

REPORTING DEPARTMENT: **CHP** LOCATION CODE: **175** DATE / TIME OF REPORT: **4-10-95 2130**

LOCATION TOWED / STOLEN FROM: **SR 96 HORRA BLUFFS** ODOMETER READING: **61665**

YEAR: [REDACTED] MAKE: **CADILLAC** MODEL: **CA DIV.** BODY TYPE: **4 DR** COLOR: [REDACTED]

VEHICLE IDENTIFICATION NUMBER: [REDACTED] ENGINE NUMBER: [REDACTED] APPRAISED VALUE / OWNER VALUATION: 0-300 301-1000 1000+

REGISTERED OWNER: [REDACTED] LEGAL OWNER: [REDACTED]

HORSE CREEK CA 96045

STORED IMPOUNDED RELEASED RECOVERED - VEHICLE / COMPONENT

TOWING / STORAGE CONCERN (NAME, ADDRESS, PHONE): **BUDDY'S TOW** TOWED TO / STORED AT: **WILLOW CREEK**

STORAGE AUTHORITY AND REASON: **22655.5 a VC "HOLD"** DRIVEABLE: YES NO UNK

CONDITION	YES	NO	ITEMS	YES	NO	ITEMS	YES	NO	TIRES / WHEELS	CONDITION	ITEMS	IDENTIFICATION NUMBER
WRECKED	X		SEAT (FRONT)	X		REGISTRATION	X		LEFT FRONT	GOOD	CAMPER	
BURNED		X	REAR (REAR)	X		ALT / GENERATOR	X		RIGHT FRONT	GOOD	CAROO	
VANDALIZED		X	RADIO	X		BATTERY	X		LEFT REAR	GOOD	VESSEL AS LOAD	
ENG / TRANS STRIP			TAPE DECK	X		DIFFERENTIAL	X		RIGHT REAR	GOOD	FIREARMS	
MISC. PARTS STRIP			TAPES	X		TRANSMISSION	X		SPARE	DONE	OTHER	
BODY METAL STRIP			OTHER RADIO	X		AUTOMATIC	X		HUB CAPS	TWO		
VIN SWITCH			IGNITION KEY	X		MANUAL	X		SPECIAL WHEELS	NO		

RELEASE VEHICLE TO: **HOLD** R/O AGENT AGENCY HOLD

NAME OF PERSON AUTHORIZING RELEASE: [REDACTED] DATE: [REDACTED]

SIGNATURE OF PERSON AUTHORIZING RELEASE: [REDACTED]

GARAGE PRINCIPAL OR AGENT STORING VEHICLE (SIGNATURE): [REDACTED] DATE / TIME: [REDACTED]

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 TAKING POSSESSION: [REDACTED]

STOLEN VEHICLE / COMPONENT EMBEZZLED VEHICLE PLATE(S) REPORT

DATE AND TIME OF OCCURRENCE: [REDACTED] DATE AND TIME REPORTED: [REDACTED] NAME OF REPORTING PARTY: [REDACTED] DRIVERS LICENSE NUMBER AND STATE: [REDACTED]

LAST DRIVER OF VEHICLE: [REDACTED] DATE AND TIME: [REDACTED] ADDRESS: [REDACTED] TELEPHONE: [REDACTED]

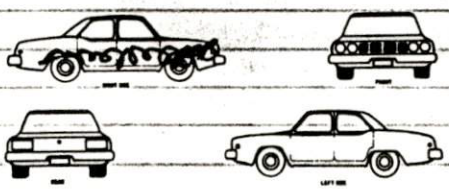
I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNATURE OF PERSON MAKING REPORT: [REDACTED] DATE: [REDACTED]

REMARKS

[LIST PROPERTY, TOOLS, VEHICLE DAMAGE, ARRESTS.]

REPORTED BY:



VEH IMPOUNDED AT REQUEST OF SHERIFF LEWIS AND AUTHORIZED BY HUM. D.A.S. FRANK YEAGER.

PROPERTY: Misc. CLOTHES, ONE EMPTY AND FOUR FULL 12 OZ BUD. BEERS.
 TRUNK: OLD RUSTY HAND TOOLS, HYD. SMALL FLAR TYPE JACK.
 DAMAGE: BUNCHED KNITON/STEERING LOCK, FRESH T.C. DAMAGE ON R/SIDE - OLD DAMAGE ON L/SIDE.

SIGNATURE OF OFFICER TAKING REPORT: **[Signature]** I.D. NUMBER: **7138** SUPERVISOR: **[Signature]** REQUIRED NOTICES SENT TO REGISTERED AND LEGAL OWNERS PER 22852 CVC: YES NO DATE NOTIFIED: **4-11-95**

HUMBOLDT SHERIFF HOLD. DO NOT RELEASE

CERTIFICATE OF DEATH

3-95-12-000

STATE OF CALIFORNIA
USE BLACK INK ONLY/NO ERASURES, WHITOUTS OR ALTERATIONS
VS-11 (REV. 7/93)

STATE FILE NUMBER

LOCAL REGISTRATION NUMBER

1. NAME OF DECEDENT—FIRST (GIVEN) [REDACTED]			2. MIDDLE [REDACTED]			3. LAST (FAMILY) [REDACTED]							
4. DATE OF BIRTH M M/DD/CCYY [REDACTED]		5. AGE YRS. 33		IF UNDER 1 YEAR MONTHS DAYS		IF UNDER 24 HOURS HOURS MINUTES		6. SEX M		7. DATE OF DEATH M M/DD/CCYY 04/10/1995		8. HOUR 1605	
9. STATE OF BIRTH CA		10. SOCIAL SECURITY NO. [REDACTED]		11. MILITARY SERVICE 19__ To 19__ <input checked="" type="checkbox"/> NONE		12. MARITAL STATUS Never Married		13. EDUCATION—YEARS COMPLETED 12					
14. RACE Native American		15. HISPANIC—SPECIFY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		16. USUAL EMPLOYER [REDACTED] Logging Company									
17. OCCUPATION Logger				18. KIND OF BUSINESS Timber				19. YEARS IN OCCUPATION 15					
20. RESIDENCE—STREET AND NUMBER OR LOCATION Hwy 96 Weitchpec Route													
21. CITY Hoopa			22. COUNTY Humboldt			23. ZIP CODE 95546		24. YRS IN COUNTY 33		25. STATE OR FOREIGN COUNTRY CA			
26. NAME RELATIONSHIP [REDACTED] Brother						27. MAILING ADDRESS (STREET AND NUMBER OR RURAL ROUTE NUMBER, CITY OR TOWN, STATE, ZIP) Weitchpec Route, Hoopa, CA 95546							
28. NAME OF FATHER—FIRST [REDACTED]			29. MIDDLE -			30. LAST (MAIDEN NAME) -							
31. NAME OF FATHER—MIDDLE [REDACTED]			32. MIDDLE -			33. LAST [REDACTED]			34. BIRTH STATE CA				
35. NAME OF MOTHER—FIRST [REDACTED]			36. MIDDLE [REDACTED]			37. LAST (MAIDEN) [REDACTED]			38. BIRTH STATE CA				
39. DATE M M/DD/CCYY 04/14/1995			40. PLACE OF FINAL DISPOSITION [REDACTED] Family Cemetery, Weitchpec, CA 95546										
41. TYPE OF DISPOSITION(S) BU				42. SIGNATURE OF EMBALMER ▶ <i>Robert J Miller</i>				43. LICENSE NO. 8032					
44. NAME OF FUNERAL DIRECTOR Chapel of the Ferns Cooper Mortuary				45. LICENSE NO. F-584		46. SIGNATURE OF LOCAL REGISTRAR ▶ <i>Charles L Van Buskirk</i>		47. DATE MM/DD/CCYY 04/13/1995					
101. PLACE OF DEATH State Highway			102. IF HOSPITAL, SPECIFY ONE: <input type="checkbox"/> IP <input type="checkbox"/> ER/OP <input type="checkbox"/> DOA			103. FACILITY OTHER THAN HOSPITAL: <input type="checkbox"/> CONV. HOSP. <input type="checkbox"/> RES. <input type="checkbox"/> OTHER			104. COUNTY Humboldt				
105. STREET ADDRESS—STREET AND NUMBER OR LOCATION 208 feet south of Mile Marker 17.33, Highway 96								106. CITY Hoopa					
107. DEATH WAS CAUSED BY: (ENTER ONLY ONE CAUSE PER LINE FOR A, B, C, AND D)							TIME INTERVAL BETWEEN ONSET AND DEATH		108. DEATH REPORTED TO CORONER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO REFERRAL NUMBER 66-95				
IMMEDIATE CAUSE		(A) Gunshot wound to head and neck					Seconds						
DUE TO		(B) -					-		109. BIOPSY PERFORMED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
DUE TO		(C) -					-		110. AUTOPSY PERFORMED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
DUE TO		(D) -					-		111. USED IN DETERMINING CAUSE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
112. OTHER SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RELATED TO CAUSE GIVEN IN 107 None													
113. WAS OPERATION PERFORMED FOR ANY CONDITION IN ITEM 107 OR 112? IF YES, LIST TYPE OF OPERATION AND DATE. No													
114. I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE DEATH OCCURRED AT THE HOUR, DATE AND PLACE STATED FROM THE CAUSES STATED. DECEDENT ATTENDED SINCE M M/DD/CCYY DECEDENT LAST SEEN ALIVE M M/DD/CCYY			115. SIGNATURE AND TITLE OF CERTIFIER ▶			116. LICENSE NO.		117. DATE M M/DD/CCYY					
118. TYPE ATTENDING PHYSICIAN'S NAME, MAILING ADDRESS + ZIP													
119. MANNER OF DEATH <input type="checkbox"/> NAT <input type="checkbox"/> SUICIDE <input checked="" type="checkbox"/> HOMICIDE <input type="checkbox"/> ACCIDENT <input type="checkbox"/> PENDING INVESTIGATION <input type="checkbox"/> COULD NOT BE DETERMINED			120. INJURY AT WORK <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		121. INJURY DATE M M/DD/CCYY 04/10/1995		122. HOUR 1605		123. PLACE OF INJURY State Highway				
124. DESCRIBE HOW INJURY OCCURRED (EVENTS WHICH RESULTED IN INJURY) Shot by an on duty police officer. 9mm semi-auto pistol.													
125. LOCATION (STREET AND NUMBER OR LOCATION AND CITY AND ZIP CODE) 208 feet south of Mile Post Marker 17.33, Hoopa, California 95546													
126. SIGNATURE OF CORONER OR DEPUTY CORONER [Signature]				127. DATE MM/DD/CCYY 04/12/1995		128. TYPED NAME, TITLE OF CORONER OR DEPUTY CORONER CHARLES L. VAN BUSKIRK, Deputy Coroner							
STATE REGISTRAR													
A B C D E F G H FAX AUTH. # CENSUS TRACT													

Humboldt County
Coroner's Office

Name:

[REDACTED]

Case #:

66-95

Detective Lester identified the [REDACTED] as [REDACTED]. I learned [REDACTED] parents were at the north end of the area marked with crime scene tape. I was told [REDACTED] parents wished to view him, and Detective Lester stated he had no objection and left it up to me. I lifted the rescue blanket and briefly viewed [REDACTED] face. I noticed a short cast on the area of [REDACTED] right wrist.

I walked over to meet [REDACTED]' parents, [REDACTED] and [REDACTED]. I spoke with [REDACTED] parents and they repeated they wished to view [REDACTED] before I left the scene. I stated they could if they agreed not to touch [REDACTED] and they said that would be OK. [REDACTED] parents stated [REDACTED] was not married and had no children. [REDACTED] stated they wished for me to release the body of [REDACTED] to Chapel of the Ferns, Cooper Mortuary. I returned to the area of the scene where [REDACTED] lay.

I observed as [REDACTED] photographed [REDACTED] and then [REDACTED] performed a "Gunshot Residue Kit" on [REDACTED]. I rolled [REDACTED] onto his right side and his back was examined, no wounds were found. I palpated the back of [REDACTED] head and found no projectile exit wound. [REDACTED] and [REDACTED] assisted me in placing [REDACTED] body in a new body removal pouch. [REDACTED] wallet was removed from his right rear pocket and examined. The wallet contained [REDACTED] California Driver's License. The wallet contained no money. The wallet was secured by Detective Rod Lester. Lester, [REDACTED] and [REDACTED] assisted me in loading [REDACTED] body onto my gurney and then into the Coroner's van. The time of [REDACTED] being placed in the Coroner's van was 2100 hours.

The Detectives, DOJ personnel and DA personnel left the scene, leaving, the CHP officer, myself and Deputy Morey as well as the driver for Buddy's Towing who was securing the [REDACTED] vehicle for towing to impound.

I backed my vehicle for quite a distance along highway 96 until I met [REDACTED] family. [REDACTED] and [REDACTED]. each stated separately they had decided not to view [REDACTED] body. [REDACTED] stated her son was right handed. She stated she was unsure what had caused the injury to [REDACTED] right hand requiring a cast to be put on it. She did state the cast was put on at Mad River Hospital about a week earlier. [REDACTED] borrowed a flashlight from me and looked around the scene.

I spoke with [REDACTED]' father, [REDACTED] who stated [REDACTED] was right handed. He said [REDACTED]' hand had been cut with a knife but refused to speak more about how exactly [REDACTED]' hand had been cut.

I left the scene at 2111 hours and transported the body of [REDACTED] toward the Coroner's office in Eureka. Along the way I stopped in Willow Creek and phoned Coroner Sipma. I gave him a very brief explanation of the situation. I arrived at the Coroner's office at 2235 hours. Upon my arrival at the Coroner's office I secured the body of [REDACTED].

I then returned a phone call from [REDACTED]. [REDACTED] stated [REDACTED] possibly has a 4 year old child by [REDACTED] sister. [REDACTED] requested we obtain blood for DNA studies. I indicated our primary responsibility was with investigation of [REDACTED] death, and that she should contact [REDACTED] parent's for permission to perform these tests, OR try to get a court order as soon as possible.

I placed the body of [REDACTED] in locked refrigerated storage awaiting postmortem examination.

On Tuesday April 11, 1995 at 0920 hours Deputy Charlie Jones and I transported the body of [REDACTED] to General Hospital's Radiology Department. We observed as [REDACTED] was flouroscope. No additional injuries were located with this procedure. I observed as nine x-rays were taken. (Three were very poor quality but were retained by me anyway in [REDACTED] x-ray file.) Throughout this procedure [REDACTED] body removal pouch remained closed. We were at the radiology department from 0924 hours until 1019 hours. We returned [REDACTED] to the Coroner's office arriving at 1024 hours. The body of [REDACTED] was returned to locked refrigerated storage.

Investigator: Charles L. Van Buskirk, Deputy Coroner

Date Signed: 04/14/1995

Humboldt County
Coroner's Office

Name: [REDACTED]

Case #: 66-95

On Wednesday April 12, 1995 at 1330 hours an autopsy was performed on [REDACTED] by Dr. [REDACTED], Coroner's Pathologist. Coroner Sipma, Assistant Coroner Moore, and Deputy Jones were present during the autopsy and assisted in the examination. Sheriff's personnel, District Attorney's personnel and Department of Justice personnel were present during the examination. The Autopsy sign in sheet lists those present during the examination. Dr. [REDACTED] determined the cause of death of [REDACTED] to be: GUNSHOT WOUND TO HEAD AND NECK. Urine was submitted to Humboldt Central Laboratory for performance of a postmortem urine drug screen. Blood was submitted to the DOJ laboratory for performance of a postmortem blood alcohol level. A copy of the autopsy report by Dr. [REDACTED] will be made a part of this report when it is received.

I have completed the death certificate of [REDACTED] using the cause of death set forth by Dr. [REDACTED] on his report. The manner of death was indicated as: HOMICIDE.

The body of [REDACTED] was released to Chapel of the Ferns as requested by [REDACTED] mother.

The possessions found on [REDACTED] body, which include a single car key, a wrist watch and a folding pocket knife, as well as \$53.49 will be returned to [REDACTED] family as soon as I can make contact with them.

No further action is expected by this office at this time.

Handwritten initials and a circled mark.

Handwritten signature of Charles L. Van Buskirk.

Investigator: Charles L. Van Buskirk, Deputy Coroner

Date Signed: 04/14/1995

RECEIVED

APR 17 1995

CORONER-PA

K. W. [REDACTED] M.D.

Pathologist

[REDACTED]
UKIAH, CALIFORNIA 95482
[REDACTED] [REDACTED]

95 KF 44

CORONER OF HUMBOLDT COUNTY:

This is the report of the examination of the body of [REDACTED] [REDACTED] a 33-year-old Native American, who expired in a shootout with Indian Police on the Reservation in Hoopa. Authorization for the examination is by order of Glenn Sipma, Humboldt County Coroner, and the examination is performed at the County Morgue on April 12, 1995 at 1330 Hours. Glenn Sipma and Charles Jones assisted in the examination. Present as observers were [REDACTED] Rod Lester, Juan Freeman, Frank Yeager, and Brad Smith.

EXTERNAL EXAMINATION: The body is that of a well developed, well nourished, Native American man, 66 inches in length and estimated to weigh 180 lbs. The hair is black and a trimmed, black mustache is also present. The eyes, ears and mouth are unremarkable in appearance. There is a gunshot entrance wound of the left side of the mid portion of the nose. There is a healed incisional scar 10 cm. in length underneath the chin. The chest is well developed. The abdomen is flat. There is a cast of the right arm extending over the palm of the hand with the fingers free and also involves the wrist. There is a large ornate tattoo with a cougar head and bat wing margins of the right shoulder and a large bison head tattoo of the left shoulder. There is a small superficial abrasion of the right arm laterally just above the elbow. Examination of the back shows no evidence of injury.

GUNSHOT WOUND: There is an entrance gunshot wound of the nose. It is in the mid portion of the nose slightly left of midline. It is 7 mm. in diameter with a definite abrasion ring in the superior medial quadrant with split-like, fine lacerations radiating around the wound. The most prominent is at approximately 1 o'clock and most are in the 3 to 7 o'clock area. There is some faint bruising around the entrance wound. No powder stain or stippling is present. Gentle probing reveals the tract to be straight and rather directly to the body of the third cervical vertebra. Along the tract in the neck are recovered two reasonably large pieces of lead and within the tract through the body of the vertebra is retrieved a very deformed, elongated, anodized copper jacket. The bullet fragments and jacket are given [REDACTED] [REDACTED] the Criminalist for Humboldt County. The vertebral body is extensively disrupted with a hole through it approximately 1 cm. in diameter with multiple fragments of the vertebral body separated and out into the soft tissues. The cervical cord is disrupted at this point. Extensive hemorrhage is present around the brain stem and cerebellum in the posterior fossa. The bullet wound tract is downward by approximately 35 degrees from horizontal and from left to right by approximately 5 degrees.

INTERNAL EXAMINATION: The body is opened by a "Y" type incision. No significant fluid is present in either pleural space or the abdominal cavity.

Cardiovascular System: The heart weighs 370 gm. The pericardium is intact and unremarkable in appearance with little fluid in the pericardial sac. The heart shows a normal contour and examination of the coronary arteries reveals a rather large atherosclerotic, bright yellow plaque just beyond the origin of the anterior descending branch of the left coronary artery which occludes the vessel approximately 50%. The remaining coronary arteries are widely patent with very little atherosclerosis. The valves are functional appearing. The myocardium has a normal red brown appearance. There is some right ventricular hypertrophy.

Respiratory System: The right lung weighs 600 gm., the left lung 520 gm. Both show considerable congestion and hemorrhage with blood in the tracheobronchial tree. Mild atelectasis of both lungs is present. A large amount of blood and blood clot is present in the mouth.

Gastrointestinal System: The esophagus is intact and unremarkable in appearance. The stomach shows a normal rugal fold pattern of the mucosa with approximately 50 cc. of yellow-brown, thick fluid. The pylorus is patent. The duodenum is bile stained with no ulceration. The small bowel, colon and appendix are unremarkable in appearance.

Hepatic System: The liver weighs 2050 gm. It shows a normal contour and smooth surface with normal appearing architecture and consistency on sectioning. There are no calculi in the gallbladder and the ducts are patent. The pancreas is normal in size and contour with a tan lobular cut surface.

Spleen and Lymphatic System: The spleen weighs 180 gm. and is intact with a congested appearing pulp on sectioning. The lymph nodes are not remarkable in appearance.

Endocrine System: Both adrenal glands are normal in size and contour.

Renal System: The kidneys weigh 170 gm. each. They show smooth cortical surfaces with distinct but congested cortical medullary demarcation and markings. There is no dilatation of pelves or ureters and the urinary bladder contains a moderate amount of urine which is retained for toxicology. The bladder is intact and unremarkable in appearance.

CENTRAL NERVOUS SYSTEM: There is no subgaleal hemorrhage on reflecting the scalp. No skull fracture is present. There is no subarachnoid or subdural hemorrhage over the calvarium, however,

there is hemorrhage in the posterior fossa due to the gunshot wound which considerably disrupts the third cervical vertebra and enters into the spinal canal. There is no exit wound.

RIGHT HAND: The cast is removed and shows a healing incision involving the web and palm of the right hand. There is no evidence of infection. The incision is approximately 7 cm. in length.

TOXICOLOGY: Vitreous, blood, gastric content and urine are retained for toxicology. Toxicology is ordered.

ANATOMIC FINDINGS:

1. Gunshot wound with entrance in the nose with bullet traveling through the nasopharynx into the third cervical vertebra and vertebral column causing disruption of the spinal cord.
2. Aspiration of blood with congested and hemorrhagic lungs.
3. Healing incision of right hand.
4. Atherosclerotic plaque occluding 50% of the lumen of the anterior descending branch of the left coronary artery.

CAUSE OF DEATH: GUNSHOT WOUND TO HEAD AND NECK.

[REDACTED]

PATHOLOGIST

KWF: [REDACTED]
D: 4/12/95
T: 4/13/95

APRIL 13, 1995

OFFICE OF THE ATTORNEY GENERAL
BUREAU OF FORENSIC SERVICES
NORTH COAST CRIMINALISTICS LABORATORY
1011 WEST WABASH
EUREKA, CA 95501-2121
(707)445-6682

RECEIVED
APR 17 1995
CORONER-PA

CORONER'S OFFICE
3012 I STREET
EUREKA, CA 95501

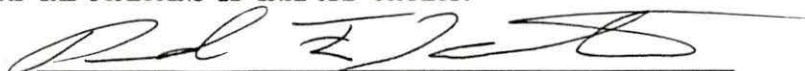
SUMMARY OF BLOOD AND URINE ALCOHOL RESULTS APRIL 13, 1995 THROUGH APRIL 13, 1995.
SAMPLES 0.08% AND BELOW MAY BE FORWARDED TO THE TOXICOLOGY LABORATORY FOR FURTHER ANALYSIS,
DEPENDENT UPON [REDACTED] CONTRACTUAL AGREEMENTS.

CASE NUMBER	AGENCY AND COUNTY	AGENCY #	OFFENSE			COMMENTS
			DATE	VIOL	ANA BA % S	
NCB-0402 [REDACTED]	COOR EUREKA	HUM 6695	950412	DFK	0.19	C-0058-95

I, [REDACTED] LABORATORY TECHNICIAN AT THE CRIMINALISTICS LABORATORY AT EUREKA, CERTIFY THAT THE ABOVE-DESCRIBED BLOOD AND/OR URINE SAMPLE(S) WERE ANALYZED FOR ETHYL ALCOHOL CONTENT AT A QUALIFIED LICENSED LABORATORY BY A QUALIFIED ANALYST MEETING THE REQUIREMENTS OF SECTION 1216.1 OF TITLE 17 OF THE CALIFORNIA CODE OF REGULATIONS, UTILIZING THE METHODS OF FORENSIC ALCOHOL ANALYSIS REQUIRED BY SECTION 1220 OF TITLE 17 AND INSTRUMENTS THAT WERE IN GOOD WORKING ORDER AND ROUTINELY CHECKED FOR ACCURACY AND PRECISION.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

APRIL 13, 1995 AT EUREKA, CALIFORNIA
(DATE) (PLACE)


[REDACTED]



CORONER - PUBLIC ADMINISTRATOR
COUNTY OF HUMBOLDT

3012 "I" STREET
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7242

Case #: 66-95

Date Received: 4/10/95 Time: 1820 From: WCSO Diso By: (RB)

Deceased: [Redacted] Age: [Redacted] DOB: _____

Address: _____ Phone#: _____ SSN: _____

DOD: 4/10/95 Time: ~1606 Place: 170

Next of kin: [Redacted] Notified: _____

Natural: ___ Accident: ___ Homicide: ___ Suicide: ___

Removed By: (RB) From: Scene Phone # uncertain ht: _____ Weight: _____

Safekeeping: _____ Currency: _____

Autopsy: Yes ___ No ___ Pathologist: _____ Morgue: _____

Family Physician: _____ History: _____

10-8: 1838 10-97: 1952/1958 10-98: 2199 10-6 Office: 2235 10-10: 2325 Hours Worked: 5 1/2

Vehicle pursuit -
vehicle hit guardrail
& lost fluid
Veh stopped &
changed officers
Tribal Police Veh.

Frank Jaeger
Joan Freeman
Rob Wade
Maggy Flemmy
Rod Lester

Cops took
cover on pass. side of own
veh. & exchanged fire.
Cops shot out own windows

(R) Handed (side to side) to shoot
(D) hand in csgt - hurt thumb web w/ knife

March 28 '1995
stabbing - not willing to discuss
he "got in the way". He was stopping
friend from cutting self.

(w/ 290)
Csgt @ MRCHER

Signature: [Redacted] Date Signed: _____

Admitted.



CORONER - PUBLIC ADMINISTRATOR
COUNTY OF HUMBOLDT

3012 "I" STREET
EUREKA, CALIFORNIA 95501 PHONE [707] 445-7242

NECROPSY WORKSHEET

Case # 66-95 Age 33 yrs DOB 8/5/95 Sex Male Race Native Amer

Name : [REDACTED] Body X
Time of Death : 4/10/95, 1606 hrs Head X
Place of Death : Scene, Hwy 96, Weitchpec Bluffs, Hoopa Microscopic _____
Time of Autopsy : 4/12/95 at [REDACTED] External Only _____
Autopsy Surgeon : Dr. [REDACTED]
Attending Physician: None
Source of Request : Coroner
Physicians Present : None
Other Observers : S. J. Ma, Moore, Jones

ORGAN WEIGHTS

HEART: <u>370</u>	Right	Left	
LIVER: <u>2050</u>	LUNGS: <u>600</u>	<u>520</u>	Body Length: <u>66"</u>
SPLEEN: <u>180</u>	KIDNEYS: <u>170</u>	<u>170</u>	Body Weight: <u>180</u>
BRAIN: <u>1360</u>			

COMMENTS: _____

TOXICOLOGY

Request for following tests:

Blood Alcohol: DOT
Urine Alcohol: _____
Blood Carbon Monoxide: _____
Barbiturate Screen: _____
Urine Drug Screen: NCL
Examine for Specific Drug: _____
HIV to County Lab

Special Examination:

Gastric Contents: Held
Liver: _____
Brain: _____
Kidney: _____
Bile: _____
Special Instructions: _____
Vitreous Held

Blood in FL, lavender x2 & yellow x2 held.

Cause of Death: GSW to head and neck.

Other Conditions: [Signature]



CORONER-PUBLIC ADMINISTRATOR
COUNTY OF HUMBOLDT

3012 "I" STREET
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7242

Coroner's Autopsy Authorization & Information Form

I authorize the performance of an autopsy on _____, _____, _____
age 33 yrs, the extent of which to be determined by the pathologist on
the basis of the progressive findings and the information supplied.
Coroner's case # 66-95.

On the basis of the information which follows I tentatively believe the
Manner of death to be:

Natural Accident SIDS
 Suicide Homicide Undetermined

Investigator: _____

Date: 4/11/1995

Information desired: If death occurred in a hospital or while under a doctor's care,
specify which and give a short clinical summary. If death occurred outside a hospital
give time, place and circumstances and the name of the investigating officer.

*Details to be given by
detective in person @ Post.*



CORONER - PUBLIC ADMINISTRATOR
COUNTY OF HUMBOLDT

3012 "I" STREET
EUREKA, CALIFORNIA 95501 PHONE (707) 445-7242

AUTOPSY SIGN IN SHEET

Deceased: [REDACTED]

CASE # 66-95

Date: 4/12/95

Location: Humboldt County Coroners Office

Doctor: [REDACTED]

NAME		IN	OUT
[REDACTED]		1304	1515
Rod Lester	SO	1304	1515
Juan Freeman	SO	1304	1515
Frank Jäger	DP	1304	1410
Brad Smith	SO (D)	1304	1420

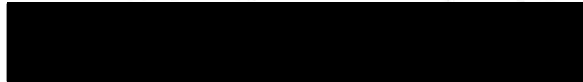
REMARKS:

Humboldt County Coroner 3012 I Street, Eureka, CA 95501-4412

H O M I C I D E A U T O P S Y C H E C K L I S T

Name [redacted] Date 4/12/95
Case # 66-95 Age 33 yrs DOB [redacted] Sex Male Race NATIVE AMER.

- 1] X-Rays of body
2] Photographs of clothed body
3] Clothing saved for DOJ
4] Photographs of unclothed and uncleaned body
5] Fingerprints
6] Samples for Department of Justice Laboratory
Hair
1. Head
2. Axillae
3. Pubic area
4. Other
Fingernail Scrapings
Swabs for semen
1. Vagina
2. Anus
3. Mouth
4. Other
Gun Powder Residue Kit
7] Photographs of injuries after washing body
8] Blood Sample
1. Alcohol
2. Blood for DOJ
3. Other HIV, a DNA
9] Urine Sample
1. Alcohol
2. Drugs
3. Urine for DOJ
4. Other
10] Vitreous Fluid
Date & Time Taken 4-12-95 1400
1. Alcohol
2. Potassium
3. Other
11] Rectal Body Temperature
Date & Time Taken
12] Stomach Contents Saved Frozen
13] Tissue Saved Frozen
Type saved
Type saved
Type saved
14] Tissue Saved For Microscopic Examination
15] Other
16] Other
17] Other



Postmortem urine
drug screen
results are
pending as of
4.17.95 @ 1200hrs
VB

[REDACTED] Officer Involved Shooting.

Officer Mattz said he was going to go look for the vehicle. I told Officer Mattz I would be on my way as soon as I served the paper. Officer Mattz left and within 30 seconds, I was met at the door by [REDACTED]. I explained the paper to [REDACTED] and served it on him.

I left the [REDACTED] residence at 1557 hours and drove north on Community Services Rd. I radioed Officer Mattz on C.L.E.M.A.R. and asked him if he had located the reckless vehicle. I did not receive a reply from Officer Mattz. On the same channel, I notified Tribal Dispatch I was in route to assist Officer Mattz. Shortly after that transmission, I heard on my vehicle scanner, Officer Guyer radio his dispatch stating they were making a traffic stop on the [REDACTED] vehicle. At the end of that transmission Guyer stated they were in pursuit of the vehicle, north bound on Marshall Ln, failure to yield.

At 1559 hours, I radioed my dispatcher that I was in route to assist Tribal Police who was in pursuit. I was driving a marked Sheriff's Department Patrol Car and I activated my overhead emergency lights and siren. I drove north on Community Services Rd. to the intersection of Hostler Ridge Rd. and then west on Hostler Ridge Rd. While I was west on Hostler Ridge Rd., I heard Officer Guyer notify his dispatch they were now north bound on SR 96.

I continued west on Hostler Ridge Rd. to the south end of Marshall Ln., west on Marshall Ln. and onto SR 96. I turned north on SR 96 and accelerated to 90+ mph in an attempt to close the distance between our vehicles. I continued north and heard Officer Mattz report the [REDACTED] vehicle just struck side of a bridge abutment and was slowing. I radioed Officer Mattz on C.L.E.M.A.R. and asked him how fast they were going. I inquired to know if I would be able to close the distance between our vehicles and so I did not run into them on a blind curve.

Officer Mattz radioed back and said the [REDACTED] vehicle had slowed and it appeared as if the driver was preparing to exit the vehicle and continue the pursuit on foot. Officer Mattz said they were in the Hoopa Bluffs near mph 17.00. Some time near this transmission, I listened as the Tribal Police Dispatcher radio Officer Mattz and Guyer. Their dispatch stated a [REDACTED] had just called their office and reported the vehicle we were chasing had just shot two (2) rounds at them from that vehicle.

I continued north and entered the Hoopa Bluffs. As I was driving through the bluffs, I heard Officer Mattz radio "shots fired, man down." I radioed my dispatch and passed on what I heard and continued north.

At 1604 hours and within about 30 seconds of the "man down" broadcast, I arrived with the Tribal Police Unit.

When I arrived, Officer Mattz and Guyer were hand cuffing [REDACTED], the apparent passenger of the [REDACTED] vehicle. The [REDACTED] vehicle was stopped in the north

[REDACTED] Officer Involved Shooting

bound lane of SR 96 and just south of Tank Creek. Directly behind the [REDACTED] vehicle was the Tribal Police Vehicle. There was a 6-10' distance between the Tribal Police Unit and the [REDACTED] vehicle.

The Tribal Police Officers and [REDACTED] were on the drivers side of the vehicles and just in front of the Tribal Police Unit. To the rear of the Tribal Unit and adjacent to the left rear tire was a male [REDACTED] lying on his back with what appeared to be a single bullet hole in his forehead. It was clear that the [REDACTED] was dead. Next to the [REDACTED] body was what appeared to be a "Parkerized" semi-automatic, .22 cal pistol.

Officer Mattz asked if they could put [REDACTED] in the back of my patrol car and we did. As I was putting [REDACTED] in the back of my patrol car, I heard Officer Mattz radio Sheriff's Dispatch, "Code-4" (no further assistance needed).

I walked back to Officer Mattz and Guyer. I asked them if they were OK. Officer Mattz showed me a small hole in his left sleeve, near the triceps, and said, "I have been shot in the arm, but I'm OK." I radioed dispatch that we were not OK and that an Officer was shot. I requested an ambulance code-3 to our location.

Officer Mattz was wearing a long sleeve shirt and I pulled up the sleeve. I was not able to see a wound and was not able lift the shirt any higher. I used my pocket knife and cut the sleeve of Officer Mattz. I found an area that was scratched and slightly bruised. I informed Officer Mattz and I both saw that he had not been shot.

I returned to the radio and advised that the officer was not shot but to continue responding units.

I took custody of Officer Mattz's and Officer Guyer's duty weapons and put them in the trunk of my patrol car. At the same time, I removed yellow Sheriff's Do Not Cross tape and closed both sides of the road using the tape. Detective Rod Lester later took custody of those weapons. Officer's Mattz and Guyer moved away from the scene and I did not witness any of the evidence to be moved or touched prior to its collection for evidence.

