

HUMBOLDT COUNTY SHERIFF'S OFFICE 1200

70. CODE SECTION  
196 PC

71. CRIME  
Justifiable Homicide

72. CLASSIFICATION  
Gunshot

74. ADDRESS  RESIDENCE  BUSINESS  75. PHONE  
[REDACTED] Ferndale

10/4/70, at approx. 3:30 p.m., Officer Lawrence Lenwood Lema was staked out on marihuana plants found growing (in containers) on the riverbar approx. 6 miles east of Ferndale, Calif.

At the approx. above time two [REDACTED] approached the plants and squatted down with their backs to Officer Lema and were in the process of examining or caring for the plants. Officer Lema then stepped out of the brushy area where he had been concealed and ordered the [REDACTED] to, "Hold it, you are under arrest." One of the [REDACTED] stood up and slowlyly turned around to face the officer; the second [REDACTED] turned around quickly in a crouched position with his hands extended in front of him, holding an object in his hand. Officer believing the object to be a weapon, fired a single shot, fatally wounding the [REDACTED].

10/20/70, the Humboldt County Grand Jury returned a verdict of "Justifiable Homicide."

REPORTING OFFICERS  
Roy Simmons, Lt.

RECORDING OFFICER  
Roy Simmons, Lt.

TYPED BY  
EB

DATE AND TIME  
10/21/70

ROUTED BY

FURTHER ACTION  YES  NO  
COPIES TO:  DETECTIVE  CII  
 JUVENILE  PATROL  
 DIST. ATTNY.  OTHER  
 S.O./P.D.  OTHER

REVIEWED BY

*Pat Bellman, Undersheriff*

DATE  
10/22/70

HUMBOLDT COUNTY SHERIFF'S OFFICE 1200

I. CASE NO.  
70-10968

2. CODE SECTION 196 PC		3. CRIME Justifiable Homicide			4. CLASSIFICATION Gunshot			5. REPORT AREA South	
6. DATE AND TIME OCCURRED - DAY 10/4/70, Approx. 3:30 PM				7. DATE AND TIME REPORTED 10/4/70, 4:05 PM		8. LOCATION OF OCCURRENCE River Bar, 6 mi. E. of Ferndale			
9. OCCUPATION None				13. RACE - SEX WMA		14. AGE		15. DOB	
12. OCCUPATION None				13. RACE - SEX WMA		14. AGE		15. DOB	
CODES FOR BOXES 20 AND 30 V = VICTIM W = WITNESS P = PARENT RP = REPORTING PARTY DC = DISCOVERED CRIME				18. CHECK IF MORE NAMES IN CONTINUATION		18. CHECK IF MORE NAMES IN CONTINUATION			
19. [REDACTED]				20. CODE RP		21. RESIDENCE ADDRESS [REDACTED] Ferndale, Calif.		22. RESIDENCE PHONE	
23. OCCUPATION Rancher		24. RACE - SEX WMA		25. AGE		26. DOB		27. BUSINESS ADDRESS (SCHOOL IF JUVENILE) [REDACTED] Ferndale, Calif.	
29. NAME - LAST, FIRST, MIDDLE				30. CODE		31. RESIDENCE ADDRESS		32. RESIDENCE PHONE	
33. OCCUPATION		34. RACE - SEX		35. AGE		36. DOB		37. BUSINESS ADDRESS (SCHOOL IF JUVENILE)	
33. OCCUPATION		34. RACE - SEX		35. AGE		36. DOB		37. BUSINESS ADDRESS (SCHOOL IF JUVENILE)	

MODUS OPERANDI (SEE INSTRUCTIONS)

39. DESCRIBE CHARACTERISTICS OF PREMISES AND AREA WHERE OFFENSE OCCURRED  
Brush covered area on river bar

40. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED  
[REDACTED] shot by officer during narcotic arrest

41. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORCE USED  
.38 cal. service revolver

42. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE

43. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR  
Major, fatal gunshot wound

44. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES

45. VICTIM'S ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE  
Growing & Harvesting Marihuana

46. TRADEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S  
Turned quickly with object in hand

47. VEHICLE USED - LICENSE NO. - ID NO. - YEAR - MAKE - MODEL - COLORS (OTHER IDENTIFYING CHARACTERISTICS)  
[REDACTED] Datsun, [REDACTED] CA. Lic. [REDACTED]

[REDACTED]				49. RACE - SEX WMA	50. AGE 27	51. HT.	52. WT.	55. ID NO. OR DOB	56. ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS White shirt, dark trousers											
58. SUSPECT NO. 2 (LAST, FIRST, MIDDLE)				59. RACE - SEX	60. AGE	61. HT.	62. WT.	63. HAIR	64. EYES	65. ID NO. OR DOB	66. ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/>
67. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS											
68. CHECK IF MORE NAMES IN CONTINUATION											

REPORTING OFFICERS Roy Simmons, Lt.			RECORDING OFFICER Roy Simmons, Lt.			TYPED BY [REDACTED]		DATE AND TIME 10/21/70		ROUTED BY	
FURTHER ACTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		COPIES TO: <input checked="" type="checkbox"/> DETECTIVE <input checked="" type="checkbox"/> CII <input type="checkbox"/> JUVENILE <input type="checkbox"/> PATROL <input type="checkbox"/> DIST. ATTNY <input type="checkbox"/> OTHER <input type="checkbox"/> SO./PD. <input type="checkbox"/> OTHER		REVIEWED BY David Ballman Understaff						DATE 10/22/70	

69. CASE NO.

70-10968

HUMBOLDT COUNTY SHERIFF'S OFFICE 1200

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196 PC

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Justifiable Homicide

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10/20/70, the Humboldt County Grand Jury returned a verdict of "Justifiable Homicide."

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Roy Simmons, Lt.

RECORDING OFFICER  
Roy Simmons, Lt.

TYPED BY  
EB

DATE AND TIME  
10/21/70

ROUTED BY

FURTHER ACTION  YES  NO  
COPIES TO:  DETECTIVE  CII  
 JUVENILE  PATROL  
 DIST. ATTNY.  OTHER  
 S.O./P.D.  OTHER

REVIEWED BY

*[Signature]*

DATE

10/22/70

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12. OCCUPATION None			13. RACE - SEX WMA	14. AGE	15. DOB	10. RESIDENCE ADDRESS [REDACTED] Ferndale		11. RES. PHONE [REDACTED]	
19. NAME - LAST, FIRST, MIDDLE [REDACTED]		20. CODE RP	21. RESIDENCE ADDRESS [REDACTED] Ferndale, Calif.			22. RESIDENCE PHONE			
24. RACE - SEX WMA		25. AGE	26. DOB	27. BUSINESS ADDRESS (SCHOOL IF JUVENILE) [REDACTED] Ferndale, Calif.		28. BUSINESS PHONE			
29. NAME - LAST, FIRST, MIDDLE Rancher		30. CODE	31. RESIDENCE ADDRESS			32. RESIDENCE PHONE			
33. OCCUPATION		34. RACE - SEX	35. AGE	36. DOB	37. BUSINESS ADDRESS (SCHOOL IF JUVENILE)		38. BUSINESS PHONE		

MODUS OPERANDI (SEE INSTRUCTIONS)

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[REDACTED] shot by officer during narcotic arrest

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[REDACTED] Datsun, blue, CA. Lic. [REDACTED]

48. SUSPECT NO. 1 (LAST, FIRST, MIDDLE) LEMA, Lawrence Lenwood		49. RACE - SEX WMA	50. AGE 27	51. HT.	52. WT.	55. ID NO. OR DOB	56. ARRESTED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS White shirt, dark trousers									
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REPORTING OFFICERS Roy Simmons, Lt.		RECORDING OFFICER Roy Simmons, Lt.		TYPED BY [REDACTED]	DATE AND TIME 10/21/70		ROUTED BY
FURTHER ACTION <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	COPIES TO: <input checked="" type="checkbox"/> DETECTIVE <input checked="" type="checkbox"/> CII	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> PATROL	<input type="checkbox"/> DIST. ATTNY	<input type="checkbox"/> OTHER	<input type="checkbox"/> SQ./P.D.	<input type="checkbox"/> OTHER
REVIEWED BY Ray Bellman Understaff						DATE 10/22/70	

## INVESTIGATOR'S REPORT

Date October 14, 1970

To FILE

Re. [REDACTED]

Complainant \_\_\_\_\_

### Persons involved:

Deputy Lawrence Lynwood Lema  
Humboldt County Sheriff's Office

[REDACTED]  
Ferndale, California

On Sunday, October 4, 1970, the undersigned received a telephone call from the District Attorney, Mr. Ferroggiaro, regarding a shooting incident which occurred on the river bank near Grizzly Bluff in the Ferndale area. He requested that I accompany him to that location. We met at the Citizen's Mortuary with the County Coroner, Ed Nielsen, the Sheriff, Gene Cox, the Undersheriff, Robert Bollmann, Deputy Leo Bessette, and others. [REDACTED] attorney, Fortuna, California, arrived approximately the same time that we arrived and informed the District Attorney that he was representing the deceased's parents. A conference was held, the Undersheriff filling in the details as to what had occurred up to this point. He stated that Deputy Lema had requested and secured permission to man a stake-out-point on narcotics that were growing on the river bank in the Grizzly Bluff area. He had begun the stake-out of these narcotic plants (which consisted of two marijuana plants in containers) on Friday, October 2, 1970, at approximately noon, he remained at the stake-out-point until dark, nobody arrived at that time. He was directed to the marijuana plants by a ~~man~~ man by the name of [REDACTED] who lives in that area. Lema instructed [REDACTED] to call his residence any time that he observed any suspicious activity in the location of the plants. This was agreed to by Mr. [REDACTED]. At about 3:00 p.m. on October 4, 1970, Lema received a call from [REDACTED] indicating that there were [REDACTED] in the area of the marijuana plants. Lema left his home and took up a stake-out-point near the plants and remained concealed there. He was at the scene approximately 30 minutes when two [REDACTED] arrived in a [REDACTED] Datsun pickup truck. They each got out of the truck and immediately approached the plants which were some fifty to sixty feet from where the truck was parked. The two individuals then tended the plants, were at the plants for approximately 30 seconds and when Lema stepped forward, told the [REDACTED] "Hold it, you're under arrest." The

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one [redacted] turned and faced Lema. The other [redacted] in a crouched position, whirled rapidly with something in his hand which Lema thought to be a weapon. Lema fired, a bullet struck the [redacted] in the chest and he fell. Lema sent the other [redacted] to the [redacted] residence to call for an ambulance and get assistance. Lema waited a short time then [redacted] arrived. He sent [redacted] in his (Lema's) private car to also summons assistance. Lema then went up onto the East Ferry Road to wait for the ambulance and direct it to the scene. While he was waiting [redacted] arrived back on the scene and Lema told him that he thought that [redacted] was dead. [redacted] went down to see [redacted] and was there three to five minutes, returned, picked up Lema, they went up to the Grizzly Bluff School to await the arrival of the ambulance. When the ambulance arrived Lema and [redacted] directed it back to the scene where the incident occurred. The ambulance attendant took the body to the hospital where he was pronounced dead. Upon the arrival of the other officers Lema noted that the two marijuana plants that he had been staked-out on were missing.

The undersigned and the District Attorney then viewed the remains which were located at the mortuary. There was a bullet hole through his T-shirt into his left chest emerging from his left side entering his left arm and exiting the left arm. The deceased was dressed in Levi's and a white T-shirt. He had medium length dark brown hair and a mustache and a days growth of beard. The deceased was then removed to the Chapel of the Ferns in Eureka where an autopsy was scheduled. The undersigned and Mr. Ferroggiaro accompanied [redacted] to the residence of [redacted] who is the father of the deceased. Mr. Ferroggiaro contacted the father and the mother, there were numerous other people present. Mr. Ferroggiaro indicated to them that his office would conduct an investigation into this incident. We remained at the [redacted] residence for approximately 10 minutes and then returned to the Humboldt County Sheriff's Office in Eureka. The undersigned and Mr. Ferroggiaro had a conversation with Deputy Lema in the office of the Sheriff. Also present during this conversation was Mr. Lema's attorney, [redacted]. Regarding the incident, Lema related as follows:

That he had talked with Detective Ames on Friday in the Humboldt County Sheriff's Office regarding the discovery of some marijuana plants on the river bar near Grizzly Bluff. Detective

# INVESTIGATOR'S REPORT

Date October 14, 1970

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Re [REDACTED]

Complainant [REDACTED]

Ames had asked him if he would man a stake-out in that location over the weekend. Lema indicated that he would if he could get the permission of the Undersheriff which was later obtained. He stated that he began the stake-out on Friday. He was accompanied to the location by [REDACTED] who showed him where the plants were. He manned the stake-out for a period of time on Friday. Quit some time after dark. He was at the stake-out for the whole night on Saturday. He then left word with [REDACTED] and his family if any suspicious activity was observed in that area to give him a call and he would respond immediately. He stated that on Sunday at approximately 1:30 p.m. he had his young son baptized in the Catholic Church in Ferndale. A friend of his, Father [REDACTED] was up from the City and performed the ceremony. He stated that following the baptism they went to his home where there was a small gathering of people. At about 3:00 p.m. he received a phone call from [REDACTED] indicating that they had observed a [REDACTED] car in the vicinity of the marijuana plants and felt that the [REDACTED] had returned to the plants. Lema stated that he immediately left home and went to that area where he took up a stake-out position. Lema stated that he had been in the stake-out position for about 30 minutes when he observed the [REDACTED] pickup truck drive down River Road; park off the road; two individuals got out of the pickup and walked towards the marijuana plants. He stated that he thought he recognized [REDACTED] at that time, however, did not recognize the other individual. He stated that he was wearing dark trousers and a white shirt and since the [REDACTED] had to walk very close to him he was quite concerned that they would see him. He doubled up his arms and put them in front of his face and his shirt in an effort to conceal himself more. He stated the [REDACTED] walked past him over to the plants where they crouched down. They were crouched down for a short period of time, [REDACTED] stood up, turned around and appeared to him as though he may start to leave. Lema stated that he then stepped out from his concealment stepped towards the two [REDACTED] drew his gun pointed in there direction and stated, "Hold it, you're under arrest." He stated at that time [REDACTED] was still crouched over the plants. That he whirled around rapidly and had an object in his hand which Lema thought might be a weapon and he fired. He stated at that time the [REDACTED] stood all the way up and stated, "Lema, why did you shoot me," and then fell to the ground. Lema stated that it was at that time that he recognized the [REDACTED] to be [REDACTED]. He stated that he then walked over to [REDACTED] and started to put the handcuffs on him and at that time realized that he was going to need some assistance so he told [REDACTED]

# INVESTIGATOR'S REPORT

Date October 14, 1970

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Complainant \_\_\_\_\_

to go to the [redacted] residence and call for an ambulance. He stated that [redacted] was gone for it seemed like to him a long period of time. During that time [redacted] appeared, Lema gave him the keys to his personal car and told him to go call the Sheriff's Office. He then checked on [redacted] again and noted at that time that he appeared to be dead. He then left the scene and walked up on East Ferry Road to await the arrival of the ambulance. At that time [redacted] returned, stopped and said that he had called the ambulance. Lema told him that he didn't believe it would be necessary that he thought [redacted] was dead. [redacted] said to Lema, "He better not be," and drove off in the direction of where the incident had occurred. Lema yelled after him and told him to come back, [redacted] was gone for a period of time, and Lema estimates between three and five minutes and he returned. Lema got into the pickup truck with [redacted] they drove to the Grizzly Bluff School where they waited for the ambulance to arrive. When the ambulance did arrive they lead it back to the scene and the attendants took [redacted] and left with him for the hospital. It was during this period of time prior to the arrival of the other Sheriff's units that Lema noticed the ~~TO~~ OTHER two marijuana plants were missing. Lema stated that he had never had any problems with [redacted] [redacted] that he had in fact at one point coached him as an assistant coach in a school football function at Ferndale High School. He also stated that he had no idea who the [redacted] were when they approached the marijuana plants and that he in fact sort of expected another individual that he had previously arrested by the name of [redacted] Lema stated that he couldn't recall which hand he had observed the object in when [redacted] wheeled around, however, when [redacted] fell to the ground the object fell from his hand and was determined to be a rather large piece of marijuana stem and leaves. These were recovered and are being held by the Sheriff's people for evidence.

On October 5, 1970, the undersigned met with several Sheriff's Officers in the vicinity of East Ferry Road in Ferndale. The area in which the incident occurred was pointed out and Undersheriff Bollmann demonstrated the manner in which the incident allegedly occurred. A search was then organized under the direction of Lieutenant Sintic and begun hunting for the missing marijuana plants. The search continued for a little over an hour at which time the plants were located in a large clump of brush and trees approximately 100 yards from their original point of rest where this incident occurred. The marijuana plants were recovered, the containers processed for latent prints. They were then brought to the Sheriff's Office where they were packaged and forwarded with the large piece of marijuana that [redacted] had

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Date October 14, 1970

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Re \_\_\_\_\_  
\_\_\_\_\_

Complainant \_\_\_\_\_

been holding, to the Federal Bureau of Investigation for determination of the contents of the plant and if the portion that was held by \_\_\_\_\_ came from one of the plants in question.

The undersigned and Mr. Ferraggiaro then had a conversation with Mr. and Mrs. \_\_\_\_\_ and \_\_\_\_\_ at their trailer house located on \_\_\_\_\_ Lane a short distance off of East Ferry Road. Mr. \_\_\_\_\_ stated that he had been watching the area most of the day observing the cars coming and going from that area. He stated that he had observed the \_\_\_\_\_ Datsun pickup going down there earlier and returning from that area, however, at that time it had not turned onto River Road from East Ferry Road, but continued onto the river bank. He related that at about 3:00 p.m. he and his son observed a \_\_\_\_\_ Chevrolet driving down East Ferry Road almost to the river bar, turned around and came back and drove into the River Road to the area where the marijuana plants were growing. It stopped in there and was there for a period of time. He then told his son to call Deputy Lema. Prior to the arrival of Deputy Lema the \_\_\_\_\_ Chevrolet drove out of the area and left. Lema arrived and contacted \_\_\_\_\_ told him that he was going to stake-out the plants for awhile and asked if any \_\_\_\_\_ vehicles approach the area he would come down through the cattle corral and circle the area and tell him of the presence of \_\_\_\_\_ vehicles. Mr. \_\_\_\_\_ related that Lema was down there for about half an hour or three-quarters of an hour when the \_\_\_\_\_ Datsun drove down into that area. It was a very short time later that the \_\_\_\_\_ Datsun again drove out, came up to his trailer, \_\_\_\_\_ got out asked to use the phone to call an ambulance. Mr. \_\_\_\_\_ asked him what the problem was, \_\_\_\_\_ simply told him that Lema had shot a guy. Mr. \_\_\_\_\_ stated that \_\_\_\_\_ got ahold of the ambulance and asked them to come to the area. He hung up the phone, got back in his pickup truck and returned to the area of where the marijuana plants had been growing. Mr. \_\_\_\_\_ watched him drive down into that area, then back out of there and up East Ferry Road to the Grizzly Bluff School. During that period of time his son \_\_\_\_\_ arrived back at the trailer driving Lema's car. He told his father that Lema had asked him to call the Sheriff's Office and get him some assistance. They tried to get through to the Sheriff's Office a couple of times, were unable to do so, so they then called Mr. \_\_\_\_\_ and asked him if he could get ahold of the Sheriff's Office. Mr. \_\_\_\_\_ is the grandfather of \_\_\_\_\_ Mr. \_\_\_\_\_ then watched the area through binoculars during the period of time that the ambulance arrived and the Sheriff's Deputies began to arrive.

\_\_\_\_\_ stated that he was the one that had originally taken Lema to the plants on Friday, October 2, 1970. He was watching the area for Lema and told him that he would call if and when he observed any suspicious vehicles

## INVESTIGATOR'S REPORT

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Re. [REDACTED]

Complainant \_\_\_\_\_

in the area. He stated that he observed a [REDACTED] Chevrolet go into that area at about 3:00 p.m. on Sunday and he called Lema's home and informed him of this fact. He said that a short time later Lema arrived, but the Chevrolet had left the area. Lema told [REDACTED] that he was going to stake the area out for awhile and asked that if [REDACTED] observed any suspicious vehicles approach the area that he come down through the cattle corral, circle around and attempt to notify him of their presence. [REDACTED] stated that he watched the area for about thirty or forty minutes, that he observed the [REDACTED] Datsun pickup truck drive into that area and park. He stated that he took his father's pickup truck part way down to that area, walked through the cattle corral and was approaching the scene where the marijuana plants were growing when he heard a shot. He continued on and arrived there at a short time and observed Deputy Lema. Lema stated to him, "My God, I've accidentally shot a man." He then gave [REDACTED] the keys to his car, took him to where the car had been previously hidden by Lema and told him to go to a phone and call the Sheriff's Office. [REDACTED] stated that he then drove back to his home and attempted to call the Sheriff's Office, however, was unable to get through, then called his grandfather instead, who then phoned the Sheriff's Office.

