there sirens?

MS Yes.

RS You can hear them?

MS Yes.

RS Don't know which one's (1).

MS Don't know which one's (1) it was.

RS Where do you pursue to?

MS Down to um just about to McKinnon Hill.

RS Okay.

MS Um it's not the

RS Do you know what mile post that is?

MS Um shot I should know, I would say it's about twenty two, (22) somewhere around in there.

RS Okay, okay, so what happens then when you pursue to there?

MS We stop, Joe O'Rourke had gotten his window, his windshield shot out.

RS So some, he started shooting back at him?

MS Oh he started shooting before that.

RS Okay when did he start shooting at, at those guys?

MS Um probably about just on the other side of Upper Cappell Road I think.

RS Okay, okay.

MS He shot three (3) rounds there and he went down a little ways more and I think he shot maybe two (2) or three (3) rounds there and then a little ways more, maybe three (3) more rounds.

RS Did anybody return fire?

MS Joe O'Rourke did.

RS Yeah.

MS Yeah I think he said he might have shot four (4).

RS Okay.

MS Cause he

RS Out of his car?

MS I think he stopped his car and then he jumped out and shot, but I'm not really certain.

RS Did you see Joe out of his car anytime then?

MS Um no, I, I was bringing up the rear so I

RS So you were quite a way back then.

MS Yes.

RS Okay so you actually lost sight of him, this was all over radio traffic?

MS No, I, I was, I was within sight but they had there lights on so I couldn't really see what was going on

RS See going on okay.

MS In front of me.

RS Okay so you're going, do Joe O'Rourke say that he fired shots?

MS I couldn't I don't remember.

RS And so you guys keep going down?

MS No we stopped right there.

RS You stopped right there

MS Yes.

RS After the shots were fired?

MS After the, those shots were fired and he fired the shots, and his windshield got shot out, we stopped right there.

RS Okay, okay and that's on the other side of McKinnon Hill.

MS Um it's on this side of McKinnon Hill.

RS This side okay

MS Yes.

RS So it would be on the east side of McKinnon Hill okay.'

MS Yes.

RS Um you guys stopped there, then what happens?

MS Uh we stopped there and then we waited for um Lieutenant Kane.

RS Okay.

MS And they just kind of sorta regrouped and they told me that I could go hide and come back because I had left [REDACTED] down here.

RS Okay.

MS Because you know I didn't want to put her in the line of

RS Right.

MS fire, so she was down, out there the whole time.

RS Okay so [REDACTED] was right here at Martin's Ferry?

MS Yes, yes.

RS Okay, so they, they clear you from there and you head back here,

MS Yeah they told me to come back and wait with the ambulance.

RS Okay so you guys, this was kind of like a staging point for you then with the ambulance and stuff like that?

MS Yes me and the ambulance were sitting here.

RS Okay and did those guys, did Joe and Joe and what was the other guys name?

MS Darrel.

RS Darrel, did they eventually keep going down the road?

MS No they waited for Officer Kane, and then they waited for um the Deputy Sheriff's to come.

RS Okay so they might still be even there then?

MS Uh no I think they went on down afterward.

RS Okay (INAUDIBLE)

MS You know awhile.

RS And so you come back here, close the road and, and everyone else stays here. When does the other Joe, Joe Pitt show up?

MS He just showed up a little while ago.

RS Just a little bit ago.

MS Yes.

RS Okay, just to relieve you?

MS Uh I don't, no he didn't say he was gonna relieve me, he just said that he um just came over.

RS Okay Marianne is there anything that I haven't asked you that would be important that you can think of during the whole thing.

MS No, I know there was officers over at Pine Creek.

RS Over on Pine Creek too?

MS Yes.

RS Cause it comes out over there too, right?

MS Yes. Um no I don't think so.

RS Okay we'll end the interview at eleven "o" three (11:03) hours.