At 1610 hours, Lt. Busey and Deputy Dague arrived at the scene. I asked Deputy Dague to take custody of [REDACTED] who was hysterical in the back of my patrol car. I told Deputy Dague to take [REDACTED] to the substation and place her in a holding cell. It was obvious that [REDACTED] was intoxicated due to the odor of an alcoholic beverage on her breath ([REDACTED] was later booked and released from the Substation 849(b)(2) PC for 647(f) PC, Public Intox.).

I radioed for dispatch to resume normal radio traffic and to have the Highway Patrol respond for a road closure.

At 1611 hours, B.I.A. Officer Robert Kane arrived and assisted with scene security.

At 1617 hours, Hoopa Ambulance driver [REDACTED] and E.M.T. [REDACTED] arrived. [REDACTED] hooked the [REDACTED] to an E.K.G. monitor and said the [REDACTED] was flat line with no pulse. [REDACTED] removed his equipment and left.

[REDACTED]

Officer Involved Shooting.

At 1618 hours, Detectives Rod Lester and Juan Freeman arrived and took over the investigation.

At 1621 hours, C.H.P Officer Rod Gilliam arrived and closed the north end of SR 96. At 1658 hours, C.H.P. Sgt. Krouge arrived and closed the south end of SR 96 (note: although C.H.P. represented the official closing of SR 96, no vehicles were allowed to drive pass the scene upon my arrival.)

At 1730 hours, Sheriff Dennis Lewis arrives at the scene.

At 1832 hours, D.O.J. Criminalists arrive at the scene.

At 1908 hours, D.A. Investigator Yeager and Deputy D.A.'s Rob Wade and Maggie Fleming arrive at the scene.

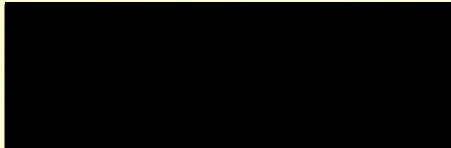
At 1934 hours, Tribal Police Chief Leonard Masten arrives at the scene.

At 1957 hours, Coroner Charles VanBuskirk arrived at the scene.

At about 2015 hours, I conducted an inventory search of the [REDACTED] vehicle. The vehicle was being stored, with the assistance of the California Highway Patrol. I searched the vehicle and found a live .22 cal bullet on the right rear floor board. On top of the round I took a woman's purse with contents showing it belonged to [REDACTED]. The purse was taken as safe keeping and booked at the substation. On the floor board of the drivers side, I located a spent .22 cal. casing. The live and spent round were booked as evidence at the Hoopa Substation.

At about 2130 hours, I returned to the Hoopa Substation. At the Substation I met with [REDACTED]. I explained to [REDACTED] what had happened. [REDACTED] said she did not want to talk with me and had nothing to say. [REDACTED] was very emotional. [REDACTED] was released from the substation.

No further information.

CASE NO. 95-2390	DATE STORED 5-17-95	TIME STORED 1200	TYPE OF PROPERTY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND <input type="checkbox"/> SAFEKEEPING
CRIME Justifiable Homicide	ADULT ARREST? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	JUV. APPREHENS'N? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
OWNERS OF PROPERTY			
ITEMS NAME (BY NO.)	ADDRESS		
	CITY	PHONE	LAB WORK REQUIRED (DESCRIBE)
ITEMS NAME (BY NO.)	ADDRESS		Hold
	CITY	PHONE	
ITEMS NAME (BY NO.)	ADDRESS		SIGNATURE OF DEPUTY STORING
	CITY	PHONE	R. Lester
			P.I.N. NO. 0083

(HCSD 0410-1 REV. 1-86)

SEARCH WARRANT NO. N/A

ITEM	DESCRIPTION	WEIGHT
	Taped statement of Tony MATTZ	
	" " " ED GUYER	
	" " " [REDACTED]	
	" " " [REDACTED]	
	" " " [REDACTED]	
	" " " [REDACTED]	
	" " " [REDACTED]	
	" " " [REDACTED]	
	" " " [REDACTED]	
	" " " [REDACTED]	

CASE	DATE	1	2	3	4	LOCATION	I.D. TECH.
------	------	---	---	---	---	----------	------------

CASE NO. 95-2390	DATE STORED 4-10-95	TIME STORED 1630	TYPE OF PROPERTY <input checked="" type="checkbox"/> EVIDENCE <input type="checkbox"/> FOUND <input type="checkbox"/> SAFEKEEPING
CRIME 196 P.C. 196 ⁽³⁾ P.C.	ADULT ARREST? <input type="checkbox"/> YES <input type="checkbox"/> NO	JUV. APPREHENS'N? <input type="checkbox"/> YES <input type="checkbox"/> NO	[REDACTED]
OWNERS OF PROPERTY			
ITEMS NAME (BY NO.) 1+2 Tony Maty	ADDRESS Tribal Police	CITY Hoopa	
ITEMS NAME (BY NO.) 3+4 Edward Guyer	ADDRESS Tribal Police	CITY Hoopa	PHONE
ITEMS NAME (BY NO.)	ADDRESS	CITY	PHONE
LAB WORK REQUIRED (DESCRIBE) process by DOJ			SIGNATURE OF DEPUTY STORING 0197 Freeman / Lester
			P.I.N. NO.

(HCSD 0410-1 REV. 1-86)

SEARCH WARRANT NO. _____

ITEM	DESCRIPTION	WEIGHT					
1	Glock 17 9mm auto pistol ser: [REDACTED] w/clip - loaded						
2	Belt-nylon, containing, 1 loaded magazine w/approx 15 rounds in double pouch, nylon handcuff case w/ 2 pr. handcuffs, nylon chemical agent pouch w/ MK4 OC spray, leather pouch w/ Motorola portable radio, nylon pouch w/ 3 pr. plastic restraints (Safe-T-cuff), one baton ring, 3 snap keepers, nylon holster w/ flap.						
3	Glock 17 9mm semi auto pistol ser: [REDACTED]						
4	Nylon belt containing nylon pouch w/ OC spray, side kick nylon + plastic holster, nylon handcuff pouch w/ 1 pr. handcuffs, nylon pouch w/ rubber gloves, baton ring, nylon pouch w/ Motorola port. radio, collapsible side handle baton and holder, double nylon pouch w/ 2 magazines of 9mm, about 17 rounds each, 4 keepers.						
5	(2) blood samples - Maty						
6	(2) blood samples - Guyer						
CASE	DATE	1	2	3	4	LOCATION	I.D. TECH.

on 4-14-95 AT ABOUT 1400 hours I Released
the following items of evidence to Tribal Police
Lieutenant DANIEL PRATT:

1. 9mm Glock w/ ser # [REDACTED]
2. web belt with ~~the~~ holster &
Nylon pouch w/ 2 9mm magazines
SAFE-T-CUFFS in nylon pouch
MOTOROLA Radio w/ leather pouch
O/C spray in nylon pouch
2 pr HAND CUFFS in nylon pouch
3 BELT keepers - & A BATON RING
3. 9mm Glock w/ ser # [REDACTED] w/ MAGAZINE
4. web belt ~~and~~ with holster and
2 9mm magazines in nylon pouch
1 pr HAND CUFFS in nylon pouch
MOTOROLA Radio in nylon pouch
side handle BATON and holder
Rubber gloves in nylon pouch
4 BELT keepers and a baton ring

Received by Daniel Pratt 4-14-95
1402

REQUESTING AGENCY
NCIC#

OFFICE OF THE ATTORNEY GENERAL
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS No. Det. Freeman
New Additional
Resubmitted Det. Lester

For your file JB

**REQUEST FOR
PHYSICAL EVIDENCE EXAMINATION**

REQUESTING AGENCY: Humboldt County Sheriff's Dept. COUNTY OF: Humboldt
OFFENSE: 196(3) P.C. DATE OF OFFENSE: 4-10-95 AGENCY CASE # 95-2390

[Redacted]

Investigating Officer: Tony Matthy, Edward Guyer Phone # 707-445-7301
Det. Freeman, Det. Lester

DATE NEEDED: A.S.A.P. Purpose: officer involved shooting
Attach copy of report or state summary of circumstances on back of sheet: _____

EVIDENCE SUBMITTED

Item #	Description	Purpose of Exam
1-1	Glock 17 9mm pistol	
1-2	nylon web belt w/ equipment	
1-3	Glock 17 9mm pistol	
1-4	nylon web belt w/ equipment	
1-5	(2) blood samples - Matthy	
1-6	(2) blood samples - Guyer	
ATTACH ADDITIONAL SHEETS AS REQUIRED		

CHAIN OF CUSTODY

Item #	Received From	Delivered To	Date	Time
	<i>TO Lab 4-13-95 via Det. Lester</i>			

To Be Completed by Laboratory

Court Due Date: _____ Current Priority: _____

Item #	Priority	Scheduled Analysis

Notify Lab Immediately if Due Date or
Priority Change

PLACE THIS FORM IN ENVELOPE ON OUTSIDE OF EVIDENCE PACKAGE

REQUESTING AGENCY
NCIC #

OFFICE OF THE ATTORNEY GENERAL
CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS No. _____
New Additional
Resubmitted

**REQUEST FOR
PHYSICAL EVIDENCE EXAMINATION**

REQUESTING AGENCY: Humboldt County Sheriff's Dept. COUNTY OF: Humboldt
OFFENSE: 196 (3) P.C. DATE OF OFFENSE: 4-10-95 AGENCY CASE # 95-2390

[Redacted]

Investigating Officer: Tony Matthy, Edward Greyer Phone # 707-445-7301
Det. Freeman, Det Lester

DATE NEEDED: A.S.A.P. Purpose: officer involved shooting

Attach copy of report or state summary of circumstances on back of sheet: _____

EVIDENCE SUBMITTED

Item #	Description	Purpose of Exam
1	Glock 17 9mm pistol	
2	nylon web belt w/ equipment	
3	Glock 17 9mm pistol	
4	nylon web belt w/ equipment	
5	(2) blood samples - Matthy	
6	(2) blood samples - Greyer	
ATTACH ADDITIONAL SHEETS AS REQUIRED		

CHAIN OF CUSTODY

Item #	Received From	Delivered To	Date	Time

To Be Completed by Laboratory

Court Due Date: _____ Current Priority: _____

Item #	Priority	Scheduled Analysis

Notify Lab Immediately if Due Date or
Priority Change

PLACE THIS FORM IN ENVELOPE ON OUTSIDE OF EVIDENCE PACKAGE

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

INFORMATION BULLETIN



SUBJECT

HOMICIDE INVESTIGATION
CASE # 95-2390

DATE

APRIL 11, 1995

PREPARED BY

LT. F. VULICH

██████████ AGE 33 OF THE WEITCHPEC AREA WAS SHOT AND KILLED BY HOOPA TRIBAL POLICE OFFICERS ON APRIL 10, 1995.

SHERIFF'S INVESTIGATORS ARE CONTINUING TO WORK ON THE CASE IN COOPERATION WITH THE DISTRICT ATTORNEY'S OFFICE, CORONER'S OFFICE AND D.O.J. CRIMINALIST.

THE CASE INVESTIGATION WILL BE SUBMITTED TO THE DISTRICT ATTORNEY'S OFFICE FOR REVIEW AND DETERMINATION OF FINDING LATER THIS WEEK.

THE SHERIFF'S OFFICE WILL UPDATE AVAILABLE INFORMATION IN A MATTER OF A PREPARED WRITTEN PRESS RELEASE ON APRIL 13, 1995.

Offense

196 PC.

ON 5-16-96 I SPOKE WITH WILLOW CREEK ATTORNEY [REDACTED] REGARDING THIS CASE. HE ADVISED ME THAT [REDACTED] FAMILY HAD HIRED HIM TO DO AN INDEPENDANT INVESTIGATION INTO THE DEATH OF [REDACTED]. [REDACTED] HAD HIRED [REDACTED] OF LOS ANGELES TO DO THE INVESTIGATION. I HAD SPOKEN TO [REDACTED] ON 5-15-95 ABOUT THE CASE AND HE ADVISED ME THAT HIS INVESTIGATION HAD THE SAME RESULT AS THE INVESTIGATION DONE BY DET. LESIER AND ME, THAT THE DEATH OF [REDACTED] WAS A JUSTIFIED HOMICIDE AS A RESULT OF [REDACTED] ATTACK WITH FIREARM ON THE OFFICERS WHO TRIED TO STOP HIM.

[REDACTED] ALSO ADVISED ME THAT HIS INVESTIGATION HAD INTERVIEWED ABOUT 45 PEOPLE AND THEY CAME TO THE SAME CONCLUSION AS WE HAD. [REDACTED] ALSO SAID THAT HE THOUGHT THAT [REDACTED] HAD LIED TO THEM ABOUT WHAT HAPPENED BECAUSE OF HER PERSONAL LIABILITY EXPOSURE IF SHE WAS INVOLVED IN A FELONY WITH [REDACTED]. I HAD ADVISED [REDACTED] AND [REDACTED] BOTH OF THE RESULT OF OUR INVESTIGATION, AND I HAD NOT MENTIONED OUR INTERVIEW WITH [REDACTED] BEFORE [REDACTED] MENTIONED THAT SHE HAD LIED, AND I ADVISED THAT WE FELT THAT [REDACTED] HAD NOT BEEN TRUIHFUL IN HER STATEMENT TO US.

[REDACTED] THANKED ME FOR THE INFORMATION AND SAID THAT HE FELT THAT A GOOD INVESTIGATION HAD BEEN CONDUCTED BY DET. LESIER AND MYSELF AND HE WAS CONFIDENT THAT WE AND HE HAD COME TO THE CORRECT CONCLUSIONS.

NOTE THAT WHEN I ADVISED [REDACTED] AND [REDACTED] ABOUT THE CASE IT WAS NOT IN DETAIL, BUT INCLUDED THE SALIENT POINTS OF WHAT HAD HAPPENED, AND THAT WE HAD SEVERAL EYE WITNESSES WHO ALL TOLD SIMILAR STORIES OF THE INCIDENT, AND THAT WE HAD INTERVIEWED A WITNESS WHO SAID THAT [REDACTED] HAD SHOT AT HIM ON THE HIGHWAY AS HE WALKED NEAR HWY 96 AND MILL CREEK, AND THAT TRIBAL POLICE WERE TRYING TO ADVISE THEIR OFFICERS OF THAT JUST BEFORE THE INCIDENT, BUT DID NOT GET THROUGH.

Reporting Officer FREEMAN	Date and Time 5-16-95	Reviewed	Copies To:	Dr. No. 01-952390
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HUMBOLDT COUNTY SHERIFF'S DEPT.
826 FOURTH STREET
EUREKA, CALIFORNIA 95501 - 1172

95-2390

CONFIDENTIAL

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

- 1200 -

ARRESTED
 DOMESTIC VIOLENCE

301 PAGE 1 302 CASE NUMBER 95-2390

HEADING	<input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> SUPPLEMENTAL <input type="checkbox"/> CONTINUATION <input type="checkbox"/> INCIDENT	303 DATE/TIME REPORT 4/10/95 1712 HRS				304 INCIDENT / CRIME CLASSIFICATION					305 AREA 44
		306 DATE/TIME OCCURRED 4/10/95 1600 HRS				307 LOCATION SR 96 / HPM 17.30 HOOPA					
		309 NAME [REDACTED]				310 ADDRESS HOOPA CA.					311 PHONE NO PHONE
	312 SAME AS	313 RACE E	314 SEX F	315 AGE	316 DATE OF BIRTH	317 HT	318 WT	319 EYES	320 HAIR	321 OTHER P.O.B.	
322 CODE	323 NAME				324 ADDRESS					325 PHONE	
326 SAME AS	327 RACE	328 SEX	329 AGE	330 DATE OF BIRTH	331 HT	332 WT	333 EYES	334 HAIR	335 OTHER		

NARRATIVE

ON 4/10/95 AT APPROX 1610 HRS, WHILE TRANSPORTING A UNKNOWN FEMALE [REDACTED] FROM SR 96 / HPM 17.30, AFTER A OFFICER INVOLVED SHOOTING TO THE HOOPA SUBSTATION, I ATTEMPTED TO CALM THE FEMALE [REDACTED] DOWN. I TOLD HER "MY NAME IS LUS, TRY TO CALM DOWN. WHATS YOUR NAME." AT THIS THE [REDACTED] RESPONDED "FUCK YOU. I'M NOT TELLING YOU ANYTHING WITHOUT A LAWYER."

AT APPROX 1640 HRS, I REQUESTED HOOPA AMBULANCE TO TALK TO THE [REDACTED] TO TRY AND CALM HER DOWN. SHE WOULD NOT TALK TO THE PARAMEDICS EITHER. SAYING "YOU SHOT [REDACTED]"

AT APPROX 1900 HRS, THE SUSPECT CALMED DOWN ENOUGH FOR ME TO GET HER NAME. [REDACTED] "HOWS [REDACTED] I SAW ONE OF THEM GET SHOT"

NO FURTHER INFORMATION.

ADMIN.	336 OFFICER(S) REPORTING [Signature]	I.D. NUMBER 0887	DATE OF REPORT 7/10/95	337 SUPERVISOR REVIEW	DATE
	338 COPIES TO:	<input type="checkbox"/> CH <input type="checkbox"/> INVEST <input type="checkbox"/> PATROL <input type="checkbox"/> DISTRICT ATTORNEY <input type="checkbox"/> PROBATION <input type="checkbox"/> C.P.S. <input type="checkbox"/> OTHER			

SHERIFF'S DEPARTMENT HUMBOLDT COUNTY - 1200 -

1 PAGE one 1 2 CASE NUMBER **01** 95-2390

ADULT ARREST JUVENILE ARREST DOMESTIC VIOLENCE

OCCURRENCE	3 CODE SECTION 187 664 PC 196.3 PC	4 TITLE ATTEMPTED MURDER JUSTIFIABLE HOMICIDE	5 CLASSIFICATION PEACE OFFICER	6 <input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> INCIDENT	7 REPORT AREA 44
	8 DATE & TIME OCCURRED — DAY 4-10-95 1605	9 DATE & TIME REPORTED same	10 LOCATION OF OCCURRENCE HWY 96, Mile Marker 17± Hoopa		

11 [REDACTED] LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) MATTZ, ANTHONY THEODORE	12 RESIDENCE ADDRESS	13 RESIDENCE PHONE
14 OCCUPATION POLICE OFFICER	15 RACE IND	16 SEX M
17 AGE 28	18 DATE OF BIRTH [REDACTED]	19 BUSINESS / OTHER ADDRESS HOOPA TRIBAL POLICE
21 VEHICLE COLOR WHITE	22 YEAR	23 MAKE FORD
24 MODEL	25 BODY STYLE TAURUS	27 STATE CAL
28 WHERE HOSPITALIZED	29 DATE / TIME	30 DOCTOR
31 NATURE OF INJURY	32 MEDICAL RELEASE <input type="checkbox"/> YES <input type="checkbox"/> NO	

CODES: V = VICTIM W = WITNESS R = REPORTING PERSON

ADDITIONAL PERSONS INVOLVED

OTHERS INVOLVED	33 CODE [REDACTED]	34 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) GUYER, EDWARD KENNETH	35 RESIDENCE ADDRESS	36 RESIDENCE PHONE
	37 OCCUPATION POLICE OFFICER	38 RACE IND	39 SEX M	40 AGE 21
	41 DATE OF BIRTH [REDACTED]	42 BUSINESS / OTHER ADDRESS HOOPA TRIBAL POLICE	43 [REDACTED]	44 [REDACTED]
	44 CODE	45 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	46 RESIDENCE ADDRESS	47 RESIDENCE PHONE
	48 OCCUPATION	49 RACE	50 SEX	51 AGE
52 DATE OF BIRTH	53 BUSINESS / OTHER ADDRESS	54 OTHER PHONE		
55 CODE	56 NAME — LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	57 RESIDENCE ADDRESS	58 RESIDENCE PHONE	
59 OCCUPATION	60 RACE	61 SEX	62 AGE	63 DATE OF BIRTH
		64 BUSINESS / OTHER ADDRESS	65 OTHER PHONE	

ADDITIONAL SUSPECTS

SUSPECTS	66 [REDACTED] (LAST, FIRST, MIDDLE)	67 AKA	68 RACE IND	69 SEX M	70 AGE 33	71 DATE OF BIRTH [REDACTED]	72 HT.	73 WT.	74 HAIR	75 EYES				
	76 SUSPECT'S ADDRESS WEITCHPEC RT., HOOPA	77 PHONE	78 PLACE OF BIRTH	79 CITE #	80 ARREST #	81 MIRANDA <input type="checkbox"/> a-YES <input type="checkbox"/> b-NO								
	82 BUSINESS / OTHER ADDRESS	83 DRIVER'S LICENSE	STATE	84 SAME AS #	85 [REDACTED] (LAST, FIRST, MIDDLE)	86 AKA	87 RACE	88 SEX	89 AGE	90 DATE OF BIRTH	91 HT.	92 WT.	93 HAIR	94 EYES
	95 [REDACTED] ADDRESS	96 PHONE	97 PLACE OF BIRTH	98 CITE #	99 ARREST #	100 MIRANDA <input type="checkbox"/> a-YES <input type="checkbox"/> b-NO								
	101 BUSINESS / OTHER ADDRESS	102 DRIVER'S LICENSE	STATE	103 SAME AS #	104 FURTHER [REDACTED] DESCRIPTION (I.E., GLASSES, TATTOOS, TEETH, BIRTHMARKS, JEWELRY, SCARS, MANNERISMS, WEAPONS, ETC.)	105 [REDACTED]	106 [REDACTED]	107 MAKE CADILLAC	108 MODEL 4DR	109 BODY STYLE	110 [REDACTED]	111 STATE CAL		
	112 ADDITIONAL VEHICLE IDENTIFIERS (DAMAGE, CHROME WHEELS, VINYL, ETC.)	113 TOWED TO	114 HOLD <input type="checkbox"/> YES <input type="checkbox"/> NO	115 HOLD FOR WHOM										

SUMMARY	116 LOG ENTRY SUMMARY (THREE OR FOUR SENTENCES BRIEFLY OUTLINING WHAT OCCURRED AND ESTABLISHING THE ELEMENTS) [REDACTED] AFTER EVADING POLICE, EXITS VEHICLE AND SHOOTS AT OFFICER WITH SEMI AUTOMATIC HANDGUN, [REDACTED] MISSES OFFICER, OFFICER RETURNS FIRE KILLING SUSPECT.

ADMIN.	119 OFFICER(S) REPORTING DETECTIVE ROD LESTER	I.D. NUMBER 0083	DATE OF REPORT 4-13-95	120 SUPERVISOR REVIEW	DATE	121 OTHER RELATED REPORTS
	122 COPIES TO: <input type="checkbox"/> CH <input type="checkbox"/> INVEST <input type="checkbox"/> PATROL <input type="checkbox"/> DISTRICT ATTORNEY <input type="checkbox"/> PROBATION <input type="checkbox"/> C.P.S. <input type="checkbox"/> OTHER					

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

CASE # 95-2390

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HUMBOLDT COUNTY SHERIFF'S DEPARTMENT 1200 COVER SHEET

SUMMARY OF DETECTIVE LESTER

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SUPPLEMENTAL REPORT OF DEPUTY DAGUE

NARRATIVE REPORT OF DETECTIVE FREEMAN REPORT

SUPPLEMENTAL REPORT OF DETECTIVE LESTER

REPORTS FROM D.O.J. BUREAU OF FORENSIC SERVICES
BLOOD ALCOHOL REPORTS
TOXICOLOGY REPORTS
CRIME SCENE/LABORATORY EXAMINATIONS REPORT

EVIDENCE REPORTS

CORONER'S REPORT

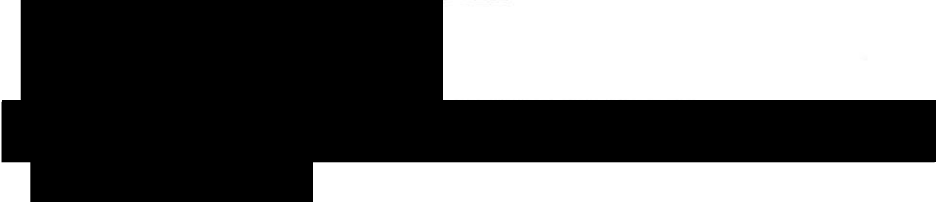
CALIFORNIA HIGHWAY PATROL REPORTS
VEHICLE STORAGE REPORT & ACCIDENT REPORT

NEWS RELEASES

SHERIFF'S RADIO TAGS

HOOPA TRIBAL POLICE DISPATCH LOGS

TRANSCRIPTS OF INTERVIEWS WITH:
TRIBAL POLICE OFFICER TONY MATTZ
TRIBAL POLICE OFFICER ED GUYER



REQUESTING AGENCY CASE NO.
95-2390

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES

BFS CASE NUMBER
NCC-0058-95

NORTH COAST REGIONAL CRIMINALISTICS LABORATORY

██████████ West Wabash Avenue, Eureka, CA 95501-2121

Phone No. ██████████ FAX No. ██████████

Detectives Freeman & Lester
Humboldt County Sheriff's Department
825 5th Street
Eureka, CA 95501

COPIES:
ATTN:

PHYSICAL EVIDENCE EXAMINATION REPORT

██████████ OFFENSE: 196(3)P.C.

██████████
██████████ Officers MATTZ, Tony & GUYER, Edward

OFFENSE DATE: 04-10-95

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

FIELD INVESTIGATION

On April 10, 1995 Criminalist ██████████ and the undersigned provided technical support at the scene of an officer involved shooting relating to the Hoopa Tribal Police. The location of the scene was on state highway 96 near mile marker 17.33. We arrived at the scene about 1830 hours. The scene was photographed, and the evidence documented and collected.

The dead ██████████ was visually examined prior to removal by the Coroner's Office. One gunshot wound to the face was seen. No gunshot residue was observed on or about the face. The ██████████ hands were processed for gunshot residue.

The Tribal Police car was not processed at the scene, but was driven back to the laboratory. The scene processing was completed at about 2100 hours.

LABORATORY EXAMINATIONS

SUMMARY:

Three 22 caliber rimfire cartridge cases (items 1, 2, and 8) recovered at the scene were fired in the Smith and Wesson pistol (item 5).

The copper jacket (item DOJ-2) recovered from ██████████ during autopsy was from a Winchester Black Talon bullet.

All of the 9mm cartridge cases from the scene were fired in the officers' weapons.

Alcohol analysis of a blood sample from ██████████ showed a BAC of 0.19%.

EVIDENCE:

The following evidence was collected at the scene and returned to the Laboratory by the undersigned on April 10, 1995:

<u>Item Number</u>	<u>Description</u>
1:	One fired CCI 22 L/LR case.
2:	One fired CCI 22 L/LR case.
3:	One fired Win 9mm Luger case.
4:	One fired Win 9mm Luger case.
5:	One 22 caliber Smith & Wesson Model 622 pistol, serial number [REDACTED].
6:	One fired Win 9mm Luger case.
7:	One fired Win 9mm Luger case.
8:	One fired CCI 22 L/LR case.
9:	A Glock 9mm magazine.
10:	One Win 9mm Luger cartridge with Black Talon bullet.
11:	One piece of copper jacket.
12:	One fired Speer 9mm Luger case.
13:	One fired Win 9mm Luger case.
14:	One fired Win 9mm Luger case.
15:	One fired Win 9mm Luger case.
16:	Two fired Win 9mm Luger cases.
17:	One fired R-P 9mm Luger case.
18:	Three fired 9mm Luger cases; two R-P, one Win.

EVIDENCE (Cont'd):

<u>Item Number</u>	<u>Description</u>
19:	One fired Win 9mm Luger case.
20:	Two fired 9mm Luger cases; one R-P, one Win.
21:	Three fired 9mm Luger cases; two R-P, one Win.
22:	One fired Win 9mm Luger case.
23:	One fired Speer 9mm Luger case.
24:	One fired Win 9mm Luger case.
25:	One fired Win 9mm Luger case.

The following item was received from Glenn Sipma of the Humboldt County Coroner's Officer on April 12, 1995:

Item DOJ 1JB: Lead core and copper jacket fragments.

The following items were received from Detective Rod Lester of the Humboldt County Sheriff's Department on April 13, 1995:

<u>Item Number</u>	<u>Description</u>
1-1:	A 9mm Glock Model 17 pistol, serial number [REDACTED].
1-2:	Nylon web belt with equipment.
1-3:	A 9mm Glock Model 17 pistol, serial number [REDACTED].
1-4:	Nylon web belt with equipment.
1-5:	Blood sample from Officer Mattz.
1-6:	Blood sample from Officer Guyer.

EVIDENCE (Cont'd):

The following items were collected during examination of the Tribal Police Car on April 13, 1995:

<u>Item Number</u>	<u>Description</u>
DOJ 2:	Blood from left rear of vehicle.
DOJ 3:	Lead bullet core from top cushion of rear seat.
DOJ 4:	Bullet jacket from back seat.
DOJ 5:	One fired Win 9mm Luger case from back seat.
DOJ 6:	Lead bullet core from trunk left rain gutter.

EXAMINATIONS:

The officers' pistols (item 1-1 and 1-3), and the 22 caliber pistol from the scene (item 5), were properly functional. The officers' pistols were test fired with three cartridges from each officers' ammunition. Officer Mattz' ammunition was Winchester 9mm Luger with Black Talon bullets and Officer Guyer's ammunition was a combination of Remington-Peters 9mm Luger with hollow-point bullets and Federal Cartridge 9mm Luger with full metal jacket bullets. The test fired bullets and cases were collected for microscopic comparisons. The 22 caliber pistol was test fired using 22 LR CCI cartridges from the laboratory supply. The test fired 22 bullets and cases were also collected. Microscopic comparisons of the test fired 22 cases and the fired 22 cases from the scene (items 1, 2, and 8), showed sufficient corresponding individual features to conclude they were fired in the same weapon. Microscopic comparisons of the 9mm cases test fired from the officers' pistols and the 9mm cases from the scene showed sufficient corresponding individual feature to conclude that items 3, 4, 6, 7, 12, 13, 14, 15, 16A and B, 18C, 19, 20B, 21C 22, 23, 24, 25, 26 and DOJ 5, were fired from Officer Mattz' pistol, and items 17, 18A and B, 20A and 21A and B were fired from Officer Guyer's pistol.

Lead fragments and a portion of a black colored copper jacket (item DOJ-1) were recovered from [REDACTED] during autopsy. The copper jacket has the color and configuration of a Winchester Black Talon bullet jacket. Microscopic intra-comparisons of the test fired bullets from Officer Mattz' and Officer Guyer's pistols showed these were insufficient observable individual features on the bullets for identification purposes. The bullet jacket, therefore, could not be unequivocally identified to either pistol. Only Officer Mattz' pistol fired Winchester cartridges at the scene and therefore fired the Black Talon bullet which hit the [REDACTED]

Blood samples from [REDACTED] and Officers Mattz and Guyer were analyzed for alcohol content by Laboratory Technician [REDACTED]. Lewis showed a BAC of 0.19%, and Mattz and Guyer showed 0.00%.

EXAMINATIONS (Cont'd):

A blood smear was present on the left rear of the Tribal Police car. A sample of this smear was collected (item DOJ-2), but will not be analyzed at this time. Examination of the police car found two bullet holes in the left side of the roof support at the edge of the rear window. These two holes appeared to have been made by 22 caliber bullets. Other holes were observed on the right side and in the interior of the car and were consistent with being made by 9mm bullets.

DISPOSITION:

The officers' pistols and web gear (items 1-1 through 1-4) were returned to Detective Rod Lester on April 14, 1995.

Blood samples from the officers and [REDACTED] were sent to the Department of Justice Toxicology Laboratory via United Parcel Service on April 14, 1995.

The patrol car was released to [REDACTED] of Rosewood Auto Body Shop on April 21, 1995.

The remaining evidence is being held at the North Coast Laboratory pending return to the submitting agency, except blood removed from the patrol car (item DOJ-2), and a dried bloodstain of [REDACTED] blood which will be held for freezer preservation.

DATE OF REPORT: April 26, 1995

[REDACTED] 4.27.95

EXAMINED BY [REDACTED]

[REDACTED]
/Criminalist

REQUESTING AGENCY CASE NO.
952390

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
TOXICOLOGY LABORATORY
Sacramento, CA 95820
Phone No. [REDACTED] FAX No. [REDACTED]

BFS CASE NUMBER
T-1336-95
NCB-0407-95

COPIES:

Sheriff's Department
826 Fourth Street
Eureka, CA 95501

PHYSICAL EVIDENCE EXAMINATION REPORT

[REDACTED] MATTZ: TONY

OFFENSE: 197 PC

[REDACTED]
OFFENSE DATE: 4/10/95

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.

SUMMARY:

The following compounds were not detected in the blood sample from Items #1 and #2; certain stimulants (including methamphetamine and cocaine/or cocaine metabolites), cannabinoids (marijuana), tranquilizers, common narcotics, antidepressants, psychedelics (including phencyclidine), benzodiazepines, sedatives/hypnotics (including barbiturates) and anticonvulsant drugs.

EVIDENCE:

The following evidence was submitted to the Toxicology Laboratory via the Eureka Criminalistics Laboratory by the Humboldt County Sheriff's Department on 4/18/95:

Item #1 - 3 milliliters of blood labeled "Mattz/NCB-407-95"

Item #2 - 6 milliliters of blood labeled "Mattz/NCB-407-95"

EXAMINATION:

All samples are initially screened by immunoassay at these cutoff levels:

- | | |
|--------------------------------|---|
| 1. Opiates - 10 ng/ml | 4. Cocaine metabolite - 300 ng/ml |
| 2. Methamphetamine - 100 ng/ml | 5. Phencyclidine - 10 ng/ml |
| 3. Benzodiazepines - 100 ng/ml | 6. Marijuana and/or metabolite - 30 ng/ml |

All positive results are confirmed by gas chromatography/mass spectrometry

DISPOSITION:

The sample is being returned to the Eureka Criminalistics Laboratory via United Parcel service

Date of Report: May 1, 1995

Reviewed by: [REDACTED] Date: 5/11/95

Examined by: [REDACTED]
Forensic Toxicologist

REQUESTING AGENCY CASE NO.
952390

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
TOXICOLOGY LABORATORY
Sacramento, CA 95820
Phone No. [REDACTED] FAX No. [REDACTED]

BFS CASE NUMBER
T-1337-95
NCB-0408-95

COPIES:

Sheriff's Department
826 Fourth Street
Eureka, CA 95501

PHYSICAL EVIDENCE EXAMINATION REPORT

[REDACTED] GUYER

OFFENSE: 197 PC

OFFENSE DATE: 4/10/95

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.