The undersigned and Mr. Ferragiaro had a conversation with [REDACTED] and his attorney [REDACTED] in the office of the District Attorney during the afternoon of October 5, 1970. [REDACTED] stated that on Sunday, October 4, 1970, he had picked up [REDACTED] at his home and brought him to his father's home, [REDACTED], where they were going to be working the entire day. They were digging a septic tank and leach lines. Later in the day it became necessary to obtain rocks to make a leach field. They went to the river bar off of East Ferry Road. The first occasion they followed Mr. [REDACTED] in his pickup with the [REDACTED] Datsun pickup. They got a couple of loads of rocks, returned to the farm and placed the rocks. [REDACTED] stated that he and [REDACTED] made one other trip to obtain rocks and were returning for the third trip to pick up rocks when [REDACTED] asked him if he wanted to see some marijuana plants. [REDACTED] stated that he had never seen marijuana plants growing and said, sure he would like to see them. He was then directed by [REDACTED] to drive on East Ferry Road then turn left on River Road for approximately one hundred feet where they parked the pickup, got out and walked approximately 40 or 50 feet to where the plants were growing in containers. He stated that they knelt and looked at the plants for about 30 seconds then both of them stood up, turned around and started to leave. He stated that the first indication that he had that Lema was present was when he heard the shot. He stated he didn't exactly know where he was looking when the shot was fired, but that he immediately looked up and observed Lema standing approximately 10 to 15 feet away from him. He stated that [REDACTED] then said, "Lema, you son of a bitch, you shot me, why did you shot me," and then he fell to the

# INVESTIGATOR'S REPORT

Date October 14, 1970

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Re [REDACTED]

Complainant [REDACTED]

ground. [REDACTED] relates that Lema then approached him pointing the gun directly at him and started to put the handcuffs on him. He stated that Lema appeared nervous and overly excited and then said to him to go get an ambulance. [REDACTED] stated that he told Lema he wasn't going any place until Lema took the handcuffs off of him. Lema unlocked the one handcuff that he had locked on one of the wrists. [REDACTED] got in his [REDACTED] Datsun pickup and drove back to the [REDACTED] where he phoned the ambulance service. He stated that he then left the [REDACTED] drove back down East Ferry Road to the intersection of River Road where he met Lema walking out. He told Lema that he had called the ambulance. Lema said to him that he didn't think it would do any good, that he thought [REDACTED] was dead. [REDACTED] stated that he told Lema, "He better not be dead, Lema," and then he drove on down to check on [REDACTED]. He stated that he was gone a very short period of time. Noted that [REDACTED] was lying on his back with his eyes open and he had turned blue and that he felt that [REDACTED] was dead. He then returned to East Ferry Road where he picked up Lema, they drove out to the Grizzly Bluff School to await the arrival of the ambulance. [REDACTED] was asked if he heard Lema tell them to hold it you're under arrest and [REDACTED] stated that he didn't hear Lema say anything. First thing he heard was the shot, and then as Lema approached him he told him that he was under arrest.

October 6, 1970, the undersigned had a conversation with [REDACTED] Loleta. There were rumors that Lema had threatened [REDACTED] seriously with a gun during a period of time when [REDACTED] was arrested by Lema. [REDACTED] was asked about this incident and he related as follows:

*MARIJUANA*  
That he had had some plants growing near Price Creek along with a couple of other fellows. They went to that area to water the plants. They approached the plants with a bucket of water that he had obtained from the creek at that time Deputy Lema and Deputy DeCarli raised up out of hiding and told them, "Hold it, you're under arrest," Lema had a gun in his hand which he pointed at them. [REDACTED] related that during the arrest Lema told them, "Hold it you're under arrest," he then approached them with his gun drawn and pointed at them. He instructed both individuals to get down onto the ground, then walked over to [REDACTED] and [REDACTED] at the time was on his knees and Lema pushed him on down and told him "I said all the way down." [REDACTED] stated there was not any excessive displaying of the revolver. He did not indicate to me that he felt that he was being overly threatened with the revolver.

October 9, 1970, the undersigned had a conversation with Mr. [REDACTED] at his residence in Ferndale. [REDACTED] stated that on October 4, 1970, [REDACTED] was working for him on his ranch. [REDACTED]

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\_\_\_\_\_ went to the \_\_\_\_\_ residence and picked \_\_\_\_\_ up and brought him to work. They were busy working building a septic tank the entire day. Right after noon they made a trip to the river to get a truck load of rocks for the septic tank. They took both his pickup truck and \_\_\_\_\_ Datsun pickup truck. They drove to the river, \_\_\_\_\_ stopped at his home and took a load of garbage on down to the river and they loaded rocks, brought them back, put them into the leach lines of the septic tank. At about that time they all went into the house and ate lunch. \_\_\_\_\_ asked \_\_\_\_\_ if he was going to work for him for the next week or two, \_\_\_\_\_ told him that he had another job helping paint a ranch house and would be unable to work full time, but that he would work evenings. \_\_\_\_\_ then asked \_\_\_\_\_ how much he owed him for the two days work, for Saturday and Sunday, then told his wife to make out a check for \_\_\_\_\_. He decided at that time that he would take a truck load of hay to the cows and that concluded the work on the septic tank that day. He was not aware that \_\_\_\_\_ and \_\_\_\_\_ had returned to the river. He knew nothing about what had occurred until one of the neighbors had told him that his son was in custody and that someone had been shot. He immediately went to the area of the river bar on East Ferry Road where he observed his son in a Sheriff's Unit. He asked the sergeant on duty if he could speak to his son and the sergeant told him no, not at the present time, but that he could come to the Sheriff's Office and get any information that he needed.

On the same date the undersigned and Sergeant Simmons had a conversation with Chief Charles Goff of the Ferndale Police Department in an effort to obtain the background of the individuals involved. With regards to activities of Deputy Lema, Chief Goff felt that he was a very well qualified Deputy who did his work in an outstanding matter. When Lema was a member of his police department he felt that Lema did a good job for him. Lema's reason for leaving the Ferndale Police Department was for higher pay since he had gotten married. Chief Goff stated that he knew both of the \_\_\_\_\_ boys that they were no real problem to them. That \_\_\_\_\_ was in his words "mouthy". \_\_\_\_\_ was no problem to them, he was however rather flighty. Chief Goff stated that about a week before this he had seen \_\_\_\_\_ called to him, and \_\_\_\_\_ whirled around swiftly to see who was calling him. Chief described his movements as irradict and flighty.

October 10, 1970, the undersigned had occasion to talk with several members of the National Guard at the armory on W Street in Eureka. Specifically with \_\_\_\_\_ and \_\_\_\_\_ stated that he was not entirely familiar with \_\_\_\_\_, had seen him at a couple of parties

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at the armory and he described him as a "loud mouth". Spoke with [REDACTED] who is the First Sergeant of A Company which is [REDACTED] Company, Sergeant [REDACTED] had nothing but praise for [REDACTED] felt that he was a fine soldier who was progressing very well in the army atmosphere. He stated that he got along well with all of the superior noncommission officers and officers. He states that the only problem that he knows of [REDACTED] being involved in was the accident that he had on Sunday, December 14, 1969, following a company party. He stated [REDACTED] had a little bit too much to drink and backed his car into the fence of the armory. He was arrested for it and then later he made full restitution for the repair of the fence.

The undersigned, Mr. Ferroggiaro, and [REDACTED] had a conversation with Dr. [REDACTED] regarding the autopsy report that he had filed. Specifically [REDACTED] stated that the fatal wound entered the [REDACTED] chest approximately two inches left of the center line of the chest. It entered at a 45 degree angle exited out the side and through his left arm. It passed through soft tissue all of the way through. The doctor stated that the wound was on a horizontal plane, the entrance being at the fourth rib, the exit at the seventh rib, but on a horizontal plane with no noticeable up or down slant. He also indicated that from the position of the wound of the left arm that when the [REDACTED] was struck that his left arm would have been raised slightly.

The undersigned had a telephone conversation on October 9, 1970, with Father [REDACTED] who was the former pastor of the Catholic Church in Ferndale. Father [REDACTED] is presently living in San Francisco. He related that he was visiting in the area and that Larry Lema who is a personal friend of his requested that he perform the baptismal ceremony for his young son. Father [REDACTED] stated that he did perform the ceremony at about 1:40 p.m. on Sunday, October 4, 1970. Father [REDACTED] stated that following the ceremony the Lema's invited him over to their home for a family party. He stated that he indicated to them that he would be there, however, he spent the next hour or hour and a half with [REDACTED] father, [REDACTED]. He left there, the church, and walked to the Lema home arriving there about 3:00 p.m. At the time he got there, there was only Larry's mother, his wife, and her sister present. He asked Mrs. Lema where Larry was, she replied that he was called out on business. She then offered the Father cake and coffee. Father [REDACTED] stated that was all that was visible, that there was to his knowledge no alcoholic beverages present in the home. He stated that he was sure that if there were alcoholic beverages in the home that Mrs. Lema would have offered him some. He remained in the home for a short period of time and then left, visited with some other people in the area and then returned to San Francisco. He was called there later by Deputy Lema

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and informed of what had occurred on the river bank in Ferndale. He had very high praise for Deputy Lema and Lema's family, and he felt that Lema was a good police officer.

The undersigned had a conversation with Sergeant Harold Reed of the Humboldt County Sheriff's Office in regards to the incident under investigation. He stated that on Sunday he received the call, dispatched Taylor to the scene and he also responded to the scene. He related that when he arrived the ambulance had parted with the [REDACTED]. That Captain Hulburt, Deputy Taylor, and Officer Gonsalves of the Ferndale Police Department were there ahead of him. He stated that he took no active part in the investigation, that the majority of his time was spent in directing traffic in the area. He related that he had at one point walked down to the [REDACTED] Datsun pickup truck and looked in the bed of the truck, opened the door and looked inside of the pickup truck and he stated that he observed some marijuana seeds on the floor of the pickup truck, however, he did not conduct a search or disturb anything. He stated that he and Lieutenant Sintic directed Taylor to make out an impound slip on the vehicle. He observed Taylor then go to the vehicle and commence the storage report of the [REDACTED] Datsun pickup truck.

October 13, 1970, the undersigned had a conversation with Angelo Gonsalves. Gonsalves stated that he is a reserve police officer for the City of Ferndale. He was on duty October 4, 1970, and he heard the call for assistance come over the radio and later the call was directed to him asking for directions to the East Ferry Road. He stated that he provided directions and then asked if they needed assistance to the area. The dispatcher requested that he respond to the area and assist the deputy if possible. He related that when he arrived at the scene [REDACTED] was sitting on a little knoll and Lema was standing in the area. He stated that Lema appeared quiet upset and remorseful. Gonsalves asked Lema if he was all right. Lema replied that he was. He asked [REDACTED] if he was all right and [REDACTED] replied that he was. Lema then got into Gonsalves patrol car with him, on the radio began directing the other Sheriff's Units to the area. At one point Lema stated to Gonsalves that "Nobody should be killed over a little bit of marijuana." Officer Gonsalves said that Lema was in the car with him for a period of time, that they exchanged some conversation, nothing of any importance regarding this incident. He stated that Lema was visibly shaken, however, he appeared to be rational and in full command of his faculties. Gonsalves stated that during the period of time they were together in the vehicle that he could not detect any odor of alcohol, nor did Lema give the appearance of having been drinking. Gonsalves

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Complainant \_\_\_\_\_

stated that he walked with Taylor to the pickup truck when Taylor began his vehicle inventory. The two of them looked in the back and looked through a few items in the front of the vehicle. Gonsalves stated that they noted a brown paper bag which they opened and it contained carrot tops.

The undersigned had a conversation with [redacted] Box [redacted] Ferndale. [redacted] stated he knows [redacted] and Lema. He stated that during the past three weeks he has observed [redacted] Datsun pickup truck making numerous trips to the area of the river bar. He stated that he didn't attach too much significance to these trips, since he knew that [redacted] had just purchased a home in the area of Ferndale and was doing a considerable amount of tearing down and remodeling and he observed that the pickup truck on many of the occasions was loaded with junk wood. However, he did state that on several occasions that he observed the pickup truck in that vicinity, it appeared to be empty.

The undersigned had a conversation with [redacted] at his residence in Metropolitan which is located between Fortuna and Rio Dell, phone number [redacted]. [redacted] stated that he has known Lema for a number of years, that they have during that acquaintanceship not been on very good terms. He stated that his first run-in with Lema while he was engaged in football at the Ferndale High School, Lema was an assistant coach. He got angry with [redacted] for some reason and kicked him off the team. Following that there have been several run-ins between the two of them. Lema has written citations for [redacted] and has stopped him on numerous occasions, for what [redacted] claimed was "no reason at all". The one incident that seemed to upset [redacted] was the arrest which occurred at the rodeo dance in Fortuna.

## INVESTIGATOR'S REPORT

Date October 23, 1970

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ADDITIONAL REPORT

Complainant \_\_\_\_\_

Regarding the arrest of [REDACTED] at the Rodeo Dance, [REDACTED] stated that he was in the bar at the Rodeo Dance. That Lema approached him and asked him for identification, and then asked him to leave the bar area. [REDACTED] left and he noticed Lema watching him later on the dance floor and then had a conversation with Lema in which he told Lema, "What I thought about him". Lema asked him to leave the dance, escorted him out. [REDACTED] said he came back in. Lema sent him out again. He came back in a second and third time. Finally Lema told him that he was going to have to take him in. [REDACTED] stated that he went along with Lema towards the car, however, argued with him stating that he wanted to notify his wife he was being taken to jail. Lema took him to Officer Tuel's car and tried to force him to get into the car. [REDACTED] said he wouldn't get in until after he had told his wife that he was going to jail. He held onto the door post and Lema pounded on his hand with his club. He stated that he was forced into the backseat of the patrol car and Officer Tuel got into the backseat with him, and hit him in the face and head several times. [REDACTED] stated that as a result of this arrest he sustained a broken finger and a broken nose. He further stated that he told [REDACTED] about this matter in an effort to get something done about it and [REDACTED] advised him to forget the matter. [REDACTED] stated that his father called Sheriff Cox and reported the incident to the Sheriff.

The undersigned had a conversation with [REDACTED] of [REDACTED] Lincoln Street in Ferndale. [REDACTED] had complained to various people that Lema had shot her dog while the dog was in her yard. The incident was described as follows. This occurred in 1964 in her backyard at approximately 3:00 a.m. one morning when her and her husband heard a shotgun blast. Next morning they went out into the backyard and found their dog had been shot with a shotgun. Approximately three weeks after this incident Larry Lema's younger brother was walking down the alley and told [REDACTED] younger daughter that his brother, Larry, had been the one that shot her dog. Nothing further was done regarding this incident, and to her knowledge Lema was never questioned regarding the shooting of her dog.

The undersigned spoke with [REDACTED] of Ferndale, phone number [REDACTED]. Mr. [REDACTED] had complained to [REDACTED] that Officer Lema had been, "Harassing him". Undersigned questioned [REDACTED] regarding the "Harassment", and he related as follows. That Deputy Lema had arrested him for drunk driving on two occasions, both in the Ferndale area. He

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Re [REDACTED] - ADDITIONAL REPORT

Complainant [REDACTED]

related that on the last occasion that he was stopped for drunk driving by a Ferndale officer. Lema was assisting the Ferndale officer and told the officer to, "Book him." Mr. [REDACTED] stated that he is a taxpayer in the Ferndale area. That he pays approximately \$4,000 a year in taxes. That he felt that he should not be harassed in this manner, because of the fact that he is a taxpaying citizen of the community. Mr. [REDACTED] is presently on a driving suspension as a result of convictions for these drunk driving offenses.

Undersigned had a conversation with [REDACTED] Second Avenue, Rio Dell, phone number [REDACTED]. Mrs. [REDACTED] is the mother-in-law of Larry Lema. She stated that on October 4, 1970, she was at the baptism ceremony at the Catholic Church and later at the residence of Larry and his wife where there was a small family gathering. She stated that coffee, cake and lemonade was served. There was no alcoholic beverages served or present in the home that she knew about.

Undersigned had a conversation with [REDACTED] who lives on Olga Avenue, Rio Dell, phone number [REDACTED]. She states that she is the sister-in-law of Larry Lema. That while she was there only lemonade, coffee, and cake were served. She relates that she observed no alcoholic beverages being served and saw no alcoholic beverages at all within the home.

Undersigned had a conversation with [REDACTED] who lives at [REDACTED] Berding Street in Ferndale, phone number [REDACTED]. Mrs. [REDACTED] is the sister of Officer Lema. She was also present in the home on October 4, 1970. She related that there was only coffee, cake and lemonade being served in the home. That she saw no alcoholic beverages at all.

Undersigned had a conversation with [REDACTED] who is a grocery clerk at Baza'r Store in Eureka, regarding a complaint made by him to [REDACTED] regarding mistreatment by Deputy Lema. [REDACTED] stated that he was arrested for drunk driving, taken to the Humboldt County Jail where the jailer was Deputy Lema. Relates that Lema took him to the laundry room and told him to undress and get into the jail blues. [REDACTED] stated that there were other people present and he did not want to take off his clothes in their presence, and told Lema so. Lema without a word struck him in the stomach knocking him down and knocking the wind out of him. [REDACTED] stated that he then dressed out in his blues and spent the rest of the night in jail. He related that he gave Deputy Lema no provocation for striking him in the stomach. He merely refused verbally to change his clothes in the presence of other persons. He felt that the blow to the stomach was unwarranted.

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Re. [REDACTED] - ADDITIONAL REPORT

Complainant [REDACTED]

Undersigned had a conversation with [REDACTED] Mr. [REDACTED] had also complained to [REDACTED] about mistreatment by Deputy Lema. [REDACTED] related as follows. That during the summer, this year, he and several other persons were in the area of the old creamery drinking beer. They spotted Deputy Lema going by in his patrol car and decided to leave the area. They started to drive away when Lema pulled in front of them and stopped them. Lema got out of his patrol car and held up his hands in front of the vehicle that [REDACTED] was driving, indicating that he wanted [REDACTED] to stop. [REDACTED] was asked if Lema had drew his weapon. He stated no that he hadn't, but that he looked like he might be going to draw a weapon. [REDACTED] further related that Lema did not abuse them either verbally or physically in any manner. Indications from talking to [REDACTED] are that this was a very proper car stop by Lema. [REDACTED] was asked if there were any other occasions when he had conversations with Lema, either about himself or about the [REDACTED] family. [REDACTED] related that he had not had any further conversations with Deputy Lema in regards to any matter.

Undersigned spoke with Mrs. [REDACTED] who resides in Ferndale. She related that she knows both the [REDACTED] family and the Lema family. She has known Larry Lema since he has been on the department. She describes him as a very vigorous and zealous police officer who performs his duty extremely well. She reported that they have farm equipment located away from their home. That they were experiencing constant gas thefts from this equipment. That she reported to the Sheriff's Office. The officer that responded simply made a report of the matter and did nothing further. She later reported this to Officer Lema and he began a thorough investigation into the matter and a constant patrol check of that area and following that the gas thefts ceased. She is aware of the reputation of Lema among the younger members of the community. However, she felt that this was because Larry was doing such a vigorous job of police patrolling.