SUMMARY:

The following compounds were not detected in the blood sample from Items #1 and #2; certain stimulants (including methamphetamine and cocaine/or cocaine metabolites), cannabinoids (marijuana), tranquilizers, common narcotics, antidepressants, psychedelics (including phencyclidine), benzodiazepines, sedatives/hypnotics (including barbiturates) and anticonvulsant drugs.

EVIDENCE:

The following evidence was submitted to the Toxicology Laboratory via the Eureka Criminalistics Laboratory by the Humboldt County Sheriff's Department on 4/18/95:

Item #1 - 4 milliliters of blood labeled "Guyer/NCB-408-95"

Item #2 - 6 milliliters of blood labeled "Guyer/NCB-408-95"

EXAMINATION:

All samples are initially screened by immunoassay at these cutoff levels:

- | | |
|--------------------------------|---|
| 1. Opiates - 10 ng/ml | 4. Cocaine metabolite - 300 ng/ml |
| 2. Methamphetamine - 100 ng/ml | 5. Phencyclidine - 10 ng/ml |
| 3. Benzodiazepines - 100 ng/ml | 6. Marijuana and/or metabolite - 30 ng/ml |

All positive results are confirmed by gas chromatography/mass spectrometry

DISPOSITION:

The sample is being returned to the Eureka Criminalistics Laboratory via United Parcel service.

Date of Report: May 1, 1995

Reviewed by: [REDACTED] Date: 5/11/95

Examined by: [REDACTED]
Forensic Toxicologist

APRIL 13, 1995

OFFICE OF THE ATTORNEY GENERAL
BUREAU OF FORENSIC SERVICES
NORTH COAST CRIMINALISTICS LABORATORY

[REDACTED]
EUREKA, CA 95501-2121
(707) [REDACTED]

CORONER'S OFFICE
3012 I STREET
EUREKA, CA 95501

SUMMARY OF BLOOD AND URINE ALCOHOL RESULTS APRIL 13, 1995 THROUGH APRIL 13, 1995.
SAMPLES 0.08% AND BELOW MAY BE FORWARDED TO THE TOXICOLOGY LABORATORY FOR FURTHER ANALYSIS,
DEPENDENT UPON CURRENT CONTRACTUAL AGREEMENTS.

CASE NUMBER	NAME	AGENCY AND COUNTY	OFFENSE				COMMENTS
			AGENCY #	DATE	VIOL	ANA BA % S	
NCB-0402	[REDACTED]	COR EUREKA HUM 6695	950412	DFK	0.19	C-0058-95	

I, [REDACTED] LABORATORY TECHNICIAN AT THE CRIMINALISTICS LABORATORY AT EUREKA, CERTIFY THAT THE ABOVE-DESCRIBED BLOOD AND/OR URINE SAMPLE(S) WERE ANALYZED FOR ETHYL ALCOHOL CONTENT AT A QUALIFIED LICENSED LABORATORY BY A QUALIFIED ANALYST MEETING THE REQUIREMENTS OF SECTION 1216.1 OF TITLE 17 OF THE CALIFORNIA CODE OF REGULATIONS, UTILIZING THE METHODS OF FORENSIC ALCOHOL ANALYSIS REQUIRED BY SECTION 1220 OF TITLE 17 AND INSTRUMENTS THAT WERE IN GOOD WORKING ORDER AND ROUTINELY CHECKED FOR ACCURACY AND PRECISION.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

APRIL 13, 1995 AT EUREKA, CALIFORNIA
(DATE) (PLACE) [REDACTED]

APRIL 14, 1995

OFFICE OF THE ATTORNEY GENERAL
BUREAU OF FORENSIC SERVICES
NORTH COAST CRIMINALISTICS LABORATORY

██████████
EUREKA, CA 95501-2121
(707) ██████████

HUMBOLDT COUNTY SHERIFF
825-5TH STREET
EUREKA, CA 95501

SUMMARY OF BLOOD AND URINE ALCOHOL RESULTS APRIL 14, 1995 THROUGH APRIL 14, 1995.
SAMPLES 0.08% AND BELOW MAY BE FORWARDED TO THE TOXICOLOGY LABORATORY FOR FURTHER ANALYSIS,
DEPENDENT UPON CURRENT CONTRACTUAL AGREEMENTS.

CASE NUMBER	AGENCY AND COUNTY	OFFENSE					COMMENTS
		AGENCY #	DATE	VIOL	ANA	BA % S	
NCB-0408 GUYER,	SO EUREKA	HUM 952390	950410	PC197	DFK	0.00	NON-DOJ CONTAINER
*NCB-0408							C-0058-95
NCB-0407 MATTZ, TONY	SO EUREKA	HUM 952390	950410	PC197	DFK	0.00	NON-DOJ CONTAINER
*NCB-0407							C-0058-95

I, ██████████ LABORATORY TECHNICIAN AT THE CRIMINALISTICS LABORATORY AT EUREKA, CERTIFY THAT THE ABOVE-DESCRIBED BLOOD AND/OR URINE SAMPLE(S) WERE ANALYZED FOR ETHYL ALCOHOL CONTENT AT A QUALIFIED LICENSED LABORATORY BY A QUALIFIED ANALYST MEETING THE REQUIREMENTS OF SECTION 1216.1 OF TITLE 17 OF THE CALIFORNIA CODE OF REGULATIONS, UTILIZING THE METHODS OF FORENSIC ALCOHOL ANALYSIS REQUIRED BY SECTION 1220 OF TITLE 17 AND INSTRUMENTS THAT WERE IN GOOD WORKING ORDER AND ROUTINELY CHECKED FOR ACCURACY AND PRECISION.

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

APRIL 14, 1995 AT EUREKA, CALIFORNIA
(DATE) (PLACE) ██████████



SHERIFF'S DEPARTMENT
COUNTY OF HUMBOLDT

HIGHWAY 96
HOOPA, CALIFORNIA 95546

P. O. BOX 1306
PHONE [916] 625-4231

SHERIFF'S INVESTIGATORS ARE INVESTIGATING THE DEATH OF A WEITCHPEC MAN WHO WAS SHOT AND KILLED BY HOOPA TRIBAL POLICE OFFICERS SHORTLY AFTER 1600 HOURS ON MONDAY, APRIL 10, 1995.

TRIBAL POLICE AND THE HUMBOLDT COUNTY SHERIFF'S DEPARTMENT HAD RECEIVED NUMEROUS CALLS FROM HOOPA AREA RESIDENTS WHO REPORTED A RECKLESS AND DANGEROUS DRIVER IN A FULL SIZE [REDACTED] SEDAN. WHEN TRIBAL POLICE OFFICERS LOCATED THE VEHICLE ON MARSHALL LANE IN HOOPA AND ATTEMPTED TO STOP IT, THE DRIVER SPED AWAY IGNORING THE RED LIGHTS AND SIREN OF THE TRIBAL POLICE CAR. THE DRIVER LED OFFICERS IN A PURSUIT NORTHBOUND ONTO THE HOOPA BLUFFS AREA OF HIGHWAY 96. THE VEHICLE WAS DRIVING TOO FAST FOR ROAD CONDITIONS AND HIT A BRIDGE RAILING CAUSING ENOUGH DAMAGE TO THE VEHICLE THAT IT TRAVELLED ONLY ABOUT A MILE FURTHER WHERE IT CAME TO A STOP IN THE ROADWAY.

THE DRIVER OF THE VEHICLE EXITED HIS CAR AND RUSHED BACK TOWARD THE OFFICERS' VEHICLE. HE HAD A SEMI AUTOMATIC HANDGUN IN HIS HAND AND AS HE APPROACHED ONE OF THE PURSUING OFFICERS HE RAISED THE HANDGUN AND POINTED IT AT THE OFFICER'S HEAD. SHOTS WERE EXCHANGED AND THE [REDACTED] WAS SHOT AND KILLED. BOTH TRIBAL POLICE OFFICERS RECEIVED MINOR SCRATCHES FROM SHATTERED GLASS WHEN THE REAR WINDSHIELD WAS SHOT OUT OF THEIR POLICE CAR, BUT NEITHER NEEDED MEDICAL TREATMENT.

AT THE TIME OF THIS WRITING, THE NAME OF THE DECEASED HAD NOT BEEN RELEASED BY THE CORONER.

THE NAMES OF THE TRIBAL POLICE OFFICERS ARE NOT BEING RELEASED. INVESTIGATORS WERE ASSISTED AT THE SCENE BY CRIMINALISTS FROM THE CALIFORNIA DEPARTMENT OF JUSTICE, OFFICERS FROM THE CALIFORNIA HIGHWAY PATROL, PERSONNEL FROM THE SHERIFF'S HOOPA SUBSTATION AND AN INVESTIGATOR FROM THE DISTRICT ATTORNEY'S OFFICE.

DETECTIVE ROD LESTER / DETECTIVE JUAN FREEMAN 4-11-95 0100 HOURS

=====

SUPPLEMENTARY OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

=====

CASE NUMBER: 95-2390

INTERVIEWER: DET. ROD LESTER
DET. JUAN FREEMAN

SUBJECT:

STATEMENT OF: [REDACTED]

LOCATION: LOWER CAPELL, HOOPA, CALIF

DATE & TIME: MAY 4, 1995, 1138 HOURS

ALSO PRESENT:

=====

Q. What's your middle name, [REDACTED]

A. [REDACTED]. [REDACTED]

Q. And [REDACTED] [REDACTED]

A. Uh, huh.

Q. And your date of birth is...

A. [REDACTED]

Q. Okay, and your mailing address?

A. [REDACTED], Hoopa.

Q. Okay.

L. Today's date is 5-4-95, the time is 1139, or 1138, and we are Lower Capell?

A. Uh, huh.

L. And we are at [REDACTED] house. Now, you'll hear in the background the children in the bathtub, or something, and having fun, and we're in the kitchen of her home. [REDACTED] we're going to ask you to recall something that is probably not very pleasant for you, but we want to recall the situation in which [REDACTED] was killed.

Q. We know, we know this is going to be a little hard on you.

L. I think your father, or [REDACTED] father is coming.

A. All right, 'cause he's, he's been harassed, too.

L. He has?

A. The other day when I followed him up there, there was some shooting right there by my mom's.

L. Well, let's, I'll tell you what let's do, since there are some other issues, let's talk about the, the death itself, and then after we get finished with that, we'll be able to talk about whatever else is going on. Is that okay?

A. Okay.

L. You were in the car with [REDACTED] when this happened?

A. Uh, huh.

L. How long had you been in the car? Did he pick you up somewhere. You guys had been driving around all day together?

A. Pretty much we had been together all day. We went to get some money out of the bank to get his car fixed, the transmission thing. He didn't have no money, and our littlest boy, he was with us all day, too. The other one went to school.

L. Where was the littlest boy when this happened?

A. He was in the car, too. I just had enough time to throw him out.

L. What?

A. I just had enough time to throw out the window.

L. You threw the little boy out the window? That's something I didn't know. Where did that happen?

A. Right there when I saw Tribal Security and there was a van behind them, and we always get harassed by them. I know it was (inaudible)

L. So where exactly was that?

A. Right there at Marshal Lane.

L. Marshal Lane at, uh, you have a relative there?

A. My mother stays there.

L. It's your mother's place. So he was right there?

A. Uh, huh.

L. At your mom's place or where she stays. So, uh, when you turned, when you got on Marshal Lane the little boy wasn't with you then?

A. Uh, huh.

L. And you saw the guy, the policeman turn on his red light?

A. Yeah, we waited for him to go by us, but [REDACTED] the rig was parked quite a ways back, so he pulled out and there was a tractor that was in front of us going down the road, and so he kind of went around them, and they had like their lights and stuff on us.

L. Lights and siren?

A. Just the lights.

L. The lights. Okay, what happened at that time when [REDACTED] didn't pull over?

A. Well, we didn't really think nothing.

L. Didn't think you wanted to

A. 'Cause the car wouldn't even pick up until we got, they chased us through the bluffs, and he knew that from there he ain't going to get a fair shake, so they took and run that car that was behind us rammed us into the bridge.

L. The car that was behind you rammed you. The police car rammed you?

A. Uh, huh.

L. And caused you to hit the bridge?

A. Yeah, because the shocks were pretty bad and we ended up hitting the bridge.

L. Yeah, and that's because the police car hit you on the back of the car?

A. Yeah, he lost control. He only had one hand to drive.

L. And so eventually he stopped?

A. Yeah, the car stopped.

L. Because the car broke? And what happened when the car stopped?

A. He tried to shut it off.

L. He tried to shut the car off. And at some point, [REDACTED] got out of the car?

A. Uh, huh. They were already out of the car and they started shooting.

L. They were out of the car and started shooting? So,

A. So I kind of hid on the seat, and then [REDACTED] got off the seat and was, and they layed up and [REDACTED] was kind of hiding. When the car stopped I thought I was going to die. And they kept shooting again. There's another police car that pulled in there after [REDACTED] was already down and he was shot, too. That, the one guy, I recognized him from T.V., and Tony Mattz was one of them. There was younger fella, too. He was shaking and everything else.

L. You were shaking?

A. No, he was.

L. He was shaking?

A. Yeah (inaudible) He didn't have to shoot him or anything (inaudible)

L. So the way you remember it was that [REDACTED] was still in the car when the shooting started?

A. Yeah, he was trying to shut it off but there's no key for the switch. You have to use a pair of pliers and you turn it off with the pliers, and by that time, they were already out of their car when he got out. I seen [REDACTED] get hit somewhere right in here, 'cause he kind of went flying back like that, up and down, and I couldn't (inaudible) and my door was open too. [REDACTED] got up. About that time, my husband (inaudible) He knew he'd been hit. Some kind of charge on his car like not stopping 'cause I won't even stop for them. Before I always had to, they just harassed me.

L. Uh, huh. So [REDACTED] wouldn't stop either, so neither one of you ever would have stopped.

A. No, until we get somewhere where we know that somebody would be there like to witness or anything, and then we'll stop. Because [REDACTED] stopped me before all this happened, and I made him follow me all the way up to my uncle's place where and I felt safe. (inaudible)

L. So, this gun that [REDACTED] had, where did it come from? Has he had it a long time?

A. I didn't even know he had one. His hand right here is all bandaged up in a cast, and he reached over and grabbed a pair of pliers, turned the car on (inaudible) and things just happened too fast. I didn't see (inaudible). Just before that, before we left there, he was parked up in our yard, and him and my brother were just came back from test driving the car to see what the problem was because he was, he used to work at PC's, and my other brother was working, both of them were working at (inaudible), and my other little boy just got one of those little BB guns, and he was trying to fix it, and he didn't have (inaudible) or he would have showed me (inaudible)

L. So you weren't with him when he stopped down at the end of Marshal Lane at Highway 96 and shot there? You weren't in the car then?

A. I don't even know nothing about that.

L. Okay.

A. Because at all times, there was someone with him before all this happened.

L. What's your brother's name?

A. [REDACTED] [REDACTED]

L. [REDACTED] [REDACTED] and does he stay there on Marshal Lane, too?

A. Uh, huh.

L. So we can stop and see him sometime next week and, uh, he's the only other person that would have been riding with him, driving with him?

A. No, there's a [REDACTED]

L. [REDACTED] does he live in Hoopa, too?

A. Uh, huh.

L. Now, I, I think, I thought that when I saw [REDACTED] that there was nobody else in the car with him.

A. No, my little boy was probably in the back with that little dog.

L. So there might have been a time when there was no other adults in the car with him?

A. Just that one time. And then that's when they went up there to get the transmission fixed.

L. Where did they go to do that?

A. At the other end, at Schumaker Lane.

L. Uh, huh. And had you and [REDACTED] been drinking?

A. Uh, uh. (negative)

L. Had [REDACTED] been drinking?

A. Not that I know of.

L. When was the last time you saw him drinking before that?

A. It's been a long time because he's been on medication.

L. He's been on medication and hasn't been drinking

A. Uh, huh, no.

L. Has he been using any, uh, illicit drugs, any speed or anything? You're shaking your head no?

A. Uh, huh.

L. So as far as you know, [REDACTED] didn't have a gun?

A. Uh, huh.

L. As far as you know, he hadn't had any alcohol, and the only, uh drugs he would have been taking would have been drugs that were prescribed by the doctor?

A. He got all of his things that he was on.

L. Do you know what they are?

L. Maybe you could show them to me later on so I can write all that down. Okay? So if they find something in the blood system that would explain part of it anyway. So you don't, where did you first see [REDACTED] come up with the gun?

A. He didn't have one.

L. You never saw him with a gun?

A. He don't even have any here. He was on probation for a lot of years. He's not supposed to have any kind of weapons.

L. So you haven't seen him with a gun or shoot a gun for how long?

A. A long time. My brother had his bow and arrow but he left here after his little daughter died and they had problems.

L. Your brother had a, his daughter that died?

A. Yeah, a little infant.

L. That's tough. Did, uh, [REDACTED] go somewhere during that day before he was killed to look for a job?

A. He might have because there were, he tried getting jobs anywhere he could and nobody would hire him.

L. So he, he might have stopped to see somebody about a job, but you don't know for a fact?

A. I don't know that for a fact. As far as I know, he didn't.

L. And so it wouldn't have been uncommon for you or for [REDACTED] to get stopped by the Police, not to stop until you got someplace safe.

A. Uh, huh.

L. Even if it was right there when you first got the lights put on you right there by your mother's place?

A. Uh, huh. I had one follow me from getting into town all the way through the, clear up to...

L. To where?

A. He had his lights and everything on.

L. Where's that?

A. Down to the end of the valley all the way through the, clear up to my uncle's place.

L. Uh, huh.

A. And they had lights on me in that truck, and it only had two gears in it, and he (inaudible) because I wouldn't stop on the way back. I had my reasons.

L. Uh, huh. Do you have a driver's license, [REDACTED]?

A. Uh, huh.

L. So, you think the officers shot before [REDACTED] even got out of the

car then?

A. Huh?

L. You think the officers shot at [REDACTED] before he even got out of the car?

A. Yeah, because when he opened the door, I seen when they start shooting, his shoulder went back so I figured he got shot up in here so much. 'Cause his shoulder came flying back 'cause I kind of fell back in my seat and I seen it.

L. Uh, huh, and you kind of hunkered down on the floorboard after that, huh?

A. Yeah.

L. And you waited for all the shooting to stop before you got out of the car?

A. No, after seen what they did, I jumped out and turned around, "Don't shoot and stuff."

L. How many shots were fired do you think?

A. Several.

L. Half a dozen?

A. Yeah, it could have been.

L. It could have been that many, maybe somewhere around that, maybe fewer or more. What do you think?

A. I'm not sure.

L. Okay.

A. (inaudible)

L. It didn't take a long time?

A. No.

L. Was it minutes or seconds or what do you think?

A. I'm not sure.

L. Okay. Uh, did you hear any spoken word? Did anybody ask?

A. No.

A. I was waiting for them to say "freeze or hold it or get out with your hands up in the air or something".

L. Uh, huh. So there was a time during the day that [REDACTED] could have drank alcohol and you wouldn't have known about it then when he was off with these other people?

A. No, 'cause I would have smelled it on him or I would have. I could've been able to tell if he does.

L. And you don't use alcohol?

A. Uh, uh. I can't understand all that stuff in the paper, and I tried to ask him, what he got, what're you charging me with?

L. Well, you can't believe the stuff in the paper. They've got to sell newspapers. Sometimes they put stuff in there that they think might sell the newspaper rather than the truth. I know it hurts people and it hurts their family when they read that stuff, but it hurts me too when I see stuff about me and my family. Uh, Juan, do you have any questions?

Q. Uh, did you, did you see where [REDACTED] was because you mentioned you saw [REDACTED] get hit in the shoulder. Where was he when he was hit?

A. He, he made it over to the police car and he tried to hide on the side of it.

Q. So he was back by the police car?

A. Kind of in front of it.

Q. Kind of in front of the police car?

A. By the door, right there by the door in the car.

Q. Which side of the car?

A. Driver's.

Q. Driver's side? Do you remember if the door was open or closed?

A. Their door was open.

Q. Their door was open, so [REDACTED] made it to the open door?

A. Yeah, and they were already out of their car, and they were kind of behind their car.

Q. They were behind their car?

A. Yeah, and they were still shooting.

Q. Okay, so that's where you saw him get hit was behind the door?

A. Yeah, 'cause he was laying on his side, too. He was almost underneath the car, really close to the car.

Q. And you saw him go down?

A. Uh, huh.

L. Where were you when you saw this?

A. That one officer told me get down, get down I got down on my knees, and he already had me in handcuffs, and so I got down on my knees, and then he had a gun up to my head and at that time I looked up, there was another car, a [REDACTED] van that came from the Weitchpec direction and his mouth just got wide open (inaudible) and after that, (inaudible) I really was all shaking and everything. And so I leaned down more and peaked under that cop car and seen [REDACTED] laying there, and he was already on his back.

L. Okay.

Q. Do you remember where you were when [REDACTED] got hit, when you saw [REDACTED] get hit? Do you remember where you were?

A. In the car.

Q. You were still in your car?

A. Uh, huh.

Q. Okay, looking back through your window?

A. Looking through the side.

Q. Okay.

A. (inaudible) and it was still open.

L. So you think if, I'm sorry, Juan, go ahead. If you think [REDACTED] would of used alcohol, you would have known about it? Or speed? You're nodding yes. So I'll say that into the tape recorder.

Q. That's so that later on we listen to it, you're nodding you're saying yes.

L. What your answer was, yeah. Anything more about that incident right there that you can remember that we haven't asked you?

A. Uh, uh. No, I don't.

L. Okay. Well, I'll tell you, we'll stop asking questions now, and if something comes up we'll come up and see you, huh. Okay?

Q. I have just one more question.

L. Go ahead.

Q. Did you have any alcohol or beer in the car with you when that happened?

A. Uh, uh. He had the money in his pocket to get the car fixed.

Q. Uh, huh, so you had no alcohol in the car?

A. Uh, uh.

Q. Okay.

L. I've got 11:55.

typed by [REDACTED] on 5-12-95

=====

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENTARY OFFENSE REPORT

=====

CASE NUMBER: 95-2390

INTERVIEWER: JUAN FREEMAN, INVESTIGATOR

SUBJECT: INVESTIGATION

STATEMENT OF: [REDACTED] [REDACTED]

LOCATION: HOOPA AMBULANCE CO.

DATE/TIME: APRIL 17, 1995

ALSO PRESENT: [REDACTED] [REDACTED]

=====

Q. I'm just, uh, (inaudible). Let's see which way this thing is pointed.

A. Can I ask you a question first?

Q. Yep.

A. [REDACTED] is having a rough time down there and they wanted us to take 'em (inaudible) to take down where an autopsy (inaudible)

Q. You mean, the family?

A. Yeah.

Q. Yeah, the family wants to do, we did a regular autopsy on [REDACTED] [REDACTED]. But the family has requested one, too, and so

A. There's so many tales out there, (inaudible) I don't know, you know. I didn't say anything wehn I was down there (inaudible) uh, uh, it sounded like it was an execution, you know.

Q. Yeah, right. Well, I mean, the family of the dead person's always going to think something like that, you know.

A. Yeah.

Q. You know, that's pretty much... And I think they're going to go to court and get a court order to do their own autopsy, which is fine, you know. If they get the court order, they can do it, but I was at the auto, the other autopsy, and, you know, it was

difficult, but I was, you know, it was a normal autopsy and nothing abnormal happened there. They're not going to get any different results than we did. In fact, they probably won't find out anything. They might, uh, the only thing they'll probably be able to do is draw bodily fluids and maybe do their own tox.

A. Yeah.

Q. You know, for drugs and alcohol, but, uh, we got that, too, so, anyway. But they're welcome to do it.

A. Yeah.

Q. No problem with it, and it's something that's normal and something that I don't hold that against them or anything. It's just one of those things. They, they want to be satisfied in their own minds

A. Yeah.

Q. About what happens, and so that's fine with me, you know. Anyway, let's see now. The time is, I got the tape on here so, this is regarding about 95-2390, the time is 1450 hours, and this is Det. Freeman of the Sheriff's Department. We're at Hoopa Ambulance, and present is [REDACTED] and [REDACTED]

A. [REDACTED].

Q. [REDACTED] Do you have a middle name, [REDACTED]

A. No.

Q. Okay, and your date of birth, [REDACTED]

A. [REDACTED].

Q. I finally found somebody that's older than me. I can't believe it. Not much, a couple of months. So you're 48, huh?

A. Yep.

Q. And your address, [REDACTED]

A. [REDACTED], Hoopa.

Q. And your phone number there?

A. [REDACTED].

Q. Is that a pager or something or?

A. Radio phone.

Q. Radio phone, okay. That's down river some place?

A. Yeah, it's down the end of the road [REDACTED] (inaudible), [REDACTED] on 169.

Q. Oh, you're all the way down?

A. Yeah.

Q. Okay. That's at [REDACTED] then. You're a [REDACTED]

A. Yeah, we're changing that to Wauteck.

Q. Wauteck.

A. Yeah.

Q. Is it official yet?

A. Uh, we're trying to get it official. As far as the Yurok's concerned, it's official.

Q. We'll call it [REDACTED] and how do you spell Wauteck?

A. W-a-u-t-e-c-k

Q. Just like it sounds. Okay, great. And, uh, so I take it on April 10, you were with [REDACTED] when he responded to the scene there in the bluffs?

A. Yes, I was, yeah.

Q. Okay, and can you tell me, what, what your role was, [REDACTED]

A. Yeah, I'm ambulance driver and go for, go get the bandage and stuff like and then a.. well, [REDACTED] could go.. all the way down, right?

Q: Uhuh.

A: Okay, and after you guys, he told me to get the a.. (inaudible) and a.. four by fours and stuff like that, cause he use 'em. (inaudible) a.. one down and a.. officer wounds there was...

Q: Mnhm.

A: ...or something like that and you a.. (inaudible)...

Q: So you knew you had something bad going?

A: Yeah, we knew we had something a.. something down, somebody down anyway, so...

Q: Yeah.

A: ...we (inaudible).. and.. four by fours and.. (inaudible).. but he went over there where the.. a.. a [REDACTED] was and.. he come back, he told us.. (inaudible) be handle all those stuff and took it back, the monitor.

Q: Uhuh.

A: I went back and got the monitor and.. that's the heart monitor and.. I took it down there and he put, well, he put it on, uhm, [REDACTED] by the.. leads to the [REDACTED]

Q: Mnhm.

A: And I stood there and looked over shoulder, that's about all I...

Q: Mnhm.

A: ...(inaudible).

Q: So you were observing when [REDACTED] was doing this?

A: Yes, I was.

Q: Okay. And you drove.. you drove the ambulance?

A: Yes.

Q: Okay. And duh, do you remember where the scene was, what mile post that was?

A: They told us that a.. 16.98, I think it was, but it was actually 17., a.. 17.20, somewhere in there.

Q: Okay.

A: Closer to 17.20 something, than it was the 16.98.

Q: So you were told it was 16.98?

A: Yeah. I think that's where he hit the.. a.. where they hit the bridge at, a.. 16....

Q: Right.

A: ...90.

Q: Right. And do you know about what time that you got there? The scene?

A: No, I don't a.. we had marked down there...

Q: Uhuh...

A: ...you know, we left here and (inaudible)...

Q: [REDACTED] so [REDACTED] was keeping track of all that stuff?

A: Well, until we got down there, then I'm suppose to write, write the miles down and.. all excited and forgot about it and.. I never even.. well, we told dispatch there was a.. (inaudible), so...

Q: Yeah.

A: ...that's we a.. she had the time, but I don't remember what (inaudible)...

Q: Yeah...

A: ...it's about five minutes after.. was it about five minutes from here.. five to seven minutes or something like that.

Q: Well, it's understandable that you got excited, cause it's a.. you know, you don't get.. that, those kind a calls all that often.

A: Yeah. Well, it's about seven minutes from the time we got there, (inaudible) dying. I don't even know what time when we left here.

Q: So you got to the scene in about seven minutes?

A: Yeah. We's.. we were pretty fast, all the way down there.

Q: Okay, did you see the a.. deceased person there?

A: Yes, I did.

Q: Okay. Did you see where he was?

A: Uh, yes, see, see, seen him behind the.. he was laying by the a.. tire, back tire on the.. driver's side of the a.. Tribal Security, I think about.. yeah, Tribal Security's car...

Q: Mnhm.

A: ...police car.

Q: Okay, was he lying on his back or his stomach or?

A: He was laying on his back, his head was facing.. south. Well, his head was pointing south.

Q: Mmhm. Yeah, more like.. he was facing up.

A: Yeah.

Q: Okay and duh.. did you a.. see what his injury was?

A: Yeah, the only one injury I seen was on his forehead.. you know, it was like.. (inaudible).. middle his forehead and...

Q: Mmhm. Okay.

A: Well, it looked like a bullet hole to me.

Q: Okay.

A: Can't say for sure what...

Q: Yeah.

A: ...he could a hit a rock or something.

Q: Yeah, one thing I forgot to ask [REDACTED] and, and I'm gonna ask you. Did you see a gun lying on the ground there?

A: Yes, I did. It looked like a.. it looked like an automatic or a semi-automatic and I couldn't tell what a.. kind a was a.. uhm.. a forty-five type.

Q: Uhuh, was it a handgun?

A: Yes, it was. But I, I don't know what caliber it was, all I know...

Q: Mmhm.

A: ...it's looked a like, you know, big like a.. a forty-five...

Q: Mmhm, it looked like a full size handgun.

A: Yeah.

Q: I forgot to ask you that.

O: Er.. I just found this, it's a sketch I made from a...

Q: Oh, okay.

O: ...scene.

Q: Okay.

O: And I was.. just after the.. incident. And yeah, I did see a

gun (inaudible).

Q: Yeah, right, very good, very good.

O: You want that?

Q: Uh...

O: (inaudible) on the tape part.

Q: ...yeah. Uh, actually, I do want that.

O: Yeah.

Q: I'll book that in for evidence.

O: Don't pay attention to the other side, it's not the same call, I don't think.

Q: Yeah, that's just a...

O: That's just notes from a.. yeah, from a PCR thing, it, it is the call that's a...

Q: Uhuh. Oh, that is the call.

O: Yeah. I just put it on.. (inaudible).. is when we.. left here.

Q: Uhuh. Okay. Yeah, I'll book this in, because it's.. something that was taken at the time, you know, there's no time to reflect and.. think of anything different, so that's, that was.. made at the time of the.. call, so.. I'll keep it. Did duh.. you said duh, you said, you saw um.. the semi-automatic handgun on the ground and dum.. you remember what color it was?

A: Uh.. silver, I think it was.

Q: Okay. Okay, so it was silver.. and dum.. did you see any a.. any a.. bullet cases laying around on the ground there?

A: No, I didn't, I just a.. I didn't look and...

Q: You didn't notice?

A: ...no. Oh, not until [REDACTED] a.. pointed 'em out and...

Q: Uhuh and when [REDACTED] pointed 'em out, did you see 'em?

A: Yeah.

Q: Okay. And you remember what kind they were?

A: Uh, no I don't, I just took and glanced at 'em.

Q: Okay. Uh, was there anything else about the scene that a.. that you saw, that we haven't talked about?

A: Just the fact that (inaudible).. uh, his car's in.. in front of, you know, (inaudible).. his car's in front of the...

Q: Police car?

A: ...police car and shot back windows shot out, you know, they just...

Q: Okay.

A: It's the only thing that struck me funny, but it...

Q: Uhuh.

A: ...try and figure howhe, uh, how he got outta there and a.. did that, it's so quick like, you know.

Q: Yeah.

A: That's about it.

Q: Okay. Well, yeah, that, the whole thing.. the whole thing happened in a.. less than a minute.

A: Yeah.

Q: The whole, the whole entire incident. Happened real fast. Probably more like.. thirty seconds. Okay. Anything else, [REDACTED]

A: No, that's about all I.

Q: Okay, time is three o'clock and that's the end of this interview.

JF: [REDACTED]
5-1-95 10:45 hours.

=====

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENTARY OFFENSE REPORT

=====

CASE NUMBER: 95-2390

INTERVIEWER: JUAN FREEMAN, INVESTIGATOR

SUBJECT: INVESTIGATION

STATEMENT OF: [REDACTED] [REDACTED] [REDACTED] EMT

LOCATION:

DATE/TIME: APRIL 17, 1995

ALSO PRESENT: [REDACTED]

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Q. Yeah, if you get it really bad, then it takes a while to get over it. Okay, let me get my old notebook out here. We're going to have to go through the whole introductory thing all over again, because I don't have the piece of paper in front of me that I wrote all of your introduction down before, so anyway, I've got a little introduction to say first. This is regarding case number 95-2390, my name is Det. Juan Freeman. Today's date is April 17, 1995. The time is about 2:30 p.m. And the location is the Hoopa Ambulance Co. in Hoopa, and present is [REDACTED] [REDACTED] [REDACTED] who is an EMT with the Ambulance Co., and, what was your name again?

A. [REDACTED]

Q. [REDACTED] who is also an EMT? That's correct? Okay. [REDACTED]

[REDACTED] Uh, huh.

Q. Date of birth?

[REDACTED] [REDACTED]

Q, God, another old guy like me, huh?

[REDACTED] Yeah.

Q. So you're 47 still?

W. Uh, huh, 47.

Q. Address?

W. It's [REDACTED] Clam Beach Road in McKinleyville.

Q. Is telephone there?

W. [REDACTED]

Q. Okay, uh, of course, we saw each other at the scene of this incident which was an Officer involved in a shooting that happened on April 10, I believe, wasn't it?

W. April 10th, yeah.

Q. And about 1600 hours or so, and so what I'd like you to do, [REDACTED] if you could, this is just for the record, just tell me when you got the call, and what type of call you received, and then when you got there and basically what you did at the scene.

W. Sure.

Q. And where the scene was as far as your understanding it was

W. Okay. Reportedly, my partner heard scanner traffic that there was a pursuit happening, and then there were shots fired and a man down, and possibly a Police Officer down. At that time, we proceeded to start to go out the door when the telephone rang, and it was our Dispatch stating also that there was a shooting and a man down up north of Hoopa in the bluffs at Hoopa. Uh, I forgot the mile marker, but I believe it was 16 or something of that nature, somewhere in that vicinity. So we rolled Code 3 to the scene. Upon arriving at the scene, there were multiple agencies already there, Sheriff, Tribal, CHP. In fact, they already had taped off the area and had stopped traffic.