On October 21, 1970, the undersigned had a conversation with [REDACTED] resides on Fifth Street in Ferndale. [REDACTED] stated that the plants that were growing in the area of East Ferry Road and River Bar Road were very likely his plants. He stated that he started the plants growing in his garden patch at his residence from seeds. That the plants had grown there for some time. That he had told his parents that they were pepper plants. He is a friend of [REDACTED] and he spends a considerable amount of time with him in the Ferndale area. Following [REDACTED] arrest on August 21, 1970, he became concerned about himself possessing and cultivating these particular plants. He stated that he waited for an opportunity to get rid of the plants when his parents were

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Re. [REDACTED] - ADDITIONAL REPORT

Complainant [REDACTED]

not present. Approximately a week or ten days after [REDACTED] arrest at approximately 9:00 p.m. his parents were not at home. He went to the garden, pulled these two plants out of the ground and put them into the back of his pickup truck. Stated that he was with [REDACTED] on this night and was not sure whether [REDACTED] was at the home with him when he pulled the plants up or not. However, [REDACTED] did go with him to the area of River Bar Road and East Ferry Road when he disposed of the plants. He stated that he and [REDACTED] drove down East Ferry Road off onto River Bar Road. He got out of the truck took the plants out of the back of the truck and threw them into the clearing west of River Bar Road (to the left of his vehicle as he drove into River Bar Road). He stated that the plants were not in pots or containers when he got rid of them. That after he threw them away he did not go back to them at all. He related that they were in good condition when he threw them away. However, he made no provisions for their continuing to grow. He stated that he wanted nothing further to do with them and got rid of them. The undersigned pointed out that some of the branches had been removed from the stock of the larger marijuana plant and asked if he had taken these branches off. He related that he had, that someone had told him that marijuana plants in the Humboldt County area did not produce a very strong narcotic effect and he wanted to try it. He broke off some branches and used the marijuana. He felt that it was of good quality. He related that he was not in the River Bar Road area on Sunday, October 4, 1970. He stated that he was with [REDACTED] at Centerville Beach when they hear about the shooting. They drove to that area; talked with his brother, [REDACTED] and at that time was told that [REDACTED] had been shot, near some marijuana plants. At that time [REDACTED] told [REDACTED] that the plants were probably the ones that he had previously thrown away in that area. He stated that they did not go down on East Ferry Road on that day.

The undersigned had a conversation with [REDACTED] (no relation to [REDACTED]) who related that on Sunday, October 4, 1970, he, his wife, [REDACTED] and his wife, had just returned from the Santa Rosa area. As they stopped at his home they observed the ambulance coming and then turning down East Ferry Road. He and [REDACTED] drove [REDACTED] car down the East Ferry Road behind the ambulance. They were in the area of River Bar Road when the ambulance picked up [REDACTED] from where he was laying. They had a short conversation with [REDACTED] whom he knows. [REDACTED] simply told him that Lema had shot [REDACTED]. He recalls seeing Lema in the area, and heard Lema tell [REDACTED] to come back to the police car.

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Re [REDACTED] - ADDITIONAL REPORT

Complainant \_\_\_\_\_

Undersigned had a conversation with Mr. [REDACTED] of [REDACTED] Carson Woods Road, Fortuna, phone number [REDACTED]. Mr. [REDACTED] is the ambulance driver that reported to the area of River Bar Road on October 4, 1970. They were met at the Grizzly Bluff School by a [REDACTED] Datsun pickup which they followed down to River Bar Road. They backed the ambulance up to the vicinity of where the body was laying and got out with a stretcher which they loaded [REDACTED] onto. While they were in the process of loading [REDACTED] observed Deputy Lema pick up a handful of green vegetable leafy material which he thought to be marijuana. He watched Lema put this green material into his pocket. Mr. [REDACTED] stated there were other people in the area at this particular time. He said besides Lema there was at least two other people. He did not notice who they were.

Any additional information or investigative details will be included in this report as they develop.

**ROBERT D. HICKOK**  
**CHIEF INVESTIGATOR**

RDH, [REDACTED]

# SUBELEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE \_\_\_\_\_ Date \_\_\_\_\_ CASE NO. 70-10968

ADDRESS \_\_\_\_\_

Officer Jack Taylor, Badge 620

Transcribed

## Details of Offense and Investigation Progress

At approximately 0800 hours, 10-5-70, this officer left the Humboldt County Sheriff's Department with approximately 20 other deputies to make a complete search of the scene on east Ferry Road in the Ferndale area.

At the scene where 3 lieutenants, detectives, and the undersheriff who were directing the search.

The detail was informed that we were going to be looking for 2 marijuana plants. We were given the approximate size of each and informed that they would be in containers. First container being a plastic or ceramic square planter type container, clear or cloudy in color and 4 to 5 inches square. The second container being a red can with blue color on it, approximately number 10 in size. The plants were to be approximately 15 inches and 24 inches in height.

The detail was then lined up and began making a series of sweeps (grid search) through the area.

Approximately 0945 hours, on the fourth sweep going in a easterly direction from the fence line west of the scene, this officer observed a can, red and blue in color laying on the ground in a group of trees with heavy vines entangled throughout. Upon closer examination this officer observed that the can had a plant in it. The plant, approximately 24 inches high and that it appeared to be marijuana. Deputy Tom Thompson, Badge 611, who had followed this officer into the undergrowth, sent out a call to notify Lt. Sintic that the plant had been located. As this officer spread the brush and vines aside, the second plant was observed on the ground still in a container, approximately 4 to 5 inches square. The container appeared to be of a plastic material and the plant was approximately 15 inches high and appeared to be marijuana.

Lt. Richards notified Deputy Joe Scott, Badge 604, of the Ident Division of the find. Deputy Scott then entered the brush with his camera equipment and took photographs of the plants and containers before they were moved.

After removal of the plants and containers to the open roadway, due north from where they were found, they were photographed again. This officer marked the location where the plants were found by driving a stake into the ground with my initials and date on it, (JWT) (10-5-70).

The plants and containers looked as if they had been thrown into the middle of the brush from the surrounding edge as none of the brush or vines had been broken or bent down. The dirt in the planters appeared to be loose from hitting the ground.

The plants and containers were taken by Joe Scott for further processing.

This officer received, from Lt. Sintic, a lufkin steel tape, model number HW100, 100 foot in length and was instructed to get measurements from the find and original scene to known location. Deputy Thompson and Deputy Bob McGlaufflin, Badge 621, was assigned to assist and verify places and distances. This assignment was completed approximately 1015 hours. These figures will accompany the sketch of the crime scene.

CASE COPY

Taylor, 539  
70-10368  
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# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE \_\_\_\_\_ Date \_\_\_\_\_ CASE NO. \_\_\_\_\_

██████████

ADDRESS \_\_\_\_\_

### Details of Offense and Investigation Progress

This officer, with others, was detailed to standby for a helicopter to arrive and take areial photos of the area. The emergency blankets (plastic) from the patrol vehicles were used as markers. Helicopter arrived approximately 1100 hours and at 1115 hours this detail secured and returned to the department.

Reported by Deputy Sheriff Jack Taylor, Badge 539

██████████

SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INVESTIGATION SHOOTING Date 10/6/70 CASE NO. 70-10968

ADDRESS

Details of Offense and Investigation Progress

REPORT ON SEARCH OF SEARCH WARRANT

VEHICLE:

Datsun pickup
Ca. Lic.
RO

10/5/70, 11:00 a.m., Captain Ed Hulburt brought from the District Attorney's Office a Search Warrant, #G14881, and asked Detectives Ames and Templeton to assist him in searching the above mentioned vehicle.

The vehicle was located in the basement of the courthouse on the Sheriff's Office parking space and had been locked and Sheriff's seals placed on it when it was put there.

The seals were removed and the vehicle unlocked and a copy of the Search Warrant left in the vehicle.

The search revealed the following:

- 1) One (1) burned seed believed to be marihuana, found on the floor under the driver's seat;
2) Two (2) partial leaves believed to be marihuana, found on the passenger's side of the floor;
3) One (1) package Zig Zag cigarette papers found on the dash board;
4) Small blue glass bottle containing dry mud, found in the glove box.

All the items found were found by Detective Ames with the exception of the two leaves, which were found by Detective Templeton. All items were booked into the Sheriff's Office as evidence by Detective Templeton.

The Return to the Search Warrant was made out and filed with the court by Captain Hulburt.

Captain Hulburt was in attendance of the search of the vehicle the complete time. The vehicle was then relocked and resealed for any further processing.

Detective Mel Ames

# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE \_\_\_\_\_ Date 10-4-70 CASE NO. 70-10968

VICTIM \_\_\_\_\_ ADDRESS \_\_\_\_\_

## Details of Offense and Investigation Progress

1631 hrs 10-4-70 this officer arrived on scene at East Ferry Rd. in the Ferndale area.

Upon my arrival I observed Deputy Lema standing alongside the road with a [REDACTED] sitting on the ground. Upon approaching Deputy Lema, he stated that he had shot a person and that the [REDACTED] with him was in his custody. I then frisked [REDACTED] and placed him in the back of the patrol car.

Upon talking with Officer Lema I could see that he was visibly upset and I suggested that he stand by and take it easy until other officers arrived. Approximately five minutes later Captain Hulbert arrived upon the scene and I requested that he speak to Deputy Lema. Upon the arrival of Lt. Simmons, Humboldt County Detective Division, this officer was advised to have the vehicle towed and impounded at the Sheriff's Dept. This officer then made a vehicle storage report on [REDACTED] Datsun California Lic. [REDACTED]. Martin's Towing of Fortuna was called and arrived shortly thereafter.

1927 hrs 10-4-70 this officer went 1098 with a 1015 for the County Sheriff's Dept. arriving in the basement at 2003 hours.

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
Address: [REDACTED] [REDACTED] Lopp Road, Fortuna, California

[REDACTED] was turned over to the detectives at the Dept. for interrogation. [REDACTED] then taken and booked on 11530.1 ~~Pa~~ Health & Safety Code. [REDACTED] vehicle locked and stored in the basement. Keys to vehicle will be in the care of Captain Carroll.

Officer J. Taylor, Badge 539

CASE COPY

**SUPPLEMENTARY OFFENSE REPORT**

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

OFFENSE \_\_\_\_\_ Date 10/4/70 CASE NO. 70-10968

██████████ ADDRESS \_\_\_\_\_

**Details of Offense and Investigation Progress**

10/4/70, 5:02 p.m., this officer (James M. Sintic, Lt.) had already arrived at the scene and ascertained that Deputy Lema had discharged his weapon while attempting to arrest one ██████████ DOB ██████████

This officer recovered a Colt brand, .38 Special caliber revolver with a six (6") inch barrel, Serial ██████████, which contained five (5) live .38 Special cartridges and one empty Peters brand .38 Special cartridge.

The above weapon was recovered from Deputy Lema's duty belt holster which was lying on the front seat of Deputy Lema's personal vehicle. The vehicle was parked approximately forty-five (45) yards South of the scene.

This officer, upon examining the above described weapon, ascertained that the empty cartridge was directly beneath the hammer.

The weapon, empty cartridge, and five (5) live cartridges were retained by this officer and booked into evidence at the Humboldt County Sheriff's Office.

James M. Sintic, Lt.

██████████



**SUPPLEMENTARY OFFENSE REPORT**

**HUMBOLDT COUNTY SHERIFF'S OFFICE**

OFFENSE INVESTIGATION SHOOTING Date 10/6/70 CASE NO. 70-10968

[REDACTED] ADDRESS [REDACTED]

pg. 2 Details of Offense and Investigation Progress.

A. Yes, I do.

Q. Who was that?

A. [REDACTED]

Q. Then what did Lema and [REDACTED] do?

A. Soon as the ambulance got there they took off in the ambulance and I motioned the ambulance to go ahead.

Q. After you made the phone call to the Sheriff's Office, Lema and [REDACTED] drove up near your house?

A. Yeah.

Q. And this is right at the entrance of East Ferry Road?

A. Right.

Q. Did they remain there until the ambulance arrived?

A. Right.

Q. And they then drove down to the scene and you directed the ambulance to follow them down there?

A. Yes.

Q. Did you observe any cars enter or come out of that area from the time you called the Sheriff's Office until the time the ambulance arrived?

A. I didn't see no cars go down until the ambulance came back out. There were two cars went down then.

Q. After the ambulance?

A. Right after the ambulance came out.

Q. Were you in a position that you could have seen any cars go down there?

A. Yes, I could.

SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INVESTIGATION SHOOTING Date 10/6/70 CASE NO. 70-10968

██████████ ADDRESS ██████████

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Details of Offense and Investigation Progress

Q. Had you seen this ██████████ pickup, ██████████ vehicle, go down into that area?

A. Yes, I did. I was out in the field checking my cows, they went by, I waved to them. I recognized ██████████ I didn't know ██████████.

Q. This was prior to the shooting?

A. I would say half hour.

Q. Before or after the shooting?

A. Before the shooting. Meantime I went by, I took my pickup and loaded some grass on the pickup, I and my wife took it to the riverbar and dumped it off and we didn't see the pickup around. We got back to the house ten - fifteen minutes my grandson called and told me to call the Sheriffs and Lema shot a man.

Q. What kind of pickup do you have?

A. I have an International four wheel ██████████ flatbed. But I didn't see his pickup around when I was down there. He was probably in the brush is why I didn't see it.

Q. Was there any conversation between you and Lema when he and his prisoner came out?

A. Wasn;t a word said. I asked him what happened. He said, "Oh, my God, I shot a man."

Q. Did ██████████ say anything?

A. Not a word.

Q. You saw the ██████████ vehicle, the ██████████ pickup with ██████████ and another ██████████ go down into the East Ferry Road towards the riverbar?

A. Right.

Q. At approximately half hour before you were called to call the Sheriff?

A. Yeah, I would say about half hour.

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HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INVESTIGATION SHOOTING Date 10/6/70 CASE NO. 70-10968

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Details of Offense and Investigation Progress

Q. And during the meantime you and your wife had hauled some grass down to the riverbar?

A. Yes.

Q. And you didn't see the pickup while you were down there?

A. No, we didn't.

Q. When you went down to the riverbar what location did you go to?

A. Straight out onto the bar, straight out.

Q. Did you pay any particular attention to try to see this pickup?

A. No, I didn't because he's been hauling gravel out of there off and on and I never dreamed [REDACTED] doing a trick like that.

Q. You came back, then, to the house and shortly after you got back to the house you had this phone call from I believe [REDACTED]?

A. [REDACTED].

Q. And he told you that he was trying to call the Sheriff's Office but he couldn't get through?

A. Right.

Q. And he asked you to call and you then placed the call?

A. Uh huh

Q. And during the period of time the time you placed the call until the time the ambulance arrived you didn't observe any vehicles go down into that area?

A. Definitely not.

Q. I have no further questions at this time, [REDACTED]. Is there anything you would like to add to this statement?

A. I can't think of anything.

Q. If there's nothing further, we will terminate this statement at 9:41 a.m. (10/6/70) [REDACTED]

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SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INVESTIGATION SHOOTING Date 10/6/70 CASE NO. 70-10968

██████████ ██████████ ADDRESS \_\_\_\_\_

Details of Offense and Investigation Progress

REPORT ON SEARCH OF SEARCH WARRANT

VEHICLE:

██████████ ██████████ Datsun pickup  
Ca. Lic. ██████████  
RO ██████████

10/5/70, 11:00 a.m., Captain Ed Hulburt brought from the District Attorney's Office a Search Warrant, #G14881, and asked Detectives Ames and Templeton to assist him in searching the above mentioned vehicle.

The vehicle was located in the basement of the courthouse on the Sheriff's Office parking space and had been locked and Sheriff's seals placed on it when it was put there.

The seals were removed and the vehicle unlocked and a copy of the Search Warrant left in the vehicle.

The search revealed the following:

- 1) One (1) burned seed believed to be marihuana, found on the floor under the driver's seat;
- 2) Two (2) partial leaves believed to be marihuana, found on the passenger's side of the floor;
- 3) One (1) package Zig Zag cigarette papers found on the dash board;
- 4) Small blue glass bottle containing dry mud, found in the glove box.

All the items found were found by Detective Ames with the exception of the two leaves, which were found by Detective Templeton. All items were booked into the Sheriff's Office as evidence by Detective Templeton.

The Return to the Search Warrant was made out and filed with the court by Captain Hulburt.

Captain Hulburt was in attendance of the search of the vehicle the complete time. The vehicle was then relocked and resealed for any further processing.

Detective Mel Ames, ██████████

CASE COPY

# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE \_\_\_\_\_ Date \_\_\_\_\_ CASE NO. 70-10968

██████████ ADDRESS \_\_\_\_\_  
Officer Bert Craven, Bdg 580 Transcribed

### Details of Offense and Investigation Progress

TIME/DATE: 10-4-70, approximately 5:00 p.m.

LOCATION: Crime scene at Ferndale, off Waddington Road, behind Grizzly Bluff School.

Arrived at the scene at approximately 5:00 p.m. Deputy Lema was standing with Lt. Sintic. Lt. Sintic asked me if I had a plastic bag. I got the plastic bag out of the vehicle and held it open for Deputy Lema to empty out of his pockets a handful of marijuana (a branch of marijuana). I then booked this into evidence.

Reported by Deputy Sheriff Bert Craven, Badge 580  
Identification Division

*Bert H Craven*

B. ██████████

# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INVESTIGATION SHOOTING Date 10/9/70 CASE NO. 70-10968

██████████ ██████████ ADDRESS \_\_\_\_\_

## Details of Offense and Investigation Progress

10/6/70, at approximately 3:00 p.m., Detective Leo Bessette and Captain Ed Hulburt contacted ██████████ ██████████ at the Pacific Lumber Company, Scotia. We questioned him in regards to the shooting that occurred in Ferndale on Sunday, 10/4/70. He stated that he and ██████████ were at a house approximately one-half mile from the site of the incident, which is located on Church Lane approximately one-fourth mile past the Grizzly Bluff School. He stated they heard the siren of an ambulance turn down towards the gravel bar and they followed to see what was going on. He stated when they arrived they saw ██████████ ██████████ standing a little ways from the ambulance and also Deputy Lema. He stated they went over to talk to ██████████ and asked him what happened. He stated, "He shot and killed him," indicating Lema. He then stated that Deputy Lema spoke out to ██████████ and told him to come over and stand next to him. Mr. ██████████ said they jumped into their car and left.

10/8/70, at approximately 9:30 a.m., these officers (Bessette & Vanderklis) contacted ██████████ age 23, who lists his address as Rose Avenue, Ferndale, Telephone ██████████ contacting him at Hilfiker Pipe Company, Eureka, where he works, and questioned him in regards to the shooting incident at Ferndale that occurred on 10/4/70. He stated approximately the same as ██████████ had; that they had followed the ambulance down to the riverbar in ██████████ car, a ██████████ Chevelle. He said they went to talk to ██████████ and he told him, indicating Lema, "He shot and killed him." He said he saw someone laying on the ground and he asked him who and he said, ██████████ He stated Lema then spoke out to ██████████ and told him to come and stand next to him. He said they then got into their car and left.

Any further information will be made a matter of report.

Detective Leo Bessette

██████████

CASE COPY

# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE MARIHUANA CULTIVATION Date 10/4/70 CASE NO. 70-10972  
[REDACTED] ADDRESS \_\_\_\_\_

## Details of Offense and Investigation Progress

10/2/70, at approximately 10:00 a.m., Detective Ames received a call from a [REDACTED] who gave his address as Grizzly Bluff Road, Ferndale, telephone [REDACTED]. Mr. [REDACTED] stated he had seen some boys on several occasions going into the brush on his ranch near the river using two different cars, either a [REDACTED] Ford or Chevrolet, setting extremely high in the rear and a [REDACTED] car. He stated on this date he decided to go down and see what he could find after watching the boys exit from the brush on his ranch. He stated he located some plants which he thought to be marihuana as marihuana plants had been described to him by both Deputies DeCarli and Lema. Detective Ames told Mr. [REDACTED] that he and his partner, Detective Templeton, would contact him at his home this date.

Detective Ames then placed a call to Detective Templeton in the County Jail where he was interviewing some prisoners and informed him of what had taken place.

While waiting for Detective Templeton, Deputy Lema came in and Detective Ames told him what that call had been about from Mr. [REDACTED] and Lema stated he knew him and well, and knew the area. He further stated that from the description of the cars used that it sounded like [REDACTED] who Lema arrested for growing marihuana plants a few weeks earlier. It was ascertained that [REDACTED] was to be sentenced this date in Superior Court for that offense and Lema was asked to take Detective Ames to the court and point out [REDACTED]. It was found that [REDACTED] had already been sentenced to probation and had been released and left the building.

Lema then produced a mug shot of [REDACTED] dated 8/21/70, S.O. [REDACTED]. Lema further stated that he was just going off duty and was on his days off for the next two days (Saturday and Sunday) and would like to assist in any stakeout if needed, as he knew [REDACTED] and his friends that he ran with.

Detectives Templeton and Ames proceeded from Eureka at approximately 11:00 a.m. but had to make a stop in Fields Landing prior to contacting Mr. [REDACTED] in Ferndale.

Mr. [REDACTED] was contacted at approximately 12:00 noon at his ranch house and he again repeated the information he had given to Detective Ames earlier. He then took the two officers down the county road near the river and showed the officers the location of the plants. The two

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SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE MARIHUANA CULTIVATION Date 10/4/70 CASE NO. 70-10972  
[REDACTED] ADDRESS \_\_\_\_\_

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Details of Offense and Investigation Progress

plants were located approximately fifty (50) feet from the end of the county road and several hundred feet from the river. Mr. [REDACTED] stated that the marihuana was on his property and the property is owned by Mr. [REDACTED] and leased by Mr. [REDACTED] and that the plants were, in fact, on his [REDACTED] property. He further stated he gave no one permission to be on the property for any reason.

The tallest of the two plants was approximately three (3) feet high in a gallon container with a red label. The plant was going to seed and the bottom leaves were turning yellow. The second plant was approximately two (2) feet high and in excellent condition. The container was approximately four (4) inches square in a plastic container, such as Tupperware. Both plants had been watered recently. Mr. [REDACTED] stated that the [REDACTED] cars would go down the road past his ranch house almost daily in the late afternoon between four to six p.m. He further described the cars as being a [REDACTED] Ford or Chevrolet setting extremely high in the rear and the other car as just being [REDACTED]. He further stated that [REDACTED] has cars described as these and he felt that it might be [REDACTED] going down there.

Detectives Ames and Templeton returned to the Sheriff's Office and because of prior commitments on another case for that evening, Deputy Lema was contacted at his home and asked if he would like to go on the stakeout. This call was placed at 3:30 p.m.

Captain Carroll was contacted by Detective Ames and explained why Deputy Lema was needed and Captain Carroll gave his authorization for Lema to work on his two days off. Lema was informed by Detective Ames that he was cleared and that his overtime was authorized.

7:30 p.m., Detective Ames received a call from Deputy Lema who stated he had conducted the stakeout from four until seven p.m. with negative results. However, he did state that Mr. [REDACTED] told him that the [REDACTED] had gone to the river just prior to Lema's arrival. Lema, however, stayed on the stakeout on the chance they might return. Lema stated further he would conduct a stakeout Saturday and Sunday (10/3-4/70); however, on Sunday (10/4/70) he would not be able to go to the stakeout point until sometime in the afternoon as he was having his baby baptized Sunday

SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE MARIHUANA CULTIVATION Date 10/4/70 CASE NO. 70-10972

[REDACTED] ADDRESS \_\_\_\_\_

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Details of Offense and Investigation Progress

morning. Lema was informed by Detective Ames that if he did not wish to conduct the stakeout Sunday, not to worry about it; that if they got the plants we would at least know who had them and if the plants were still there Monday we would take up the stakeout again and take them sooner or later; and, to use his own discretion on working Sunday.

No further information was received from Lema until 10/4/70 when Detective Ames was called to go to the scene where the marihuana plants had been staked out.

Detective Mel Ames  
Narcotics Division







# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INVESTIGATION SHOOTING Date 10/4/70 CASE NO. 70-10968

██████████ ADDRESS ██████████

### Details of Offense and Investigation Progress

██████████, WMA, ██████████  
██████████, Ferndale, California

OFFICER INVOLVED: Deputy Sheriff Lawrence Lynwood Lema  
WMA, ██████████  
██████████ Craig Street, Ferndale, California

10/4/70, at approximately 5:00 p.m., this writer received a call from the Sheriff's Office Dispatcher stating that a shooting had taken place near the Grizzly Bluff School at Waddington. Sheriff Cox requested this writer and members of the Detective Bureau to proceed to the scene.

Writer arrived at the scene at approximately 5:20 p.m., contacted Sheriff Cox, Undersheriff Bollmann and Lt. Sintic and was briefly informed by the Undersheriff that Deputy Larry Lema had been on stakeout at the scene regarding the growing and cultivating of marihuana; that two ██████████ had parked in a ██████████ Datsun pickup near the scene and had walked into where the marihuana plants were and that Deputy Lema attempted to make an arrest of the two ██████████ and that during the attempt one of the ██████████ was fatally shot.

Deputy Lema was at the scene and in the presence of this writer and Detective Vanderklis and Undersheriff Bollmann Sheriff Cox advised Deputy Lema of his Constitutional Rights and informed him that he was suspended pending investigation.

This writer then spoke with Lt. Sintic at the scene and was informed that he had asked Deputy Lema to surrender his firearm and that the firearm had been surrendered and was in the custody of Lt. Sintic.

This writer then briefly talked with Deputy Lema and was informed that he had been on a narcotics stakeout. (For details of the stakeout, see reports by Detectives Templeton and Ames.) Deputy Lema further stated that while on the stakeout two ██████████ had come to the marihuana plants that he was staked out on; that he attempted to arrest the two ██████████ that he ordered them to halt and informed them that they were under arrest and that one of the ██████████ (later identified as ██████████ ██████████ WMA ██████████, ██████████ ██████████, Ferndale) turned to face him and that the other ██████████ (██████████ ██████████) turned in a sudden manner and that he (Lema) observed an object in the ██████████ hand which he believed to be a



SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INVESTIGATION SHOOTING Date 10/4/70 CASE NO. 70-10968  
[REDACTED] ADDRESS \_\_\_\_\_

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Details of Offense and Investigation Progress

Immediately after taking the statement from Lema Captain Hulburt and this writer contacted [REDACTED] who had been brought to the Humboldt County Sheriff's Office by units of the Patrol Division. We again advised [REDACTED] of his Constitutional Rights and obtained an answer from him that he understood his rights and was willing to talk with these officers.

[REDACTED] stated that he and [REDACTED] had made several trips this date to the area hauling rocks and that at the time of this incident they were enroute to obtain more rock when [REDACTED] asked him [REDACTED] if he wanted to see some marihuana plants. [REDACTED] said that he said, "Yes," and that they then drove to an area a short distance off East Ferry Road where they parked and walked to the scene of the plants; and, that they had both inspected the plants and as they were turning to leave he heard a shot and [REDACTED] fell. He was questioned as to any conversation between himself and [REDACTED] or between himself, [REDACTED] and Deputy Lema prior to the shot. He stated that he did not know Deputy Lema was present until after he heard the shot. However, he did say that he would not say that Deputy Lema had not made some remark or said something to them but that he would say that he did not hear any remarks. (For details see statement of [REDACTED] taken by Captain Hulburt and this writer with the aid of Certified Court Reporter [REDACTED].)

After the interview and statement of [REDACTED] he was taken to the jail division by units of the Patrol Division and booked on Section 11530.1 of the Health and Safety Code.

[REDACTED] vehicle, a [REDACTED] [REDACTED] Datsun pickup, California License [REDACTED] has been impounded and stored in the Sheriff's Office basement. The vehicle has been locked and sealed and the keys given to the custody of this writer who will maintain personal possession of the keys pending the issuance of a Search Warrant for the vehicle on 10/5/70.

The area at the scene has been secured and a search will be conducted of the area at 8:00 a.m., 10/5/70.

Further information will be made a matter of report.

Roy Simmons, Lt.  
Detective Division

SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE \_\_\_\_\_ INFORMATION \_\_\_\_\_ Date 12/8/70 CASE NO. \_\_\_\_\_

\_\_\_\_\_ ADDRESS \_\_\_\_\_

Details of Offense and Investigation Progress

On 12/8/70, at approximately 9:00 a.m., \_\_\_\_\_ called the Sheriff's Office relating the following information, conversing with Detective Mel Ames:

A..... \_\_\_\_\_

Q. Was who?

A. \_\_\_\_\_

Q. This is one of \_\_\_\_\_ brothers?

A. I believe it's a cousin of his.

Q. Oh, I see. \_\_\_\_\_ can you tell me what happened just right from the start; how this started?

A. Well, yes, well, first of all - I don't know - are you familiar that they got a committee together here in town and gone before City Council investigating -- they believe that they didn't get all the information to the Grand Jury.

Q. Well, only what I've read in the paper about City Council.

A. That the District Attorney didn't give all the information to the Grand Jury.

Q. Well, only what I've read in the paper.

A. This is what, ah, it amounts to, is that they believe that, ah, the District Attorney and all of them have gone together to suppress information that wasn't given to the Grand Jury so the Grand Jury could make a true and final finding.

Q. Uh huh.

Q. To the committee. The ones that I know are on it is only the ones in the papers whose names is named other than these two boys.

Q. Well, what happened when they approached your son in school?

A. Well, ah, they approached him right at the end of school as he was --

**SUPPLEMENTARY OFFENSE REPORT**

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE \_\_\_\_\_ INFORMATION \_\_\_\_\_ Date 12/8/70 CASE NO. \_\_\_\_\_

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school was letting out -- and they said to ██████████ they wanted to talk to him and they would take him home and ██████████ said, "No, my mom is out here to pick me up," and they said, "Well, we want to talk to you," and ██████████ said, "Regarding what?" And, they said, "You should know we found some evidence that will incriminate some other people," and ██████████ said, "What do you mean?" and he said, "You better talk to us or your ass is gonna' be hung," and ██████████ says, "Well, if you got anything to say you better come out to the house and talk to my parents." He said, "I don't know anymore than what I told the officers." And, so he said, "Well, can we come out?" and ██████████ said, "You come out and talk to my parents." So the boys did come out and that was all that was said at school. I told ██████████ that they were just trying to scare him and ██████████ said, "Well, they're doing a pretty good job of it," and he said he didn't have anything to hide but he didn't want to tangle with these boys; they're a lot bigger and so anyway the boys came out to the house and he says -- and they came out to the house and they said who they were and what they were doing and I asked what authority he had to ask these questions and they said that they had gotten all the transcripts of all the testimony that came before the Grand Jury that was given to the officers and they wanted to ask some questions and I said I didn't feel they had the right to ask these questions; that these statements and all questions were already asked by the law enforcement, by the Grand Jury, by the District Attorney and by the FBI and I said I didn't feel ██████████ should have to answer any questions without authorization and they said, "Well if you don't have anything to hide," and I said, "We don't have anything to hide but why get things stirred up," and they said, "Well, we'll leave if this is what you want," and I said, "Well, you're not going to leave now until I find out what right you have to this information and the right to ask these questions and so I tried to call last night but I didn't know Lt. Templeton was in the hospital from work and I didn't know you worked until five o'clock and they told me he was having surgery and this is all what has happened.

Q. How old are these boys?

A. Well, ██████████ is in his early 20's and I think ██████████ is about 18 or 19.

Q. Did they say they were a committee from this?

A. Yes, they gave -- it's four letters -- "M.E." something or other.

Q. Well, they've got a name for it?

A. Right, and they gave the name of it but Like I said, I was

SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE \_\_\_\_\_ INFORMATION \_\_\_\_\_ Date 12/8/70 CASE NO. \_\_\_\_\_

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Details of Offense and Investigation Progress

so upset I didn't really get the name of the committee other than they did say they were with this committee and to name the four letters and said it was the investigation of [REDACTED] death.

Q. Did they talk to your husband, too?

A. Yeah, they tried to but he was mad; all he wanted to do was throw them off the place. Then yesterday he did say [REDACTED] he would not have anything more to do with [REDACTED] and everytime he goes by my folks or his folks or by me he gives us the finger, you know, and [REDACTED] said well he didn't know about this and last night between nine-thirty and ten [REDACTED] called our house and he asked my husband if he could come down and apologize to him and my husband told him, "My wife isn't home and probably won't be home until tomorrow," and [REDACTED] said to my husband, "I would like to come down and apologize for the remarks and ah...

Q. Gestures.

A. Gestures." My husband said, "Well, I guess that will be all right," and I told my husband, "Well, I want to talk to someone, you know."

Q. Did he come down and talk to your husband?

A. No, he hasn't; I don't know if he'll come down today or not. ....  
(unable to decipher next few words of her conversation)

A. And one thing that was particularly interesting, you know on Sunday we had already given the information to law enforcement that Larry had told us that he would be out late Sunday; that he had a Christening and that if we seen a car go in to call him and he would come right down, and this was mainly what they were asking about and so I told my husband -- I didn't tell them I was calling you; I told them I wasn't answering any questions without getting some advice from our attorney or someone that knows.

Q. Right.

A. They weren't too happy about it but they said this they could understand and I said, "If anything is said, it will be said before somebody that has the authorization."

SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE INFORMATION Date 12/8/70 CASE NO. \_\_\_\_\_

[REDACTED] ADDRESS \_\_\_\_\_

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Q. You did the right thing.

A. I don't know, I thought it best to call you and I didn't want to talk to the wrong party.

Q. I'm sure glad you did, and if anything else like this happens, would you call us again?

A. I certainly will.

Q. Just tell them that you talked to all parties involved and that's it.

A. And they don't have access to any of those transcripts?

Q. That's correct. Thank you for calling.

Transcribed by [REDACTED]  
12/8/70

SHERIFF'S OFFICE HUMBOLDT COUNTY  
EUREKA, CALIFORNIA  
COMPLAINT REPORT

L&M

Complainant [REDACTED] Case No. 70-10968  
Victim \_\_\_\_\_ Report No. 1004101  
Address Home Grizzley BLUFF Ph. 786-9942  
Bus. \_\_\_\_\_ Ph. \_\_\_\_\_  
Nature of Complaint INVESTIGATION - SHOOTING Homicide  
Location End of East Ferry Rd  
Time & Date Com't'd now [REDACTED]  
Address \_\_\_\_\_  
Received [REDACTED] Time 1605 Date 10-4-70  
Assigned to TAYLOR, REED, HULBURT, BOLLMANN Yes  No \_\_\_\_\_  
Serial No. SIMMONS, VADERLIKS, BRESITT License No. Black more Ames Templon  
Stated there had been a shooting and Larry Lema needed help.

Details of Complaint: (What, where, when, how, who, why)

Remarks:

SHERIFF'S OFFICE HUMBOLDT COUNTY  
EUREKA, CALIFORNIA  
COMPLAINT REPORT

L&M

Complainant \_\_\_\_\_ Case No. \_\_\_\_\_  
Victim \_\_\_\_\_ Report No. \_\_\_\_\_  
Address Home \_\_\_\_\_ Ph \_\_\_\_\_  
Bus. Times-Standard Newspaper Ph \_\_\_\_\_  
Nature of Complaint BOMB THREAT  
Location LEMA'S Property Ferndale  
Time & Date Com't'd now

Address \_\_\_\_\_  
Received by L. RIBOLI/SGT. REED Time 2315 Date 10-29-70  
Assigned to SGT. REED/SHAW Yes  No  
Serial No. \_\_\_\_\_ License No. \_\_\_\_\_

C. reports he received a phone call stating-  
quote "Bomb on Lemas property set to go off at 1 o'clock  
This is no bullshit. This is the Weathermen."unquote.

Details of  
Complaint: (What, where, when, how, who, why)

Capt. HULBURT notified. Lema notified. Area searched by Sgt. Reed, Deputy Shaw and Ferndale Police with negative results. Officers remained at scene until after reported time for explosion. This appears to be a false report.

It is suggested that a check be made with the telephone company this AM to ascertain if a long distance call was made from Ferndale to the Times Standard at approx. 2310 hrs.

Remarks: Disposition of case--pending.

Reed #516  
Shaw #596

SHERIFF'S OFFICE HUMBOLDT COUNTY  
EUREKA, CALIFORNIA.  
COMPLAINT REPORT

69-6500

10M L&M B-6B

Complainant Humboldt Co. SO Case No. 69-6500  
 Victim \_\_\_\_\_ Report No. \_\_\_\_\_  
 Address Home \_\_\_\_\_ Ph. \_\_\_\_\_  
 Bus. \_\_\_\_\_ Ph. \_\_\_\_\_  
 Nature of Complaint 647f PC 148 PC  
 Location Rhoner Park, Fortuna  
 Time & Date Com't'd 12:00 AM 7/27/69  
 \_\_\_\_\_ a \_\_\_\_\_  
 Address \_\_\_\_\_ 12th St Fortuna, Calif.  
 Received by Officer's Observation Time 12:00 Date 7/27/69  
 Assigned to Lema, #573, TUEL #533 Yes \_\_\_\_\_ No \_\_\_\_\_  
 Serial No. \_\_\_\_\_ License No. \_\_\_\_\_

*File  
7-28-69*

\_\_\_\_\_ was drunk & under age in a bar room. Was  
 asked to leave and escorted from the dance hall.  
 At this time he used very foul language & was  
 placed under arrest for 647f PC & then fought  
 officer Tuel, & this officer, while trying to put  
 him in the patrol car.

*cc to DA Ct  
Filed Eureka March*

Details of  
 Complaint: (What, where, when, how, who, why)

Remarks:

# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE 647f PC 148 PC Date 7/27/69 CASE NO. 69-6500  
[REDACTED] ADDRESS \_\_\_\_\_

## Details of Offense and Investigation Progress

LOCATION: Rhoner Park  
Fortuna, California

DATE & TIME: Approximately 12:00 am, 7/27/69

[REDACTED]  
[REDACTED] 12th Street  
Fortuna, California  
DOB: [REDACTED], 5-11, 170, [REDACTED]

## OFFICER'S REPORT:

While on duty at the Rodeo dance in Fortuna, 7/27/69 this officer observed Mr. [REDACTED] in the bar room at the Rodeo dance in Rhoner Park. He was at this time being asked by officer Forrest SCHAFER, badge 583 to produce identification or to leave the bar.

This officer had previously known this [REDACTED] and knew that he was not w1 and asked the [REDACTED] to leave the bar. He then gave this officer a bunch of verbal abuse and was told to leave the dance hall completely and was escorted to the door and double stamped by the people taking care of admissions, so that he could not re-enter.

At this time, he was escorted from the hall and told not to come back in. This officer waited by the exit door for approximately 1 minute and the [REDACTED] came slinking through the door into the dance hall again, this officer then re-escorted him outside and told him not to come back in.

The [REDACTED] then turned around and left. Then approximately 2 minutes later was at the door once more, attempting to get back in, at the ticket door; where he was being checked by the ultra violet light, when this officer observed him again. This officer then took him outside and told the [REDACTED] to either leave or he was going to jail. It was at this time that the [REDACTED] with a great many people around, both male and female called this officer a "Son of a Bitch" and a "prick" and said that he was going to hang this officer's ass. At this time, this officer placed Mr. [REDACTED] under arrest for drunk in a public place.

Officer Stan TUEL, badge 533 was then coming to the parking lot at the dance with his patrol car, when this officer flagged him down, and asked him if he would transport this [REDACTED] to the Humboldt County Jail for me, for 647f PC. He stated he would and opened up the back door of the patrol car. At this time Mr. [REDACTED] started wrestling and fighting with these officers, trying to be prevented from being put into the back of the patrol car, and had to be physically restrained. At one time he was squirted in the face with mace and he then fought his way out of the car, kicking with his feet and was then drug out on the dirt, where his hands were handcuffed behind him, and at this time, only after being handcuffed and physically subdued by both of these officers, was he then put into the patrol car. At this time; this officer and officer TUEL concurred that he should be arrested for 148 PC, resisting arrest.

CASE COPY

# SUPPLEMENTARY OFFENSE REPORT

HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE 647F PC & 148 PC Date 7/27/69 CASE NO. 69-6500

██████████ ADDRESS \_\_\_\_\_

PAGE 2

Details of Offense and Investigation Progress

OFFICER'S REPORT:  
(continued)

The ██████████ was then turned over to officer TUEL, who transported him to Humboldt County Jail and he was booked at 12:40 a.m., on both of these charges.

DISPOSITION: No further action was taken by these Officers

Reported by Deputy Sheriff, Larry Lema, badge 573  
██████████

SHERRIFF'S OFFICE HUMBOLDT COUNTY  
EUREKA, CALIFORNIA  
COMPLAINT REPORT

67-6516

1M 6-67 L&M

Complainant Officers Observation Case No. 67-6516  
Victim \_\_\_\_\_ Report No. \_\_\_\_\_  
Address Home \_\_\_\_\_ Ph. \_\_\_\_\_  
Bus. \_\_\_\_\_ Ph. \_\_\_\_\_  
Nature of Complaint 25662 B&P  
Location Humboldt Co Fair  
Time & Date Com't'd 11:00 pm 8-11-67  
Address \_\_\_\_\_  
Received by \_\_\_\_\_ Time \_\_\_\_\_ Date \_\_\_\_\_  
Assigned to Lema #573 Yes xx No \_\_\_\_\_  
Serial No. \_\_\_\_\_ License No. \_\_\_\_\_

*File  
8/24/67*

Details of

Complaint: (What, where, when, how, who, why)

Observed this [redacted] with beer in his possession, he did not appear intoxicated given field warning, took beer away and tagged in to be destroyed. [redacted] was very cooperative and went strait home. No futher action taken by this deputy.

Lema #573

Remarks:

PROPERTY STORAGE REPORT

BIN NO. \_\_\_\_\_

DATE 8-12-67 TIME 12:45 DAY Fri LOCKER NO. #6 CASE NO. 67-6516

NAME [REDACTED] REASON FOR STORING: \_\_\_\_\_

To be destroyed

DESCRIPTION OF EVIDENCE

14 bottles of Coors beer in a case box.