Q. Do you remember what time you arrived there, [REDACTED]

W. We arrived on scene at 1612 approximately. We actually went out of here at 1606, approximate time.

Q. The scene was already taped off?

W. The scene was taped off. I went basically under the tape to the first and asked if any officers were hurt. They said that basically one might be shot in the arm. Upon initial evaluation very quickly of that officer. He was alert, oriented times 3, was up walking around and had a small abrasion to the left, uh, medial aspect on his left arm by the elbow, which showed some, uh, signs of a small abrasion possibly done by some flying glass.

Q. And that was Officer

W. Tony Mattz.

Q. Officer Mattz, okay.

W. I've been with two, the middle of the scene basically, where there was a [REDACTED] that was laying supine in the road at the rear of the Tribal Security Police car. This particular patient, uh, seemed to have one gunshot wound in his head, approximately just right of his nose and cephalic to his right eye. So basically, almost center between the eyes but just a little off to the right hand side.

Q. Uh, huh.

W. His right eye was full of blood, his left eye was fixed and dilated. He had no apical pulses, no carotid pulses, no respirations, no lungs sounds. This patient had gray matter or brain matter exposed from the wounds. Being it was a somewhat like homicide scene and SO was on scene. They asked me not to move the body very much at all. So I didn't turn the body over to look at the exit wound, but...

Q. But if it was medically necessary then you could (inaudible)

W. If it was medically necessary, we could have, right, but the patient showed no signs of life. Okay?

Q. Okay.

W. So we did not roll the patient due to the fact that there were no signs of life whatsoever.

Q. Uh, huh. So there was no medical need to move him then?

W. No medical need to move him, none.

Q. Okay, I want to make that clear in the record here.

W. Correct. The patient had no eye opening, no verbal response, no motor response, no respirations, no palpable pulses anywhere, or apical pulses to the heart. A heart monitor was applied to the patient, which showed asystole which is, uh, a rhythm that is non life flat line as lay people would call it, flat line in two different leads, we like to check in two leads. And the heart monitor then was disconnected from him, and I left the scene, and left it over to the S.O. Officers that had called the Coroner, and the Coroner was going to dispose of the body.

Q. Did you pronounce him dead at the scene?

W. Basically, the doctor pronounces him dead. What I do is...

Q. Okay.

W. I make a determination of death.

Q. Okay, so you made a determination of death?

W. I made a determination of death at 1618 hours. That's when I had the heart monitor hooked up, and basically that's when I finished the assessment.

Q. Okay, did you observe anything else?

W. Well, I could observe some spent rounds, some cartridges that were in the area. There were some 22 cartridges that were in the area. Some close to the body. In fact, one was right next to the body. There was one probably 12 to 15 feet away from the body. There was some, I noticed probably four spent 22 caliber rounds and three 9 mm rounds that were spent. I also noticed that over against the side of the road towards where the muddy part was or the edge of the road that there was a clip, a 9 mm clip laying on the, over there next to the road. And one full cartridge or one bullet, one round that hadn't been spent out of it laying there on the ground. And I also noticed that the rear windows of the Tribal Security, the Police car, were shot out or busted out, assuming they were shot out. A Tribal Security car was parked in the roadway with the driver door open. I actually don't remember if the passenger door was open or not. The driver door was open. The [REDACTED] was laying supine just at the rear fender, a left rear fender, of the Tribal Security car, with his head pointing away towards the rear or away from the vehicle.

Q. Head towards the rear?

W. Yeah, in other words, down the road from where they did come.

Q. And by supine, you mean he was lying on his back?

W. Lying on his back, correct.

Q. Anything else, [REDACTED]

W. No, it's about it.

Q. That's about it? Do you remember what time you left?

W. We left the scene at 1630.

Q. Okay, very good. Anything else you observed that you think that would help in this investigation?

W. No, that's about it.

Q. Okay, the time is 1437 hours, and we'll terminate the interview.

typed by [REDACTED] on April 28, 1995

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HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENTARY OFFENSE REPORT

=====

CASE NUMBER: 95-2390

INTERVIEWER: JUAN FREEMAN, INVESTIGATOR

SUBJECT: INVESTIGATION

STATEMENT OF: ██████████, ██████.

LOCATION: HOOPA

DATE/TIME: APRIL 17, 1995

ALSO PRESENT:

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Q. I've got to go through a little introduction deal here

A. Uh, huh.

Q. Let's see. Okay, let's see. This is regarding 95-2390, and I'm Det. Freeman, and with me here is ██████████

A. Right.

Q. Uh, is that short for ██████████ or is it...

A. Yes, it is ██████████

Q. ██████████ And what's your middle name, ██████████

A. ██████████.

Q. And ██████████

A. ██████████

Q. Okay, ██████████

A. No k.

Q. Oh!

A. No k. I'm a Junior, too.

Q. Negative on the k. Junior?

A. Uh, huh.

Q. And your day of birth, [REDACTED]

A. [REDACTED]

Q. You're still younger than me. See, you're 47.

A. Uh, huh.

Q. Address?

A. [REDACTED], Willow Creek.

Q. And your telephone number is?

A. Uh, [REDACTED]. Physical address is [REDACTED], uh, Country Club Lane.

Q. I heard you built a real nice log house.

A. Oh, I'm working on it.

Q. Still working on it?

A. Still working on it, yeah. My seven year project.

Q. Yeah, that's what it is building any kind of a place here. It's taking a lot of time. I did it once. That house went away.

A. Okay, down the river.

Q. Yeah, that's water under the bridge. Uh, so, now I understand on April 10th, shortly after the shooting, you happened to be driving by the scene, is that what happened?

A. Well, do you want me to start off at the beginning?

Q. Yeah. That would be good.

A. Okay. At 2:30, I pick up, I'm a bus driver for Hoopa, uh, Klamath Trinity School District.

Q. Okay.

A. And I do the Weitchpec run.

Q. Okay.

A. Okay? At 2:30 I pick up the Elementary kids at Hoopa Elementary, and I begin my bus run taking them back down towards Weitchpec, and then I pick up the Elementary kids at Weitchpec

School and then go down river.

Q. Uh, huh.

A. On that day, I had [REDACTED] who later I found out was the lady's in the incident son. Okay, at 2:30, [REDACTED] came out and got on my bus and told me that his parents weren't there. So I get to Weitchpec and the Dispatcher from the bus garage calls me on the, on the school radio and asked me if I had [REDACTED], and I said, "Yes." And she wanted to know if I'd bring him back, and I told her I was halfway on the middle of my bus run. So she told me that the parents would pick him up at the bus garage.

Q. Oh, okay.

A. Okay, as I'm leaving the Valley here, this [REDACTED] and [REDACTED] Cadillac comes charging up behind the bus and almost takes off the back end of the bus, and I couldn't, I just figured it was somebody that was intoxicated or driving wildly.

Q. Where did that happen?

A. By Norton Field.

Q. Norton Field.

A. Uh, huh.

Q. Were you on your way back to the Valley at that point?

A. No, I was going north,

Q. Okay.

A. It was probably about 2:40, 2:45 along in there.

Q. Let's see, I better put in here that I did that before I got in Law Enforcement.

A. Oh, really?

Q. A school bus driver, yeah.

A. Oh.

Q. In Southern Humboldt. It's the other wild and wooly, right?

A. Right.

Q. That was in 1975, 6, right around in there. Okay, so...

A. So after she called me...

Q. This [REDACTED] and [REDACTED] Cadillac...

A. Oh, okay. I'm assuming it's around 2:40, 2:45, in there somewhere.

Q. Uh, huh.

A. This comes flying up behind the bus and almost hits the butt end of the bus. And then he swerves out and goes around me at Norton Field and turns up the road that goes by Norton Field up over back into Mill Creek.

Q. The car, it turned in to Norton Field?

A. No, no. It passed me there at Norton Field.

Q. Oh, okay.

A. Got it back under control and then he zinged around the bus there and went back over the short cut road by Norton Field back into Mill Creek.

Q. Okay.

A. Okay, from, after the dispatcher called me on the school radio, I continued the bus run, went up and got the kids at Weitchpec and went down, uh, down river delivering the kids, and [REDACTED] was on the bus with me. So I was bringing him back in to Hoopa. We come around the corner in the bluffs, and I see this [REDACTED] and [REDACTED] Cadillac with an Officer. I couldn't tell, I mean, at the time it just caught me off guard. At the time, I didn't know if it was a woman or a man, but he had her up against the right side of the Cadillac, the [REDACTED] and [REDACTED] Cadillac, and the...

Q. Was that [REDACTED] mom?

A. Uh, huh. I'm assuming it was, I couldn't, you know, at that, I mean, where the cars were, I had to squeeze by the cars there in the guard rail.

Q. Uh, huh. Okay.

A. So when I came around the corner, [REDACTED] starts hollering, "There's my mom and my daddy. That's their car." Okay.

Q. Okay. Okay, Okay.

A. So, and then I see the other Officer talking on the Patrol radio.

Q. Uh, huh.

A. And I notice it was Tony Mattz.

Q. So he was in the car on the radio or

A. No, he was standing outside.

Q. Okay.

A. Okay? And then I could see that the back window of the Patrol car was blown out, and then when I came along, got farther along there, I was trying to calm [REDACTED] down and trying to miss everything, and then I see the, uh, Mr. [REDACTED] laying behind the Patrol car. He's dead.

Q. Okay.

A. Uh, and I could see there was, there was a pistol laying alongside of him. It could have been a 9 mm or a 45 or a 44. It was, it had a brown handle grips and the body was silver in color. It could be chrome.

Q. Okay. Yeah, go ahead, go ahead.

A. So, well, I would have stopped, because if I didn't have [REDACTED], I would definitely would have stopped.

Q. Yeah, yeah, but you didn't stop because you had [REDACTED] and you knew

A. Because I had, because when I seen the blood come out of his head, I knew he was dead, and that's the only reason why I didn't stop because I had the boy.

Q. Good idea. Did you happen to notice about what time it was when you went by there?

A. The only way I could tell is, uh, I pick up a student at Weitchpec, it's a transfer, to bring her back to Willow Creek, so it would have to be maybe 4, so it would have to be anywhere between 5 after to 15 after 4, somewhere in that vicinity.\

Q. Okay. So you kept on going?

A. I took [REDACTED] back to his grandmother's house there in Hoopa.

Q. Okay. So did you see what the Officer was doing up at the [REDACTED] and [REDACTED] Cadillac?

A. All I could tell is I didn't know if the Officer had a weapon or anything, but I knew he had her pinned against the car.

Q. Okay.

A. Or the person against, I didn't know if it was a man or a woman.

Q. Okay, so you didn't know until [REDACTED] hollered that that was his mom and daddy?

A. That it was his parents, yes.

Q. Okay.

A. I had no idea.

Q. Uh, huh.

A. So then I have this little first grade boy freaking out in the bus and trying to keep everything under control.

Q. Yeah. Okay. Did you notice anything else there? Of course, you saw quite a bit for just driving by. That's pretty good. Did you notice anything else?

A. Well, I noticed the right front of the car was mashed in, and as I continued on into Hoopa, I see where he hit the viaduct there.

Q. So that was the right front of the Cadillac?

A. Right front, yeah.

Q. Okay, and, okay. So basically, you were coming around the corner and there's a Cadillac, and then there's a patrol car behind it?

A. The Cadillac was, it was going in the north/south direction, and the patrol car was either up against the, almost up against the left rear quarter panel or left rear bumper, pretty close in that vicinity.

Q. Uh, huh. So the Cadillac was facing northbound?

A. Uh, huh.

Q. So the Patrol car was very real close?

A. Real close. I mean I couldn't tell if it was ten or fifteen feet, but it was in the vicinity of the car there.

Q. Okay, and so you saw an Officer with a person up against the Cadillac?

A. On the right side.

Q. On the right side,

A. And Tony was...

Q. Okay, and, uh, the other Officer was standing outside talking on the radio?

A. Right, on the driver's side.

Q. Okay, and so then you saw the dead guy along in there? Did you recognize him?

A. I didn't know who he was.

Q. Okay.

A. I had no idea who he was.

Q. Okay, so you saw the deceased guy there, and you didn't know who he was.

A. Uh, huh.

Q. And then you kept on going to try to keep [REDACTED] from seeing what happened?

A. That's right.

Q. Okay, did anything else happen?

A. Not that I know of, I mean, uh, then I go down around the corner and here's this little [REDACTED] pickup with a [REDACTED] camper shell, I think, with two fellahs in it coming around the corner. I'm trying to get them to slow down or stop.

Q. Yeah.

A. About that time, the Sheriff, the Sheriffs were coming and the Tribal Police were coming.

Q. Did you happen to see a little [REDACTED] Ford Escort near there?

A. A [REDACTED] Ford Escort?

Q. Uh, huh.

A. I don't think so.

Q. Off to the right hand side maybe, or

A. No.

Q. Coming back up the other way.

A. No. There was, there was no vehicles in the turnout before or in the bluffs. I'm, I'm assuming that it could have been a minute, forty five seconds, thirty seconds, right after it happened, 'cause

Q. Uh, huh.

A. It was, it was pretty 'cause there was steam still coming out of the car and...

Q. A minute or minutes, huh.

A. Sure. I mean, around there somewhere.

Q. Yeah.

A. A minute was close enough.

Q. Yeah, it's a pretty good guess from what I know about the, the chain of events. That was pretty close to when it happened. Okay, did you observe anything else that we haven't talked about?

A. Uh, no, just, just the weapon laying there alongside of him.

Q. Yeah.

A. And, uh, just the two officers and the person up against the right side of the Cadillac.

Q. Uh, huh. Did you see any shell cases on the ground? Of course, that would be pretty tough to see from...

A. Yeah, I didn't

Q. Up high in the school bus.

A. Yeah. See, when I came by, I mean, the body was laying right there. I mean I had to go right close to him.

Q. Did [REDACTED] notice that that was his dad? Did he recognize his dad?

A. Well, when he said it was his parents, I mean, he's, he just started going crazy.

Q. So, he knew his dad was on the ground.

A. Yeah.

Q. His new dad was down?

A. I'm assuming that was his father. Is that correct?

Q. Uh, I really don't know. More than likely his stepfather because, you know how people are and they have kids and they're marrying and divorce...

A. Uh, huh.

Q. And then they have more kids and split up and stuff, so more than likely.

A. Uh, huh. I wasn't aware of the problems they were in with, the arson thing, the fire down river. 'Til I read it in the paper.

Q. Uh, huh.

A. But, I don't know.

Q. Yeah, the paper did a whole write up on some of his past.

A. Right, right.

Q. Okay, excuse me.

A. Did that help you out?

Q. Yeah, it does. It also, uh, corroborates some things that I already know it fits, it fits the, uh, it fits sequence of events that we have.

A. Okay.

Q. I know when you came by right exactly when, when something was happening that it, actually it didn't have much of anything to do with the shooting other than it was just an event that, you know, something that happened right after the shooting. Basically what it was was the officer had taken that gal into custody for being drunk in public 'cause she was real intoxicated.

A. Okay.

Q. And also hysterical, so she sobered up here at the substation for several hours and then went home.

A. Well, the thing that I could, I was being running through all these sequences. Was he driving or was she driving? That's what I was trying to...

Q. He was.

A. He was.

Q. Uh, huh.

A. So when he got out of the car, he came running by the driver's side of the Patrol car? So that's on the left side of the window that got blown out of the Patrol car there.

Q. Yeah, I can't talk about it too awfully much other than I can repeat stuff that's been in the paper.

A. Okay.

Q. I think it was in the paper that they, that [REDACTED] was trying to kill the Officers or was trying to shoot them if that's true.

A. Yeah, okay.

Q. A bad situation.

A. It's a bad scary thing.

Q. Yeah, yeah.

A. Then there's two other bus drivers that seen him driving said that they heard that he was firing shots and was firing shots going down Marshal Lane, and one of the bus drivers that seen him sitting down at the end drinking beer, you know, 16 ounce Budweiser beer, so...

Q. Uh, huh.

A. It all fits.

Q. Unfortunately.

A. Yeah, yeah, it's too bad.

Q. Okay, well, at this point, why don't we stop the interview? It's 1600 hours.

typed by [REDACTED] on 4-28-95

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HUMBOLDT COUNTY SHERIFF DEPARTMENT
SUPPLEMENTAL OFFENSE REPORT

=====

CASE NUMBER: 95-2390

INTERVIEWERS: INVESTIGATOR ROD LESTER
INVESTIGATOR JUAN FREEMAN

SUBJECT: 196.3 - JUSTIFIABLE HOMICIDE

STATEMENT OF: [REDACTED]

LOCATION: HOOPA SUBSTATION

DATE & TIME: APRIL 11, 1995, 1745 HOURS

=====

Q. This is Detective Lester and Detective Freeman, the case number is 95-2390. The date is 4-11-95, the time is 1745 hours, and we're at the Hoopa Sheriff Substation, and we're interviewing [REDACTED]. [REDACTED] goes by [REDACTED] [REDACTED] why don't you tell me what your date of birth is?

A. [REDACTED]

Q. And we're discussing the situation with the Tribal Police Officer and a guy named [REDACTED] [REDACTED] You know [REDACTED]

A. Yes.

Q. And how do you know him?

A. I went to school with him.

Q. You went to High School with him?

A. Grade school, high school. I've known him pretty much all my life.

Q. So you're about the same age then?

A. Yeah.

Q. And yesterday you were travelling southbound on Highway 96 coming back from the Weitchpec area?

A. Yes.

Q. And you, uh, you heard sirens of the first indication of a problem?

A. Yes.

Q. Why don't you tell me what, what you saw as it happened?

A. Okay, we were coming around almost into the first part of the rocky bluffs going towards Hoopa, and a [REDACTED] car came around the turn, and the car was cutting out. It wasn't running very good, and they couldn't have been doing any more than probably 15 miles an hour, and then right, right after that Tony, Tony's patrol car came around the turn right behind him, and we, we were pulled off on the side of the road and I thought Tony was going to go around them, you know, I didn't even think he was after that car, but then all of a sudden, [REDACTED] came to a stop, jumped out of his car in kind of a fast walk right back towards them, and started firing rounds and chased him all the way back of the police car.

Q. So [REDACTED] got out of this [REDACTED] car? Can you describe the car a little bit better for me?

A. Like a big Delta Oldsmobile, Delta 88 or something. It has a [REDACTED] vinyl top.

Q. So it's [REDACTED] over [REDACTED]

A. Yeah, it's a big...

Q. A full sized?

A. The body, the whole body is [REDACTED] and then the top is [REDACTED]

Q. So this is a big car?

A. Yeah, it's a big car.

Q. You've known [REDACTED] to drive this car before?

A. Uh, huh.

Q. You know that it's his car basically?

A. Right.

Q. And he, uh, when you first saw this situation, you thought the guy was slowing down to let the police officer pass, right?

A. Yes.

Q. And, but it didn't happen that way?

A. No.

Q. [REDACTED] brings his car to a stop?

A. Yeah.

Q. And he gets out...

A. Yeah.

Q. And you said he headed back towards the officers?

A. Yeah, I mean, just, he had no reason to do it I could even see.

Q. What

A. I was so scared at the time I just told the driver, "Let's go get out of here." We were heading for help.

Q. So him get out of his car?

A. Yes.

Q. You saw him walk back toward the police car? Had the police officer gotten out yet?

A. Tony was trying to get out, but [REDACTED] was immediately out of his car before Tony.

Q. And [REDACTED] had a, what kind of a gun?

A. I have no idea, but it was a semi automatic.

Q. Was it a rifle, pistol, semi automatic

A. It looked like it was a small pistol.

Q. Okay, What makes you think it's a semi?

A. I can tell a semi. I've shot all my life.

Q. From the appearance of the handgun, it looked like a semi automatic to you?

A. Yeah, it looked like it was a small pistol.

Q. It's not like you were seeing the cartridges, the empty cartridges fly out?

A. No.

Q. So it looked like to you it was a small semi automatic pistol?

A. Uh, huh.

Q. And did you see him fire?

A. Yeah, I saw him fire.

Q. Was he shooting in the direction of the officer?

A. He was shooting, he was trying to hit him.

Q. Okay.

A. He was chasing him right around back of the cop car. He didn't have a bead on them, that's why I felt the officers were lucky, because if he would have stopped and took aim instead of holding, you know, holding his pistol up over the top of the car, they might not have been here.

Q. So had he carefully aimed at the officers, he wouldn't have a problem hitting them?

A. Tony, I think he hit the ground and bailed out of his car when he saw him coming 'cause he just opened his car door up, kind of fell down, trying to scramble to get behind the car.

Q. So, Tony wasn't even really up totally erect yet, standing up.

A. And he wouldn't even had time if he didn't have a partner. He's lucky he had a partner. I don't think Tony would have been here.

Q. So this guy, [REDACTED] you said he was just kind of reaching over the top of the police car?

A. Yeah.

Q. How far back?

A. He was blind firing and trying to shoot at them, because they were ducking down behind the police car.

Q. And so he was reaching the gun kind of up in the air and then pointing down and trying to reach down on the other side?

A. Uh, huh.

Q. And how many times do you think he shot?

A. Aw, geez! I heard a lot of rounds come off, and at least in between six, ten is all I can say. It seemed more than six, I know.

Q. And he, uh, uh, he was, uh, he was right up on the officer when he first

A. Yeah.

Q. Did you see the gun in his hand when he first got out of the car?

A. No, I just, I didn't, I kind of thought [REDACTED] was going to jump out of his rig. You know, meet him half way, 'cause that's what I do a lot of times. I'll get out when someone stops me, you know, and I'll approach him and meet him halfway, and I'll talk to him. That's what I thought was going to happen. Everything lit up. I just wanted to get out of there. I was so scared.

Q. So he, you were a passenger in this car, right?

A. Yes.

Q. The car you were in? And whose car is that?

A. [REDACTED]

Q. And that's the fellow that's here with us?

A. Yes.

Q. And that's his car?

A. Uh, huh.

Q. And you were looking out through the back window of that car?

A. Yeah.

Q. As you were the passenger?

A. Yeah.

Q. And you saw the, how many times did you think that [REDACTED] got the shots off at Tony and those guys before you ever heard them shoot?

A. Geez! He probably got, I know at least six rounds off easy.

Q. Before they ever shot?

A. Yeah, and then I saw them, they started popping off the rounds, ducking and trying to get up, you know, while he was trying to take a bead on them.

Q. So the whole thing's happening over the, basically the back end of that police car?

A. I don't think I saw Tony get a round off, but the other officer was. He was trying to, 'cause Tony was still scrambling to get his pistol out, I think.

Q. So you saw Tony, you had a good view because you guys had gone a little beyond the, the car.

A. Right. We were probably about maybe 60 feet behind the patrol car.

Q. So you had a very good view of both sides of the car, the patrol car and the back of it, too?

A. Yeah. He was looking back at that time, too, and we were at a complete stop. I just told him, "Let's go."

Q. So did you ever see [REDACTED] fall?

A. Nope. We went around the turn and that's when we heard the last of gun fire. I mean it was pop, pop, pop, and then we didn't hear nothing, and we took off, and we were going to go get help. I told him, "Let's go get help." And we went, made it down by the little bridge there, and then we saw another patrol car coming, and that's when we decided, he decided to turn around.

Q. Well, at some point, you said something to Tony. Oh, so you, went back?

A. Yeah, we went back and we didn't know what the heck we were getting into. We didn't know who was down or who was up. It was scary.

Q. So you went back to let Tony know you saw what happened?

A. Yeah, I told him he knows where my mom stays and stuff. I just told him, "Come see me when you need to talk to me." I spent the night there last night.

Q. We spent the night here most of the night.

A. Yeah, I figured you guys would.

Q. So, your statement here is that these officers absolutely no chance to reason with this guy?

A. They didn't have any chance. They didn't even have a time to say a word. Unless they said something before they get out of the car, you know.

Q. But there was no chance for any kind of a discussion outside of that car?

A. No.

Q. He was back on them by the time Tony got up and out of the car?

A. Yeah, it happened so fast. It was more than a fast walk, probably a little trot that he

Q. Did he charge them then?

A. Yeah, he charged them. And I mean, I had to say that, you know, that's my best friend's brother and all, but that's what happened whether I was telling the truth or not, but that's the way it is.

Q. I hope they don't.

A. You know, not that he's a good character, his brother's you know, salt and pepper

Q. What's his brother's name

A. [REDACTED] [REDACTED] [REDACTED] they call him. He's a really good guy. And I've seen [REDACTED] tangle with officers before. I don't know, something in his life went wrong, I guess.

Q. He doesn't have much respect the police?

A. No. I just don't know what really went wrong in his life, but he's bitter about something.

Q. Does he use crank or anything?

A. I don't know. I heard he was drunk yesterday.

Q. Okay, somebody saw him drunk or something?

A. Yeah, let's see. [REDACTED] he said that [REDACTED] had walked by his house and was shooting at his neighbor earlier that day, fired off a couple of rounds at him, and he, his neighbor said he heard bullets go whizzing right by his head, you know. The guy's not even doing nothing, just working in his yard.

Q. What part of town is that?

A. Down at the end of the valley.

Q. Uh, huh, by Carpenter Lane?

A. The last part of Mill Creek Road at that steep part?

Q. Uh, huh.

A. It's right there.

Q. Right in that area?

A. Yeah. Like a little mobile home.

Q. Yeah.

A. Sitting out at the left?

Q. Yeah, I think I was down in there today. Oh, good.

A. Right where the sign was, road closed, right across from there. And we met [REDACTED] right after it all happened, and we, you know, after we talked to Tony and came through and we met [REDACTED] in the Tribal Fishery's vehicle, and I think that's who he works for. We saw him later that night and he said that car sideswiped him later that day in that rig. And then he said that he, something about he was trying to fight everybody he saw. I tell you, he's a tough guy. Any man one on one around here, bites off more than he can chew.

Q. Do you think from what you saw there yesterday that the officers had any choice other than to shoot?

A. I couldn't see any. That's what I keep telling everybody trying to defend them is that they did what they had to do. I would have did it, you know. They had no choice.

Q. You've had twenty four hours to think about it. Do you think that there's any choice, did they have any choice at all other than to return fire?

A. No, not if they wanted to live.

Q. Good point, huh? Juan, do you have any...

A. I mean they're lucky. Tony's lucky he had a partner is all that I can say, real lucky.

Q. Any questions, Juan?

Juan: No, this covers it.

Q. [REDACTED] I appreciate your waiting around for us and giving us this statement, and it's real important that once something like this happens that people come forward and give us their statement. So we'll terminate this

A. I know, what's right and wrong I'm glad there's people, I'm in this area where people are now "them cops." I always try to preach to them, you know. You wait until someone's shooting a rifle at your family. We'll see what happens.

Q. You'll see how much you want the cops there.

A. Yeah. You try to tell people stuff like that, but Some people

just never get it and never will.

Q. Well, we'll terminate our interview. It's 1756.

typed by [REDACTED] 4-17-95

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SUPPLEMENTAL OFFENSE REPORT
HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

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CASE NUMBER: 95-2390

INTERVIEWER: INVESTIGATOR ROD LESTER
INVESTIGATOR JUAN FREEMAN

SUBJECT: 196.3 - JUSTIFIABLE HOMICIDE

STATEMENT OF: ██████████, ██████.

LOCATION: HOOPA SUBSTATION

DATE & TIME: APRIL 11, 1995, 1801 HOURS

=====

Q. This is Det. Lester and Det. Juan Freeman. The date is 4-11-95, the time is 1801 hours. We're at the Hoopa Sheriff's Substation, and we're interviewing ██████████. He goes by "██████" and ██████ would you tell us what your date of birth is?

A. ██████, they call me ██████

Q. ██████ is that okay, too?

A. Yeah, that's what they called me as a little kid.

Q. That's a little kid thing. Okay, Now we can call you ██████ what's your date of birth?

A. ██████.

Q. And I see you drove up in a little ██████ Ford Escort. Were you driving that yesterday?

A. Yes, I was.

Q. Is that your car?

A. Yes, it is. Well, it's mine and my finacee's, which is ██████ sister.

Q. Okay, ██████ is the guy we just talked to?

A. Yes, it is.

Q. And yesterday, sometime in the, oh, 4:00 o'clock range, in

the afternoon, you were on your way back from the Weitchpec area?

A. Yes.

Q. And you heard sirens and things happening?

A. I didn't hear the sirens until about, well, they were right in front of me.

Q. Okay.

A. They came around the corner, 'cause we

Q. Wait and tell me. Let's start when you first saw that, probably that car. Okay?

A. Okay, uh, we were just winding our way driving regular around the road and here come and bull shitting having a good old time, and that car came on the road, and he was almost in our lane right there and there's some rails, metal railings right there, and I was right against it already, and, uh, I wasn't looking behind me, but [REDACTED] goes, "There's cops coming towards you." And I didn't hear it until he said that, it didn't really register. And then the Tribal rig came flying around the corner, the Tribal Police car, and, uh, I didn't know that rig behind me, but [REDACTED] said at the time that they were going to pass me, they were only going about twenty miles an hour. I didn't know that at the time, I wasn't paying attention how fast they were going. But, uh, they, as soon as they got past us, the Tribal Police were hitting their brakes, and I recognized one of them as being Eddie Guyer, that's my first cousin. And, uh,

Q. Was Eddie driving or was he

A. No, he was a passenger. I just seen his face in there and I know who both of those officers involved here.

Q. Okay.

A. And I didn't, then I looked and seen that the rig in front of them, that [REDACTED] car here, it was a big car, the older car, uh, was stopped in the road, and I seen both officers opening their doors to exit the vehicle. They were still going through, the car just stopped. They opened the doors and were already getting out, and at that same time, I noticed there's, that he was running towards them with a gun.

Q. Who was?

A. Uh,

Q. Do you know the guy?

A. I know him but I don't, yeah,

Q. Okay.

A. [REDACTED] [REDACTED] is his name, yeah, (inaudible) But I know him, but I don't know him personally at all.

Q. Okay, so you saw [REDACTED] [REDACTED]

A. Running towards the officers with his gun in his hand shooting at them like this,

Q. Okay.

A. Running down the road. and, and I don't, I heard some yelling, I couldn't get anything distinguishable, and I heard just boom, boom, boom, boom, and then I heard something go by my window. It sounded like a mean yellow jacket, and I just punched the gas pedal and got around the corner, and then I just heard a whole bunch of shots. Geez, somebody's dead back there, I told [REDACTED] and I, we gotta go back there 'cause I think it was Eddie in that car, and, uh, in that cop car, and, uh, we, uh, he said, "I don't want to go back there", and I said, "I don't want to either." But we, I went back anyway, and, uh, we came around the corner and seen what happened, and we seen the, uh, [REDACTED] [REDACTED] laying by the back wheel of the car there, the squad car.

Q. Okay. You'd gone on past where the Police car stopped? How far do you think you went past that?

A. Past, behind the Patrol car where it stopped at in the road there? At the most 50 feet behind it.

Q. Okay, and so you're driving your car, so you're looking out the window? Was the window down?

A. Yeah. (inaudible) around the corner right there, and the roads, 'cause we're kind of at an angle, so we could look out of the window and had a pretty good view of it.

Q. A good view. A good view of the back of the Police car?

A. Yes, and the Officers getting out, and at the same time, noticed they were getting out. I seen the car the car and stuff as it stopped in front of them, and then I seen that [REDACTED] was running towards them, and he had a gun in his hand. He went this up high and then he, and then I heard the first shot start going off.

Q. The first shot...

A. Fired by him.

Q. Okay, he shot, he fired the first shot that was fired?

A. Yeah.

Q. Now,

A. The first few shots, uh, huh.

Q. The first few shots?

A. Yeah, he got a couple off before they, they were still exiting the vehicle when he was bringing them.

Q. Did, uh, which one was driving the car

A. Tony Mattz.

Q. Tony was. Okay, and so when Tony got out of the car, did you see he had a gun in his hand?

A. I didn't see that, no, I did not.

Q. You didn't see a gun in Tony's hand?

A. I did not.

Q. And you say this guy was running up...

A. I seen their doors were opening up and then I just seen them starting to getting out and then I looked past them and seen that there was a man running towards them with a gun in his hand already.

Q. And he was holding up shooting at them?

A. He was shooting at them.

Q. He was holding it up and shooting at them?

A. He was holding it up and pop, pop, pop.

Q. And so what did Tony do?

A. That was the last thing we seen. I heard one go by the window, and I like, I just like punched it out.

Q. And you never saw Tony shoot?

A. No, we never seen any shots fired by the officers, I just seen the man running towards them, pulling a gun and shooting at them.

Q. How many times do you think he shot before

A. Before they returned fire?

Q. Before you

A. Oh, the third shot, I think the third shot went high and that was when it went by the car by my window, and that's when I hit the gas and got the hell out of there.

Q. And did you hear a different, some different sounds?

A. I heard a lot, yeah, different

Q. No, I mean, I mean this guy you heard, you heard [REDACTED] [REDACTED] shooting?

A. Yeah, oh, you mean, return fire?

Q. When, yeah,

A. I heard that.

Q. Did it sound different?

A. It just sounded like, it

Q. Did it sound stronger or louder?

A. Something like a 9 millimeter. You know, you hit fast, pop, pop, pop.

Q. Well, if that sounded like a 9 millimeter to you, what did it sound like with what [REDACTED] [REDACTED] was shooting?

A. It sounded like, well, it sounded like he had a 9 millimeter or a 38 or something like that or maybe a .35?

Q. Did you see the gun?

A. No, I did not. Actually, it was too far away. I couldn't see, I seen he had a gun in his hand, but I couldn't make the make, and that's pretty far to make a make of a pistol.

Q. Okay, let me ask just this part. You saw a gun in his hand?

A. I seen him pull the trigger, shooting at the officers.

Q. Very good. And, uh, well, you couldn't tell what caliber or anything like that?

A. No, no. But I know the first three shots were awful fast, so

I figured he had a semiautomatic or something.

Q. Okay.

A. But, I, yeah.

Q. That was from how fast the shots were fired

A. Either that or he just could have been thumbing it back faster or (inaudible)

Q. Okay, so at least the first few shots were shot by...

A. He, he fired the first three shots at least if not more.

Q. And you heard what you thought was a round go pretty close by you,

A. Yeah.

Q. So you, you guys got out of the way?

A. Yeah, that's, that's it.

Q. And then pretty soon a whole lot more shooting happened?

A. And then we heard quite a number of shots fired after that. We were just around the corner, we just went right around the corner because the bluff's right there. I put a rock between us and the shooting, and, uh, we just, we powered down right there, and I told [REDACTED] I said, "I think there's somebody dead back there." Eddie is my cousin, and, uh, he's back there, I'm going to go back there, you know. "I don't want to go back there, Like I don't either." But I go back anyway. And then we came around the corner.