HOLD FOR TRIAL NO YES/NO HOLD FOR SAFEKEEPING NO YES/NO HOLD FOR OTHER: \_\_\_\_\_

To be destroyed

HOLD FOR PROCESSING BY IDENT. DIV. NO YES/NO WHEN PROPERTY IS AVAILABLE FOR RELEASE.

NAME OF RECIPIENT None

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ PH. NO. \_\_\_\_\_

*L. Lem # 573*

PROPERTY CUSTODIAN'S SIGNATURE WHEN PROPERTY IS READY FOR RELEASE

SIGNATURE OF DEPUTY STORING

DATE 8-12-67 TIME 12:45am

SPECIAL INSTRUCTIONS (If any)

Please destroy, NO CASE

SHERIFF'S OFFICE HUMBOLDT COUNTY  
EUREKA, CALIFORNIA  
COMPLAINT REPORT

65-10,099

10M 9-65 L&M

Complainant Ferndale PD for: Case No. 65-10,099  
 [Redacted] Report No. 1205082  
 Address Home Bates Rd. Centerville Beach. Su 6-4274  
 Bus. \_\_\_\_\_ Ph. \_\_\_\_\_  
 Nature of Complaint 188PC Mal. Missch. 594 PC  
 Location above Add.  
 Time & Date Com't'd Night of: 12/5  
 [Redacted]  
 Address \_\_\_\_\_  
 Received by [Redacted] Time 11:15A Date 12-5-65  
 Date 12-5-65  
 Assigned to MacDonald 542 Yes XXX No \_\_\_\_\_  
 Serial No. \_\_\_\_\_ License No. \_\_\_\_\_  
The above (C) wishes to see a Dep. as someone  
has entered his residence.

*File  
12/9/65*

Details of  
Complaint: (What, where, when, how, who, why)

Remarks:

SUPPLEMENTARY OFFENSE REPORT  
HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE 594 PC Mal.Mischief

Date 12/9/65

ADDRESS Bates Rd., Centerville Beach  
Ferndale

Details of Offense and Investigation Progress, etc.  
REPORT ON CASE NO. 65-10,099

[REDACTED]

#1 [REDACTED], WMJ, DOB [REDACTED]  
[REDACTED], Ferndale

#2 [REDACTED], WMJ, DOB [REDACTED]  
[REDACTED], Ferndale

#3 [REDACTED], WMJ, DOB [REDACTED]  
[REDACTED], Ferndale

#4 [REDACTED], WMJ, DOB [REDACTED]  
P.O. Box [REDACTED] Ferndale

#5 [REDACTED], WMJ, DOB [REDACTED]  
P.O. Box [REDACTED], Ferndale  
[REDACTED]  
Father: [REDACTED]

# [REDACTED], WMJ, DOB [REDACTED]  
Shaw Ave., Ferndale

#7 [REDACTED], WMJ, DOB [REDACTED]  
[REDACTED], Ferndale

#8 [REDACTED], WMJ, DOB [REDACTED]  
Main St., Ferndale  
[REDACTED]  
Father: [REDACTED]

**SUPPLEMENTARY OFFENSE REPORT**  
HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE 594 PC Mal. MischiefDate 12/9/65VICTIM Joe Rocha ADDRESS Bates Rd., Ferndale

Page 2

Details of Offense and Investigation Progress, etc.

REPORT ON CASE NO. 65-10,099

#9 [REDACTED] WFJ, DOB [REDACTED]  
[REDACTED], Ferndale  
Father: [REDACTED]

#10 [REDACTED]  
#11 [REDACTED]  
#12 [REDACTED]  
#13 [REDACTED]  
#14 [REDACTED]  
#15 [REDACTED]  
#16 [REDACTED]  
#17 [REDACTED]

This officer contacted Complainant, [REDACTED] on 12/5/65. He showed us the old family home, a two-story building, uninhabited and used for storage. There was evidence of a very large party having been held there some time the night before. This party was given by above [REDACTED] for a [REDACTED] who is going into the Service soon. There was strewn about approximately eighty (80) empty beer cans, and two (2) liquor bottles' stops were seen. The alleged [REDACTED] had literally torn the building apart. Windows were broken out, stair railings torn away from the steps, walls and doors smashed inside, and the small house to the front, where the son of the Complainant plans to live with his new bride, had been slightly damaged in an attempt to open it.

Upon investigation and in questioning various people around town, it was learned that a [REDACTED] had been to the party. The questioning of [REDACTED] led to the knowledge of the alleged [REDACTED] Nos. 1 through 9, and these boys all admit they were there. [REDACTED] #9, [REDACTED] female juvenile, admitting to being there, states, and the boys state also, that she only had one can of beer and there was no sex involved as far as she was concerned. She happened to be with a date, [REDACTED] and they stopped by the party.

The alleged [REDACTED] Nos. 10 through 17 have not been interrogated as of this date, but are implicated in the case.

SUPPLEMENTARY OFFENSE REPORT  
HUMBOLDT COUNTY SHERIFF'S OFFICEOFFENSE 594 PC Mal. MischiefDate 12/9/65[REDACTED] ADDRESS Bates Rd., Ferndale

Page 3

Details of Offense and Investigation Progress, etc.  
REPORT ON CASE NO. 65-10,099

The parents of some of these boys will be contacted and informed of this party that took place. Some of these boys have contacted the Complainant Mr. [REDACTED], and are willing to pay a sum of \$125.00 for damages, which the Complainant feels is sufficient. Mr. [REDACTED] does not wish to sign any Complaint against any of the boys, since they are all local boys that live in his area. The Complainant's son, [REDACTED] had stopped by at the party for just a few moments, and some of the boys had asked him for permission to use the building and he said all right. Even though he doesn't own the property, he told the boys they could use the building - never thinking, I am sure, that they would tear up the place like they did.

Due to the traffic that was involved at the party (involving some 30 fellows), and with possibly a few minor exceptions, it is felt that as long as it is agreeable with the Complainant for the boys to make restitution, which they have agreed to do, this department will let it go with a field warning rather than try to prosecute each one individually.

TMacD/[REDACTED]

MacDonald - #542  
Juvenile Bureau

SUPPLEMENTARY OFFENSE REPORT  
HUMBOLDT COUNTY SHERIFF'S OFFICE

OFFENSE 594 PC Mal.MischiefDate 12/13/65

████████████████████ ADDRESS Bates Rd., Ferndale  
████████████████████

## Details of Offense and Investigation Progress, etc.

FOLLOW-UP ON CASE NO. 65-10099

On 12/13/65 this officer tried to phone Mr. ██████████ but he was not at home. Talked with Mrs. ██████████ however, who stated that several of the boys involved in this case had come to her home and talked to Mr. ██████████. He was satisfied with the arrangements he had made with them for restitution and both Mr. & Mrs. ██████████ wished any charges and investigations dropped as far as they were concerned.

TMacD/██████

MacDonald - #542  
Juvenile Bureau

SHERIFF'S OFFICE HUMBOLDT COUNTY  
EUREKA, CALIFORNIA  
COMPLAINT REPORT

70-8204

L&M

Complainant [redacted] Case No. 70-8204  
 Victim [redacted] Report No. 0802052  
 Address Home [redacted], Arcata Ph. [redacted]  
 Bus. [redacted] Ph. [redacted]  
 Nature of Complaint PUBLIC ASSIST  
 Location Mad River beach  
 Time & Date Com't'd now & since 4:45 p.m., 8/2/70  
 [redacted]  
 Address [redacted]  
 Received by [redacted] Time 7:12p Date 8/2/70  
 Assigned to *Mayer* Yes  No   
 Serial No. License No.

lives on Bay School Rd , 1st hse on the left, [redacted] house

*File*

C reports her & her husband & above [redacted] were at the beach. She stated that the [redacted] swam across the river & up the other side. Stated they saw him walking past some houses. Stated they then went across the other side to get, & when they did, he was not there. Stated they checked the area, & then went back to the Mad River side , but could not find him. Stated he had been drinking very

Details of Complaint: (What, where, when, how, who, why)  
heavily & is afraid something happened to him

8-3-70 C. contacted and description obtained I. then contacted [redacted] at [redacted] Ocean Dr. McKinlyville and he stated that a person answering the missing person description had gone through his yard with his clothes dripping wet and had then went north on Ocean Dr. McKinnlyville. He stated that the S. did not appear to be hurt in any way. No Further action needed. Mayer/#584

Remarks:

*?*

*Is this same case.*

SHERIFF'S OFFICE HUMBOLDT COUNTY  
EUREKA, CALIFORNIA  
COMPLAINT REPORT

70-11792

Complainant Humboldt County Sheriff Case No. 70-11792  
Report No. 1026623  
Home Ph.  
Address Bus. Ph.  
Nature of Complaint (Suspicious Persons)  
Location CLONEYS Drug store, Harrison st, Eureka  
Time & Date Com't'd 9:00pm 10-25-70

*File  
10-26-70*

Address Ferndale and Petrolia  
Received by Officers Observation Time 9:00pm Date 10-25-70  
Assigned to Mayes Yes  No  
Serial No. License No. Calif#

\_\_\_\_\_ were observed setting in front of  
CLONEYS Drug store with motor running. This  
drug store was closed and had been closed  
for some time.

*ON TAPE*

Details of Complaint: (What, where, when, how, who, why)

Transcribed

- No. 1  
P. O. Box \_\_\_\_\_  
Ferndale, California  
WMA, 18 years, \_\_\_\_\_
- No. 2  
Main Street  
Ferndale, California  
WMA, 23 years, DOB \_\_\_\_\_
- No. 3  
P. O. Box \_\_\_\_\_  
Petrolia, California  
WMA, 18 years, \_\_\_\_\_
- No. 4  
Main Street  
Ferndale, California  
WMA, 18 years, \_\_\_\_\_
- No. 5  
Ferndale, California  
WMA, 19 years, \_\_\_\_\_

CHARGE: Suspicious Persons or Circumstances

VEHICLE: \_\_\_\_\_ Ford or Mercury, 4 door, \_\_\_\_\_ Californi  
License (believed at this time to be) \_\_\_\_\_ could be a  
discrepancy on the license

TIME/DATE OF OFFENSE: 10-25-70, 9:00 p.m.

This officer, while patrolling Harrison Street, Eureka, observed a \_\_\_\_\_ vehicle parked  
in front of Coloney's Drug Store right approximately in line with the drug store's door  
at this time. This vehicle had the five (5) \_\_\_\_\_ sitting in it and had the motor  
running and had the lights on the vehicle. At this time I drove to the rear of the drug  
store and then parked in the drug store parking lot and approached the \_\_\_\_\_ who  
appeared at this to; started to take-off. This officer then asked all the \_\_\_\_\_ for

Mayes/584

Page 2

70-11792

their identification. At this time they stated they were letting the motor cool down in their vehicle; that it was overheating. At this time it did not appear to have any steam coming from the vehicle and upon taking the [REDACTED] identification cards, it was observed that [REDACTED] was sitting on the passenger front door side and it appeared that [REDACTED] was driving at this time.

While I was writing FI cards out for the [REDACTED] all the [REDACTED] got out of their vehicle and opened the hood of the vehicle and at this time there did not appear to be any steam coming from this vehicle. [REDACTED] kept the motor running the whole time and upon being finished questioning the [REDACTED] they were then advised that there was a filling station on Myrtle Avenue. At this time one stated that he thought there was a Shell Station on Harrison. The [REDACTED] left and approximately 5 minutes later, this officer observed them on Myrtle Avenue at a service station, but could not tell whether they were putting water in their vehicle or not. It did not appear that the hood was up at this time.

CC: Detective Bureau

Report by Deputy Sheriff Steve Mayes, Badge 584

[REDACTED]

*Ferndale P.D.  
Case.*

*LD*

**COMPLAINT REPORT**

**HUMBOLDT COUNTY  
SHERIFF'S DEPARTMENT**

0406079  
CASE NUMBER 64-2259

COMPLAINANT'S NAME [REDACTED] ADDRESS Ferndale

PHONE [REDACTED] Waddington Area

MKN ADDRESS [REDACTED] Ferndale

NATURE OF COMPLAINT Theft (Bulova Mans watch) LOCATION [REDACTED]

TIME AND DATE COMMITTED April 6, 1964, [REDACTED] OFFICERS ASSIGNED Information Report

RECEIVED BY [REDACTED]  LETTER  IN PERSON  TELEPHONE TIME 8:30 A.M. DATE April 7, 1964

DETAILS OF COMPLAINT (WHAT, WHERE, WHEN, HOW, WHO, WHY) C. states her sons watch was taken out

of his pocket during Gym period. The back is engraved with the name of

[REDACTED]

*File  
4/11/64*

*Tried to give info to car 12. No ans. JK OK [initials]*

BUREAU OF IDENTIFICATION  
HUMBOLDT COUNTY SHERIFF'S OFFICE  
IDENTIFICATION OFFICERS REPORT

CASE NO. 70-10968

TOTAL HRS 5

TYPE OF CRIME Investigation LOCATION Ferndale

[REDACTED] ADDRESS \_\_\_\_\_

TYPE OF STRUCTURE \_\_\_\_\_

TIME 4:30 PM DATE 10-4-70 SUSPECT \_\_\_\_\_ ADDRESS \_\_\_\_\_

REQUESTED BY Lena #573 DIVISION \_\_\_\_\_

CAMERA USED Graflex F. STOP F16-F22 SPEED 100 FILM TYPE Tri X

ASA \_\_\_\_\_ TYPE OF LIGHT: FLASH PULBS \_\_\_\_\_ ELECTRONIC FLASH XX DAYLIGHT \_\_\_\_\_ OTHER \_\_\_\_\_

PHOTOGRAPHS

LATENT PRINTS

CRIME SCENE: B/W 12 COLOR 6

LIFTED None

VICTIMS: B/W \_\_\_\_\_ COLOR \_\_\_\_\_

COMPARISONS MADE \_\_\_\_\_

COFY PHOTOS: B/W \_\_\_\_\_ COLOR \_\_\_\_\_

MISC PHOTOS: B/W \_\_\_\_\_ COLOR \_\_\_\_\_

MOVIE FILM B/W \_\_\_\_\_ COLOR \_\_\_\_\_

FOOTAGE \_\_\_\_\_

INVESTIGATION CONDUCTED AND ACTION TAKEN

Went to Ferndale to take photos of crime scene. Took 12 photos of area. took four plaster cast. two of impresions where plants were and two of tire tracks.

Went to ferndale morgue to take color photos of [REDACTED] also finger prints.

Went to Chapel of Ferns Eureka to take photos of autopsy of [REDACTED]

10:30 Am 10-5-70

Took 12 arial photos of crime scene.

*Bert H. [Signature]*

## GRAND JURY REPORT

On October 15, 16 and 19, 1970, the Humboldt County Grand Jury inquired into the circumstances of the death of [REDACTED] on October 4, 1970. This interim report of the Grand Jury is now prepared and forwarded to the citizens of Humboldt County.

On October 4, 1970, [REDACTED] was killed by a single shot fired by Deputy Sheriff Lawrence L. Lema in the vicinity of Grizzly Bluff Road, County of Humboldt.

Investigation and interrogation into the events of October 4, 1970, was conducted by the Humboldt County Sheriff's Department and the Office of the District Attorney, County of Humboldt.

On October 15, 1970, the Humboldt County Grand Jury, [REDACTED], Foreman, assembled at the request of District Attorney William F. Ferroggiaro, Jr. to hear, weigh and evaluate evidence surrounding the tragic event of October 4, 1970.

Section 888, California Penal Code, states:

"A grand jury is a body of the required number of persons returned from the citizens of a county before a court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the county."

District Attorney Ferroggiaro, on behalf of the Humboldt County Grand Jury, extended an invitation to Attorney [REDACTED] attorney for the [REDACTED] family and attorney for [REDACTED] to provide the Office of District Attorney and the Grand Jury with assistance and evidence in order that a complete evaluation be made. This invitation was extended to [REDACTED] on October 4, 1970, and October 12, 1970, each time at the [REDACTED] residence.

[REDACTED] representing both the [REDACTED] family and [REDACTED]

██████████ and the testimony of ██████████ both of whom testified at length to the events of October 4, 1970.

It is well to recall that each of these witnesses, Lema and ██████████ had the right not to testify, and might have relied upon Constitutional guarantees under the Federal and State constitutions and statutory enactments.

Each witness, Lema and ██████████ testified voluntarily, each being separately advised by his legal counsel to assist the Grand Jury in its investigation.

At the outset it was determined that all members of the Grand Jury had to be acquainted with the vicinity and physical characteristics of the area in which the fatal shooting occurred. Accordingly, arrangements were made and on October 15, 1970, all members of the Grand Jury assembled in the area near Grizzly Bluff Road, Humboldt County, known to be the place of incident, and a jury viewing of the incident scene was accomplished.

Testimony was received by the Grand Jury which discussed the initial finding and location of two marijuana plants by a citizen-rancher, his notice to the authorities and the subsequent assistance rendered to the Humboldt County Sheriff's Narcotic Division on October 2, 1970.

Testimony was received which described the creation and authorization of surveillance duty under authority of the Sheriff's Narcotic Division, describing surveillance on October 3, 1970, and the events of October 4, 1970.

Testimony, previously referred to, was received from Deputy Sheriff Lawrence L. Lema and ██████████ which set forth the facts surrounding the surveillance, the arrest, the shooting which resulted in the death of ██████████ and the apprehension and

██████████ in summoning aid for the stricken ██████████

The testimony of ██████████ M. D., Pathologist, was received by the Grand Jury indicating the cause of death of ██████████ detailing in medical language the wounds and medical findings upon the person of the deceased ██████████ Said findings constitute the basis for the Certificate of Death, filed by the Humboldt County Coroner.

Testimony was received by the Grand Jury which detailed Deputy Lawrence L. Lema's activities immediately preceding the fatal shooting, including his attendance at christening services and a family gathering. Testimony and information in this regard was received from Deputy Lema, from members of his family and from persons not related.

The Humboldt County Grand Jury devoted considerable study to the background circumstances of individuals involved in this incident.

Deputy Sheriff Lawrence L. Lema's entire personnel file maintained by the Humboldt County Sheriff's Department, Personnel Section, was provided and studied by the Grand Jury. Additionally, Deputy Lema's supervisors during the past five years, Captain Edward Hulburt and Chief of Police Charles Goff, Ferndale Police Department, were consulted in detail.

Testimony was received from persons having knowledge of unrelated incidents involving Deputy Lawrence Lema, said names having been provided by Attorney ██████████ to the Office of the District Attorney, Humboldt County, or made known in the course of investigation. Additionally, Chief Investigator Hickok recited in substance conversations and interrogations conducted of persons forwarded by Attorney ██████████ and reported to have knowledge concerning the incident of October 4,

[REDACTED] father and brother respectively, of [REDACTED]

[REDACTED] This testimony concerned the background of [REDACTED] and the relationships between [REDACTED] and Deputy Sheriff Lawrence L. Lema, between the [REDACTED] family and Deputy Sheriff Lawrence L. Lema.

Testimony was received from members of the Humboldt County Sheriff's Department regarding the recovery of the two marijuana plants on October 5, 1970, distant from the point of shooting on October 4, 1970.

Testimony was received regarding vehicle traffic in and on River Road, East Ferry Road on the afternoon hours of October 4, 1970.

Testimony was received on the custody and care accorded the vehicle of [REDACTED] its subsequent search and return.

During the course of the Grand Jury's investigation the testimony of 22 persons was offered and received, some 14 items of evidence and photography were received and reviewed.

At the conclusion of testimony and evidence the Grand Jury reviewed the applicable law, retired to deliberation and ultimately determined to return no indictment in the matter of the investigation of the death of [REDACTED]

This report is the result of that investigation. This report is presented at this time, not as argument, but as an assurance of inquiry and as a documentation of scope of inquiry.

The Humboldt County Grand Jury has caused this report to be made with several conflicting interests in mind, to wit: community concern, pending criminal and civil matters and the applicable provisions of Section 911, California Penal Code:

"The following oath shall be taken by each member of the grand jury: 'I will support the Constitution of the United States

the testimony of any witness examined before the grand jury, nor anything which I or any other grand juror may have said, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will present no person through malice, hatred or ill will, nor leave any unrepresented through fear, favor, or affection, or for any reward or the promise or hope thereof; but in all my presentments I will present the truth, the whole truth, and nothing but the truth, according to the best of my skill and understanding, so help me God'.