Q. What is the name you called Eddie?

A. Eddie [REDACTED]

Q. It's a kid's thing, huh?

A. Yeah, I've known him since he was young, real little, you know

Q. Okay, so you guys turn right, there was another police car showed up before you guys got back there?

A. He was here, I don't know where the hell he was coming from. But he, we were maybe a hundred yards down the road. He came flying past us, and I turned around, and we were sitting there for a minute, 'cause they were all in front of there, and we

didn't want to get out of the rig, 'cause the cops were there and stuff. So we just sat there. And, uh, the Deputy Sheriff came over, and I said, "We seen that whole thing happen up there, and he goes, "Well, pull across the road and park there." And then I seen and Eddie asked him if he was all right, and then I said, "Tony?" (inaudible) And then he said, "Yeah (inaudible) come back" But I couldn't just, you know.

Q. Okay. Well, I'm glad you came back and told us.

A. Yeah.

Q. That's great.

A. I just couldn't, uh

Q. Uh, why don't you to describe this [REDACTED] car for me. Did you get a good look at it?

A. No, I didn't. It was a old beat up [REDACTED] car.

Q. An old beat up [REDACTED] car?

A. (inaudible) A Cadillac, something like that. It's just something big.

Q. Do you know this [REDACTED] [REDACTED] guy that drives that car? Do you know anything else about him?

A. No, I didn't even know, I don't keep track of people around here too much. I've been working. I work every day all day long.

Q. Okay, well, do you think the Officers had any opportunity to try to talk to the guy and convince him not... "You have to say words."

A. No, not, he didn't, none whatsoever.

Q. They wouldn't have the least bit of a chance to try

A. No, he could yell, "Stop", I guess, "Don't shoot at me." "Don't shoot me at me no more." I guess they could yell. But no.

Q. You don't think there was any way they could have talked their way out of that one?

A. No, none whatsoever.

Q. Do you think

A. He was running at the speed, at high gear. He wasn't running real fast, but he was running and shooting at the officers.

Q. Right away?

A. As soon as, uh, they weren't even out of the vehicle yet. They weren't even exited yet when he was shooting at them.

Q. Okay. Then I've got no more questions. Juan? Then we'll terminate our interview at 1809.

typed by [REDACTED] 4-17-95

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HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
SUPPLEMENTARY OFFENSE REPORT

=====

CASE NUMBER: 95-2390

INTERVIEWER: INVESTIGATOR ROD LESTER
INVESTIGATOR JUAN FREEMAN

SUBJECTS: [REDACTED], [REDACTED]

STATEMENT OF: GUYER, EDWARD KENNETH, II

LOCATION: HOOPA SUBSTATION

DATE & TIME: April 10, 1605 hours

ALSO PRESENT: MATTZ, ANTHONY THEODORE
HOOPA TRIBAL POLICE OFFICER

=====

Q. This is Detective Lester and Detective Freeman, the case number is 95-2390. We're at the Hoopa Substation and we're interviewing Edward Kenneth Guyer, II. He's a Tribal Police Officer. His date of birth is [REDACTED], and also present in the room is his supervisor, Leonard Masten, who is the, what's your title again, Leonard?

Masten: Director of Public Safety for the Hoopa Tribal Police.

Q. Director of Public Safety. And Ed, how long have you been employed by that tribal place?

A. Since August 22, 1994, eight months.

Q. Okay, and what was your, what was your duty hours today?

A. Duty hours were to be from, I believe, 12 to 12, 24, actually 12 to 24.

Q. Is this a regular scheduled day off?

A. Yes, this is a day off, today.

Q. So this is like an overtime day?

A. Overtime day, yes.

Q. And who were you working with today?

A. Officer Tony Mattz. Anthony Mattz.

Q. Okay, we can say Tony.

A. Tony.

Q. And are you currently involved in, uh training?

A. Yeah, I'm in my FTO, into my FTO, Field Training and then and then I FTO, Officer Program.

Q. This is the second week of your Field Training Program?

A. Yes.

Q. And Officer Mattz today was your training officer?

A. He's my training officer. He's been my training officer.

Q. And today you were responding to whatever calls came up in the, on the, on the Reservation itself?

A. Yes.

Q. And you were driving a, you were riding in a marked police car?

A. Yes.

Q. And how is it marked? What would set that car aside from say, any other Ford Taurus on the road?

A. Well, we have a Police Star on the side. That says Hoopa Tribal Police. We have a push bar on the front. We have a light bar on top of the vehicle, and we have...

Q. Other, other things. It's a white car?

A. It's white, yeah, has a cage. You can see the cage in the daytime.

Q. Okay. And so it's a Police car?

A. It's a Police car.

Q. No doubt about it?

A. You can, definitely notice, it's a Police car.

Q. And you, were you the driver of that car?

A. No, I was a passenger.

Q. All day?

A. All day.

Q. And do you remember getting a call regarding an erratic driver sometime this afternoon?

A. Yes, I believe we got two of them. One earlier this afternoon. It was about one, and then we got, received one about it was approximately 3:45 or 4:00 o'clock.

Q. And do you remember what the description of the car was?

A. It was a [REDACTED] large car, they said [REDACTED] large car with a [REDACTED] top.

Q. And, did that ring a bell with you? Had you seen

A. Yeah, we seen the car earlier driving on Tish Tang Road, across from the shopping center here. It was, uh, the car was revving it's engine up, (inaudible), going a pretty good, pretty good clip, revving it's engine up pretty loud.

A. And so when the call came out of an erratic driver, do you remember what the call was?

A. It was a, the first call was the car was trying to run somebody off the road, it was chasing somebody trying to run him off the road. And that was on Tish Tang Road up by the hospital.

Q. And did that come from your dispatch?

A. Well, I guess, the, what it came from, through this Dispatch through Humboldt County Dispatch, but then they relayed it to us as.. be to, bolo for it, be on the look out.. for it.

Q. Okay. So, it was from the Sheriff's radio, the Sheriff's frequency telling you to BOL for that vehicle, for a light [REDACTED] large sedan?

A. They notified our Dispatch, and then our Dispatch notified us.

Q. Okay, and that's because the car had tried to run someone off the road?

A. Yes.

Q. And when that call came out, you had already seen this, this car, or car, similar to that description

A. Yes.

Q. So you thought of that?

A. Yes, it's the car I thought of, because it was revving its motor up pretty good. The motor was revving high, and it, just kept...

Q. And at some point, you got another call regarding this car, or what.

A. Yeah, we were helping S48, we'd shown him a residence, where he was serving papers on the residence.

Q. What part, where was that?

A. That's on Community Service Road, which is just above Marshal Lane, where we spotted the vehicle.

Q. And so, did you get, you were up on Community Service Road assisting the Deputy?

A. Yes.

Q. And then did you get a call then regarding the car?

A. Well, we cleared with the Deputy, we were going back down the hill, then we got the call. We were just almost to Marshall grade Road, er, Marshall Field Road, Marshall Lane.

Q. And what was that call?

A. That was a call of a vehicle erratic, again, being very erratic, is what our Dispatcher said.

Q. And the location of that erratic driving was...

A. Marshal Lane.

Q. And you were very close to that?

A. We were very close to Marshal Lane.

Q. And at some point you spotted this vehicle?

A. We were going down Marshal Lane, and by the [REDACTED] residence, just past Big Hill Laundromat, going north bound. We seen a vehicle pull out in front of us and go down Highway 90, or heading towards 96 northbound.

Q. And this appeared to be the vehicle that you'd seen earlier revving its engine?

A. Yes.

Q. And it matched the description of the BOL that you'd been

given?

A. Yes.

Q. And what action, what course of action did you, you know, did you as, the two of you, what course of action did you take?

A. Well, we attempted to take the vehicle down, I mean, to pull the vehicle over basically, and we used the lights. I called into the Dispatcher. 1195, it was a car stop, gave the plate and everything, and the vehicle saw the lights punched it and took off. And we followed the vehicle and we just kept following the vehicle.

Q. At some point, did you turn the siren on?

A. Oh, the siren was on, at, we hit, when they started to pull away from us, after we hit the lights, they were passing, there was a tractor in front of us, and they passed the tractor. We hit the siren at that time.

Q. And that wasn't very long into this, uh,

A. No, it wasn't very long into the pursuit, maybe five seconds, ten seconds at the most.

Q. And the siren was working properly?

A. Yes, sir.

Q. It was loud?

A. It was very loud.

Q. And did the vehicle yield when the sirens came on?

A. No, it did not.

Q. So where did you go?

A. We went on to 96 northbound, down towards Weitchpec, SR 96,

Q. Uh, huh.

A. We went through the bluffs to mile post 7, well, the vehicle TA'd, made, it wrecked, it hit the bridge about mile post 16, around there somewhere. I'm not exactly sure what milepost it was. But, uh, the vehicle still continued to go on until about milepost 17, 17 1/2, around there.

Q. And all during this time, you're the passenger in this police car and Tony Mattz is the driver?

A. Yes.

Q. And the car bumped into the bridge abutment or something?

A. Yeah, uh, the, like the Jersey Barrier along side the bridge, it scraped across it. It was moving very fast and lost control, the back end slipped out, and kind of just hit the wall.

Q. So what were the road conditions? Was it raining?

A. No, it was completely dry. The roads are dry and the sun was out. There was no water on the road, no dirt.

Q. And the car was just going too fast?

A. It was, it was way going way too fast.

Q. Do you have any idea how fast?

A. I believe our speed was 55, 50 or 55.

Q. And did the car stop when it hit this bridge?

A. It slowed down, but it didn't stop.

Q. And so it continued up the road?

A. Yes.

Q. Did you notice any damage?

A. Well, I seen the front wheel was wobbling a little bit, and there was a lot of fluid coming from under the car. I don't know what the fluid was, but I seen fluid dripping from the vehicle, actually not dripping but coming out pretty good.

Q. As it's in front of you going down the road?

A. Yes.

Q. Did the vehicle slow

A. It, it slowed, it slowed quite a bit. As it went further, the more fluid fell out and it started to slow even more.

Q. Do you remember your training officer saying anything to you about what's going to happen?

A. Oh, Officer Mattz said, "Get ready, they're going to foot bail. They're going to foot bail here. They're not going to stop. They're going to foot bail."

Q. Now, tell me what foot bail is.

A. Foot bail is when they get out of the car and run from you. They head over the hill, head in the brush wherever they go. They hide from you basically.

Q. So you've been on here a very short period of time. Has that ever happened to you?

A. Yeah, we had seven, and I've had three I believe. Three,...

Q. You've had...

A. No, I've been with Officer Mattz or Officer Hostler on three foot bails.

Q: Three times in the short time you've been on the street here?

A: Yes.

Q: People have...

A: Fled on foot from us.

Q: Out of the car?

A: Yes.

Q: So, three time in a very short period of time?

A: Yes.

Q: And you've heard as many as seven since you've been on? You said seven?

A: Oh, I've heard it a lot from, yeah about seven, because other officers during the days they have them or at night they have foot bails on them.

Q: So, your officer, your training officer said something to you about, "Get ready, we're going to..."

A: "They're going to bail, they're going to foot bail." Because they were slowing down and they were about ready to stop. So we figured maybe they were run off, run over the hill try to get away from us.

Q: So the car slows down, finally come to a stop, I guess.

A: Yes, it come to a stop.

Q: And at some point you took your safety belt off, do you

remember that?

A: Well, we took the safety belt off when the car was slowing down and coming around the corner. It, when they were doing about ten, fifteen miles an hour, right before they stopped. Took the safety belt off and, uh, I got ready to jump out and run after the [REDACTED]

Q: So, you were ready to go and...

A. I was ready to go.

Q. And chase the foot bail person?

A. Yes.

Q. And so the car came to a stop

A. The car came to a stop

Q. The driver got out

A. The driver got out.

Q. And there was how many people in the car?

A. There was, uh, there was a male driver and the female in the passenger side. There was two people.

Q. That was apparent from the

A. Yeah, you could see them from behind in our pursuit when we first started the pursuit.

Q. You've got your seat belt off before the car really comes to a full and complete stop, and you've got your hand on the door handle?

A. Yes.

Q. You think you're were going on a chase?

A. Yes, sir.

Q. At some point you changed your mind?

A. When the, I seen the [REDACTED] come out of the vehicle. In his left hand he had a automatic hand gun.

Q. Now, you're on the passenger side?

A. Yes, sir.

Q. And so you must have stood up at some point?

A. I got out of the vehicle. I was, had the door open. I was standing on the ground. He come out of the vehicle. He was coming out of the vehicle by the time I got out. He was out, he had the door open and walking back, you know, he just put his foot on the ground. He was standing up coming back towards us.

Q. And you saw a gun in his hand?

A. I saw his gun in his left hand.

Q. Where was it pointed?

A. It was pointed at the ground at that time.

Q. Okay, tell me about when, as he walked back.

A. He started walking back faster, and he pulled the gun up and pointed at Officer Mattz, towards Officer Mattz' direction, 'cause Officer Mattz was on the driver's side.

Q. Was there any dialouge?

A. No, no words were said at all.

Q. So he came out of the vehicle in a slow pace or

A. It was a good pace. It was maybe half speed of running.

Q. Did he hesitate, step outside of the car and hesitate and then walk quickly back to your car or

A. No, he got out of the car and walked straight back.

Q. And, how long do you think it took for this, this handgun that's down at his side to come up pointing at Officer Mattz?

A. One to two seconds.

Q. Immediately then?

A. Immediately. He came up immediately.

Q. What, what did you do when you saw the gun go up?

A. I pu, I reached, I dropped to my knees to seek cover behind the car, pulled my handgun out. Officer Mattz was, coming behind the vehicle at that time. I looked, I could see the driver of the vehicle, the [REDACTED] vehicle, through the window of the back door window and Officer Mattz was firing. I started firing at the [REDACTED]

Q. Did you ever see the [REDACTED] fire?

A. Not that I can recall at this time. I do not recall. Everything was a flash. It was just a blurr.

Q. I know.

A. It was just quick.

Q. The [REDACTED] gets out of his car, he walks directly toward Officer Mattz

A. Directly, towards Officer Mattz.

Q. He raises a gun?

A: Yes, sir.

Q: In which hand?

A. In his left hand.

Q. He raises this gun, and he points it right at Officer Mattz' head?

A. Uh, I'm not exactly sure at what part of his body. He raises the gun and shoots, you know, not shoots but points it towards his body.

Q. He raised the gun and pointed toward Officer Mattz?

A. Yes, sir.

Q. At some point you heard shots?

A. I heard, I didn't really hear shots. I, by the time I heard shots, I had my gun out and Officer Mattz was coming around the vehicle.

Q. So you saw shots?

A. Yes, I saw muzzle flash from Officer Mattz, and then I started shooting at the [REDACTED].

Q. But you're relatively sure that you didn't shoot until such time as you saw

A. Until I saw a flash.

Q. From Officer Mattz'

A. From Officer Mattz' gun, or, 'cause I couldn't see the

██████████ gun through the, he was behind the door post. I could see part of his body from the, through the window, but the door post was in the way, the back door post, from his gun as he was facing towards us.

Q. Which direction did you shoot?

A. I shot over the trunk of the vehicle towards the ██████████

Q. And Officer Mattz was where, while you're firing?

A. Officer Mattz was beside me on my left hand side.

Q. Are you still not down?

A. I'm on my knee up over the trunk with the gun over the trunk.

Q. You're looking at the ██████████

A. I come up, pop up, one time, you know, I saw him where he was at, and I went back down and started shooting. I'd come up, pop up a little bit so I can see

Q. And so you're reaching over the trunk to shoot at him?

A. Yes, I pop just so I can see over the trunk a little bit, to see if I could see of his head is up there, if he was on the ground. (inaudible). So I was just making sure that

Q. At some point, the shooting stopped?

A. Yes. I, we, uh, I looked up, we looked up and couldn't see anybody, I couldn't see anybody, and Officer Mattz stopped firing and we heard no shots. And we, I looked up and I couldn't see anybody over there. And so I holstered, I didn't holster my weapon. I saw the ██████████ the passenger of the vehicle, get out of the car. Officer Mattz was there with the other one, and I didn't know what the other person come out of the vehicle was doing. So I drew down on them. I didn't know if they had a weapon or what. And I handcuffed her. She complied, put her hands on the car, I handcuffed her, and the ██████████ was on the ground. I could see the ██████████ on the ground laying with the gun on his left side. He was laying with his feet north bound.

Q. Okay, so you're prepared for a foot bail, and all of a sudden the ██████████ doesn't run away from you, he runs or walks at least quickly if he doesn't run back to where Officer Mattz...

A. He walks quickly towards us.

Q. He's got a gun in his hand. What do you think he's going to do with that gun?

A. I, I believe he was going to shoot one of us, shoot the vehicle, because he, he pulled it up towards the officer, and that is, I believe, he was going to shoot.

Q. At that point, you didn't shoot?

A. I pulled the gun, and I came up. I went down to a knee to get cover, but I couldn't see the person through the, I didn't want to shoot through the car, 'cause I couldn't see, 'cause he had the door post and he was walking past the door post. I didn't know where Officer Mattz was at at that time. I didn't want to shoot Officer Mattz.

Q. No, that would probably make him angry, wouldn't it?

A. Slightly.

Q. Okay, so, the guy comes up with the gun, he's pointing it where Officer Mattz should be

A. Yes.

Q. Where Officer Mattz should be just on the other side of the car.

A. Officer Mattz was then backing up.

Q. But by the time he's backing up,

A. He's running backwards, really running backwards at the time.

Q. And then you see that he's shooting.

A. Officer Mattz comes around, he's by the trunk. That's when I started shooting. And then he comes beside me, and I was still shooting at the time, it was basically. He's coming around, he's right at the very back of the car, and I started to shoot. I could see the [REDACTED] head.

Q. At that point, you were sure where Officer Mattz was?

A. Yes, I knew exactly where he was.

Q. So you knew where not to shoot?

A. Yeah, I don't want to shoot out my partner (inaudible)

Q. Do you think you ever shot toward the [REDACTED] vehicle?

A. No, I did not shoot toward the [REDACTED] vehicle.

Q. Never?

A. Never.

Q. There's no chance that any bullets could hit that car?

A. Not that

Q. Unless of course, there were ricochets or something like that?

A. Yeah, not from me, that I know of. I did not shoot towards the [REDACTED] vehicle, at all, I shot towards the [REDACTED] himself.

Q, Juan?

Juan: Do you remember how many rounds you fired?

A. No, I don't. I don't remember at all. I'm guessing about five to six, maybe more.

Juan: It's normal to not remember that.

A. It felt like it happens in two seconds, it's just, the whole thing's

Q. Is that it, Juan? Do you remember anything that the passenger in the car said.

A. The passenger said, "You should have helped him and not hurt him. You could have helped him. You should have helped him." I don't know what she was talking about, but she said, "You should have helped him." And I don't know what that meant (inaudible) I've had no contact with that person ever.

Q. Neither person?

A. Neither person.

Q. Okay. Looking back, was there any way to resolve this other than shooting this person?

A. I was the one shooting him. No, there was no other way. Not after the stop, not after he got out of the vehicle. There was no way. He had the gun, and he pointed it towards him, and there's no way after that.

Q. Resolve that otherwise

A. No.

Q. Okay. Leonard? Anything you want to add, any questions you may think we have missed? Nothing?

Leonard: No.

Q Okay. Ed, anything we failed to ask you or

A. No.

Q. Okay. Then we'll terminate this interview now. However, if we think of something else, or if you think of something else, we can always talk again. The time is 2250.

typed by [REDACTED] on 4-14-95

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HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENTARY OFFENSE REPORT

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CASE NUMBER: 95-2390

INTERVIEWER: ROD LESTER, INVESTIGATOR

SUBJECT: 187/664; 196.3 P.C. - JUSTIFIABLE HOMICIDE

STATEMENT OF: ANTHONY THEODORE MATTZ

LOCATION: HOOPA SUBSTATION, HOOPA, CA

DATE/TIME: APRIL 10, 1995

ALSO PRESENT: JUAN FREEMAN, INVESTIGATOR
LEONARD MASTEN, DIRECTOR OF PUBLIC SAFETY

=====

Q: ROD LESTER
A: TONY MATTZ
O: JUAN FREEMAN
1: LEONARD MASTEN

...and on the air. This is Detective Lester and Detective Freeman. Case number is 95-2390, the date is 4-10-1995, the time is 2141 hours. We are at the Hoopa Sheriff Substation and we're a.. interviewing Sgt. Tony Mattz...

A: It's officer.

Q: ...Officer Tony Mattz. And.. uhm.. also present is Leonard Masten. Leonard what's your title?

1: Director of Public Safety.

Q: Director of Public Safety for the Hoopa Tribal Police?

1: Mmhm.

Q: And uh, Tony is your first name, Anthony?

A: Yeah.

Q: Is....

A: And my real name is Anthony.

Q: Anthony, your middle name Tony?

A: Theodore.

Q: And you're a.. your title is police officer?

A: Yes, it...

Q: And you're a.. date of birth?

A: Uh, [REDACTED].

Q: [REDACTED]

A: Yes sir.

Q: And how long have you been employed by the Tribal Police in Hoopa?

A: Oh, since Sep.. since September of 1985.

Q: So you're finishing up your tenth year then, huh?

A: Yes sir.

Q: And duh.. what a.. hours were you scheduled to be on duty today?

A: Uh, like today is my scheduled a.. regular day off, I, I was working overtime, per my Lt. tah.. working a shift of twelve noon to twenty-four hundred hours.

Q: So, on you regular day scheduled day off, if there's a man-power problem uhm, uh, su.. that's normal for you to be called in to work a.. a shift?

A: Yeah. That's correct.

Q: And duh, you're scheduled.. extra shift duh.. was to be twelve hours?

A: Yes.

Q: And.. were you a.. training someone today or did you have a partner or you had someone else with you?

A: Yes...

Q: What was his...

A: ...I had a.. Edward Guyer, who just started his a, Field Training Officer Program and is in his second week.

Q: And are, are you in the capacity as his trainer?

A: Yes, I am.

Q: And today.. that was part of.. a normal work day for him or he works when you do?

A: Uh, right now he works when I do.

Q: So, if you get called in for an extra duty shift, he gets called in, too?

A: That's correct.

Q: And so his hours would of been noon to midnight, also?

A: Yes.

Q: And, you say this is the second week of his training program?

A: Yes.

Q: And uhm.. what were the.. is there a different beats in the, in a.. in your a.. in your office here? Uhm.. certain, certain parts of the jurisdiction that you were gonna cover or, or were you covering the entire valley?

A: Entire reservation.

Q: The reservation the square itself?

A: Yes.

Q: And.. so any uhm.. normal police calls that come.. uhm, would of been yours?

A: Yes.

Q: And at some point today and it was brought to your attention, uhm, something about a uh, a vehicle driving erratically or something, do you remember how that call came out or were you in the field and received that call?

A: Yeah, we were a.. both on, on patrol in our unit and we received a call from a.. Deputy Morey of the Sheriff's Department and advised us that there was a.. b.o.l. for a [REDACTED] with a [REDACTED] and [REDACTED] a.. car that had a.. been involved in a.. I, I think he said a hit and run or.. or been involved in a, in some type of an assault, where the car had a.. tried to run somebody off the road and a.. he asked me, if I, if I.. on my patrol duties uh.., had seen the car out, if I'd seen the.. described car out that, to stop him. Uh, see who was driving and mot.. notify him so he could continue his investigation.

Q: So the way it came to you was a.. like assault with the vehicle, something like that, so...

A: Something like that, I don't think it was an assault, I'm not too sure, but he, he just.. he, he told me that the.. uh, driver of the [REDACTED] and [REDACTED] car had a.. tried to run somebody off the road and it, they ended up.. chasing this, chasing the [REDACTED] down the road or something like that. But he just.. he wanted a.. the car stopped so he could a.. find out who the driver was.

Q: So it was your feeling that if, if he.. ran someone off the road, it was the.. possibility in a felony situation?

A: Yeah. That's correct.

Q: And.. a, you just knew it as a [REDACTED] and [REDACTED] sedan?

A: Yeah.

Q: You didn't know.. that it was a large sedan or it was a Cadillac or a.. whatever?

A: I.. I knew it was, I, I had good feeling I knew who the car, what the.. car.. was, because I'd, right.. I think it was right, I think it was right after, right before the, the bolo, I'd seen a.. a [REDACTED] and [REDACTED] Cadillac pull off of 96, a.. onto Tish Tang Road and we were.. a.. north or southbound on 96, just coming across the Trinity River Bridge and.. I'd, I seen the car pull off the road onto Tish Tang and when we went by, the reason I noticed it, because it was, it was revving it's motor, like it was.. it was trying to spin it's wheels or something. And.. I was, I was gonna turn on it and, and stop it and see why he was trying to peel out and, and driving that way, but I.. had other, I forget what we were doing, but I, we had other things to do, so I just kind a filed it away.

Q: So when Deputy Morey called you, you immediately thought of that vehicle?

A: Yeah. When he said, when he said that the.. [REDACTED] and [REDACTED] uh, with the [REDACTED] top, I think, I'm pretty sure he said [REDACTED] top, a.. I immediately thought of that, of that vehicle.

Q: And duh.. did you go looking for.. that car?

A: Yeah. As soon as he gave me the, the bolo, I, we went to a.. immediately went to Tish Tang and.. patrolled that area around, through the hospital area.

Q: And a.. that's about the time that, that you saw me?

A: Yeah. That's correct.

Q: And we had just come off of Tish Tang Road...

A: Mhm.

Q: ...and you'd been following us out?

A: Yes.

Q: And.. at some point you located the vehicle or did you get another call?

A: We were a.. later, I'm not too sure about the time, a.. it was later that afternoon, we, we were assisting, a.. Deputy Morey on a Civil Service on Community Service Road and uh.. while doing that, we got a call from our dispatch to b.o.l. for that same described vehicle, a [REDACTED] car with a [REDACTED] top, that it was driving erratically or in an erratic state and it was on a.. Marshall Lane and I'm not too sure if they, I, I remember something in a.. I wasn't really listening, but I was re.. just listening to a description, but I remember.. dispatch saying something about the [REDACTED] residence. And duh.. I, didn't really register anything, I.. anyway we, we left there from where, we're at on Community Service Road. I think it was a.. [REDACTED].. [REDACTED] residence and went down to.. Marshall Lane, to see if we could find the vehicle.

Q: And did you a.. you find the vehicle then eventually?

A: Yeah, yeah, we did.

Q: Where was it?

A: Uh, it was pulling out of a, a driveway on Marshall Lane, a driveway I know that duh.. leads to the [REDACTED] Residence, I'm pretty sure that [REDACTED] stays there. Uh, also uhm.. [REDACTED] I know that the [REDACTED] live on the same road way, on that.. it's, it's right just.. it's just a.. just south of a.. or.. just north of a Big Hill and the Marshall Lane intersection. Probably about a quarter mile or so. And we, we, we saw the, the [REDACTED] and [REDACTED] Cadillac, with the [REDACTED] top, the same one I'd seen pulling on Tish Tang earlier, when it was revving it's motor. It was pulling out of the residence, a.. headed north bound on Marshall Lane.

Q: And what was your intention at that point?

A: As soon as I seen it, uhm.. I knew that I was gonna.. to pull it over, cause of the vi.. the report of violations and, and the bolo for it from Deputy Morey.

Q: And so a.. you were, you were traveling northbound on Marshall Lane?

A: Yeah.

Q: And you, a when you observed the vehicle, so you went toward the vehicle, he was traveling northbound, also...

A: Yeah.

Q: ...by then?

A: Yeah.

Q: And where did.. at, at what point did you a.. activate your.. red lights or whatever to stop the car?

A: Right when he got on, right when he pulled out of the driveway and pulled onto Marshall Lane, I went ahead and hit the over heads, solid red light. Uhm, I'd say we're probably, maybe about, maybe sixty, seventy feet behind him. I wasn't too sure.

Q: Red solid to the front then?

A: Yes. Plus rotators. They're blue and white rotators. I'm sorry, yeah blue, blue and red rotators, I'm sorry.

Q: Did the vehicle stop?

A: No, it did not.

Q: Uh, what did the vehicle do?

A: Uh, since it had a loud exhaust and I had my window down, it just, it took off, I could hear the, the.. the motor rev.. revving real high and it, it too off.

Q: So.. did you feel that it took off in response to you turning on the lights or was...

A: Probably the siren.

Q: ...that was your feeling at the time?

A: Yeah.

Q: That the, the driver accelerated the vehicle to a.. to get away from you?

A: Oh, most definitely. Yes.

Q: And duh.. what action did you take after that?

A: Uhm.. I, I accelerated also. I did, I did have to slow down uh, just.. maybe about 50 yards after a.. the, the driveway there was a.. uh, slow moving a.. tractor, farm tractor.. that was also heading north and the vehicle, it's real narrow through there. The

vehicle passed it and I wasn't too sure about the.. the, the roadway width and stuff and so I kind a slowed down. Finally, I got around it. Uh, around the tractor and so.. and I continued on to Marshall Lane and onto a.. State Route 96, heading north bound.

Q: Okay. Now.. at some point tah.. were you able to catch up to the, to the vehicle?

A: Yeah. A right, right near a.. the intersection of a.. Marshall Lane and 96, I started to started to gain on the vehicle. Pretty much caught him, caught up to him.

Q: Did you ever turn on your siren?

A: Yeah, I turn, I turned on my siren uh.. as soon as I heard him accelerate, as soon as I heard the mufflers come up, I, I knew he was taking off, so I hit my siren right then.

Q: So the red light.. and.. to the front and the red.. rotator was not on very long by itself...

A: No.

Q: ...the siren along shortly thereafter?

A: S.. yeah.

Q: Did a.. the driver ever look back at you or, or.. did you ever.. see that he looked at you in the mirror or, or face to face or anything like that?

A: No. Uh, one thing when, when he was pulling out, a.. he was almost um. We were almost like.. he was pulling off, onto Marshall and we were coming right up on 'em, coming up to him. And that's the first thing I asked uh.. Officer Guyer, if he made obs on the driver, in case we had to go for a warrant or something and I asked him, I said, did you see who it was and he told me, no. So, I never did.. never did see his face after that. You know.

Q: Now is there.. some reason you, you said that.. uhm.. that you may have to go for a warrant, tah, is that from something you're thinking of from.. past pursuits you've been in?

A: (inaudible), yeah, definitely, I.. once you know, f.. most the time, if we can't catch 'em or.. they don't stop, then a.. we usually go for a declaration for either evading or whatever violations they did.

Q: So, is it common for a vehicle uhm.. on the reservation to.. not stop when you activate your red lights and siren?

A: I'd say so. I'd say it's more common than any place else.

Q: And.. uh, what normally happens in a pursuit that tah.. the.. where the a.. I mean, you, you been involved in pursuits where.. you don't catch the person?

A: Yes.

Q: And when the car goes faster than your car or.. or gets away from you or.. a what else, under what other circumstances would you.. have to go for a warrant?

A: Uh, like you said, if, if the car gets away or.. uh, we lose it or maybe uh, we, we back out maybe, cause of road conditions or there's too heavy of traffic or.. likes it raining too much, or you know, just make our judgment.

Q: So a.. at that time, as you'll make a safety.. decision based on the safety of a.. yourself and the safety of the surrounding uhm.. people...

A: Mmhm.

Q: ...uhm, maybe the pursuit would of been too dangerous. You'll make that decision and back out of it?

A: Yes. Yes.

Q: Uhm.. what other circumstance where you might have to go for a warrant on somebody?

A: That they take off, foot bail.

Q: What's foot bail?

A: A they split the cars like, a, they stop the car, they take off.. running, most the time when people do, a.. they do stop. They, they usually hit the brush right away, cause it's real easy to get away.

Q: Well, that's a, that's something that's happened to you before here...

A: Yeah.

Q: ...in, in Hoopa when you'll in a pursuit of a car, the car'll stop and the driver will.. just run off?

A: Take off over the hill and just I said, with all the brush and.. and a.. you know, there's no roads or anything most of the time a.. where they've gone and they'll just, they'll hit the brush and try to get away. And most of the time they can't do it, because it's, you know, too it hard to follow 'em through the brush and stuff and they just.. they make their own trails right through

the berry briars and stuff.

Q: So that's happened to you more than one time?

A: Oh, yes, definitely.

Q: And a.. so you're a, you're in pursuit of this car, you're north bound on Highway 96, you have a.. red lights an siren going, how fast do you think you're going?

A: I say a.. probably my top speed was anywhere from 65 to 70 miles an hour. Uh, on 96.. probably around through from.. Mill Creek to a.. maybe just right before we get to the bluffs, the copper mine. Once I got up to the copper mine there, I started slowing down, because it, it gets too.. it's real curvy, and uh...

Q: So were you still able to keep the a.. [REDACTED] vehicle in sight, tah, or sporadically?

A: A, yeah, we kept it in sight. It, it started to slow down, too, as we got into the, into the corners and being as big as it was it.. it was real hard for h.. the driver to control it. So he had to slow down.

Q: So uh, at the, at the fastest, maybe sixty-five, seventy through that straight stretch going toward Mill Creek...

A: Mmhm.

Q: ...or you know, before Mill Creek and then once you got started up the hill, speeds would of reduced?

A: Yeah, once, well.. it was, it was about sixty-five to seventy even when we started up the hill, right before they get to, what the area, what they call it.. just after the copper mine. Uh, it starts gettin' real curvy there, that's when it, we started to reduce...

Q: And...

A: ...we started to slow down.

Q: ...and you a.. just maintained your, your driving behind him...

A: Mmhm.

Q: ...and...

A: Yes.

Q: ...at some point tah.. did you run into the car? The [REDACTED]

vehicle with your car?

A: No.

Q: Did duh.. did he run into something else?

A: Yeah. Uh, he did uh, I'm not too sure the mile, the mile post marker, it's a.. I think they call it Rock Chute Bridge.

Q: Rock Chute Bridge?

A: Rock Chute Bridge. Uh, and it's right before that.. before the area, I called the bluffs or where it just really.. a lotta "S" turns, on real swurvey, real narrow and duh.. right before he got to the bridge area, it's kind of, it's kind like an "S" turn and right out of the "S" turn it's real sharp. So right before the brid.. right, right before the bridge his back end was kind a real.. loose and I could tell that he was gonna, he was, he was going too fast for that.. that area there. And he went ahead and kind a like skidded up to the side of the bridge. Yeah, I think he hit the passenger side on the, on the bridge abutment to there.

Q: And you were.. you were behind him..

A: Yeah.

Q: ...just enough to see what's happening. You.. now when I uh, when I saw you guys a.. uhm.. a short time before this incident, tah, you were driving the police car?

A: Yes, I was.

Q: And did you drive all day, today?

A: Yes, I did.

Q: So you were driving at the time of this incident?

A: Yeah.

Q: Uh..

A: For h.. for Officer Guyer's training program, he.. probably won't drive for.. another couple a weeks.

Q: Okay. So, he didn't drive today at all?

A: No.