Respectfully submitted,

[REDACTED] FOREMAN  
HUMBOLDT COUNTY GRAND JURY

The following witnesses testified before the Humboldt County Grand Jury in this matter, October 15, 16 and 19, 1970:

1. MELVIN AMES
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. BERT CRAVEN
6. DENNIS DE CARLI
7. [REDACTED]
8. ANGELO GONSALVES
9. CHARLES GOFF
10. ROBERT HICKOK
11. EDWARD HULBURT
12. LAWRENCE L. LEMA
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. [REDACTED]
17. HAROLD REED
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. JACK TAYLOR
22. [REDACTED]

CITY OF CHICO

POLICE DEPARTMENT  
INCIDENT REPORT

0402

1. CASE NO.

70-12719

2. CODE SECTION		3. CRIME			4. CLASSIFICATION <b>Outside Dept. - Request for Assistance</b>				5. REPORT AREA <b>0</b>		
6. DATE AND TIME OCCURRED - DAY				7. DATE AND TIME REPORTED <b>10-5-70 1150</b>		8. LOCATION OF OCCURRENCE <b>Chico, Calif.</b>					
9. VICTIM'S NAME LAST, FIRST, MIDDLE (FIRM IF BUSINESS)					10. RESIDENCE ADDRESS				11. RES. PHONE		
12. OCCUPATION		13. RACE - SEX		14. AGE	15. DOB	16. BUSINESS ADDRESS (SCHOOL IF JUVENILE)			17. BUS. PHONE		
CODES FOR BOXES 20 AND 30 V=VICTIM W=WITNESS P=PARENT RP=REPORTING PARTY DC=DISCOVERED CRIME								18. CHECK IF MORE NAMES IN SUPPLEMENT <input checked="" type="checkbox"/> <b>XXX</b>			
19. NAME - LAST, FIRST, MIDDLE <b>Det. Mel Ames</b>				20. CODE <b>RP</b>	21. RESIDENCE ADDRESS				22. RESIDENCE PHONE		
23. OCCUPATION <b>Police Officer</b>		24. RACE - SEX		25. AGE	26. DOB	27. BUSINESS ADDRESS (SCHOOL IF JUVENILE) <b>Humboldt Co. S. O., Eureka</b>			28. BUSINESS PHONE <b>707-445-7301</b>		
29. NAME - LAST, FIRST, MIDDLE				30. CODE	31. RESIDENCE ADDRESS				32. RESIDENCE PHONE		
33. OCCUPATION		34. RACE - SEX		35. AGE	36. DOB	37. BUSINESS ADDRESS (SCHOOL IF JUVENILE)			38. BUSINESS PHONE		
MODUS OPERANDI (SEE INSTRUCTIONS)											
39. DESCRIBE CHARACTERISTICS OF PREMISES AND AREA WHERE OFFENSE OCCURRED											
40. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED <b>Det. Ames called Capt. Geyer, CPD, regarding a background check on [REDACTED] WMA-22, DOB [REDACTED] who has been killed by one of their officers in the line of duty. [REDACTED] graduated from CSC last June. Specifically, check for any narcotic info.</b>											
41. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORCE USED											
42. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE											
43. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR											
44. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES											
45. VICTIM'S ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE											
46. TRADEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S.											
47. VEHICLE USED - LICENSE NO. - ID NO. - YEAR - MAKE - MODEL - COLORS (OTHER IDENTIFYING CHARACTERISTICS)											
48. SUSPECT NO 1 (LAST, FIRST, MIDDLE)				49. RACE - SEX	50. AGE	51. HT.	52. WT.	53. HAIR	54. EYES	55. ID NO. OR DOB	56. ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/>
57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS AND CHARACTERISTICS											
58. SUSPECT NO 2 (LAST, FIRST MIDDLE)				59. RACE - SEX	60. AGE	61. HT	62. WT	63. HAIR	64. EYES	65. ID NO OR DOB	70-12719 1 CASE NO
66. ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/>	67. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS								68. CHECK IF MORE NAMES IN SUPPLEMENT <input type="checkbox"/>		
FURTHER ACTION	YES <input type="checkbox"/>	COPIES TO:	DETECTIVE <input type="checkbox"/>	S.O./P.D. <input checked="" type="checkbox"/>	REPORTING OFFICER <b>XX Humboldt Co., Eureka.</b>			DATE <b>10-5-70</b>			
	NO <input type="checkbox"/>		PROBATION <input type="checkbox"/>	CII <input type="checkbox"/>	REVIEWED BY <b>L.C. Leidy</b>			DATE			
		CASE FILE <input type="checkbox"/>	DIST. ATTNY <input type="checkbox"/>	PATROL <input type="checkbox"/>	OTHER <input type="checkbox"/>						

CITY OF CHICO

POLICE DEPARTMENT  
INCIDENT REPORT SUPPLEMENT

0402

69. CASE NO.

70-12719

70. CODE SECTION

71. CRIME

72. CLASSIFICATION

Outside Dept. - Request for Assistance

73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

pg 1

10-5-70: The following items were done during background check of [REDACTED]

Chico State College Birddog Book 1969-70 shows a [REDACTED] living at [REDACTED] Locust, home address of [REDACTED] Ferndale.

Chico P. D. files, including field interrogation cards, were checked with negative results.

Butte Co. S. O. was contacted and requested to check their files for anything on [REDACTED] They advised they had nothing listed.

City of Chico Assessor records was checked and shows the owner of [REDACTED] Locust as [REDACTED] c/o [REDACTED] [REDACTED] Oakdale, Chico. [REDACTED] Oakdale, was contacted regarding the names of the boys living at [REDACTED] Locust last year. [REDACTED] who is 72 yrs. old, stated 4 boys lived at the house in question last school year. However, she only knew the name of one boy, which was [REDACTED] [REDACTED] was the one who always paid the rent. Rent always on time and she did not have any trouble with the boys. Rent receipts were seen and showed the house was rented from 9-8-69 until 6-6-70. [REDACTED] moved into the house after the boys and still lives there.

70-12719  
1. CASE NO.

FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> S.O./P.D.
	<input type="checkbox"/> NO		<input type="checkbox"/> PROBATION	<input type="checkbox"/> CII
	<input type="checkbox"/> CASE FILE		<input type="checkbox"/> DIST. ATTN.	<input type="checkbox"/> PATROL

XX Humboldt Co. Eureka.  
OTHER \_\_\_\_\_  
OTHER \_\_\_\_\_  
OTHER \_\_\_\_\_

REPORTING OFFICER  
*L.C. Lenly*  
REVIEWED BY

DATE  
10-5-70  
DATE

70. CODE SECTION	71. CRIME	72. CLASSIFICATION Outside Dept/ - Request for Assistance		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	BUSINESS	75. PHONE

pg 2

[redacted] was contacted. She stated she moved into the house immediately after the boys moved out. In fact, she looked at the house when the boys were still there. [redacted] who is in her 60's, stated she knew what marijuana looked like. She stated she found no evidence of marijuana or any other drug in the house.

Neighborhood check conducted: [redacted] 12th St., [redacted] whose house is located at the back of [redacted] Locust, stated he knew 3-4 boys lived at the house last year. However, he had no problems with them and never talked to them. They had some loud music sometimes but [redacted] stated he had never been disturbed. He stated he knew of no drugs at the house. [redacted] Locust, [redacted] whose residence is located to the south of [redacted] Locust, moved into her residence approximately 7-1-70. To the north of [redacted] Locust is a Church. The lots across the street are vacant.

[redacted], head of security at CSC, was contacted regarding the record of [redacted] called for the records and it was examined in his presence. Nothing of significance found in the file. [redacted] was admitted to CSC on 9-19-66. He graduated on 6-6-70 with a BA in Economics. [redacted] grade point average was 2.83, which is approximately a C+.

70-12719

FURTHER ACTION	COPIES TO	REPORTING OFFICER	DATE	
<input type="checkbox"/> YES	<input type="checkbox"/> DETECTIVE	XX Humboldt Co., Eureka <i>L.C. Lundy</i>	10-5-70	
<input type="checkbox"/> NO	<input type="checkbox"/> PROBATION		REVIEWED BY	DATE
<input type="checkbox"/> CASE FILE	<input type="checkbox"/> DIST. ATTY.			

CITY OF CHICO

POLICE DEPARTMENT  
INCIDENT REPORT SUPPLEMENT

0402

69. CASE NO.

70-12719

70. CODE SECTION	71. CRIME	72. CLASSIFICATION <b>Outside Dept. - Request for Assistance</b>		
73. VICTIM'S NAME - LAST, FIRST, MIDDLE (FIRM IF BUS.)		74. ADDRESS	RESIDENCE	BUSINESS
				75. PHONE

pg 3

Enloe Hospital and Chico Community Hospital were contacted regarding any record of [REDACTED] being admitted. Negative at both places.

Det. Templeton, Eureka S. O., was called(collect) and given the info in this report. He was advised to call if further followup was required.

REC: Copy of this report to be sent to Humboldt Co. S.O., Eureka.

70-12719

1. CASE NO.

FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> S.O./P.D.	<input checked="" type="checkbox"/> Humboldt Co., Eureka	REPORTING OFFICER	DATE
	<input type="checkbox"/> NO		<input type="checkbox"/> PROBATION	<input type="checkbox"/> CII	OTHER	<i>L.C. Lenly</i>	10-5-70
	<input type="checkbox"/> CASE FILE		<input type="checkbox"/> DIST. ATTNY	<input type="checkbox"/> PATROL	OTHER	REVIEWED BY	DATE

2. CODE SECTION 415 P.C.		3. CRIME Dist of Peace			4. CLASSIFICATION Man Jeering			5. REPORT AREA 10			
6. DATE AND TIME OCCURRED - DAY 10-6-70 02 <sup>15</sup>			7. DATE AND TIME REPORTED Tues 10-6-70 02 <sup>15</sup>			8. LOCATION OF OCCURRENCE Front of [redacted] e 748. Chic.					
9. VICTIM'S NAME LAST, FIRST, MIDDLE (FIRM IF BUSINESS)					10. RESIDENCE ADDRESS			11. RES. PHONE			
12. OCCUPATION		13. RACE - SEX		14. AGE	15. DOB	16. BUSINESS ADDRESS (SCHOOL IF JUVENILE)			17. BUS. PHONE		
CODES FOR BOXES 20 AND 30 V=VICTIM W=WITNESS P=PARENT RP=REPORTING PARTY DC=DISCOVERED CRIME								18. CHECK IF MORE NAMES IN SUPPLEMENT <input type="checkbox"/>			
19. [redacted]				20. CODE RP.	21. RESIDENCE ADDRESS [redacted] 748. Chic.			22. RESIDENCE PHONE			
23. [redacted]			26. DOB		27. BUSINESS ADDRESS (SCHOOL IF JUVENILE)			28. BUSINESS PHONE			
29. NAME - LAST, FIRST, MIDDLE Didn't wish to be contacted					30. CODE	31. RESIDENCE ADDRESS			32. RESIDENCE PHONE		
33. OCCUPATION		34. RACE - SEX		35. AGE	36. DOB	37. BUSINESS ADDRESS (SCHOOL IF JUVENILE)			38. BUSINESS PHONE		
MODUS OPERANDI (SEE INSTRUCTIONS)											
39. DESCRIBE CHARACTERISTICS OF PREMISES AND AREA WHERE OFFENSE OCCURRED Residential Area.											
40. DESCRIBE BRIEFLY HOW OFFENSE WAS COMMITTED R.P. reports male standing in street yelling, contacted a [redacted] [redacted] 12448 e 24 who admitted he had been yelling, [redacted] had been drinking and had lost control of himself for a little bit, learned that a very close friend had											
41. DESCRIBE WEAPON, INSTRUMENT, EQUIPMENT, TRICK, DEVICE OR FORCE USED											
42. MOTIVE - TYPE OF PROPERTY TAKEN OR OTHER REASON FOR OFFENSE											
43. ESTIMATED LOSS VALUE AND/OR EXTENT OF INJURIES - MINOR, MAJOR											
44. WHAT DID SUSPECT/S SAY - NOTE PECULIARITIES											
45. VICTIM'S ACTIVITY JUST PRIOR TO AND/OR DURING OFFENSE											
46. TRADEMARK - OTHER DISTINCTIVE ACTION OF SUSPECT/S											
47. VEHICLE USED - LICENSE NO. - ID NO. - YEAR - MAKE - MODEL - COLORS (OTHER IDENTIFYING CHARACTERISTICS)											
48. SUSPECT NO. 1 (LAST, FIRST, MIDDLE)				49. RACE - SEX	50. AGE	51. HT.	52. WT.	53. HAIR	54. EYES	55. ID NO. OR DOB	56. ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/>
57. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS AND CHARACTERISTICS											
58. SUSPECT NO. 2 (LAST, FIRST MIDDLE)				59. RACE - SEX	60. AGE	61. HT.	62. WT.	63. HAIR	64. EYES	65. ID NO. OR DOB	66. ARRESTED YES <input type="checkbox"/> NO <input type="checkbox"/>
67. ADDRESS, CLOTHING AND OTHER IDENTIFYING MARKS OR CHARACTERISTICS									68. CHECK IF MORE NAMES IN SUPPLEMENT <input type="checkbox"/>		
FURTHER ACTION	YES <input type="checkbox"/>	COPIES TO:	DETECTIVE <input type="checkbox"/>	S.O./P.D. <input type="checkbox"/>	OTHER <input type="checkbox"/>	REPORTING OFFICER James M. [redacted] #12			DATE 10-6-70		
NO <input checked="" type="checkbox"/>	PROBATION <input type="checkbox"/>	CII <input type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>	REVIEWED BY [redacted]			DATE 10-6-70		
CASE FILE <input type="checkbox"/>	DIST. ATTN. <input type="checkbox"/>	PATROL <input type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>						

70-12735

CITY OF CHICO

POLICE DEPARTMENT  
INCIDENT REPORT SUPPLEMENT

0402

69. CASE NO.

70-12735-

70. CODE SECTION

415: P.C.

71. CRIME

Dist. the Peace

72. CLASSIFICATION

Male Screaming

74. ADDRESS

RESIDENCE

BUSINESS

75. PHONE

E 79th.

had been killed in Pinole, Calif. over the week end and that this had him up set, because he couldn't find out what had happened to his friend except that Police were involved and his friend had been shot.

As there was no one who wanted to sign a complaint and no one who wanted to be contacted, the case was closed with no further action.

FURTHER ACTION	<input type="checkbox"/> YES	COPIES TO:	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> S.O./P.D.	<input type="checkbox"/> OTHER
	<input checked="" type="checkbox"/> NO		<input type="checkbox"/> PROBATION	<input type="checkbox"/> CII	<input type="checkbox"/> OTHER
	<input type="checkbox"/> CASE FILE		<input type="checkbox"/> DIST. ATTN.	<input type="checkbox"/> PATROL	<input type="checkbox"/> OTHER

REPORTING OFFICER	DATE
Jim Washburn #12	10-6-70
REVIEWED BY	DATE
AK	10-6-70

70-12735-

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

11-6-70

INCIDENT REPORT INVOLVING CASE NO. 70-10,968 BY SHERIFF COX  
AND HIS SECRETARY, [REDACTED]

On Friday, November 6, 1970, I received a call on Sheriff Cox' line, 7211. A male voice asked for the Sheriff. I inquired if I might tell the Sheriff who was calling. There was an immediate response, [REDACTED] I asked for his last name three or four times, there was hesitation, and then the male voice said (seemed to me as if he might have thought up a name on the spur of the moment) [REDACTED] I excused myself, keeping the calling party on the line, and located Sheriff Cox who was away from his desk.

[REDACTED]  
Sheriff's Secretary

On Friday, November 6, 1970, at approximately 11:37 a.m., my Secretary located me in the Identification Division and told me that she was holding a call for me on 7211 from a Mr. [REDACTED] I returned to my desk and answered the call. A male voice immediately said, "Shoot Lema," and hung up.

  
GENE COX, Sheriff

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT  
10-26-70

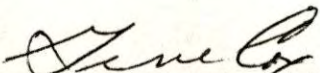
INCIDENT REPORT INVOLVING CASE NO 70-10,968 BY SHERIFF COX

October 4, 1970 (Sunday), at approximately 4:30 p.m., received a radio call that one of my Officers, Larry LEMA, shot a person on the river bar near Ferndale while on stake out of a narcotics case. I went to the scene immediately, and upon arrival contacted Undersheriff Bollmann who explained to me what had taken place. At this point I talked to Officer LEMA very briefly and told him that I would have to relieve him of duty pending the outcome of the investigation.

October 5, 1970 (Monday) Undersheriff Bollmann and I conferred with [REDACTED] Personnel Director, and he felt that as Officer LEMA was relieved of duty he could see no reason why LEMA should not be on comp. time, and his pay continue. Checked with [REDACTED] of the Business Office, and she told me that Officer LEMA had 83 hours of comp. time coming. Called Officer LEMA and advised him that he would be placed on comp. time to which he agreed, and left the office.

October 13, 1970 (Tuesday), the District Attorney announced that the Grand Jury had returned a verdict of justifiable homicide in the LEMA Case. He was called to the office, and was told that he would start back to work on October 14th, and that he would report to Lt. Johnson in the Jail Division for assignment.

GC/ [REDACTED]

  
GENE COX, Sheriff

# SHERIFF'S DEPARTMENT

COUNTY OF HUMBOLDT

PHONE 443-5671

EUREKA, CALIFORNIA 95501

GENE COX, SHERIFF

October 6, 1970

John Edgar Hoover  
Director, FBI  
Washington, D.C.

Attn: Laboratory

RE: Our Case 70-10968  
Narcotic Investigating Case Involving  
[REDACTED] Fatally wounded by Officer  
[REDACTED]

Gentlemen:

We are submitting this date evidence in the above case which we would like to have processed in your Lab.

Details of Case:

On 10/4/70 at approximately 4:00 p.m. an officer of this Department was staked out on what is believed to be marihuana plants. The above [REDACTED] appeared at the scene and appeared to be harvesting or caring for the plants. The stakeout officer attempted to make arrest. In the arrest attempt [REDACTED] Berti was fatally wounded.

Items Q-1 was taken from near the hand of the deceased [REDACTED]

Items Q-2 and Q-3 were found in the immediate area.

Evidence Submitted: (Items numbered in red ink)

Q-1) Cellophane bag containing green substance and leafy substance;

John Edgar Hoover

-2-

October 6, 1970

Q-2) Green plant in a blue and red metal container;

Q-3) Green plant in a square plastic container.

Examination Requested:

- 1) Determine if Q-1, Q-2, Q-3 are marihuana plants;
- 2) Determine if Q-1 came from plant Q-2;
- 3) Determine possible age of plants.

The above items have not been submitted to test or examination by any other agency.

Sincerely yours,

GENE COX, Sheriff  
County of Humboldt  
Eureka, California

By \_\_\_\_\_  
Bert Craven, Deputy  
Identification Div.

RS/eb

cc

# SHERIFF'S DEPARTMENT

COUNTY OF HUMBOLDT

PHONE 443-5671

EUREKA, CALIFORNIA 95501

GENE COX, SHERIFF

October 6, 1970

John Edgar Hoover  
Director, FBI  
Washington, D.C.

Attn: Laboratory

RE: Our Case 70-10968  
Narcotic Investigating Case Involving  
[REDACTED] Fatally wounded by Officer  
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Sincerely yours,

GENE COX, Sheriff  
County of Humboldt  
Eureka, California

By \_\_\_\_\_  
Bert Craven, Deputy  
Identification Div.

RS/eb

cc

## PATHOLOGISTS

## NECROPSY PROTOCOL

A-5013

NAME [REDACTED] Age 22 Sex Male Race White  
 Time of Death October 4, 1970 at 4:20 PM  
 Place of Death DOA Redwood Memorial Hospital  
 Time of Autopsy October 4, 1970 at 9:00 PM  
 Place of Autopsy Chapel of the Ferns  
 Autopsy Surgeon [REDACTED]  
 Attending Physician [REDACTED]  
 Source of Request Coroner  
 Physicians Present Coroner Nielson and two deputies from Date Dictated October 5, 1970  
 sheriff's office

EXTERNAL EXAMINATION

The unembalmed body is that of a well developed, fairly well nourished male having a body length of 72 inches and a body weight of about 165 pounds. There is no evidence of edema or jaundice. The hair is full over the head and moderately long. Prominent sideburns are present and a mustache is noted on the upper lip. Careful examination of the extremities shows no marks of violence other than the bullet holes in the chest and left upper extremity as follows: There is a bullet hole of entrance measuring slightly over 3/8 inch in diameter on the left chest, 1/2 inch below a line drawn between the nipples and 2 inches to the left of the midsternum. The maximum diameter of the bullet hole is slightly over 3/8 inch and the central portion has a perforation through the skin measuring about 1/4 inch in diameter. The periphery about the puncture wound is black due to the friction of the bullet passing through the skin. No powder burns are recognized about the wound of entrance. A wound of exit is noted on the left posterolateral wall of the chest along the posterior axillary line almost horizontal with the wound of entrance. The exit wound is irregular, measuring 3/4 x 1/2 inch. The missile then passed through the left arm, which was at the victims side. The wound of entrance is just above the midarm and passes posterior and medial to the humerus and the wound of exit is just below the mid portion of the arm on the posterolateral aspect of the arm. The wound of entrance and of exit are about the same size, measuring nearly 3/4 inch in maximum dimension.