Q: And.. did this a.. this running into abutment or whatever there on Rock Chute Bridge, did that stop the vehicle or slow it down or whatever?

A: It slowed it down. Uh, it just, it was sort a like a uh, kind a.. uh, gees, it just kind a careened. I mean, it didn't, it didn't really impact and stop. It just kind a hit and then it's kind a like skid along side the embankment and the car took off again.

Q: You could hear it accelerate even though, could you, now you can hear it, you got your siren going...

A: No.

Q: ...and you're on the bluffs?

A: No, I couldn't hear. We had our windows up and a.. the siren was going, so we couldn't hear it accelerate or anything.

Q: And tah.. did you notice anything uhm, about the car after that impact?

A: Yeah, after the impact, the car took off again, uh, north bound. And I noticed that I, it was puttin' out a lotta.. either it looked like water, it wasn't oil, it was water. It was like, from his radiator and a.. he was leaking a lotta radiator fluid.

Q: And did that slow the vehicle down at all?

A: Yeah, he started the, he started to slow down, he wasn't, he wasn't going anywheres as fast as he was before. Uh, like I said the, the further down the road he got, the more.. radiator fluid and stuff was leaking outta the car.

Q: I think you a.. radioed at, at one point.. to your.. your dispatcher that the car had slowed to forty...

A: Yeah.

Q: ...do you remember making that?

A: It was either me or, or Officer Guyer, I, no he handled most of the radio, while I was driving, but I'm pretty sure that, I, I'm pretty sure that I, I made that. I'm not real positive.

Q: But you, you remember that?

A: Yeah, I remember, I remember that being said that, the car was slowing down and that uh, gave, and gave a.. the speed and I'm pretty sure I added that a.. you know, we were getting ready to go on the foot bail here, because the guy was really, he was creeping along real slow.

Q: And.. at some point, the car came to a stop?

A: Yes.

Q: So.. you think that's.. cause of mechanically couldn't go any further?

A: A definitely. Definitely from a, the.. the car being, when it's a hit, the radiator, I think the, I think the engine probably blew up. If I had to take a guess.

Q: Okay. So.. the car comes to a stop. See the brake lights come on?

A: I don't believe so, no. I don't remember seeing a brake lights.

Q: Car comes to a stop.. how many people were in this car? That you could see at that point?

A: Two.

Q: You knew there was at least two people in the car?

A: Yes.

Q: Car comes to a stop.. what.. in your mind, is gonna happen?

A: From my experience, the only thing I was thinking and I, I told Officer Guyer the same thing, as when it, when it stopped and was slowing down, uh, I just told him, get ready, we're gonna on a foot mail, foot bail. He's gonna take foot. Uh, try to get away on foot and that's the only thing I was thinking.

Q: You said that on a.. on the radio, too...

A: Yeah and I advised dispatch that, you know, we were getting ready to.. to.. to foot bail. Is what I, what I call is foot pursuit.

Q: And.. so you.. you thought you're gonna go chasing off after this guy on foot?

A: Yes, I most definitely.

Q: And.. why don't you tell me what transpired? Wasn't a foot pursuit?

A: No, it wasn't.

Q: Okay, you have your seat belt on?

A: Yes.

Q: At what point did you undo your seat belt?

A: Right when I was getting out of the door. Uh, right when I stopped the vehicle.. uh, and the door opened, I was gettin' my belt off.

Q: Okay, you.. saw the, the uh.. you saw the car stop, so you.. you stopped behind it, uh, what, what yah think? How far behind it?

A: I'd say it was probably about.. maybe fifteen feet, twenty feet. Close enough...

Q: And.. and so.. as you're stopping, you're undoing your seat belt, getting ready for a run?

A: Getting ready for a run, yes.

Q: And.. you opened your door.. and what was it, what was the driver of the vehicle doing?

A: He was getting, when I was getting out.. I was getting ready, uh, just right at.. the outside of my door and he was getting out also and walking back.. toward my unit. Toward me.

Q: He's walking toward you, that surprise you?

A: Y.. yes, it did. Yes.

Q: And.. was there any conversation?

A: No, there wasn't.

Q: Okay, by this time, you're standing up?

A: Yes, I am.

Q: And.. wha.. what, what was the action that the driver of the vehicle took?

A: Uh, right when he was walking toward me, I'm standing up, looking at him, uh he, I noticed that he has a uh, a uh.. chrome or.. it's kind a dull nickel plated automatic in his left hand.

Q: You're talking automatic what?

A: Uh, pistol.

Q: Okay, he has a hand gun in his hand?

A: Yes.

Q: In his.. which hand?

A: It's his left hand and right when he got outta the car, it was.. in his left hand, uh.. down to.. uh, along the side, along his thigh.

Q: He's trying to conceal it at, at his thigh or just there?

A: No, huh uh. I mean it was in plain view, there was no, he didn't attempt to conceal it or anything.

Q: What was your action at that point? Did you have the gun in your hand, as you got out of the car?

A: No, I did not. I did not have my, it was in my holster, still snapped, I didn't have nothing in my hand at all. Uh, my reaction at that time was, he's got a gun, uh and I just kind a stopped for just, a.. a milli second and just.. I just froze basically. And.. right when he was walking toward me, I saw the gun come up and point right at, the only thing I could think of was.. it's.. and that gun is aiming right at my head. That's the only thing I saw. And.. I mean, I was.. I, that's when I was gettin' my gun out. I was gettin' my gun out and I seen him walking with the, the pistol moving right.. I mean aimed right at my head, that's all I could see. Was like this gun.. right at my head and.. I like turned around and I, at the time I was turning around, I, the, the thing I was thinking is, you know, shit, I'm gonna get shot sittin' here. I said, fuck this, I said, I'm.. I'm outta here and I, right when I was turning around to go, I was headed for the rear of the car. And.. I was pulling my gun out, I have a, what they call, call call a.. Bianchi, I think it's U.M.B.H. holster, it's a.. it a tactical holster with a cover, so I have to pull down on my cover and then.. lift the cover up and pull my gun out. So, I was doing that, right when I was turning around and.. I mean, the only thing I was thinking of, oh fuck, I'm gonna get hit and I pull my gun out, I just started firing rounds.

Q: Okay, you, you retreated to the rear of your vehicle?

A: Yes, I did.

Q: You didn't fire from behind the door.. of the car?

A: No.

Q: And.. did you retreat.. walking backwards looking at the [REDACTED]

A: No, I was, I retreated a.. facing away from the [REDACTED].

Q: So you ran around to the back of the car, that would of been the fastest way to do it?

A: That, yes.

Q: Meanwhile you're.. trying to get your.. gun outta your holster?

A: I'm getting my gun outta my holster, I'm bringing my gun up, uh, it's almost a.. kind of a.. it's, my gun is not.. let see, the way I'm holding my gun is.. horizontal. It's almost to the side. I'm not holding it vertically like we're taught in the academy (inaudible)...

Q: And then...

A: ...and I'm just.. I'm just running and, and pointin' the gun back.. in a horizontal fashion and...

Q: Where were you, when you heard the first round?

A: I didn't.. I never heard a round. I never heard nothing. I mean, I just.. I don't even remember hearing any shots at all. Not even from my own gun. Uh.. I remember.. seeing the window of the rear of the car after.. uh, a few seconds, the window blow out and the rear of our unit.. I don't even remember hearing the, hearing the a.. the window blow out, you know. I didn't even hear the siren, I mean everything went.. like that.

Q: Sirens, the siren was still going?

A: Oh yeah. The siren was on when we, when we were getting outta vehicle, that's just a, a bad habit I guess, I don't know if I should turn it off or not, but it was still going and I didn't remember hearing that. You know, and I just.. you know...

Q: Okay, you stepped out behind your door and you look up at this person, how far away is he from you?

A: I'd, gees, I'd say he was a.. right when I got outta the door, you know, like I said, I mean, I'm in this mode, where I'm almost getting ready to run, so I'm not even thinking about gun or anything. You know, I'm thinking.. you know, I better get, get my running shoes on and that's the first, my first step forward is around the door and toward him. And when I, like I said, he's.. twenty feet, I have no idea...

Q: And he has a gun up and pointing...

A: Pointing right at my head. I mean, that's the only thing, that's the first thing I seen. I seen a gun down at, down his side, then the gun comes up and it's pointed at me. The only thing I could think of is.. like it's aiming right at.. you know, what I thought was.. it's aiming right at my right eye. You know, that's what I thought, I'm going, Jesus, this gun's aimed right at my

right eye and the only thing I'm thinking is get the hell outta there. You know, I didn't think of, of saying anything. I didn't think of.. drawing down and get behind the door. I didn't think of anything, I said, shit, I've gotta get covered and I need to get back of the car. The heck with this door, I just.. I didn't think about the door.

Q: You're much bigger than the door aren't you?

A: Uh, definitely. Definitely. The door's got too much window in it and I'm, that's not even what I was thinking. I gotta get behind the rear of the car.

Q: Do you remember any words exchanged between you and the [REDACTED] either one of you?

A: No. I don't remember him saying anything, nothing at all.

Q: You know and you don't remember hearing any of the shots, yours, Officer Guyer's or the...

A: No.

Q: ...the [REDACTED]

A: No. I don't remember anything like that.

Q: Did you.. think he was gonna shoot you?

A: Definitely, I mean, when I saw the gun, I've, I've had that happen to me before, where people have gotten out and had guns on them, but they, they used them, they're not really in a threatening manner. They usually keep it at their side and it'll be verbal. I've had it happen to me a couple a times where people would be verbal and say, well, you, what the fuck do you want or something like that. And it's, you draw my gun down, hey, put your, put the gun down, you know, pointing, put the gun down and you know, most eh.. all the time, it, they put the gun down. Maybe with an argument or something, you know, just for my officer safety. Uh, this time, it's like it was totally different, I mean, the guy had the gun and it just came up and I've never had.. anybody point a gun at me before and fuck, I mean that's the first thing I thought was.. when that gun came up, it was aimed at my right eye and I thought, fuck, I'm dead. I've gotta get the fuck outta here. This guy's gonna fucking kill me. And that's the only thing I could think of. Cause it wasn't, I mean, it was just a quick change from.. thinking, well shit, here goes another foot pursuit over in the brush and he get ready to run to.. you know, I mean it was like, it was like a millisecond when I saw the gun and it came up, it wasn't a.. time to, to think, well shit, this is a different situation, you know. It was like, oh shit. You know, I'm dead. I'm fucking dead. And that's the only thing I could think of and

I was like fucking.. I was running, running for the back of the car.

Q: Did you recognize this guy?

A: Not at the time, no. When he got out of the car, uh.. and he, I mean, in fact I, I should of, but a, I mean, cause he was facing right toward me and he was close enough where I could see his face, but the first thing that I locked on to with my eye was that gun. You know, right when he had it down at his side, that's the only thing I made out, was like, that's a fucking gun. You know, it's a nickel plated gun. A nickel or.. silver colored gun. I said, fuck and.. you know, once it came up, I mean, I didn't even look at his face, the only thing I saw was the gun all the way, you know. I didn't even see who the heck it was.

Q: You remember seeing the.. [REDACTED] fall?

A: No. I don't a.. I lost.. when the, when I was running, I was turned and when I got behind the.. the car and I started.. when I was a.. shooting my rounds off, uhm.. I had my gun, was over the truck of a car, facing in what I thought where, where the, where I last seen the [REDACTED] and duh.. I never did see him fall. I mean, I, I don't even, I don't remember.. when it was done, when everything was done and a.. we kind a got up, I was looking for him to the front, to the rear of the car or to the rear of the [REDACTED] car, the [REDACTED] car. I was looking for him to be down over there. In fact, I was, I was asking Ed, I said, you know, where's he at, you know? He said, oh, he's over here and I had to look and.. I mean, he was like, where I was laying, he was probably about three or four feet from where I was. Where I was down, crouched down behind the car. And I'm just like fuck, how and the fuck did he get way up here, you know. Said, Jesus. I said, man, he's like, you know, I said, he's only like five or six feet away from us. And that's, you know, I never did see him fall, just, I just went around, looked at the guy and, you know, I seen all the blood and stuff and.. that's when I started uh.. calling for the ambulance and, and making sure that there was a.. there was a.. passenger and then making sure she was.. secure and a.. till we got everything taken care of. So.

Q: Do you remember if you re-loaded?

A: Yeah, I did a.. I, I expended all my rounds, I'm pretty sure that I had eighteen rounds in the, in the magazine. Cause I carry a Glock seventeen so it, it's got a high capacity and I'm pretty sure I had eighteen rounds full loaded. I, I emptied all eighteen rounds out and uh.. I remember that, uh putting a, putting a magazine, dumping the magazine out and a.. actually taking the magazine, dumping the magazine and throwing it and then a.. putting another one in and I remember a.. a closing, closing the slide on the gun and I was still crouched down and like I said, I don't

remember hearing anything, but I remember closing the slide on the gun and.. then it was just like it was done. I don't, I don't remember seeing, I don't remember hearing Ed say, hey, he's dead or he's down or anything, I mean it just.. all of a sudden, you know just.. everything just stopped. I mean, it stopped and we just kind a got up and I remember.. kind a thinking, well shoot, you know, where's the guy at and that's why I was looking for him down there, uh, toward the.. [REDACTED] car and they had told me where it was at and I remember looking over the trunk and, and.. while I was doing that, I was.. I a.. jacked another round out, I didn't know I had a live round in the chamber, so I jacked another round out and it landed on the ground some place and...

Q: Well, what you're saying is.. you, you a.. you were putting a round in the magazine?

A: Yeah, I was putting another round, round, I was pulling slide back and kind a looking over the truck, looking for, looking where this guy was laying and.. I.. what I didn't realize I already had another live round in there, so basically it, it just knocked...

Q: It...

A: ...knocked a live round outta the chamber and a.. I put another one in there from my magazine basically.

END OF SIDE ONE, TAPE ONE

SIDE TWO, TAPE ONE

Q: We're on side tow of tape one and the time was 2213 hours. Uh, what I was saying, Tony is a ... at some point you had to focus your.. attention on the second [REDACTED] in the, a [REDACTED] vehicle..

A: Mmhm, yes.

Q: Uh, at some point, you had to check and make sure that she wasn't shooting at you, too. Right?

A: Yes. That's correct.

Q: How'd that come about, what happened then?

A: Uh, right when we a.. or right when I came around.. a.. after.. making sure that he wasn't going, wasn't a threat or anything.. uh, I remember looking at the.. the person and even at that time, I didn't know who it was. I just, I just saw a lotta blood, I saw the a.. the gun that he had laying next to him and.. I remember the.. passenger getting out and she, she was like.. real hysterical.. and she was saying, you know, why, why did he do that, why did you do that. You know. And some other stuff like, you know, he needed help, he needs help, he needed help and I told Ed,

I says Ed, secure her, I says, arrest her Ed. I said, put her in cuffs. So Ed, you know Ed, Officer Guyer went down there and placed her in handcuff and then we went ahead and.. and walked her back, about that time uh.. Deputy Morey showed up, a.. who was.. right behind us and we went ahead and put her into Deputy Morey's car.

Q: Okay. Juan, do you have any questions?

O: Uh, let's see, there's, there's one thing uhm, uh.. Rod and I were in, when our car, we were leaving the valley, when we heard.. this thing going, going on. And duh, we heard something about some radio traffic.. about duh, the guy was driving the Cadillac had fired a couple a shots at somebody. Did, did you heard that radio traffic?

A: Uh, no. Uh, that's one thing where I screwed up on.. I had heard a dispatch calling me.. on the radio and she was saying something about.. a.. and RP had reported a.. this guy earlier, and then I, what I did was I.. hit the radio and was, I was talking to Deputy Morey, who was behind me and I wanted, to let him know, hey Dave, we're going a foot pursuit here, pretty soon, you know, cause the guy is slowing down and that's where I, I didn't hear it at all I mean, I locked the radio...

O: Oh.. so you might of covered her or something, huh?

A: I could of.. I...

O: Yeah. Okay. Seems like we heard that.

Q: We did hear that. Okay. Uhm, Tony, anything else?

A: Uh...

Q: Do you remember shooting toward the car, the [REDACTED] car? You said, you were reaching over the top of the trunk or the top of the car and shooting in the direction of the last.. known location of the [REDACTED]

A: Yeah.

Q: But... you, you were ever think you turned...

A: No, because a, the car, the car and a.. our unit were.. lined up in a straight line and.. I remember.. a Officer Guyer was right a head of me, where I was taking cover and I know, if I'd.. shot toward the car, I'd probably would a.. probably would a shot Officer Guy and so I was more or less.. aiming for the last point that I saw him and just kind a.. aiming basically toward him.. like the a driver's side, driver's side a.. passenger's.. driver side rear of my unit, aiming in that, kind a caddie corner.. way from

where I was at.

Q: So that would of been a.. if a, if the [REDACTED] vehicle was directly north of you, that would of been, you would of been shooting west then?

A: West direction.

Q: I mean, I'm not sure that's north or west...

A; Yeah, I'm...

Q: ...but hen.. that ninety degrees?

A: ...but yeah, that's, that's correct then.

Q: Leonard, do you have anything you'd like to add?

1: No. I don't need anything.

Q: Tony, anything more?

A: No. Nothing.

Q: Okay. Then a.. if we thin of something else, we'll talk again, or if you think of something else, we'll talk again, but for now...

O: I just have one little thing. Uh, you didn't fire any rounds from your new magazine that.. put in? Yeah.

A: Uh, no, I did not.

O: Oh. Just wanna make sure of stuff (inaudible).

Q: And uh, you were shooting a.. uhm, some sort of a.. a dark colored jacketed.. a round were yah?

A: Yeah, it's a.. they're called Taylons, Black Taylons.

Q: Taylons. Okay and duh.. okay, that's all I have...

A: Yeah.

Q: ...we'll terminate this a.. interview at 2218 hours.

RL:JF:[REDACTED]
4-18-95, 0900 hours.

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SUPPLEMENTAL OFFENSE REPORT

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ON 4-17-95 AT 1430 HRS, I INTERVIEWED WITNESS [REDACTED] [REDACTED] AT HIS PLACE OF EMPLOYMENT, HOOPA AMBULANCE CO. REGARDING THIS INCIDENT.

[REDACTED] SAID THAT HE AND [REDACTED] [REDACTED] RESPONDED TO THE SCENE AT APPROXIMATELY MP 16+ AND ARRIVED AT APPROXIMATELY 1612 HRS. [REDACTED] SAID THE SCENE WAS ALREADY TAPED OFF AND HE NOTED AN INJURY TO OFFICER TONY MATTZ'S LEFT ARM. HE THEN SAW THE DECEASED [REDACTED] LYING SUPINE AT THE REAR OF THE TRIBAL POLICE CAR. [REDACTED] OBSERVED ONE GUNSHOT WOUND ON THE RIGHT SIDE OF THE DECEASED'S NOSE AND THE RIGHT EYE WAS BLOODSHOT AND THE LEFT EYE WAS DILATED AND FIXED. [REDACTED] NOTED THAT THERE WAS SOME GREY MATTER ON THE DECEASED. [REDACTED] CHECKED FOR SIGNS OF LIFE AND FOUND NONE. [REDACTED] RETRIEVED THE HEART MONITOR AND [REDACTED] APPLIED IT TO THE DECEASED'S CHEST AND FOUND A "FLAT LINE" CONDITION. THERE WAS NO PULSE OR RESPIRATION AND NEGATIVE RESPONSE TO STIMULI, AND [REDACTED] SAID THAT HE DETERMINED THAT THE [REDACTED] WAS DEAD AT 1618 HRS. [REDACTED] SAID THAT IT WAS MEDICALLY UNNECESSARY TO MOVE THE DECEASED.

I ASKED [REDACTED] IF HE MADE ANY OTHER OBSERVATIONS AT THE SCENE. [REDACTED] SAID THAT HE SAW ABOUT FOUR SPENT .22 CALIBER CASES ON THE GROUND NEAR THE BODY, AND ONE ABOUT 12 FEET AWAY. [REDACTED] ALSO SAID THAT HE SAW SEVERAL SPENT 9MM CASES IN THE ROADWAY, AND A 9MM CLIP BY THE ROADSIDE AND ONE UNEXPENDED 9 MM ROUND IN THE ROAD. HE ALSO SAW THAT THE REAR WINDOW OF THE TRIBAL POLICE CAR WAS BROKEN OUT AND THE DRIVER'S DOOR WAS OPEN. [REDACTED] ALSO SAID THAT THE DECEASED WAS LYING SUPINE AT THE LEFT REAR FENDER OF THE POLICE VEHICLE WITH THE HEAD POINTED TOWARD THE REAR OF THE VEHICLE. [REDACTED] ALSO SAID THAT HE AND [REDACTED] DEPARTED THE SCENE AT ABOUT 1630 HRS.

ON 4-17-95 AT 1445 HRS I INTERVIEWED WITNESS [REDACTED] AT THE HOOPA AMBULANCE CO. [REDACTED] SAID SHE WAS CALLED TO THE SCENE BECAUSE IT WAS BELIEVED THAT THERE WAS AN INJURED OFFICER AND A MAN DOWN AT THE SCENE. SHE ARRIVED AT THE SCENE ABOUT TWO MINUTES AFTER [REDACTED] AND [REDACTED] AND WAS CANCELLED IMMEDIATELY TO RETURN TO BASE. [REDACTED] SAID THAT SHE NEVER VIEWED THE SCENE OF THE INCIDENT.

ON 4-17-95 AT 1450 HRS I INTERVIEWED WITNESS [REDACTED] [REDACTED] AT THE HOOPA AMBULANCE CO. [REDACTED] SAID THAT HE DID NOT DO ANYTHING EXCEPT GET MEDICAL SUPPLIES AND THE HEART MONITOR FOR [REDACTED] HE SAID THAT HE WAS THE DRIVER OF THE AMBULANCE HE AND [REDACTED] WERE OPERATING. [REDACTED] SAID THAT THE SCENE WAS LOCATED AT M.P. 17.20. HE WAS TOLD THAT THE LOCATION WAS 16.98. [REDACTED] SAID IT TOOK ABOUT SEVEN MINUTES TO GET TO THE SCENE.

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I ASKED [REDACTED] WHAT HIS OBSERVATIONS WERE AND HE SAID HE SAW THE DECEASED LYING ON HIS BACK AT THE REAR OF THE TRIBAL POLICE VEHICLE. HIS HEAD WAS POINTED TO THE REAR OF THE POLICE VEHICLE (SOUTH), AND HIS FEET WERE POINTED TO THE FRONT OF THE POLICE VEHICLE. [REDACTED] ALSO SAID THAT HE SAW A DULL SILVER SEMI-AUTO HANDGUN LYING NEXT TO THE BODY OF THE DECEASED. THE GUN LOOKED LIKE A FULL SIZE HANDGUN. [REDACTED] SAID THAT HE SAW AN APPARENT BULLET WOUND IN THE MIDDLE OF THE DECEASED'S FOREHEAD. [REDACTED] ALSO SAW THE BULLET CASES WHICH WERE POINTED OUT TO HIM BY [REDACTED] HE DIDN'T SEE WHAT KIND THEY WERE.

[REDACTED] SAID THAT [REDACTED] WAS AT [REDACTED] HOUSE ON MARSHAL LANE EARLIER THAT DAY, AND HE PULLED A GUN ON A [REDACTED] AND THEN [REDACTED]. [REDACTED] SLAMMED THE DOOR AND LEFT THE AREA.

ON 4-17-95 AT 1542 HRS, I INTERVIEWED WITNESS [REDACTED] AT THE HOOPA SUBSTATION OF THE SHERIFF'S DEPARTMENT. [REDACTED] SAID THAT ON 4-10-95 AT 1430 HRS HE WAS WORKING IN HIS CAPACITY AS A SCHOOL BUS DRIVER AND HE PICKED UP THE KIDS AT HOOPA ELEMENTARY SCHOOL AND BEGAN HIS ROUTE. ON HIS BUS WAS [REDACTED] WHO IS [REDACTED] SON AND WHO CONSIDERS [REDACTED] AND [REDACTED] HIS PARENTS. AT ABOUT 1435 TO 1440 HRS [REDACTED] WAS ENROUTE NORTHBOUND ON SR 96 AT NORTON FIELD ON THE RUN TO WEITCHPEC. A [REDACTED] AND [REDACTED] CADILLAC CAME UP RIGHT BEHIND THE BUS, SWERVED AROUND THE BUS AND THEN TURNED ON THE SHORTCUT ROAD BY NORTON FIELD TOWARD MILL CREEK. [REDACTED] SAID THIS WAS THE SAME CAR HE LATER SAW AT THE SCENE. HE WENT ON HIS RUN TO WEITCHPEC SCHOOL AND PICKED UP THE KIDS THERE AND WENT DOWNRIVER. THEN HE HEADED BACK TOWARD HOOPA THROUGH THE HOOPA BLUFFS. [REDACTED] SAID HE CAME AROUND A CORNER AND SAW THE [REDACTED] CADILLAC WITH A POLICE CAR BEHIND IT. [REDACTED] SAW A POLICE OFFICER AT THE [REDACTED] AND [REDACTED] CADILLAC AND HE HAD [REDACTED] WHO IS [REDACTED]'S MOM, UP AGAINST THE RIGHT SIDE OF THE CADILLAC. [REDACTED] HOLLERED, " THAT'S MY MOM AND DADDY! THAT'S THEIR CAR!" [REDACTED] SAID HE SAW THE OTHER OFFICER OUTSIDE THE CAR TALKING ON A RADIO, AND THAT THE BACK WINDOW OF THE POLICE CAR WAS BLOWN OUT. THEN [REDACTED] SAW [REDACTED] LYING IN THE ROAD DEAD BEHIND THE PATROL CAR. [REDACTED] SAID HE SAW THE PISTOL LYING NEXT TO THE DECEASED. IT HAD BROWN GRIPS AND A SILVER BODY. [REDACTED] SAID HE DIDN'T STOP BECAUSE HE HAD THE BOY AND HE WAS "GOING CRAZY". [REDACTED] ESTIMATED THE TIME AS BETWEEN 1605 AND 1615 HRS. HE ALSO OBSERVED THAT THE RIGHT SIDE FRONT OF THE CADILLAC WAS PUSHED IN AND WHEN HE GOT TO THE VIADUCT HE SAW WHERE IT HAD CRASHED INTO THE VIADUCT. [REDACTED] SAID THAT THE CADILLAC WAS FACING NORTHBOUND AND THE POLICE CAR WAS RIGHT BEHIND IT VERY CLOSE. [REDACTED] SAID HE DID NOT KNOW THE DECEASED. HE ASSUMED THAT HE MUST HAVE GOT TO THE SCENE ABOUT A MINUTE OR SO AFTER THE SHOOTING. HE ALSO SAID THAT [REDACTED] KNEW THAT HIS DAD WAS DOWN.

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ON 4-17-95 AT 0900 HRS AND ON 4-18-95 AT ABOUT 0900 HRS I CONTACTED [REDACTED]'S AUNT [REDACTED] IN AN EFFORT TO MAKE ARRANGEMENTS TO INTERVIEW [REDACTED] WHO WAS A PASSENGER IN THE CADILLAC AT THE TIME OF THE INCIDENT. [REDACTED] SAID THAT [REDACTED] DOES NOT WANT TO TALK TO LAW ENFORCEMENT BECAUSE SHE HAS NO FAITH IN THE SYSTEM. I HAD ASKED HER TO TRY TO ARRANGE FOR ME TO MEET WITH THE WITNESS EARLIER. [REDACTED] ADVISED ME THAT [REDACTED] FUNERAL WAS ON 4-17-95 AT 1300 HRS. [REDACTED] SAID THAT SHE ALSO HAS NO FAITH IN THE SYSTEM BECAUSE HER DAUGHTER'S KILLER IS STILL FREE.

ON 4-18-95 AT 1140 HRS I CONTACTED WITNESS [REDACTED] BY PHONE AT HIS RESIDENCE ON MARSHAL LANE, HOOPA. I ASKED [REDACTED] IF ON 4-10-95, DID [REDACTED] COME TO HIS RESIDENCE AND THREATEN PEOPLE WITH A GUN. [REDACTED] SAID THAT IN THE AFTERNOON ON THE DAY OF THE SHOOTING [REDACTED] DROVE UP NEXT DOOR AND WAS RAISING CAIN IN THE YARD AND [REDACTED] WAS OUTSIDE HIS PARENT'S RESIDENCE AND [REDACTED] POINTED THE GUN AT HIM. [REDACTED] SAID THAT HE TOLD [REDACTED] TO PUT IT AWAY OR HE WOULD CALL THE COPS. [REDACTED] GOT IN HIS CAR AND DROVE ONTO MARSHAL LANE AND THEN HE SAW TRIBAL POLICE START CHASING [REDACTED] CAR.

ON 4-19-95 I CONTACTED [REDACTED] OTHER AUNT [REDACTED] AND REQUESTED THAT SHE TRY TO ARRANGE A MEETING WITH ME AND WITNESS [REDACTED] [REDACTED] WAS OPTIMISTIC THAT THIS COULD BE ARRANGED AND SHE SAID THAT [REDACTED] WOULD PROBABLY WANT TO GIVE HER SIDE OF THE STORY TO AUTHORITIES. [REDACTED] ADVISED THAT SHE WILL CONTACT ME WHEN THIS IS ARRANGED.

ON 4-19-95 I RECEIVED THAT ATTACHED LAB REPORTS FROM THE D.O.J. LAB WITH THE BLOOD ALCOHOL RESULTS ON THE OFFICERS, WHICH WAS .00.

ON 4-19-95 I ALSO RECEIVED THE CORONER'S AND PATHOLOGIST'S REPORTS PERTAINING TO THIS CASE AND THEY ARE ATTACHED. THE CAUSE OF DEATH IS LISTED AS A SINGLE GUNSHOT WOUND TO THE DECEASED'S HEAD AND NECK. THE MANNER OF DEATH WAS DETERMINED BY DETECTIVES LESTER AND FREEMAN TO BE JUSTIFIABLE HOMICIDE, PC 196.3.

THIS CASE HAS BEEN FOREWARDED TO THE DISTRICT ATTORNEY FOR FINAL REVIEW AND DISPOSITION.

officer Freeman 0197 date/time 4-20-95 1530

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT
CASE # 95-2390

SYNOPSIS OF EVIDENCE REPORT FROM
DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES:

1. DATED APRIL 13, 1995
BLOOD ALCOHOL CONTENT OF [REDACTED]
RESULT: 0.19%

2. DATED APRIL 14, 1995
BLOOD ALCOHOL CONTENT OF OFFICER TONY MATTZ
RESULT: 0.00

BLOOD ALCOHOL CONTENT OF OFFICER ED GUYER
RESULT: 0.00

3. DATED APRIL 26, 1995
DEPARTMENT OF JUSTICE, NORTHCOAST LABORATORY
REPORT OF FIELD INVESTIGATION AND LABORATORY
EXAMINATIONS
RESULTS: SEE REPORT

4. DATED MAY 1, 1995
TOXICOLOGY LABORATORY REPORT OF OFFICER TONY MATTZ
RESULT: NEGATIVE FOR "CERTAIN STIMULANTS (INCLUDING
METHAMPHETAMINE AND COCAINE/OR COCAINE METABOLITES),
CANNABINOIDS (MARIJUANA), TRANQUILLIZERS, COMMON
NARCOTICS, ANTIDEPRESSANTS, PSYCHEDELICS (INCLUDING
PHENCYCLIDINE), BENZODIAZEPINES, SEDATIVES/HIPNOTICS
(INCLUDING BARBITURATES) AND ANTICONVULSANT DRUGS."

5. DATED MAY 1, 1995
TOXICOLOGY LABORATORY REPORT OF OFFICER ED GUYER
RESULT: NEGATIVE FOR "CERTAIN STIMULANTS (INCLUDING
METHAMPHETAMINE AND COCAINE/OR COCAINE METABOLITES),
CANNABINOIDS (MARIJUANA), TRANQUILLIZERS, COMMON
NARCOTICS, ANTIDEPRESSANTS, PSYCHEDELICS (INCLUDING
PHENCYCLIDINE), BENZODIAZEPINES, SEDATIVES/HIPNOTICS
(INCLUDING BARBITURATES) AND ANTICONVULSANT DRUGS."

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ON 5-8-95 I CHECKED THE AUTOMATED FIREARMS SYSTEM TO FIND OUT WHO HAD OWNED THE FIREARM USED BY THE DECEASED, [REDACTED] [REDACTED] WHEN HE SHOT AT TRIBAL POLICE OFFICERS ON 4-10-95. THE WEAPON IS A SMITH & WESSON MODEL 622 .22 CALIBER SEMI AUTOMATIC HANDGUN WITH SERIAL NUMBER [REDACTED].

THE D.R.O.S. (DEALER'S RECORD OF SALE) INDICATES THAT THE HANDGUN WAS PURCHASED ON 7-28-92 BY [REDACTED] OF EUREKA. I CONTACTED MR. [REDACTED] AND HE REMEMBERED THE HANDGUN TRANSACTION BUT TOLD ME THAT HE HAD RETURNED THE FIREARM TO [REDACTED] BECAUSE HE DIDN'T LIKE THE SIGHTING SYSTEM.

I CONTACTED MR. [REDACTED] WHO TOLD ME THAT HE REMEMBERED THE WEAPON AND THAT SINCE MR. [REDACTED] DIDN'T WANT IT HE SOLD IT TO SOMEONE ELSE, [REDACTED], HE THOUGHT.

I CONTACTED MR. [REDACTED] WHO TOLD ME THAT HIS BROTHER-IN-LAW, [REDACTED], HAD ACTUALLY ENDED UP WITH THAT HANDGUN. MR. [REDACTED] ALSO TOLD ME THAT [REDACTED] HAD BEEN THE [REDACTED] OF A THEFT IN HOOPA RECENTLY AND HE BELIEVED THE WEAPON HAD BEEN STOLEN. HE TOLD ME THAT [REDACTED] HAD BEEN THE CAMPGROUND HOST AT TISH TANG CAMPGROUND IN HOOPA AND THAT SOMEONE HAD STOLEN A NUMBER OF FIREARMS AND OTHER ITEMS FROM THEIR TRAILER. [REDACTED] TOLD ME THAT [REDACTED] IS NOW ON A TRIP AND WOULD BE IN CONTACT WITH [REDACTED] OCCASIONALLY AND THAT [REDACTED] WOULD PUT [REDACTED] IN TOUCH WITH ME WHEN HE CALLS IN.