INTERNAL EXAMINATIONSKULL AND CENTRAL NERVOUS SYSTEM

Not examined.

NECK ORGANS

Not specifically examined except for the trachea which contains a small amount of aspirated vomitus.

CARDIOVASCULAR SYSTEM

The chest on being opened shows the wound of entrance to pass just below and grazing the inferior surface of the cartilaginous portion of the 4th rib. The missile penetrated the pericardial sac at its midanterior portion and produced a hole approximately 3/8 inch in diameter. The bullet then penetrated the anterior surface of the heart just slightly below the midzone, passing through

the interventricular septum and emerging on the left posterolateral aspect of the left ventricle. The tract through the heart measures at least  $3/8$  inch in diameter and is irregular. The bullet opens into the left ventricular cavity as it passes through the myocardium. The missile then passes through a tongue of the lower portion of the left upper lobe as well as through the lower margin of the left lower lobe along its lateral aspect. The tracts through the lung tissue measure about  $1/2$  inch in diameter. There is hemorrhage in the adjacent tissues. The left pleural space as well as the pericardial sac is filled with fresh blood and blood clot. It is estimated that approximately 2000 cc. of blood are in the left chest. The missile penetrates the lateral wall of the left chest, nicking the lower margin of the 7th rib along the midaxillary line. The hole through the chest measures about  $1/4$  inch in diameter. The missile then emerges from the skin along the posterior axillary line as previously described.

The valves of the heart are within normal limits and sections of the myocardium show no evidence of fresh necrosis or fibrosis. The heart is of average size and serial sections through the coronary vessels show no atherosclerosis and these structures are patent. The aorta is of average size and free of atherosclerosis.

#### RESPIRATORY SYSTEM

Both lungs are free in the pleural spaces and the left chest, as previously described, is filled with blood clot. The tracheobronchial tree contains a small amount of aspirated vomitus which probably is a terminal event. The vessels of the lung are free of emboli. Both lungs show slight congestion of the vascular bed.

#### PERITONEUM AND DIGESTIVE SYSTEM

The peritoneum is smooth and shiny and there is no free fluid in the sac. The gastrointestinal tract as a whole is in the correct anatomical position and the stomach on being opened contains a very large undigested meal. No ulceration of the mucosa of the stomach or duodenum is found. The stomach, small and large bowel are grossly normal. The pancreas is of average size and sections through it show no gross significant changes.

#### HEPATIC SYSTEM

The liver is of average size and the surface is smooth and purple. Sections through the liver show no gross significant changes. The gallbladder, bile ducts and portal system are not specifically examined.

#### SPLEEN AND LYMPHATIC SYSTEM

The spleen is of average size and sections through it show no significant changes. The retroperitoneal and mesenteric lymph nodes are not enlarged.

**URINARY TRACT**

The kidneys are of average size and their capsules strip with ease leaving a smooth surface. The cortex and medulla of each kidney are of average thickness. The pelves and ureters are not dilated. The bladder contains approximately 100 cc. of clear urine which is taken for chemical examination.

**GENITAL SYSTEM**

The external genitalia are those of a normal circumcised male.

**ADRENAL S**

The adrenals are of average size and sections through them show no gross significant changes.

**SKELETAL AND MUSCULAR SYSTEM**

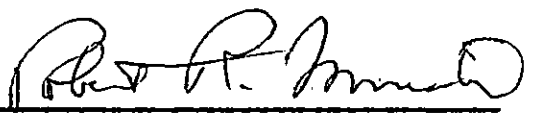
No fractures of ribs or long bones are found.

**ANATOMICAL SUMMARY**

1. BULLET HOLE THROUGH CHEST (LEFT) ~~PASSING THROUGH~~ LEFT ARM
2. MASSIVE LEFT HEMOTHORAX
3. HEMOPERICARDIUM
4. BULLET WOUNDS THROUGH LEFT UPPER AND LOWER LOBES OF LUNG.
5. POST MORTEM BLOOD ALCOHOL LEVEL: Zero
6. POST MORTEM BLOOD BARBITURATE LEVEL: Report to follow.
7. POST MORTEM URINE FOR DRUG SCREEN: REPORT TO FOLLOW

Note: From the size of the wound of entrance it appears that the missile is of a .38 caliber or thereabouts. The missile passed through the chest on a horizontal level with respect to the [REDACTED] in a standing position and it appears that the [REDACTED] was turned approximately 45 degrees to the left from a head-on facing position with respect to the gun. The [REDACTED] arm was slightly raised laterally from a vertical position at the side of the body since the wound through the arm is very close to the horizontal.

Cause of death: Bullet hole through heart.

  
Robert R. Morris, M. D., Pathologist

RRM:rf

October 7, 1970

A-5013

**THE HINE LABORATORIES, INC.**

RESEARCH AND DEVELOPMENT

SAN FRANCISCO, CALIF. 94103 • 301 SEVENTH STREET • PHONE (415) 861-5494, 861-3794

October 13, 1970

Sample of: Blood (10/4/70) and Urine

Received from: Humboldt Pathology Laboratory, 2425 Harrison Avenue  
Eureka, California 95501

Sample Identification: XXXXXXXXXX

Analysis requested: Drug Abuse

Date received: 10/9/70

Laboratory Report Number: 202-07

Urine negative for amphetamines and morphine-type alkaloids.  
 Blood negative for ethyl alcohol, chloral hydrate, paraldehyde, ethchlorvynol  
 and other common volatile organic solvents and alcohols.  
 Blood negative for other common barbiturates, carbamates, glutarimides, hydantoin-  
 toins, bromides, benzodiazepines and quinazolines.

By:                     *C. A. Hine MD*

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S T A T E M E N T  
O F  
LAWRENCE LYNWOOD LEMA  
. . .  
SUNDAY, OCTOBER 4, 1970  
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STATEMENT OF LAWRENCE LYNWOOD LEMA

Taken at the Sheriff's Office, Courthouse,  
Eureka, Humboldt County, California, on Sunday,  
October 4, 1970, commencing at the hour of  
7:48 o'clock P. M.; there being then and there  
present the said Lawrence Lynwood Lema; Roy  
Simmons, Lieutenant, Detective Division,  
Humboldt County Sheriff's Department; Ed Hulbert,  
Captain, Humboldt County Sheriff's Department;  
and [REDACTED] Certified Shorthand Reporter.

The following proceedings were then and there had,

to wit:

MR. SIMMONS: Larry, you know everybody present here,  
I'm sure. [REDACTED], Captain Hulbert, myself, Lieutenant  
Simmons.

This is an interview and statement taken by Captain  
Hulbert, Lieutenant Simmons of the Humboldt County Sheriff's  
Office, September 4.

MR. HULBERT: October 4.

MR. SIMMONS: I'm sorry, October 4, Sunday, at 7:48  
P. M.

This is in regard to a shooting incident which  
occurred this same date.

Larry, I will again advise you of your constitutional  
rights.

You have the right to remain silent. You have the

1 right to have an attorney before any questioning. Anything  
2 that you say can and will be used against you in a court of  
3 law. If you cannot afford to hire an attorney, one will be  
4 appointed to represent you before any questioning, if you wish  
5 one.

6 Do you understand each of these rights as I've  
7 explained them to you?

8 A. Yes, sir.

9 Q. Having these rights in mind, do you wish to talk to us?

10 A. Yes, sir.

11 Q. Larry, I'd like for you to tell us just in your own words  
12 what occurred this afternoon. It's my understanding that you  
13 were on a narcotics stakeout and that case number is seventy  
14 dash ten nine seventy-two.

15 Would you tell me where this stakeout was being  
16 conducted?

17 A. It was down by the river bar off the Grizzly Bluff Road,  
18 I believe that road is sometimes called the East Ferry Road.

19 Q. What time did you take up this stakeout today?

20 A. I believe I arrived there just a few minutes before three  
21 o'clock.

22 Q. Have you been on this same stakeout previously?

23 A. Yes, sir, I've gone down there Friday, on advice from  
24 Detective Ames, had gone down and contacted Mr. [REDACTED].  
25 At the time I arrived he was talking to [REDACTED] and they  
26 stated that the [REDACTED] had already been there and left prior

1 to my arrival. I went down to check the area with Mr. [REDACTED]  
2 he showed me where exactly the plants were, picked out a spot  
3 to conceal myself and then sat, and I went down approximately  
4 twelve-thirty, I believe I arrived, stayed there until  
5 approximately six-thirty, and no one showed up.

6 Today while I was sitting at home I received a phone  
7 call from a person who identified themselves as [REDACTED] [REDACTED] [REDACTED]  
8 [REDACTED] son, stated his dad had just seen a car go down by the  
9 river bar and he thought it was them. I then got in my car  
10 and immediately went down there as Mr. [REDACTED] had told us  
11 previously that they always went down to the river first and  
12 then came back to the plants.

13 I thought I might get there before they came back  
14 from the river to the plants. I went down there and I  
15 concealed myself in the bushes.

16 Q. Approximately how far were you away from the plants that  
17 you were staked out on?

18 A. I've never stepped off the distance; I would estimate  
19 between ten yards and fifteen yards, somewhere in there.

20 Q. Then what occurred, Larry? You were staked out watching  
21 the plants?

22 A. Yes, sir, and I waited and no one came by there. I'd  
23 been there for a length of time, I don't know how long, and a  
24 [REDACTED] I believe, Datsun pickup, came driving up, drove in  
25 right in the road there near where the plants were at, and it  
26 stopped and two people got out of it. I concealed myself in

1 the brush. These people came around, they went down to the  
2 plants and they were crouched down by the plants. I moved  
3 out from directly behind the brush to a little further out,  
4 and the [REDACTED] -- one of them stood up as though they were  
5 going to leave, and I stepped -- stood up, stepped forward,  
6 and I had my gun in my hand, and I said, "Hold it, you're  
7 under arrest," and the other [REDACTED] was rising, and he turned  
8 around towards me and he had something in his hand. I then  
9 fired at the [REDACTED] and he staggered and fell. I then ran up  
10 to him and saw that he didn't have a deadly weapon, and here  
11 I'm not exactly sure exactly what happened, but I started to  
12 handcuff the other [REDACTED], take him to my car to get help,  
13 and then I thought that it would be better as I knew who the  
14 [REDACTED] was, for him to go get help and me to stay there with  
15 the injured party, if I could help him.

16 I immediately took off the cuffs and told him to go  
17 get help at the [REDACTED] residence and to call the ambulance  
18 immediately.

19 Q. When these two people arrived in their car they were in a  
20 [REDACTED] Datsun?

21 A. I believe it's a Datsun. It's a [REDACTED] [REDACTED] little pickup,  
22 I believe it's a Datsun.

23 Q. Did they go direct to the plants?

24 A. As soon as they got out of the car, yes, they came directly  
25 to the plants.

26 Q. How long were you on the stakeout prior to this car coming

1 there, Larry?

2 A. I'm not sure of the exact time; possibly a half an hour or  
3 so, I don't know. I don't remember the exact time, I didn't  
4 look at my watch.

5 Q. Did this [REDACTED] -- [REDACTED] Datsun pickup make any other trips,  
6 to the river bar, to your knowledge?

7 A. Prior to this?

8 Q. Yes.

9 A. Not to my knowledge.

10 Q. This is the first trip that you'd seen the [REDACTED] pickup  
11 come in?

12 A. Yes, sir.

13 Q. Did you have any previous description of the intersection  
14 or vehicle that may be coming to the plants?

15 A. Yes, sir, we suspected that it was a [REDACTED] by the name  
16 of [REDACTED] as Mr. [REDACTED] had described a [REDACTED] car, raked  
17 in the back, and his kids had told him there were only two of  
18 them like it in Ferndale, one of them belonged to [REDACTED]  
19 [REDACTED], and also stated there was a [REDACTED] car which I understand  
20 Mr. [REDACTED] owns, had been there, and also a [REDACTED] Ford pickup had  
21 stopped in that area.

22 Q. When this [REDACTED] Datsun drove in and the two persons got out  
23 of it and went to the plants, to the marijuana plants, did you  
24 recognize either one of the [REDACTED] at that point?

25 A. I was crouched down in the brush and as Mr. [REDACTED] went  
26 by I thought that's who it was, but I wasn't sure at that time

1 until he stood up from the plants and faced me as I told them  
2 they were under arrest, then I recognized him. I did not  
3 recognize the other [REDACTED] that I shot until after he had  
4 been shot and he called out my name.

5 Q. When you informed the two persons that they were under  
6 arrest, how far were you from them at that time, Larry?

7 A. Say six or seven yards, possibly.

8 Q. And the first fellow that stood up, that was [REDACTED]

9 [REDACTED]

10 A. Yes, sir.

11 Q. And he turned to face you?

12 A. He turned in my direction as though they were going to  
13 leave, and I thought that they would immediately see me and  
14 that's when I stood up and stepped forward.

15 Q. Were you standing in the open at that time?

16 A. Well, I was partially behind some -- I don't know what  
17 kind of weeds they were, I was in the midst of them.

18 Q. How high were these weeds?

19 A. Some of them, I believe, around seven feet high, six,  
20 seven feet high.

21 Q. Now, when the fellow that was shot turned around, did he  
22 turn fast or slow?

23 A. No, he didn't turn slow. He turned rather rapidly towards  
24 me.

25 Q. Was he holding anything, did he have anything in his hand?

26 A. Yes, sir, he had some -- something in his hand. It turned

1 out to be a bunch of marijuana leaves and heads from marijuana  
2 plants.

3 Q. Did you believe at the time he turned around that he had a  
4 weapon in his hand?

5 A. Yes, sir, I saw something in his hand and I thought that  
6 I was in danger. I just fired at him.

7 Q. Was there any conversation between the two [REDACTED] when  
8 they came to the plants, that you could overhear?

9 A. I could hear them talking, but I could not tell what they  
10 were saying. They were talking in hushed tones and they were  
11 both squatted at the ground.

12 Q. Where did they park their car when they came to the area?

13 A. They parked it to the -- it would be to the northeast of  
14 where the plants were at.

15 Q. Approximately how far away would this be?

16 A. Roughly possibly two hundred feet.

17 Q. There is a road leading in there what we call the River  
18 Road for a lack of a better term, there is a road leading from  
19 that road directly to the plants?

20 A. Yes, sir.

21 Q. Isn't that true?

22 A. Yes.

23 Q. And you can drive how close to the plants, if you were --

24 A. (Int'g) Right next to them.

25 Q. Yet these -- these boys didn't drive directly into these  
26 plants, they parked their car some two hundred feet away?

1 A. Yes, sir.

2 Q. And on River Road?

3 A. Yes, sir.

4 Q. They then walked up that road leading off of River Road  
5 to the plants?

6 A. Yes, sir.

7 Q. Did you later have a conversation with [REDACTED] [REDACTED] after  
8 the shooting in regards to the plants?

9 A. Yes, sir. Would you like me to relate the incidents that  
10 transpired immediately after the shooting?

11 Q. Yes, um hum.

12 A. Well, as I previously stated, when the [REDACTED] fell to the  
13 ground shot I started to handcuff Mr. [REDACTED] to take him to  
14 my car to immediately go for help, and I thought, no, that it  
15 would be best if I stayed there with the [REDACTED] and sent Mr.  
16 [REDACTED] to get help as I knew who the [REDACTED] was, Mr.

17 [REDACTED] and I didn't think he'd run, and I thought that he  
18 would go get help, I didn't think he'd just leave the scene  
19 without going to get help. I took the cuff -- I had it on one  
20 wrist, I took it off him after I told him to immediately go  
21 get some help, and he left and went to, I believe, the [REDACTED]  
22 residence, I'm not sure exactly where he went. A short time  
23 later -- okay, he left and I waited there for I don't know how  
24 long, and I saw that the [REDACTED] was shot in the chest and  
25 there wasn't much I could do for him just standing there, and  
26 I stepped out to what we referred to as River Road. At this

1 time I saw a young boy walking up the road, and I asked him  
2 if he was [REDACTED] [REDACTED] and he said yes, and so I gave him my  
3 car keys, took him back to where my car was parked and told  
4 him to go to the house to call the Sheriff's Office and tell  
5 them that I had shot a man down here. He then got in my car  
6 and left, and I went back to the [REDACTED] and it appeared that  
7 he had stopped breathing. I then walked out to the River  
8 Road and out the east East Ferry Road and I was wondering  
9 what had happened to Mr. [REDACTED] and I walked up towards  
10 the lane where the [REDACTED]'s live. At this time Mr. [REDACTED]  
11 came down the lane, and at the edge of the road he says, "I  
12 have to go up to the Grizzly Bluff School so the ambulance  
13 won't miss the turnoff," and I says, I don't know the exact  
14 words, but something to the effect, I believe, "It's too late,  
15 I think he's dead," and he says, "He better not be, Lema," and  
16 he started to go down towards the river, and I said, "Wait a  
17 minute, where are you going," and he said, "I'm going down to  
18 see [REDACTED]," and he took off down there, I started back on foot.  
19 A short time later -- again I'm not sure how long, a few  
20 minutes he was down there, he came back. At this time I  
21 stood in the road. I got in the vehicle and went to the  
22 Grizzly Bluff Schools and waited for the ambulance. The  
23 ambulance was coming down the road, so we turned around and  
24 they followed us down to the river bar, and I led them in to  
25 where the boy was at and they checked him over and that, and  
26 I gave the ambulance driver my driver's license for

1 identification, he wanted to know my name, et cetera, and I  
2 gave him that, told him to get the boy immediately to the  
3 hospital, and so they went to where the boy was at and the  
4 ambulance driver and I drew an outline around the boy and they  
5 took off in the ambulance with him.

6 In the meantime, on the way down there, I had spotted  
7 my car back down there on River Road, it was parked off the  
8 road just a short distance up from where this incident occurred.  
9 We then took Mr. [REDACTED] down to my car and two other  
10 [REDACTED] showed up, one by the name of [REDACTED] [REDACTED], and  
11 I don't remember the other boy's name. [REDACTED] went over to  
12 talk to them, and I called him away, told him to come over by  
13 me. I took him to my car and drove up to the intersection of  
14 River Road and East Ferry Road and was parked there. These  
15 other [REDACTED] had their car pulled in ahead of the [REDACTED]  
16 Datsun that [REDACTED] had parked there near the intersection,  
17 just past the intersection, and at this time some vehicles  
18 were coming down River Road -- correction, East Ferry Road,  
19 to go down to the river, and the vehicles were in the way, and  
20 I told the [REDACTED] -- I previously asked them to leave, and  
21 they had stuck around, and I told them to move their car, which  
22 they did, they complied and they moved their car back. At  
23 this time another truck -- car came down the road. It was  
24 very narrow where [REDACTED] had his car parked, so he said,  
25 "I'm going to move my car up the road." I says, "Okay," and  
26 he moved his car up the road and again he went over and started

1 talking to these guys again, and I called him back, said some-  
2 more to him, and I yelled at him, [REDACTED], come back over here,"  
3 and I started walking down there towards him, and he then  
4 walked back towards me and said, "What do you want," and I  
5 said, "Get over here in the car and wait," and we sat in the  
6 car for a while and waited for the sheriff's units to show up.  
7 At this time the Ferndale P. D., Manuel Gonsolves showed up,  
8 and I asked him to go back to the intersection of Grizzly  
9 Creek Road and East Ferry Road there by the school houses to  
10 show the other units how to get in there, and then shortly  
11 thereafter Officer Jack Taylor from the sheriff's office  
12 showed up, and I put [REDACTED] [REDACTED] in the back of the patrol  
13 car, and from then on the other units started showing up.

14 Q. [REDACTED] then made another trip back to the scene while  
15 you were up at the roadway, up near Waddington Road?