I FOUND THAT HOOPA VALLEY TRIBAL POLICE OFFICER JOE MASTEN JR. RESPONDED AND TOOK THE [REDACTED] BURGLARY REPORT BECAUSE OUR DEPUTIES WERE NOT AVAILABLE. IT IS LISTED AS TRIBAL CASE NUMBER C5-52 AND CROSS REFERENCED AS SHERIFF'S CASE NUMBER 95-704. IN THAT REPORT, A SMITH & WESSON MODEL 622 IS LISTED BUT UNDER A DIFFERENT SERIAL NUMBER [REDACTED]). I CHECKED THE AUTOMATED FIREARMS SYSTEM AND FOUND THAT THAT SERIAL NUMBER COMES BACK TO A COLT PYTHON REVOLVER. I CALLED SMITH & WESSON AND SPOKE WITH [REDACTED] ([REDACTED] [REDACTED] WHO CONFIRMED THAT THE SERIAL NUMBER LISTED BY MR. [REDACTED], [REDACTED], WOULD NOT BE THE CORRECT SERIAL NUMBER FOR A SEMI AUTOMATIC SMITH & WESSON HANDGUN.

I CONTACTED MR. [REDACTED] WHO WAS VISITING RELATIVES IN WASHINGTON AND ASKED HIM TO CHECK HIS DOCUMENTATION WHEN HE RETURNS FROM THIS TRIP BECAUSE THE NUMBER HE HAD LISTED IN THE STOLEN REPORT WAS INCORRECT. I CONTACTED MRS. [REDACTED] IN COMMUNICATIONS AND ASKED HER TO REMOVE THE SERIAL NUMBER, [REDACTED]

FROM THE A.F.S. STOLEN SYSTEM. I ALSO ASKED MR. [REDACTED] TO CHECK ALL OF HIS FIREARMS INFORMATION TO MAKE SURE THE REST OF HIS SERIAL NUMBERS WERE CORRECT.

DETECTIVE ROD LESTER 0083 5-24-95

REVIEWED BY _____

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENTAL OFFENSE REPORT

CASE # 95-2390

SUMMARY:

ON 4-10-95 AT ABOUT 1600 HOURS HOOPA TRIBAL POLICE OFFICERS TONY MATTZ AND EDWARD GUYER ATTEMPTED TO STOP A VEHICLE ON MARSHALL LANE IN HOOPA. THE VEHICLE ACCELERATED AND OFFICER MATTZ INITIATED RED LIGHTS AND SIREN. THE DRIVER REFUSED TO STOP AND CONTINUED NORTHBOUND ON MARSHALL LANE TO HIGHWAY 96, TURNING NORTH.

AS THE VEHICLE WENT THROUGH THE BLUFFS IT WAS TRAVELLING TOO FAST FOR ROAD CONDITIONS AND RAN INTO THE ROCK SHOOT BRIDGE. OFFICERS OBSERVED THAT THE VEHICLE BEGAN TO LOSE FLUIDS AND SOON LOST POWER AND SLOWED DOWN. THE VEHICLE CAME TO A STOP IN THE NORTHBOUND LANE OF HIGHWAY 96 AND OFFICER MATTZ STOPPED THE MARKED TRIBAL POLICE CAR BEHIND THE [REDACTED] VEHICLE.

AS THE TWO OFFICERS ATTEMPTED TO DISMOUNT THEIR VEHICLE, THE DRIVER OF THE [REDACTED] VEHICLE, [REDACTED] [REDACTED] [REDACTED] EXITED HIS VEHICLE FROM THE DRIVER'S DOOR AND ADVANCED TOWARD OFFICER MATTZ. AS OFFICER MATTZ STEPPED OUTSIDE HIS VEHICLE HE SAW THE MAN RUSHING TOWARD HIM AND OBSERVED THAT [REDACTED] HAD A SEMIAUTOMATIC PISTOL IN HIS LEFT HAND. THE HANDGUN WAS AT [REDACTED] SIDE BUT [REDACTED] QUICKLY RAISED THE WEAPON AND POINTED IT AT OFFICER MATTZ' FACE. OFFICER MATTZ LEFT HIS POSITION, RETREATING TO A POINT BEHIND THE POLICE CAR DURING WHICH TIME HE DREW HIS SERVICE REVOLVER AND FIRED AT [REDACTED] OFFICER MATTZ SHOT [REDACTED] ONE TIME, THOUGH HE FIRED HIS WEAPON NUMEROUS TIMES.

OFFICER GUYER, THE PASSENGER OFFICER, ALSO OBSERVED [REDACTED] ADVANCE UPON OFFICER MATTZ AND RAISE THE HANDGUN FROM HIS SIDE TO A POSITION WHERE IT WAS POINTING AT MATTZ' FACE. OFFICER GUYER DREW HIS SERVICE WEAPON AND FIRED AT [REDACTED] OFFICER GUYER'S BULLETS DID NOT HIT [REDACTED]

TWO .22 CALIBER BULLET HOLES WERE FOUND IN THE DRIVER'S SIDE OF THE POLICE CAR, BEHIND THE REAR WINDOW. THIS IS CONSISTENT WITH THE DIRECTION [REDACTED] WOULD HAVE BEEN SHOOTING AT OFFICER MATTZ AS HE APPROACHED THE OFFICER. A .22 CALIBER SEMI AUTOMATIC HANDGUN WAS FOUND LYING WITHIN INCHES OF [REDACTED] BODY WHEN THE NEXT OFFICER ARRIVED AT THE SCENE, WHICH WAS WITHIN APPROXIMATELY TWO OR THREE

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MINUTES OF THE "SHOTS FIRED, MAN DOWN" RADIO CALL FROM THE TRIBAL POLICE OFFICERS.

WHILE THE OFFICERS WERE IN PURSUIT OF [REDACTED] CAR, TWO MEN WERE ENROUTE SOUTHBOUND ON HIGHWAY 96. [REDACTED] JR. WAS DRIVING HIS [REDACTED] FORD ESCORT AND [REDACTED] WAS RIDING IN THE PASSENGER SIDE NEXT TO [REDACTED] WHEN THEY OBSERVED [REDACTED] CADILLAC PASS THEM IN THE OPPOSITE DIRECTION. [REDACTED] CAR WAS ONLY GOING 15 OR 20 MILES PER HOUR AND THEY THOUGHT HE WAS SLOWING DOWN TO ALLOW THE EMERGENCY TRAFFIC TO PASS. THEY TOO STOPPED BECAUSE THEY HEARD THE POLICE SIREN. [REDACTED] CAR CAME TO A STOP ABOUT 50 TO 60 FEET NORTH OF THEM AND THE POLICE CAR PULLED UP BEHIND THE CADILLAC AND STOPPED. BOTH WITNESSES SAID THAT THEY SAW [REDACTED] GET OUT OF HIS CAR AND RUSH BACK TOWARD OFFICER MATTZ AND BEFORE THE TWO OFFICERS COULD GET ALL THE WAY OUT OF THEIR CAR, [REDACTED] FIRED SEVERAL ROUNDS AT OFFICER MATTZ FROM WHAT APPEARED TO BE A SEMI AUTOMATIC HANDGUN. THEY FURTHER STATED THAT OFFICER MATTZ HAD NOT HAD A CHANCE TO DRAW HIS SERVICE WEAPON WHEN HE WAS FIRED UPON BY [REDACTED]

BASED UPON STATEMENTS OF THE OFFICERS AND THE WITNESSES, AS WELL AS PHYSICAL EVIDENCE FOUND AT THE SCENE AND THE OTHER INFORMATION THAT IS FURTHER DETAILED IN THE FOLLOWING REPORT THE INVESTIGATING OFFICERS, DETECTIVE ROD LESTER AND DETECTIVE JUAN FREEMAN, HAVE DETERMINED THAT [REDACTED] DEATH WAS THE RESULT OF A JUSTIFIABLE HOMICIDE AS DEFINED BY CALIFORNIA PENAL CODE SECTION 196.3. [REDACTED] WAS IN FACT ATTEMPTING TO MURDER OFFICER TONY MATTZ AND THE ONLY REASONABLE ACTION FOR BOTH OFFICERS WAS TO RETURN GUNFIRE AT MR. [REDACTED]

REPORTING OFFICER

P. Leah #24 / 0283

DATE/TIME

*4-14-95
0845*

REVIEWED BY

[Signature] 0881

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENTAL OFFENSE REPORT

CASE # 95-2390

INVOLVED PERSONS:

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

MATTZ, ANTHONY THEODORE
GUYER, EDWARD KENNETH

[REDACTED] POLICE OFFICER
[REDACTED] POLICE OFFICER

LESTER, ROD
FREEMAN, JUAN
MOREY, DAVE
BUSEY, GREG
DAGUE, LESTER

SHERIFF'S INVESTIGATOR
SHERIFF'S INVESTIGATOR
DEPUTY SHERIFF
SHERIFF'S LIEUTENANT
DEPUTY SHERIFF

[REDACTED]
[REDACTED]

D.O.J. CRIMINALIST
D.O.J. CRIMINALIST

JAGER, FRANK

D.A. INVESTIGATOR

[REDACTED] [REDACTED]

PARAMEDIC

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENTAL OFFENSE REPORT

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ON 4-10-95 JUST ABOUT 1600 HOURS DETECTIVE FREEMAN AND I OVERHEARD TRAFFIC ON OUR POLICE RADIO REGARDING A VEHICLE PURSUIT IN HOOPA. WE WERE SOUTHBOUND ON HIGHWAY 96 LEAVING HOOPA AT THE TIME.

TRIBAL POLICE DISPATCHED OFFICERS TONY MATTZ AND EDWARD GUYER (P12) TO A LOCATION ON MARSHALL LANE AT 1552 HOURS IN RESPONSE TO A CITIZEN'S REPORT OF A [REDACTED] AND [REDACTED] CADILLAC DRIVING IN AN ERRATIC MANNER IN THAT AREA. P12 WAS AWARE OF OTHER CALLS OF ERRATIC DRIVING EARLIER IN THE DAY HAVING A SIMILAR VEHICLE DESCRIPTION. THEY ARRIVED AT APP. 1559 HOURS AND REPORTED OBSERVING A [REDACTED] OVER [REDACTED] CAR WITH CALIFORNIA LICENSE NUMBER [REDACTED] NORTHBOUND ON MARSHALL LANE. AT APP. 1600 HOURS THE P12 UNIT REPORTED IT WAS IN PURSUIT OF THE VEHICLE NORTH BOUND ON MARSHALL LANE AT ABOUT 50 MILES PER HOUR. THE NEXT TRAFFIC FROM UNIT P12 TO TRIBAL DISPATCH INDICATED THEY WERE STILL IN PURSUIT OF THE VEHICLE NORTHBOUND ON HIGHWAY 96 AT APP. 40 MILES PER HOUR, AT APP. 1602 HOURS. THEY REPORTED THEIR LOCATION AS MILE POST MARKER 16.97 AT THAT TIME.

TRIBAL DISPATCH ATTEMPTED TO ADVISE UNIT P12 THAT A CITIZEN, [REDACTED] [REDACTED] HAS CALLED TO REPORT THAT HE HAD BEEN SHOT AT FROM THE VEHICLE THEY WERE PURSUING, JUST ABOUT 1/2 HOUR EARLIER. UNIT P12 DID NOT GET THAT INFORMATION AS THEY WERE COORDINATING THEIR PURSUIT WITH BACKUP, SHERIFF'S UNIT 1Q48.

WE HEARD SHERIFF'S UNIT 1Q48, DEPUTY DAVE MOREY, COMMUNICATE WITH P12 THAT HE WAS NOT FAR BEHIND THEM, ALSO NORTHBOUND ON HIGHWAY 96. P12 TOLD DEPUTY MOREY THEY EXPECTED A FOOT PURSUIT TO FOLLOW THE VEHICLE PURSUIT.

AT APP. 1603 HOURS UNIT P12 REPORTED SHOTS FIRED AT MILE POST 16.97 AND AT APP. 1604 HOURS TRIBAL DISPATCH NOTED THAT AN AMBULANCE WAS CALLED TO RESPOND TO P12'S LOCATION.

AT APP. 1605 HOURS UNIT P12 CALLED AND REPORTED SHOTS FIRED, MAN DOWN, AMBULANCE NEEDED.

ACCORDING TO SHERIFF'S DISPATCH TAGS, 1Q48 (DEPUTY MOREY)

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WAS ENROUTE TO MARSHALL LANE AT 1559 HOURS AND REPORTED AT 1603 THAT HE WAS OUT WITH TRIBAL OFFICERS IN THE AREA OF MILE POST MARKER 17. AT 1604 HOURS HE REPORTED SHOTS FIRED.

BY THIS TIME DETECTIVE FREEMAN AND I HAD REVERSED DIRECTION AND WERE HEADED NORTHBOUND ENROUTE THE LOCATION AT MILE MARKER 17.

DEPUTY DAGUE AND LT. BUSEY ARRIVED AT THE SCENE AT ABOUT 1608 HOURS AND DEPUTY DAGUE IMMEDIATELY TRANSPORTED [REDACTED] THE FEMALE PASSENGER IN [REDACTED] VEHICLE TO THE HOOPA SHERIFF'S SUBSTATION.

DETECTIVE FREEMAN AND I ARRIVED AT THE SCENE AT ABOUT 1614 HOURS. I OBSERVED THAT THE ENTIRE HIGHWAY HAD BEEN BLOCKED OFF AND THAT PARAMEDICS WERE ATTENDING TO MR. [REDACTED] AS I APPROACHED THE BODY, [REDACTED] (PARAMEDIC) TOLD ME THAT [REDACTED] WAS DEAD. I OBSERVED A [REDACTED] OVER [REDACTED] OLDER MODEL CADILLAC WITH CALIFORNIA LICENSE NUMBER [REDACTED] TO BE PARKED IN THE NORTHBOUND LANE OF HIGHWAY 96. A WHITE TRIBAL POLICE CAR WAS PARKED BEHIND THE CADILLAC. AT THE REAR OF THE POLICE CAR, LYING BESIDE THE CAR, NEAR THE REAR WHEEL AND REAR BUMPER WAS THE BODY OF [REDACTED] [REDACTED] HIS HEAD WAS NEAREST THE BUMPER AND HIS FEET WAS NEAREST THE DRIVER SIDE REAR WHEEL. LYING BETWEEN THE BODY AND THE CAR, I OBSERVED A DULL NICKEL COLORED .22 SEMI AUTOMATIC HANDGUN.

DEPUTY MOREY SHOWED US THAT HE HAD REMOVED THE TWO OFFICERS FROM THE IMMEDIATE AREA OF THE SCENE, HAD PLACED THEIR WEAPONS IN THE TRUNK OF HIS POLICE CAR AND WAS IN THE PROCESS OF PLACING MARKERS NEAR NUMEROUS EMPTY SHELL CASES WHICH WERE LYING IN THE VICINITY OF THE POLICE CAR. HE POINTED OUT THAT THERE WERE TWO DIFFERENT CALIBERS OF SHELL CASES. HE POINTED OUT THREE .22 CALIBER CASINGS AND MANY 9 MM CASES. THESE WILL BE BETTER DETAILED IN THE CRIMINALIST'S REPORT. OFFICERS FROM THE CALIFORNIA HIGHWAY PATROL HAD ARRIVED AND WERE ASSISTING WITH THE ROAD CLOSURE. I DETERMINED THAT THE HIGHWAY WOULD REMAIN CLOSED UNTIL THE ENTIRE SCENE WAS PROCESSED AND THE HIGHWAY PATROL SET UP ROAD BLOCKS IN APPROPRIATE AREAS TO KEEP TRAFFIC AWAY AS WELL AS MAINTAINING PERSONNEL FOR IMMEDIATE SCENE SECURITY. BUREAU OF INDIAN AFFAIRS SGT. BOBBY KANE WAS ALSO PROVIDING SCENE SECURITY. I LATER REQUESTED THAT HE ACT AS SUPPORT FOR THE TWO TRIBAL OFFICERS UNTIL THEIR COMMANDER COULD GET TO OUR LOCATION.

I REQUESTED THE SHERIFF'S DISPATCHER TO NOTIFY THE DUTY OFFICER, THE DETECTIVE COMMANDER AND RESPOND AN IDENTIFICATION TECHNICIAN.

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I WAS NOTIFIED THAT SHERIFF'S IDENTIFICATION PERSONNEL WERE UNAVAILABLE AND I REQUESTED THE DEPARTMENT OF JUSTICE CRIMINALISTS FROM THE LAB IN EUREKA RESPOND TO PROCESS THE SCENE.

I ADVISED DEPUTY MOREY THAT HE WOULD BE RESPONSIBLE FOR MAINTAINING A LOG OF PERSONS ENTERING THE SCENE.

ONCE THE ASSIGNMENTS WERE MADE, I DROVE TO THE HOOPA SHERIFF'S SUBSTATION WHERE I CONTACTED CAPTAIN PHILP TO APPRAISE HIM OF THE SITUATION. I HAD HOPED TO INTERVIEW [REDACTED] PASSENGER WHILE AT THE SUBSTATION. THAT WAS IMPOSSIBLE BECAUSE SHE WAILED THE ENTIRE TIME I WAS THERE. HER RESPONSE WHEN DEPUTY DAGUE TRIED TO TALK TO HER WAS "FUCK YOU," ETC(SEE DEPUTY DAGUE'S SUPPLEMENTAL REPORT. I THEN RETURNED TO THE SCENE. SHERIFF [REDACTED] ARRIVED AT THE SAME TIME (1731 HOURS).

ACCORDING TO DEPUTY DAGUE'S REPORT, HE WAS FINALLY ABLE TO GET [REDACTED] CALMED DOWN ENOUGH TO GET HER NAME AT ABOUT 1900 HOURS. AT THAT TIME SHE ASKED DEPUTY DAGUE, "HOW'S MATTZ AND [REDACTED]? I SAW ONE OF THEM GET SHOT." [REDACTED] IS ALSO A TRIBAL POLICE OFFICER.

AT ABOUT 1832 HOURS [REDACTED] AND [REDACTED], CRIMINALISTS FROM THE CALIFORNIA DEPARTMENT OF JUSTICE, ARRIVED AT THE SCENE. AFTER A BRIEF SURVEY OF THE SCENE, [REDACTED] PHOTOGRAPHED THE ENTIRE SCENE. EVIDENCE COLLECTION WAS DONE BY [REDACTED] WHO WAS ASSISTED BY DETECTIVES LESTER AND FREEMAN, DEPUTY MOREY, [REDACTED] AND D.A. INVESTIGATOR FRANK JAGER WHO HAD JUST ARRIVED. [REDACTED] REPORT WILL DETAIL THE CRIME SCENE SEARCH AND EVIDENCE COLLECTION.

AMONG THE ITEMS RECOVERED AT THE SCENE THERE WERE THREE .22 CALIBER SPENT CASES, ONE .22 CALIBER SEMI AUTOMATIC HANDGUN, APPROX. 25 9MM CASES, ONE LIVE 9MM CARTRIDGE. DEPUTY MOREY, DURING AN INVENTORY SEARCH OF THE CADILLAC, FOUND ONE .22 CALIBER LIVE ROUND AND ONE .22 CALIBER SPENT CASE INSIDE. DETECTIVE FREEMAN AND I TOOK POSSESSION OF THE OFFICERS' DUTY WEAPONS AND OTHER EQUIPMENT. THESE ITEMS WERE LATER TURNED OVER TO THE DEPARTMENT OF JUSTICE.

[REDACTED] HAD A CAST ON HIS RIGHT HAND WHICH WOULD HAVE MADE IT DIFFICULT TO HOLD A HANDGUN IN THAT HAND. AFTER THE CRIME SCENE WAS COMPLETED DEPUTY CORONER CHARLES VAN BUSKIRK, WHO HAD ARRIVED AT ABOUT 1957 HOURS, WAS ALLOWED TO REMOVE THE BODY. HE LATER SPOKE WITH [REDACTED] PARENTS NEAR THE SCENE. THEY TOLD HIM THAT [REDACTED] WAS RIGHT HANDED AND THAT HE HAD BEEN INJURED WHILE TRYING TO TAKE A KNIFE AWAY FROM HIS GIRLFRIEND.

THE DIRECTOR OF PUBLIC SAFETY FOR THE HOOPA TRIBAL POLICE,

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LEONARD MASTEN ARRIVED AT ABOUT 1934 HOURS AND WAS STANDING BY WITH HIS OFFICERS, MATTZ AND GUYER.

BUDDY'S TOWING WAS CALLED TO STORE THE CADILLAC. THE CRIMINALISTS TOOK POSSESSION OF THE TRIBAL POLICE CAR FOR PROCESSING AT A LATER TIME. [REDACTED] DID POINT OUT THAT THERE APPEARED TO BE TWO SMALL CALIBER BULLET HOLES TO THE REAR OF THE REAR WINDOW ON THE DRIVER'S SIDE OF THE POLICE CAR. HE SUGGESTED THAT THESE WERE PROBABLY FROM THE [REDACTED] WEAPON AND DEFINITELY NOT FROM THE OFFICERS' WEAPONS. THESE HOLES ARE CONSISTENT WITH THE WITNESSES DESCRIPTION OF [REDACTED] [REDACTED] SHOTS THAT HE FIRED AT OFFICER MATTZ WHILE MATTZ WAS SCRAMBLING FOR COVER.

MASTEN TRANSPORTED OFFICER MATTZ AND OFFICER GUYER TO THE SUBSTATION. WE INTERVIEWED THEM SEPARATELY WITH MASTEN PRESENT. THOSE INTERVIEWS WERE TAPE RECORDED. THEY WILL BE TRANSCRIBED AND MADE A PART OF THIS REPORT. A SYNOPSIS OF THOSE INTERVIEWS ARE BELOW.

AT ABOUT 2330 HOURS WE WENT TO THE WILLOW CREEK FAMILY MEDICAL GROUP WHERE I WITNESSED AS F.N.P. [REDACTED] DREW BLOOD FROM BOTH MATTZ AND GUYER. I IMMEDIATELY TOOK POSSESSION OF THOSE BLOOD SAMPLES WHICH WERE BOOKED INTO EVIDENCE.

ON 4-11-95 DETECTIVE FREEMAN AND I WENT TO BUDDY'S AUTO IN WILLOW CREEK WHERE WE EXAMINED THE CADILLAC. THE HOLE IN THE CORNER OF THE FRONT WINDSHIELD WAS NOT A BULLET HOLE. IT APPEARED TO HAVE BEEN MADE BY SOME HARD OBJECT, LIKE A ROCK, ETC. DETECTIVE FREEMAN RELEASED THE VEHICLE.

ON 4-11-95 WE WENT TO THE TRIBAL POLICE HEADQUARTERS WHERE WE REQUESTED A COPY OF THEIR DISPATCH LOGS FOR 4-10-95. THEY WERE BROUGHT TO US BY OFFICER MATTZ ABOUT 1/2 HOUR LATER. BY TELEPHONE, I REQUESTED THAT THE SHERIFF'S DISPATCH TAPE FOR 4-10-95 BE SAVED.

AT ABOUT 1645 HOURS DETECTIVE FREEMAN AND I LOCATED [REDACTED] [REDACTED] D.O.B. [REDACTED] ([REDACTED]) IN THE NORTON FIELD AREA WHERE HE LIVES. HE TOLD US THAT SOME TIME BEFORE THE VEHICLE PURSUIT WENT BY HIS HOUSE HE HAD BEEN WALKING SOUTHBOUND ON HIGHWAY 96 NEAR LOWER MILL CREEK WHEN THE SAME CAR PULLED UP TO THE STOP SIGN AND STOPPED. HE SAID HE KEPT ON WALKING BUT THAT SOMEONE FROM THAT CAR SHOT AT HIM FOUR TIMES. THERE WERE ONLY TWO PEOPLE THAT HE COULD SEE INSIDE THE CAR, BOTH IN THE FRONT SEAT. ONE OF THE BULLETS WENT BY VERY CLOSE TO HIS HEAD, ONE HIT THE BRUSH NEARBY. WHEN THE CAR TURNED SOUTH IT CAME CLOSE TO HITTING HIM AS HE WALKED ALONG THE

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ROAD. WE DROVE TO THE LOCATION THAT [REDACTED] HAD DESCRIBED AND [REDACTED] SHOWED US WHERE THE INCIDENT HAD OCCURRED. WHEN HE SHOWED US WHERE THE CAR HAD BEEN PARKED, WE FOUND FOUR EMPTY .22 CALIBER CASES.

WE PLACED THE UNMARKED SHERIFF'S CAR IN THE SPOT WHERE THE CADILLAC HAD BEEN AND PLACED OFFICER MATTZ IN THE LOCATION WHERE [REDACTED] HAD BEEN STANDING AND PHOTOGRAPHED THEM SHOWING THE RELATIVE DISTANCES.

THE STATEMENTS OF [REDACTED] AND [REDACTED] WERE TAPE RECORDED. THOSE RECORDINGS WILL BE TRANSCRIBED AND MADE A PART OF THIS REPORT. A SYNOPSIS OF THOSE STATEMENTS WILL BE FOUND BELOW.

ON 4-12-95 DETECTIVE FREEMAN AND I ATTENDED THE AUTOPSY OF [REDACTED] [REDACTED] WE OBSERVED THE PATHOLOGIST REMOVE A SINGLE BULLET FROM THE BODY. THE JACKET OF THIS BULLET WAS A BLACK MATERIAL CONSISTENT WITH THE BULLETS SHOT FROM OFFICER MATTZ' WEAPON.

DEPUTY SMITH TOOK PHOTOGRAPHS OF THE AUTOPSY. DETECTIVE FREEMAN BOOKED THE FILM AS EVIDENCE, D.O.J. CRIMINALIST [REDACTED] [REDACTED] TOOK CUSTODY OF THE BULLET. I REQUESTED THAT BLOOD AND URINE BE COLLECTED FROM THE BODY FOR TESTING.

ON 4-13-95 WE RECEIVED A LAB REPORT FROM THE D.O.J. LAB IN EUREKA WHERE IT WAS DETERMINED THAT [REDACTED] [REDACTED] BLOOD ALCOHOL LEVEL WAS .19 AT THE TIME OF HIS DEATH. THAT REPORT IS ALSO ATTACHED AS PART OF THIS REPORT.

MP
4/14/95

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SYNOPSIS OF INTERVIEW: OFFICER MATTZ

OFFICER MATTZ WAS THE DRIVER OF THE HOOPA TRIBAL POLICE CAR AND OFFICER GUYER WAS THE SECOND OFFICER. THEIR CALL SIGN WAS P12. THEIR POLICE CAR IS A [REDACTED] FORD TAURUS AND HAS MARKINGS POLICE EQUIPMENT THAT IDENTIFIES IT AS A POLICE CAR.

DETECTIVE FREEMAN AND I INTERVIEWED OFFICER MATTZ AT THE SHERIFF'S SUBSTATION IN HOOPA ON 4-10-95 AT APPROX. 2141 HOURS WITH LEONARD MASTEN PRESENT. MATTZ AND GUYER WERE TO WORK FROM 1200 HOURS UNTIL 2400 HOURS. MATTZ TOLD US THAT HIS BEAT IS THE ENTIRE RESERVATION.

MATTZ TOLD US THAT HE WAS CONTACTED BY RADIO BY DEPUTY MOREY OF THE HUMBOLDT COUNTY SHERIFF'S OFFICE WHO REQUESTED THAT THEY BE ON THE LOOKOUT FOR A [REDACTED] OVER [REDACTED] OLDER SEDAN WHICH HAD RUN SOMEBODY OFF THE ROAD OR TRIED TO HIT SOMEONE. MATTZ SAYS HE THOUGHT HE MAY HAVE SEEN THE CAR EARLIER BECAUSE HE HAD SEEN A [REDACTED] AND [REDACTED] CADILLAC PULL OFF OF HWY 96 ONTO TISH TANG ROAD. THE REASON HE NOTICED IT WAS BECAUSE THE DRIVER WAS REVVING THE MOTOR, LIKE HE WAS GOING TO SPIN THE TIRES.

MATTZ TOLD US THAT HE AND GUYER WERE ASSISTING DEPUTY MOREY IN A CIVIL SERVICE ON COMMUNITY SERVICE ROAD LATER IN THE DAY WHEN THEY GOT A CALL FROM THEIR DISPATCHER TO BE ON THE LOOK OUT FOR THAT SAME VEHICLE, THAT IT WAS DRIVING ERRATICALLY ON MARSHALL LANE. WHEN THEY LEFT COMMUNITY SERVICE ROAD THEY WENT DOWN TO MARSHALL LANE WHERE THEY FOUND THE VEHICLE. IT WAS PULLING OUT OF A DRIVEWAY ONTO MARSHALL LANE, NORTHBOUND. IT WAS MATTZ' INTENTION TO PULL THE CAR OVER BECAUSE OF THE REPORTED VIOLATIONS. AS SOON AS THE VEHICLE TURNED ONTO MARSHALL LANE THEY ACTIVATED A SOLID RED LIGHT TO THE FRONT AND BLUE AND RED ROTATING LIGHTS. MATTZ SAYS THE DRIVER ACCELERATED THE VEHICLE IN AN ATTEMPT TO GET AWAY FROM THE POLICE CAR. MATTZ SAID HE TURNED ON THE POLICE CAR SIREN AS SOON AS THE [REDACTED] VEHICLE ACCELERATED.

OFFICER MATTZ SAID HE ASKED OFFICER GUYER IF HE GOT A GOOD LOOK AT THE DRIVER IN CASE THEY COULD NOT CATCH UP WITH THE DRIVER, AT LEAST THEY COULD GO FOR A WARRANT, BASED UPON THE OBSERVATION. OFFICER MATTZ TOLD US THAT IT IS VERY COMMON FOR A VIOLATOR TO DITCH THE CAR AND RUN AWAY AFTER A PURSUIT. OFFICER MATTZ CALLS IT "FOOT BAIL" WHEN A DRIVER JUMPS OUT OF THE CAR AND RUNS AWAY.

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OFFICER MATTZ TOLD US THAT HIS TOP SPEED ON HWY 96 WAS ABOUT 65 OR 70 MILES PER HOUR. WHEN THE ROAD GOT MORE CURVY THE SPEEDS WERE REDUCED. WHEN THE [REDACTED] GOT TO THE BLUFFS, HE KIND OF LOST CONTROL AND SKIDDED INTO THE BRIDGE ABUTMENT AT A LOCATION CALLED "ROCK CHUTE." THEY IMMEDIATELY OBSERVED FLUIDS WERE LEAKING FROM THE RADIATOR OF THE VEHICLE AND THE VEHICLE SLOWED DOWN QUITE A BIT. THE CAR WAS CREEPING ALONG AND THEY RADIOED THAT THEY EXPECTED THE DRIVER TO TAKE "FOOT BAIL." OFFICER MATTZ TOLD OFFICER GUYER TO GET READY BECAUSE THEY WERE GOING TO HAVE TO CHASE AFTER THE DRIVER.

THE [REDACTED] VEHICLE CAME TO A STOP AND OFFICER MATTZ STOPPED THE PATROL CAR AND UNDOED HIS SEAT BELT, OPENED HIS DOOR AND STEPPED OUT EXPECTING TO RUN WHEN HE OBSERVED THAT THE DRIVER HAD GOTTEN OUT OF HIS CAR AND WAS WALKING TOWARD OFFICER MATTZ. AS OFFICER MATTZ STOOD UP HE SAW THAT THE [REDACTED] WAS CARRYING A CHROME OR DULL NICKEL PLATED AUTOMATIC HANDGUN IN HIS LEFT HAND. WHEN HE GOT OUT OF THE CAR THE DRIVER HAD THE WEAPON DOWN AT HIS SIDE. OFFICER MATTZ HAD NOT YET UNSNAPPED HIS OWN DUTY WEAPON. OFFICER MATTZ SAID THAT RIGHT WHEN THE [REDACTED] WAS WALKING TOWARD HIM HE SAW THE GUN COME UP AND IT WAS POINTING RIGHT AT HIS HEAD. MATTZ ESTIMATED THAT THE [REDACTED] WAS AS CLOSE AS TWENTY FEET FROM HIM AT THAT TIME. HE THEN STARTED TRYING TO GET HIS DUTY WEAPON OUT AND RETREAT TO THE REAR OF THE POLICE CAR. OFFICER MATTZ TOLD US THAT THE ONLY THING HE WAS THINKING OF IS THAT HE WAS GOING TO BE SHOT, HE PULLED HIS WEAPON AND STARTED FIRING AT THE [REDACTED] AND AT THE SAME TIME HE WAS RUNNING AWAY FROM THE [REDACTED] TO THE BACK OF THE POLICE CAR.

I ASKED OFFICER MATTZ WHERE HE WAS WHEN HE HEARD THE FIRST SHOT. HE TOLD ME HE NEVER HEARD ANY OF THE SHOTS, THE [REDACTED] OFFICER GUYER'S OR HIS, NOT ONE.

I ASKED OFFICER MATTZ IF HE THOUGHT THE [REDACTED] WAS GOING TO SHOOT HIM AND HE SAID. "DEFINITELY." "WHEN THAT GUN CAME UP IT WAS POINTING AT MY RIGHT EYE AND I THOUGHT, FUCK.....I'M DEAD....." "OH SHIT, I'M DEAD, I'M FUCKIN DEAD."

I ASKED OFFICER MATTZ IF HE SAW THE [REDACTED] FALL. HE TOLD ME THAT HE SHOT AT THE [REDACTED] AS HE WAS RUNNING TOWARD THE BACK OF THE POLICE CAR AND THEN HE CONTINUED SHOOTING AT THE [REDACTED] OVER THE TOP OF THE TRUNK OF THE CAR. HE NEVER COULD SEE HIM, HE JUST SHOT AT WHERE THE [REDACTED] HAD BEEN.

WHEN HIS MAGAZINE WAS EMPTY, MOST LIKELY EIGHTEEN ROUNDS,

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HE DUMPED THE MAGAZINE AND PUT IN A NEW MAGAZINE. HE CLOSED THE SLIDE ON THE GUN, SLID THE SLIDE BACK WHICH JACKED A LIVE ROUND OUT. AT THAT TIME THE SHOOTING HAD STOPPED. HE ASKED OFFICER GUYER WHERE THE [REDACTED] WAS AND MATTZ WAS SURPRISED TO FIND THAT THE [REDACTED] WAS THAT CLOSE TO THEM, JUST ON THE OTHER SIDE OF THE TRUNK.

ABOUT THAT TIME THE FEMALE [REDACTED] GOT OUT OF THE CAR AND APPEARED TO BE HYSTERICAL. OFFICER MATTZ TOLD OFFICER GUYER TO SECURE THE WOMAN. SHE WAS HANDCUFFED AND ABOUT THAT TIME OFFICER MOREY ARRIVED AND TOOK HER INTO CUSTODY.

OFFICER MATTZ SAID HE DID NOT HEAR THEIR DISPATCHER GIVE THE INFORMATION ABOUT SHOTS BEING FIRED FROM THAT VEHICLE, HE WAS COORDINATION THE PURSUIT WITH HIS BACKUP, DEPUTY MOREY BECAUSE THEY WERE GOING TO BE IN FOOT PURSUIT VERY SOON. OFFICER MATTZ TOLD US HE WAS CARRYING A 9MM GLOCK WITH BLACK TALON BULLETS.

SYNOPSIS OF INTERVIEW: OFFICER GUYER

DETECTIVE FREEMAN AND I INTERVIEWED OFFICER EDWARD GUYER AT THE SHERIFF'S SUBSTATION IN HOOPA ON 4-10-95 AT ABOUT 2230 HOURS WITH LEONARD MASTEN PRESENT. OFFICER GUYER TOLD US THAT HE WAS IN HIS SECOND WEEK OF FIELD TRAINING. OFFICER MATTZ IS HIS TRAINING OFFICER. HE WAS THE PASSENGER OFFICER IN A MARKED POLICE CAR.

OFFICER GUYER TOLD US THEY GOT TWO CALLS ON THE VEHICLE DRIVING ERRATICALLY. THE FIRST CALL WAS FROM HUMBOLDT COUNTY DISPATCH THAT THE CAR TRIED TO RUN SOMEBODY OFF THE ROAD OR SOMETHING AND THEY WERE TO LOOK FOR A [REDACTED] AND [REDACTED] LARGE SEDAN. THEY HAD SEEN A SIMILAR VEHICLE EARLIER IN THE DAY AND THE CAR'S MOTOR WAS REVVING UP. THE NEXT TIME THEY GOT THE CALL ABOUT THIS CAR, THEY WERE ON COMMUNITY SERVICE ROAD ASSISTING THE SHERIFF'S DEPUTY. THEY WERE NOTIFIED OF THE CAR DRIVING VERY ERRATIC ON MARSHALL LANE. THEY WERE CLOSE TO MARSHALL LANE AND WHEN THEY GOT JUST PAST BIG HILL ROAD ON MARSHALL LANE, THEY SAW THE VEHICLE THAT THEY HAD SEEN EARLIER AND MATCHED THE DESCRIPTION OF THE [REDACTED] VEHICLE. THEY ACTIVATED THE LIGHTS AND THE VEHICLE TOOK OFF, THEY ACTIVATED THE SIREN AND THE VEHICLE KEPT GOING.

THEY FOLLOWED THE VEHICLE TO HIGHWAY 96 NORTHBOUND AND PURSUED IT TO A POINT TO A BRIDGE NEAR MILE POST 16 WHERE IT HIT A BRIDGE AND CONTINUED TO ABOUT MILE POST 17 OR 17 1/2 OR SO. OFFICER

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GUYER TOLD US THAT THE ROADS WERE DRY AND FREE OF DEBRIS AND THE SUN WAS OUT AT THE TIME OF THE PURSUIT. HE SAID THE CAR WAS GOING WAY TOO FAST FOR THE ROAD. HE SAW THE FRONT WHEEL WOBBLE A LITTLE BIT AND FLUID COMING FROM THE VEHICLE AFTER THE T.A. AT THE BRIDGE.

HE TOLD US THAT OFFICER MATTZ TOLD HIM SEVERAL TIMES TO GET READY BECAUSE THE [REDACTED] WERE GOING TO FOOT BAIL. HE SAID THAT ON THREE OCCASIONS PEOPLE HAVE FLED ON FOOT FROM HIM AND HIS TRAINING OFFICERS AND HAS HEARD OF A LOT MORE OCCASIONS.

OFFICER GUYER SAID THE VEHICLE FINALLY CAME TO A STOP AND AS IT DID HE UNDOED HIS SEAT BELT AND GOT READY TO CHASE THE DRIVER. THE DRIVER GOT OUT, AND OFFICER GUYER WAS ABLE TO SEE THAT THE [REDACTED] HAD A GUN IN HIS LEFT HAND AS SOON AS OFFICER GUYER GOT OUT OF THE CAR. HE SAID HE SAW THE [REDACTED] WITH THE GUN DOWN AT HIS SIDE IN THE BEGINNING BUT QUICKLY BRING IT UP TO WHERE IT WAS POINTING AT OFFICER MATTZ. THE DRIVER DID NOT HESITATE, HE GOT OUT OF THE CAR AND ALMOST RUNNING, HE CLOSED ON OFFICER MATTZ AND POINTED THE GUN AT HIM. IT TOOK MAYBE ONE TO TWO SECONDS. OFFICER GUYER SAID HE DROPPED TO A KNEE AND PULLED HIS SERVICE REVOLVER. HE SAW OFFICER MATTZ COME AROUND THE REAR OF THE VEHICLE AND SAW OFFICER MATTZ MUZZLE FLASH AS OFFICER MATTZ FIRED AT THE [REDACTED] OFFICER GUYER SAID HE WAS FIRING OVER THE TRUNK AT WHERE HE HAD SEEN THE [REDACTED] HE PEEKED OVER AT ONE POINT AND DUCKED BACK DOWN AND CONTINUED FIRING. WHEN OFFICER MATTZ STOPPED FIRING, OFFICER GUYER STOPPED FIRING. OFFICER GUYER GUESSED THAT HE FIRED ABOUT SIX TIMES. OFFICER MATTZ WAS CHECKING ON THE [REDACTED] AND OFFICER GUYER TURNED HIS ATTENTION TO THE FEMALE PASSENGER IN THE [REDACTED] VEHICLE. HE HANDCUFFED HER AND TURNED HER OVER TO DEPUTY MOREY WHO ARRIVED VERY SOON.

I ASKED OFFICER GUYER WHAT HE THOUGHT WHEN HE SAW THE [REDACTED] WAS THERE ANY OTHER WAY TO RESOLVE THIS SITUATION. "THERE WAS NO WAY, NOT AFTER THE STOP, NOT AFTER HE GOT OUT OF THE VEHICLE.. HE HAD THE GUN AND HE POINTED IT TOWARD HIM AND THERE'S NO WAY BUT FOR THAT."

I ASKED OFFICER GUYER WHAT HE THOUGHT WAS GOING TO HAPPEN WHEN HE SAW THE [REDACTED] HAD A GUN. HE SAID, "I BELIEVED HE WAS GOING TO SHOOT ONE OF US.....I BELIEVED HE WAS GOING TO SHOOT."

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SYNOPSIS OF INTERVIEW: [REDACTED]

DETECTIVE FREEMAN AND I INTERVIEWED MR. [REDACTED] AT THE SHERIFF'S SUBSTATION IN HOOPA AT ABOUT 1745 HOURS ON 4-11-95. [REDACTED] SAID HE HAS KNOWN [REDACTED] [REDACTED] FOR A LONG TIME. HE AND HIS FRIEND [REDACTED] [REDACTED] WERE SOUTHBOUND ON HIGHWAY 96 IN [REDACTED] CAR ON 4-10-95 WHEN THEY OBSERVED [REDACTED] [REDACTED] CAR COME AROUND A TURN, THE CAR WAS CUTTING OUT. IT WAS NOT RUNNING VERY GOOD THEY COULD NOT HAVE BEEN DOING MORE THAT ABOUT 15 MILES PER HOUR.

RIGHT AFTER THAT TONY'S PATROL CAR CAME AROUND AND HE THOUGHT TONY WAS GOING TO GO AROUND [REDACTED] CAR. ALL OF A SUDDEN [REDACTED] CAME TO A STOP, JUMPED OUT OF HIS CAR. HE WENT IN A FAST WALK RIGHT BACK TOWARD TONY (OFFICER MATTZ) AND STARTED FIRING ROUNDS, CHASED TONY ALL THE WAY AROUND THE BACK OF THE POLICE CAR. HE SAID [REDACTED] HAD GOTTEN OUT OF HIS CAR BEFORE TONY HAD. [REDACTED] WAS CARRYING WHAT LOOKED LIKE A SMALL SEMI AUTOMATIC PISTOL. [REDACTED] SAID HE SAW [REDACTED] FIRE A NUMBER OF TIMES AT TONY, CHASING TONY AROUND THE BACK OF THE POLICE CAR. HE WAS TRYING TO SHOOT TONY. [REDACTED] SAID [REDACTED] WAS BLIND FIRING OVER THE POLICE CAR TRYING TO SHOOT THE OFFICERS WHO WERE ON THE OTHER SIDE. [REDACTED] SAID HE THOUGHT [REDACTED] FIRED AS MANY AS SIX TO TEN TIMES AT THE OFFICERS BEFORE THE OFFICERS EVER SHOT. HE SAID HE DIDN'T THINK HE EVEN SAW TONY GET A ROUND OFF.

[REDACTED] SAID THEY HAD A VERY GOOD VIEW OF THE ACTION BECAUSE THEY WERE ABOUT FIFTY OR SIXTY FEET TO THE REAR OF THE POLICE CAR. HE NEVER SAW [REDACTED] FALL BECAUSE THEY SPED AWAY BEFORE HE WAS HIT. THEY WERE GOING TO GET HELP BUT SAW ANOTHER PATROL CAR COMING SO THEY WENT BACK TO THE SCENE. [REDACTED] SAID THERE WAS NO CHANCE FOR THE OFFICERS TO TAKE ANY OTHER ACTION BECAUSE [REDACTED] CHARGED THE OFFICERS AS SOON AS HE GOT OUT OF HIS CAR AND TRIED TO SHOOT THEM.

[REDACTED] TOLD US THAT HE IS BEST FRIENDS WITH [REDACTED] BROTHER, [REDACTED] AKA [REDACTED].

[REDACTED] SAID [REDACTED] TOLD HIM THAT [REDACTED] HAD BEEN SHOOTING AT HIS NEIGHBOR EARLIER IN THE DAY AT THE NORTH END OF THE VALLEY. [REDACTED] ALSO TOLD [REDACTED] THAT [REDACTED] HAD BEEN TRYING TO FIGHT EVERYBODY HE SAW THAT DAY.

I ASKED [REDACTED] IF HE THOUGHT THE OFFICERS HAD ANY CHOICE, OTHER THAT SHOOTING [REDACTED] "NOT IF THEY WANTED TO LIVE," HE SAID

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

SUPPLEMENTAL OFFENSE REPORT

CASE # 95-2390

SYNOPSIS OF STATEMENT: [REDACTED].

DETECTIVE FREEMAN AND I INTERVIEWED [REDACTED] AT THE SHERIFF'S SUBSTATION IN HOOPA ON 4-11-95 AT ABOUT 1801 HOURS. [REDACTED] SAID HE WAS DRIVING BACK FROM WEITCHPEC IN HIS [REDACTED] FORD ESCORT WITH [REDACTED] IN THE PASSENGER SIDE SEAT. THAT CAR CAME AROUND THE TURN AND A TRIBAL POLICE CAR WAS RIGHT BEHIND HIM. [REDACTED] SAID HE RECOGNIZED THAT ONE OF THE OFFICERS WAS HIS FIRST COUSIN, EDDIE GUYER. HE SAW THE OFFICERS OPEN THEIR DOORS TO GET OUT. HE THEN NOTICED THE GUY, [REDACTED] [REDACTED] RUNNING TOWARD THE OFFICERS WITH A GUN IN HIS HAND, RUNNING DOWN THE ROAD.

HE SAID HE STOPPED HIS CAR NO MORE THAN FIFTY FEET FROM THE BACK OF THE POLICE CAR. [REDACTED] SAID THAT [REDACTED] FIRED THE FIRST FEW SHOTS, THAT THE OFFICERS WERE STILL TRYING TO GET OUT OF THE CAR. HE SAID HE NEVER SAW ANY OFFICERS SHOOT, THAT BY THE TIME [REDACTED] HAD FIRED HIS THIRD SHOT AT THE OFFICER, IT WENT HIGH AND SEEMED TO COME VERY CLOSE TO THEIR CAR SO HE SPED AWAY TO REMOVE THEMSELVES FROM DANGER. [REDACTED] SAID HE COULD NOT TELL WHAT KIND OF GUN [REDACTED] HAD NOR WHAT CALIBER IT WAS BUT HE DID SEE THAT HE HAD A GUN IN HIS HAND AND WAS SHOOTING AT THE OFFICERS. HE SAID THAT [REDACTED] FIRED AT LEAST THE FIRST THREE SHOTS.

[REDACTED] DESCRIBED [REDACTED] CAR AS AN OLD BEAT UP [REDACTED] CAR, A BIG CAR LIKE A CADILLAC OR SOMETHING.

I ASKED [REDACTED] IF HE THOUGHT THE OFFICERS HAD ANY OPPORTUNITY TO TALK TO THE [REDACTED] AND MAYBE RESOLVE THE SITUATION IN ANY DIFFERENT WAY. "NONE WHATSOEVER," HE ANSWERED.

REPORTING OFFICER

R. [REDACTED] #21/2083

DATE/TIME

*4-14-95
0845*

REVIEWED BY

[Signature] 2081

TRAFFIC COLLISION REPORT

SPECIAL CONDITIONS	NO INJ 0	H&R FEL []	CITY UNINC	JUDICIAL DISTRICT KT	NUMBER 4-10
	NO KILL 0	H&R MISD [X]	COUNTY HUMBOLDT	DIST 52	BEAT 6QK54101

LOCATION	COLLISION OCCURRED ON: S.R. 96 (ROCK CHUTE VIA BRIDGE)	MO DAY YEAR 04 10 95	TIME(2400) 1605	NCIC # 9175	OFFICER I.D. 08732
	MILEPOST INFORMATION: 644 feet N of MP 96 HUM. 16.65	DAY OF WEEK S [M] T W T F S	TOW AWAY [X] YES [] NO	PHOTOGRAPHS BY: KROGH-24	
	[] AT INTERSECTION WITH: OR: 1.4 mile(s) N of UPPER MILL CREEK ROAD	STATE HWY REL [X] YES [] NO		[] NONE	

PARTY 1	DRIVER'S LICENSE NUMBER	STATE CA	CLASS	SAFETY	VEH YR	MAKE/MODEL/COLOR CADILLAC COUPE DE	LICENSE NUMBER	STATE CA
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DRIVER	NAME(FIRST,MIDDLE,LAST)	OWNER'S NAME	[] SAME AS DRIVER
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PEDESTRIAN	STREET ADDRESS WEITCHPEC ROUTE	OWNER'S ADDRESS	[] SAME AS DRIVER
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PARKED VEHICLE	CITY/STATE/ZIP HOOPA CA 95546	OWNER'S ADDRESS	[] SAME AS DRIVER HORSE CREEK, CA 96045
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BICYCLIST	SEX M	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	DISPO OF VEHICLE ON ORDERS OF: [X] OFFICER [] DRIVER [] OTHER BUDDY'S TOW WILLOW CREEK
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OTHER	HOME PHONE () NONE	BUSINESS PHONE () NONE	PRIOR MECHANICAL DEFECTS: NONE APPARENT [X] REFER TO NARRATIVE []
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INSURANCE CARRIER	POLICY NUMBER	CHP USE ONLY VEHICLE TYPE 01	DESCRIBE VEHICLE DAMAGE [] UNK [] NONE [] MINOR [X] MOD. [] MAJOR [] TOTAL	SHADE IN DAMAGED AREA
DIR TRV	ON STREET OR HIGHWAY N S.R. 96	SPD LMT 55	PCF 22350	

PARTY 2	DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY	VEH YR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
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DRIVER	NAME(FIRST,MIDDLE,LAST)	OWNER'S NAME	[] SAME AS DRIVER
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PEDESTRIAN	STREET ADDRESS	OWNER'S ADDRESS	[] SAME AS DRIVER
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PARKED VEHICLE	CITY/STATE/ZIP	OWNER'S ADDRESS	[] SAME AS DRIVER
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BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	DISPO OF VEHICLE ON ORDERS OF: [] OFFICER [] DRIVER [] OTHER
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OTHER	HOME PHONE	BUSINESS PHONE	PRIOR MECHANICAL DEFECTS: NONE APPARENT [] REFER TO NARRATIVE []
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INSURANCE CARRIER	POLICY NUMBER	CHP USE ONLY VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE [] UNK [] NONE [] MINOR [] MOD. [] MAJOR [] TOTAL	SHADE IN DAMAGED AREA
DIR TRV	ON STREET OR HIGHWAY	SPD LMT	PCF	

PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	SAFETY	VEH YR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
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DRIVER	NAME(FIRST,MIDDLE,LAST)	OWNER'S NAME	[] SAME AS DRIVER
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PEDESTRIAN	STREET ADDRESS	OWNER'S ADDRESS	[] SAME AS DRIVER
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PARKED VEHICLE	CITY/STATE/ZIP	OWNER'S ADDRESS	[] SAME AS DRIVER
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BICYCLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	RACE	DISPO OF VEHICLE ON ORDERS OF: [] OFFICER [] DRIVER [] OTHER
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OTHER	HOME PHONE	BUSINESS PHONE	PRIOR MECHANICAL DEFECTS: NONE APPARENT [] REFER TO NARRATIVE []
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INSURANCE CARRIER	POLICY NUMBER	CHP USE ONLY VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE [] UNK [] NONE [] MINOR [] MOD. [] MAJOR [] TOTAL	SHADE IN DAMAGED AREA
DIR TRV	ON STREET OR HIGHWAY	SPD LMT	PCF	

PREPARER'S NAME GILLIAM, R	DISPATCH NOTIFIED 08732	REVIEWER'S NAME KROGH	DATE REVIEWED 4-12-95
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TRAFFIC COLLISION CODING

DATE OF ORIGINAL INCIDENT 04 - 10 - 95	TIME(2400) 1605	NCIC NUMBER 9175	OFFICER I.D. 08732	NUMBER 4-10
PROPERTY	OWNERS NAME/ADDRESS			NOTIFIED
DAMAGE	DESCRIPTION OF DAMAGE			

SEATING POSITION

1 2 3	1 - DRIVER
	2 to 6 - PASSENGERS
	7 - STA. WGN. REAR
	8 - RR. OCC. TRK. OR VAN
	9 - POSITION UNKNOWN
	0 - OTHER
4 5 6	
7	

SAFETY EQUIPMENT

<p>OCCUPANTS</p> <p>A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED</p>	<p>M/C BICYCLE - HELMET</p> <p>DRIVER V - NO W - YES</p> <p>PASSENGER X - NO Y - YES</p>	<p>CHILD RESTRAINT</p> <p>Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE</p>	<p>L - AIR BAG DEPLOYED</p> <p>M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED</p>
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EJECTED FROM VEH

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

ITEMS MARKED BELOW WHICH ARE FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE

PRIMARY COLLISION FACTOR LIST NUMBER (#) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	TYPE OF VEHICLE			MOVEMENT PRECEDING COLLISION
		1	2	3	
A VC SECTION VIOLATED: CITED 1 22350 VC NO	A CONTROLS FUNCTIONING			A PASSENGER CAR/STW. WGN.	A STOPPED
B OTHER IMPROPER DRIVING*	B CONTROLS NOT FUNCTIONING*			B PASSENGER CAR W / TRAILER	B PROCEEDING STRAIGHT
C OTHER THAN DRIVER*	C CONTROLS OBSCURED			C MOTORCYCLE / SCOOTER	C RAN OFF ROAD
D UNKNOWN*	D NO CONTROLS PRESENT/FACTOR			D PICKUP OR PANEL TRUCK	D MAKING RIGHT TURN
E FELL ASLEEP*	TYPE OF COLLISION			E PICKUP/PANEL TRK. W/ TLR.	E MAKING LEFT TURN
WEATHER (MARK 1 TO 2 ITEMS)		A HEAD-ON		F TRUCK OR TRUCK TRACTOR	F MAKING U TURN
A CLEAR	B SIDESWIPE			G TRK./TRK. TRACTOR W /TLR.	G BACKING
X B CLOUDY	C REAR END			H SCHOOL BUS	H SLOWING / STOPPING
C RAINING	D BROADSIDE			I OTHER BUS	I PASSING OTHER VEHICLE
D SNOWING	X E HIT OBJECT			J EMERGENCY VEHICLE	J CHANGING LANES
E FOG / VISIBILITY:	F OVERTURNED			K HWY. CONST. EQUIPMENT	K PARKING MANEUVER
F OTHER*:	G VEHICLE / PEDESTRIAN			L BICYCLE	L ENTERING TRAFFIC
G WIND	H OTHER*:			M OTHER VEHICLE	M OTHER UNSAFE TURNING
LIGHTING		MOTOR VEHICLE INVOLVED WITH		N PEDESTRIAN	N KING INTO OPPOSING LANE
X A DAYLIGHT	A NON-COLLISION			O MOPED	O PARKED
B DUSK- DAMN	B PEDESTRIAN			OTHER ASSOCIATED FACTOR MARK 1 TO 2 ITEMS	
C DARK - STREET LIGHTS	C OTHER MOTOR VEHICLE	1	2	A VC SECTION VIOLATION: CITED	R OTHER*:
D DARK - NO STREET LIGHTS	D MOTOR VEH ON OTHER ROADWAY			B VC SECTION VIOLATION: CITED	
E DARK - STREET LIGHTS NOT FUNCTION	E PARKED MOTOR VEHICLE			C VC SECTION VIOLATION: CITED	
ROADWAY SURFACE				SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)	
X A DRY	H ANIMAL:				A HAD NOT BEEN DRINKING
B WET	I FIXED OBJECT:			E VISION OBSCUREMENT:	B HBD - UNDER INFLUENCE
C SNOWY - ICY	X CONCRETE BRIDGE			F INATTENTION*	C HBD - NOT UNDER INFLUENCE*
D SLIPPERY (MUDDY,OILY,ETC.)	J OTHER OBJECT:			G STOP & GO TRAFFIC	D HBD - IMPAIRMENT UNK.*
ROADWAY CONDITIONS MARK 1 TO 2 ITEMS		PEDESTRIAN'S ACTIONS		H ENTERING / LEAVING RAMP	E UNDER DRUG INFLUENCE*
A HOLES, DEEP RUTS*	X A NO PEDESTRIAN INVOLVED			I PREVIOUS COLLISION	F IMPAIRMENT - PHYSICAL*
B LOOSE MATERIAL ON RDWY*	B CROSSING IN KWALK AT INTERSECTION			J UNFAMILIAR WITH ROAD	G IMPAIRMENT NOT KNOWN
C OBSTRUCTION ON ROADWAY*	C CROSSING IN KWALK NOT AT INTERSECTION			K DEFECTIVE VEH. EQUIP.: CITED	H NOT APPLICABLE
D CONSTRUCTION - REPAIR ROWE	D CROSSING NOT IN CROSSWALK			L UNINVOLVED VEHICLE	I SLEEPY / FATIGUED
E REDUCED ROADWAY WIDTH	E IN ROAD - INCLUDES SHOULDER			SPECIAL INFORMATION	
F FLOODED*	F NOT IN ROAD			M OTHER*:	A HAZARDOUS MATERIAL
G OTHER*:	G APPROACHING / LEAVING SCHOOL BUS			N NONE APPARENT	
X H NO UNUSUAL CONDITIONS				O RUNAWAY VEHICLE	

MISCELLANEOUS

INJURED/WITNESSES/PASSENGERS

DATE OF COLLISION 04 - 10 - 95				TIME(2400) 1605	NCIC NUMBER 9175	OFFICER I.D. 08732	NUMBER 4-10									
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.	BIKE	OTHER				
	X	27	F										1	3	B	0

NAME/D.O.B./ADDRESS: [REDACTED] TELEPHONE: ()

TAKEN TO:

DESCRIBE INJURIES:

1		28	M													
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NAME/D.O.B./ADDRESS: **TONY MATTZ** [REDACTED] TELEPHONE: [REDACTED]

[REDACTED] BY: **HOOPA, CA, 95546** TAKEN TO:

DESCRIBE INJURIES:

2		21	M													
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NAME/D.O.B./ADDRESS: **EDWARD GUYER** [REDACTED] TELEPHONE: [REDACTED]

(INJURED ONLY) TRANSPORTED BY: **HOOPA, CA, 95546** TAKEN TO:

DESCRIBE INJURIES:

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NAME/D.O.B./ADDRESS: [REDACTED] TELEPHONE: ()

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

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NAME/D.O.B./ADDRESS: [REDACTED] TELEPHONE: ()

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

PREPARER'S NAME GILLIAM, R	I.D NUMBER 08732	MO. DAY YR. 04-10-95	REVIEWER'S NAME <i>U [Signature]</i>	MO. DAY YR. 4-12-95
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04-10-95 1605 9175 8732 4-10

NARRATIVE/COLLISION INVESTIGATION**FACTUAL DIAGRAM LEGEND****PHYSICAL EVIDENCE:**

ITEMS 1 AND 2 ARE CENTRIFUGAL SKIDS AND WERE CONTINUED N/O ON
 ITEMS 3, 4, AND 5 ARE SIDESKIDS OF THE ROADWAY AND ARRIVED AT THE
 ITEM 6 IS VEHICLE DEBRIS
 ITEM 7 IS BLUE PAINT TRANSFER ON THE BRIDGE RAILING
 ITEM 8 ARE SCUFF MARKS ON THE BRIDGE RAILING

PHYSICAL EVIDENCE PLACEMENT:

1. BEGIN 157' CENTRIFUGAL SKID: 306' N/O M.P.# 16.65 AND 2' W/O
 THE EAST ROADWAY EDGE OF S.R. 96.
 END : 463' N/O M.P.# 16.65 AT THE
 DOUBLE YELLOW CENTER LINES.
2. BEGIN 203' CENTRIFUGAL SKID: 306' N/O M.P.# 16.65 AND 7' W/O
 THE EAST ROADWAY EDGE OF S.R. 96.
 END : 509' N/O M.P.# 16.65 AND 8' W/O
 THE DOUBLE YELLOW CENTER LINES.
3. BEGIN 108' SIDE SKID : 545' N/O M.P.# 16.65 AND 1'4"
 W/O THE CENTER LINES.
 END : 654' N/O M.P.# 16.65 AND 3'5"
 E/O THE EAST ROADWAY EDGE.
4. BEGIN 110' SIDE SKID : 558' N/O M.P.# 16.65 AND 1'4"
 W/O THE CENTER LINES.
 END : 673' N/O M.P.# 16.65 AND 3'5"
 E/O THE EAST ROADWAY EDGE.
5. BEGIN 83' SIDE SKID : 591' N/O M.P.# 16.65 AND 4'3"
 W/O THE CENTER LINES.
 END : 671' N/O M.P.# 16.65 AND 2'3"
 W/O THE EAST ROADWAY EDGE.
6. BEGIN 5' PAINT TRANSFER : 644' N/O M.P.# 16.65 AND 3'5"
 E/O THE EAST ROADWAY EDGE.
 END : 649' N/O M.P.# 16.65 AND 3'5"
 E/O THE EAST ROADWAY EDGE.
7. BEGIN 21' SCUFF MARKS : 650' N/O M.P.# 16.65 AND 3'5"
 E/O THE EAST ROADWAY EDGE.
 END : 671' N/O M.P.# 16.65 AND 3'5"
 E/O THE EAST ROADWAY EDGE.

ROD GILLIAM

8732

04-12-95

VH 4-12-95

04-10-95 1605 9175 8732 4-10

NARRATIVE/COLLISION INVESTIGATION**FACTS:**

NOTIFICATION: I WAS DISPATCHED TO ASSIST HOOPA TRIBAL P.D. ON A VEHICLE PURSUIT AT 1601 HOURS. WHILE IN ROUTE I WAS NOTIFIED THAT THE [REDACTED] VEHICLE HAD CRASHED INTO THE HOOPA BLUFFS, AT APPROXIMATELY 1605 HOURS, AND HAD CONTINUED N/B ON S.R. 96 FOR APPROXIMATELY 1 MILE BEFORE STOPPING. I ARRIVED AT THE AREA WHERE THE [REDACTED] VEHICLE STOPPED AT APPROXIMATELY 1620 HOURS.

ALL TIMES, SPEEDS, AND MEASUREMENTS FOUND IN THIS INVESTIGATION ARE APPROXIMATE. MEASUREMENTS WERE MADE WITH A ROLATAPE.

SCENE: IN THIS AREA, S.R. 96 IS NORTH/SOUTH TWO LANE, MOUNTAINOUS, WINDING, NARROW, ASPHALTIC PAVED ROADWAY. AT THE TIME OF THIS COLLISION, ALL ROADWAY MARKINGS AND SIGNS WERE IN GOOD CONDITION. (REFER TO THE FACTUAL DIAGRAM ON PAGE 4 FOR ROADWAY DETAILS AND MEASUREMENTS.)

PARTIES: V-1 (CADILLAC) WAS LOCATED ON ITS WHEELS IN THE N/B LANE OF S.R. 96 APPROXIMATELY 1 MILE N/O THE SCENE WHERE IT HAD BEEN DRIVEN BY D-1 AFTER THE COLLISION. V-1 SUSTAINED MODERATE DAMAGE TO THE RIGHT FRONT BUMPER, RIGHT FRONT FENDER, RIGHT SIDE PASSENGER DOOR AND THE RIGHT REAR QUARTER PANEL.

D-1 [REDACTED] WAS FOUND LAYING ACROSS THE DOUBLE YELLOW CENTER LINES OF S.R. 96 AT THE RIGHT REAR OF THE HOOPA PD UNIT. (D-1 HAD BEEN INVOLVED IN A SHOOT OUT WITH THE HOOPA PD UNITS AFTER STOPPING AND HAD BEEN SHOT AND KILLED.) HE WAS IDENTIFIED AS THE DRIVER OF V-1 BY THE STATEMENTS OF THE HOOPA POLICE DEPARTMENT OFFICERS.

PHYSICAL EVIDENCE: BLUE PAINT TRANSFERS WERE FOUND ON THE CONCRETE BRIDGE RAILING AT THE SCENE.

STATEMENTS:

WITNESS#1(MATTZ) WAS CONTACTED ON S.R. 96 APPROXIMATELY 1 MILE N/O THE SCENE WHERE V-1 STOPPED AFTER THE COLLISION. MATTZ RELATED THAT JUST PRIOR TO THE PURSUIT HE HAD RECEIVED A

ROD GILLIAM

8732

04-12-95

U K 4-12-95

04-10-95 1605 9175 8732 4-10

NARRATIVE/COLLISION INVESTIGATION

RADIO CALL TO BE ON THE LOOK OUT FOR A RECKLESS DRIVER ON MARSHALL LANE IN HOOPA. THE VEHICLE WAS DESCRIBED AS A OLDER MODEL [REDACTED] CADILLAC. OFFICER MATTZ AND HIS PARTNER, OFFICER GUYER, RESPONDED AND LOCATED THE VEHICLE DRIVING N/B ON MARSHALL LANE. THEY TURNED ON THE PATROL VEHICLE'S EMERGENCY LIGHTS AND V-1 FAILED TO YIELD AND IMMEDIATELY SPED UP. V-1 TURNED N/B ONTO S.R. 96, WITHOUT STOPPING, AND CONTINUED N/B ON S.R. 96 AT A HIGH RATE OF SPEED. OFFICER MATTZ RELATED THAT V-1 WAS ALL OVER THE ROAD USING BOTH LANES AND DRIVING ON THE WRONG SIDE OF THE ROAD THRU BLIND TURNS IN THE BLUFFS.

AS THEY WENT INTO A "S" TURN, AT A HIGH RATE OF SPEED, V-1 BEGAN FISHTAILING AND SLAMMED INTO THE BRIDGE WITH THE RIGHT SIDE OF THE VEHICLE. AFTER STRIKING THE BRIDGE V-1 CONTINUED N/B WITHOUT YIELDING AT ONLY APPROXIMATELY 35 MPH. AS THEY CONTINUED V-1 BEGAN TO GO SLOWER AND SLOWER UNTIL IT FINALLY STOPPED IN THE N/B LANE.

WITNESSES#2(GUYER) WAS ALSO CONTACTED AT THE AREA WHERE V-1 STOPPED. OFFICER GUYER BASICALLY CORROBORATED THE STATEMENT OF OFFICER MATTZ.

OPINIONS AND CONCLUSIONS:

SUMMARY: D-1 [REDACTED] WAS N/B ON S.R. 96 AT APPROXIMATELY 55 MPH IN V-1(CADILLAC). D-1 WAS TRAVELING AT A HIGH RATE OF SPEED THRU THE HOOPA BLUFFS IN AN ATTEMPT TO EVADE HOOPA TRIBAL POLICE. AS D-1 CAME TO A SHARP "S" TURN, HE LOST CONTROL OF V-1 DUE TO HIS EXCESSIVE SPEED, AND V-1 BEGAN SLIDING SIDWAYS ACROSS BOTH LANES AND STRUCK THE CONCRETE BRIDGE RAILING WITH THE ENTIRE R/SIDE.

AFTER STRIKING THE BRIDGE D-1 FLED THE SCENE DRIVING APPROXIMATELY 1 MILE BEFORE V-1 BROKE DOWN, DUE TO COLLISION DAMAGE, AND CAME TO A STOP IN THE N/B LANE OF TRAFFIC.

POINT OF IMPACT: THE POI WAS DETERMINED BY CENTRIFUGAL SKIDMARKS, BROADSIDE SKIDMARKS, VEHICLE DEBRIS, SCUFF MARKS TO THE BRIDGE RAILING, BLUE PAINT TRANSFERS TO

ROD GILLIAM

8732

04-12-95

U K 4-12-95

04-10-95 1605 9175 8732 4-10

NARRATIVE/COLLISION INVESTIGATION

THE BRIDGE RAILING, DAMAGE TO THE RIGHT SIDE OF V-1 AND THE STATEMENTS OF THE WITNESSES TO BE 644' N/O M.P.# 16.65 AND 3'5" E/O THE EAST ROADWAY EDGE OF S.R. 96.

CAUSE: D-1 (LEWIS) CAUSED THIS COLLISION BY BEING IN VIOLATION OF 22350 CVC--UNSAFE SPEED FOR CONDITIONS.

THIS WAS DETERMINED FROM THE SKIDMARKS, VEHICLE DEBRIS, SCUFF MARKS AND PAINT TRANSFER LOCATED ON THE CONCRETE BRIDGE RAILING, DAMAGE TO V-1 AND THE STATEMENTS OF THE WITNESSES. DUE TO THE NATURE OF THE ROADWAY (MOUNTAINOUS, NARROW AND WINDING) A SAFE SPEED FOR THE SCENE WOULD HAVE BEEN 30 MPH.

D-1 WAS ALSO IN VIOLATION OF 2800.2 VC (FELONY EVADING ARREST) AND 20002(A) VC (MISDEMEANOR HIT AND RUN).

RECOMMENDATIONS:

CASE BE CLOSED DUE TO THE DEATH OF D-1 FOLLOWING THE COLLISION.

ROD GILLIAM 8732 04-12-95

✓ K 4-12-95