16 A. I was up near the [REDACTED] Lane where the road -- they have a  
17 lane there that comes off of East Ferry Road.

18 Q. Um hum.

19 A. That goes to their house, that's where I was at.

20 Q. Did you see where he went to on that trip?

21 A. He went down in the brush in the area where the other  
22 [REDACTED] was laying.

23 Q. You placed [REDACTED] under arrest immediately at the scene,  
24 is that correct?

25 A. Yes, sir, I placed both [REDACTED] under arrest, told them,  
26 "Hold it, you're under arrest."

- 1 Q. [REDACTED] was the first one then to turn around?
- 2 A. Yes, sir, he was turned facing me as I stepped forward.
- 3 Q. Did [REDACTED] make a sudden move?
- 4 A. He just turned around rather quickly, he just turned
- 5 around real fast.
- 6 Q. Was there any conversation at this time?
- 7 A. No, sir.
- 8 Q. And you did observe something in [REDACTED] hand as he turned?
- 9 A. Yes, sir.
- 10 Q. In what manner was he holding this?
- 11 A. As he turned he had it up in his -- his hand up in front
- 12 of him, and I thought it was a weapon.
- 13 Q. Was he extending his hand?
- 14 A. He was in the process of turning to face me and I don't
- 15 recall just the exact position of his hands, they were just
- 16 coming around with his body, and I saw this in his hand.
- 17 Q. Did you believe that you were in danger at that particular
- 18 time?
- 19 A. Yes, sir.
- 20 Q. Larry, what is your full name?
- 21 A. Lawrence, (Spelling) L-a-w-r-e-n-c-e Lynwood (Spelling)
- 22 L-y-n-w-o-o-d Lema (Spelling) L-e-m-a.
- 23 Q. What is your date of birth, Larry?
- 24 A. [REDACTED].
- 25 Q. Your present address?
- 26 A. [REDACTED] Craig (Spelling) C-r-a-i-g Street, Ferndale.

1 MR. HULBERT: Larry, when you first arrived the  
2 marijuana plants were setting in the area where these two  
3 later walked up to?

4 A. Yes, sir.

5 Q. And after the [REDACTED] boy had been shot, when you walked  
6 over, the two plants were still there?

7 A. Yes, sir.

8 MR. SIMMONS: Now, these plants, as I understand it,  
9 disappeared sometime prior to the other officers arriving  
10 there and while you were attempting to secure an ambulance?

11 A. Yes, sir, they --

12 Q. (Int'g) And get assistance?

13 A. Yes, sir, they disappeared prior to the time of the  
14 ambulance arriving and my returning to the scene.

15 Q. Had there been any other vehicles other than [REDACTED]  
16 vehicle go into that area?

17 A. Before --

18 Q. From the time of the shooting until the time that the  
19 plants were missing.

20 A. No, sir, not that I know of.

21 Q. Did you have a discussion with [REDACTED] about these  
22 plants?

23 A. Yes, sir, I asked him, "What did you do with the plants?"

24 Q. What did he say?

25 A. He says, "I don't know what happened to the plants, to  
26 hell with the plants, I know they were there. Don't worry

1 about the plants."

2 Q. He did say to you that he knew the plants were there?

3 A. Yes. I then later at the car, I advised him, the [REDACTED]  
4 [REDACTED] of his constitutional rights, and I again asked him  
5 about the plants, and he stated there had been another car  
6 down there, and I asked him what kind of car it was, and he  
7 says, "I don't know what kind of car it was," and I asked him  
8 what color it was, and says, "It was green like yours -- no,  
9 I don't think so, I think it was [REDACTED] I don't know what kind  
10 of color it was or what kind it was."

11 Q. Did he say anything about what the plants were doing there  
12 or what they were doing at the plants?

13 A. He was sitting beside my car, he had gotten out once and  
14 had urinated, and he sat down by the car and he just made the  
15 comment, "These plants didn't even belong to [REDACTED]" and I  
16 asked who did they belong to, and he says, "I don't know, some  
17 friend of [REDACTED]'s."

18 Q. He didn't mention the name of the friend?

19 A. No, sir, said he didn't know.

20 Q. Larry, I know that you've been on numerous stakeouts of  
21 various types. Approximately how many stakeouts have you been  
22 on during your length of service?

23 A. I just -- I don't know.

24 Q. This would be a guess, I know it would be difficult to say,  
25 but I have personal knowledge that you've been on several  
26 stakeouts prior to this incident.

1 A. Four or five possibly, I don't recall exactly how many.

2 Q. How long have you been employed for the Humboldt County  
3 Sheriff's Office, Larry?

4 A. Three years and nine months.

5 Q. And you've worked narcotic details before?

6 A. Yes, sir.

7 MR. SIMMONS: Captain, do you have any questions?

8 MR. HULBERT: No, I don't believe anymore. I think  
9 we have pretty well covered everything.

10 MR. SIMMONS: Larry, do you have any information or  
11 knowledge as to any narcotic activity of [REDACTED] or [REDACTED]  
12 prior to this particular case?

13 A. Well, I've just heard rumors that [REDACTED] had been involved  
14 in it, but I don't know. I have no personal knowledge of  
15 this, and I don't know if he's ever been arrested for it or  
16 not. As I say, I had heard it.

17 Q. Larry, is there anything else that you would like to add  
18 to this statement?

19 A. No, sir, not at this time, that I can think of.

20 Q. There's one point I want to clear up again here or ask  
21 again, from the time of the shooting until you observed that  
22 the plants were missing, had you observed any other vehicles  
23 go into that area other than McCanless's vehicle?

24 A. No, sir, I saw one other car leave down there, but he --  
25 I could see him, he came from the river bar and not from that  
26 area at all.

1 Q. And you were in a position all of this time that you could  
2 have -- you could have observed a car go or come from that  
3 area?

4 A. Any car that had come out of River Road I would have seen,  
5 and it would have had to drive right past me if it had, and  
6 there was only one car drove past me.

7 Q. And when you observed [REDACTED] drive back into that area,  
8 could you observe him go into the immediate area where the  
9 plants were?

10 A. I saw him drive in on what we refer to as River Road, and  
11 after he just got a short ways in there he was out of sight  
12 for the brush.

13 Q. Well, this incident took place only a short distance from  
14 Ferry -- Ferry Road, East Ferry Road on -- onto River Road, as  
15 we call it?

16 A. Yes, sir.

17 Q. So then the vehicle would have been about in this vicinity?

18 A. Oh, yes.

19 Q. When you last observed it?

20 A. Yes.

21 Q. In the close proximity to where the plants had been?

22 A. Yes, sir.

23 Q. Well, Larry, if you have nothing further to add to this  
24 statement we'll terminate this statement.

25 Has there been any promises or threats made to you in  
26 order to induce you to give this statement?

1 A. No, sir.

2 Q. And this statement has been given free and voluntarily?

3 A. Yes, sir.

4 Q. And everything that you have told us in this statement is  
5 true to the best of your knowledge?

6 A. Yes, sir.

7 MR. SIMMONS: Captain, do you have any further  
8 questions?

9 MR. HULBERT: I have no further questions.

10 MR. SIMMONS: I have no further questions.

11 We'll terminate the statement at 8:24 P. M.

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RA

U. S. DEPARTMENT OF JUSTICE  
RETURN AFTER FIVE DAYS  
OFFICE OF  
UNITED STATES ATTORNEY  
[REDACTED] FEDERAL BLDG., BOX 36055  
[REDACTED] GOLDEN GATE AVENUE  
SAN FRANCISCO, CALIFORNIA 94102  
OFFICIAL BUSINESS

January 14, 1971

Mr. Robert E. Gebhardt  
Special Agent in Charge  
Federal Bureau of Investigation  
Federal Building  
[REDACTED] Golden Gate Avenue  
San Francisco, California 94102

Re: Lawrence Lema, Deputy Sheriff;  
[REDACTED]

Dear Mr. Gebhardt:

This office has carefully reviewed the reports in the above-entitled investigation, which has now been completed. We have also coordinated the matter with the Department of Justice in Washington. We express no opinion with respect to the propriety, under state law, of the actions of Deputy Lema at the time of the incident, and no such expression should be inferred from any findings herein.

We have declined to prosecute in this case, inasmuch as a thorough investigation failed to disclose evidence sufficient to warrant prosecution of Lema under Federal law. Particularly, the evidence discloses a reasonable doubt that Lema's intent, at the time of the incident, was to impose summary punishment or otherwise deprive [REDACTED] of any right under Federal law, as required by the civil rights statute. Accordingly, we are closing our file, as has the Department of Justice in Washington.

Very truly yours,

JAMES L. BROWNING, JR.  
United States Attorney

cc: Mr. William F. Ferroggiaro, Jr.  
District Attorney  
County of Humboldt

→ Mr. Gene Cox, Sheriff  
County of Humboldt



OFFICE OF THE ATTORNEY GENERAL

**Department of Justice**

STATE BUILDING, SAN FRANCISCO 94102

November 17, 1970

STATE OF CALIFORNIA  
OFFICE OF THE ATTORNEY GENERAL  
**DEPARTMENT OF JUSTICE**  
STATE BUILDING  
SAN FRANCISCO, CALIFORNIA 94102

*Rec'd 11-19-70/9:30 am*

Mr. William F. Ferroggiaro, Jr.  
District Attorney  
County of Humboldt  
Courthouse  
Eureka, California 95501

Sheriff Gene Cox  
County of Humboldt  
Courthouse  
Eureka, California 95501

Gentlemen:

I have received a number of requests from citizens of Humboldt County requesting that this office conduct an investigation into the shooting and death of [REDACTED] on October 4, 1970, allegedly at the hands of Humboldt County Deputy Sheriff Lawrence Lema.

I understand that there have been some proceedings by the Humboldt County Grand Jury in connection with this matter.

Pursuant to the provisions of sections 12550 and 12560 of the Government Code of the State of California, it is requested that you furnish a written report to this office concerning the investigation of this matter, with specific reference to any legal proceedings that have been carried out.

Sincerely,

THOMAS C. LYNCH  
Attorney General

70-10968

10/15/70,  
District Attorney Wm. Ferroggiaro presented this case to the Grand Jury.

10/20/70,  
The Grand Jury returned a verdict of justifiable homicide.

Case Closed.

Lt. Roy Simmons  
Detective Div.



To Sheriff

October 28, 1970

United States Attorney  
[redacted] Golden Gate Avenue  
San Francisco, California  
[redacted]

To: the U.S. Attorney

On October 4, 1970 Deputy Sheriff Larry Lema of Humboldt County shot and killed [redacted] in broad daylight on a river bar in Ferndale. At the request of the county district attorney, the county Grand Jury investigated this homicide and found it to be Justifiable. But many of the citizens of this area feel this verdict is an outrage of justice, and apparently a go ahead for the sheriff's office to commit further such acts.

We strongly urge you to take action on the request of Attorney [redacted] for your office to investigate this case and determine if, in fact, [redacted] civil rights were violated under the 1964 Civil Rights Act.

This letter comes to you because we have exhausted all legal channels of recourse in this county. It appears that the local political structure wants to bury this case and forget it.

We appeal to your office to step in and help us secure JUSTICE.

We need OUTSIDE help.

Personal

Comment:

From student rally at HSC  
From Deputy Bruce Biggins.  
signed: \_\_\_\_\_

June 18, 1971

Mr. Robert E. Friedrich  
Attorney at Law

[REDACTED]  
San Francisco, CA 94102

Dear Mr. Friedrich:

This is in reply to your letter of June 15, 1971 in which you stated you wished Deputy Lema and myself to comment on the Plaintiff's Attorney's statement that there was a violation of this Department's rules and regulations. There were no violations committed. Officers Ames and Templeton secured permission from Captain Carroll to place Deputy Lema on this stake out, as is confirmed by Captain Carroll's statement which was sent to you by County Counsel Raymond Schneider.

However, I would like to enumerate the following commonly circulated rumors: That Mr. [REDACTED] illness is due to a tumor removed from behind his ear. That the [REDACTED] Family has a history of [REDACTED] and that Mr. [REDACTED] mother passed away in a [REDACTED]. It is also on record in this Department that Mr. [REDACTED] brother [REDACTED] several years ago. In regard to the statement made by [REDACTED] Attorney that the family was very closely knit, it is also rumored that during the last two years the deceased was in college, his father would not allow him to come home, and that he had to spend his vacations with his grandmother.

As to Deputy Lema's action and appearance on the witness stand during the [REDACTED] trial, I have talked to my Bailiff, Deputy Harpin, who stated that Deputy Lema did a marvelous job. I also talked to Mr. [REDACTED] Post Office Box [REDACTED] Eureka, California, who is a retired business man. His hobby since retirement is to spend 90% of

Mr. Robert E. Friedrich  
Attorney at Law

-2-

June 18, 1971

his time listening to court trials in this County. He stated that he heard the largest part of Deputy Lema's testimony in the [REDACTED] trial, and felt that Deputy Lema did an outstanding job. Mr. [REDACTED] will be willing to testify to this. I have been unable to locate an attorney who was present during Deputy Lema's testimony other than the ones who were on the case. However, I have talked to Robert Hickok, the District Attorney's Chief Investigator. He also felt that Officer Lema did an outstanding job while testifying during the [REDACTED] trial.

I am enclosing for your interest a copy <sup>of</sup> two reports in which the deceased was involved as well as a copy of the [REDACTED] report on [REDACTED] which occurred in 1955.

Sincerely,

GENE COX, Sheriff  
County of Humboldt  
Eureka, California

GC [REDACTED]

\*Enclosures

cc [REDACTED]

\* Copy of Case 66-10,527  
65-10,099  
Incident File Copy, [REDACTED]

December 22, 1970

Mr. James Browning  
U.S. Attorney  
[REDACTED] Golden Gate  
San Francisco, California

RE: Lawrence L. Lema Civil Rights Case

Dear Sir:

Recently we furnished our files to you at the request of the Attorney General regarding the arrest of [REDACTED] and the death of [REDACTED]

We would greatly appreciate your views regarding any anticipated prosecution and/or your views regarding this matter.

Sincerely,

GENE COX, Sheriff  
County of Humboldt  
Eureka, California

GC, [REDACTED]

October 9, 1970

✓ Sheriff Gene Cox  
County of Humboldt  
Courthouse  
Eureka, California

William Ferroggiaro  
District Attorney  
County of Humboldt  
Courthouse  
Eureka, California

Gentlemen:

I have read and re-read the newspaper reports of the killing of [REDACTED] in search of answers as to why our agents of law and order found it necessary to try, convict and execute the [REDACTED] on the spot. It does seem clear that [REDACTED] was [REDACTED] of something in connection with marijuana plants in violation of law - but it is not clear why he could not have been arrested and given a chance to defend himself in the process of "law and order". I am sure that many of us, parents of young men like those of [REDACTED] would perhaps find it of some comfort to be informed by the Sheriff's Department that he was in fact a dangerous criminal - one so frightening to an officer who had known him all his life, that the officer could not peaceably arrest him. But such does not appear from the reports to be the case - [REDACTED] would appear to have been a bright and promising young man, who certainly was entitled to a fair trial and to life.

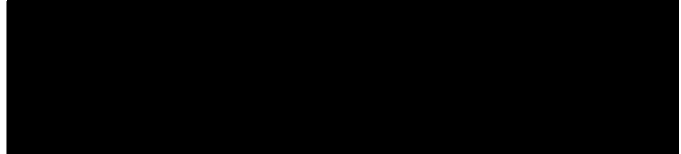
Many must be sickened and saddened, as I am, to think that our values have become so distorted that confiscation of two marijuana plants, the existence of which had been known for five days and had taken as many days of full time surveillance, somehow became so important as to make the life of [REDACTED] valueless.


I share with you a quotation from an analysis on the new community of youth by Charles A. Reich entitled "The Greening of America" - "...law is used by those in power as a weapon against those who are powerless. The bitter truth is that despite all our ideals of law, talk of law and order, we are today in the most literal sense a lawless

society, for our law has ceased to be law and become instead its opposite - mere force at the disposal of whoever is at the controls."

I think this is a time for all of us, governmental agents for the enforcement of law included, to examine our values and our consciences.

Sincerely yours,

A large black rectangular redaction box covering the signature area.

cc:  
Editor  
Times-Standard  
  
Eureka, California

Office of the District Attorney

County of Humboldt

COURTHOUSE

EUREKA, CALIFORNIA 95501

December 4, 1970

Hon. Thomas C. Lynch  
Attorney General of the State of California  
Office of the Attorney General, Department of Justice  
[REDACTED] State Building  
San Francisco, California 94102

Dear Mr. Lynch: [REDACTED]

In accord with your request of November 17, 1970, the following narration of events and investigative determination is forwarded.

On October 2, 1970, Ferndale rancher [REDACTED] reported the discovery of growing plants to the Humboldt County Sheriff's Office. A field investigation was initiated. Two growing marijuana plants, under cultivation, were located growing in containers. The plants were discovered side by side, in an upright or growing posture, several hundred yards west of the Eel River, in an area covered by underbrush and river stone.

Arrangements for surveillance by Sheriff's Deputy Lawrence L. Lema were made and Deputy Lema conducted surveillance for a six hour period, alone, on October 3, 1970.

On October 4, 1970, Deputy Lema, by pre-arrangement with Rancher [REDACTED] responded to a call by [REDACTED] concerning traffic in the area of the growing plants. Deputy Lema responded to the summons from his home, where a family gathering following the christening of Lema's son was concluding. Deputy Lema responded to the plant scene dressed in civilian clothes, driving his private automobile, with duty belt and service revolver.

Deputy Lema arrived in the area of the plants approximately 3:00 P.M.- 3:15 P.M., October 4, 1970, and assumed a position of surveillance. Approximately one-half hour later a Datsun pickup truck, [REDACTED] in color, approached to within 150 feet of the growing plants and two occupants, two males, alighted and proceeded in the direction of the growing plants.

The two young men passed within 5-6 yards of where Deputy Lema crouched in cover of the underbrush which covers the area generally. Deputy Lema has testified that he was unable to identify either young man at this time, as he sought to keep his presence unknown by crouching in the brush. The two men proceeded to the plants, knelt at the plants for a short period of time. Deputy Lema moved from his cover, service pistol drawn, to a position 7-10 yards from the kneeling men.

At this point, Deputy Lema recognized [REDACTED] The other young man, still in a kneeling or semi-crouched position, turned rapidly to Deputy Lema, holding material in his hand. Deputy Lema has testified he discharged his service revolver one time in response to the

December 4, 1970

young man's action. Only after the shot did Deputy Lema recognize the other young man as [REDACTED] an acquaintance of some years.

Deputy Lema has testified at Preliminary Examination, People v. [REDACTED] October 21, 1970, to the following events:

"A. The two individuals walked past to the plants and they squatted down by the plants and next --right next to them and they were there for a short period of time and I started to move out from my position to where I could get a better look at what they were doing when [REDACTED] stood up and turned in my direction. I thought they had seen me immediately and I stepped forward. I stood up and stepped forward and I told the two [REDACTED] to, "Hold it." They were under arrest.

Q. Now, you have stated [REDACTED] got up, what was the other individual doing at this time?

A. He was bent, squatted down facing towards the plants.

Q. All right. At any time did you see either of these two people doing anything with their hands as they were squatted down?

A. I couldn't tell exactly what they were doing.

Q. All right. So, then you have testified you got out from where you were concealed and told them to "Hold it."?

A. And that they were under arrest.

Q. All right and can you relate just as carefully as you can what happened at that point?

A. As I said, [REDACTED] was standing and when I said this he immediately stopped right in that position. He just stood right there. The other [REDACTED] came up, wheeled around towards me. He had what I thought was a weapon in his hand. As it came to bear on my person I fired at the [REDACTED] hitting him. He clutched himself. His hands and he said something to the effect, I'm not sure of the exact terminology but something to the effect of, "Christ, [REDACTED] you shot me." And he staggered forward a couple of steps and he fell to the ground.

Q. Now, at the time that [REDACTED] got up did you recognize him as he turned towards you?

A. When he turned towards me I recognized him, yes.

Q. All right. How about the other individual, at any time did you recognize him after you had shot him?

A. After I had shot him and he spoke my name then I realized who it was.

Q. Did you, yourself, have occasion at that time to see what, if

December 4, 1970

anything, [REDACTED] had in his hand?

A. As I said, he clutched himself and he staggered forward and he fell. I immediately went up to him, it was at this time that I noticed it was not a deadly weapon in his hand, that it was what appeared to be marijuana." RT, Oct. 21, 1970, Preliminary Examination, P. 28, Ins. 9-26, P. 29, Ins. 1-24.

Deputy Lema approached [REDACTED] to secure custody, commenced to handcuff [REDACTED] but heeded [REDACTED] request to go for assistance to [REDACTED] [REDACTED] departed the area in his [REDACTED] Datsun pickup to summon assistance at the [REDACTED] trailer.

Deputy Lema remained in the vicinity of [REDACTED]. [REDACTED], son of [REDACTED], came to the area and was dispatched by Deputy Lema to summon additional aid. Deputy Lema left the area of [REDACTED], with the two growing marijuana plants still in place, and walked to the County Road. At this point, Deputy Lema met [REDACTED] returning, after summons of aid. [REDACTED] continued past Deputy Lema and returned to the area of [REDACTED] and remained out of the presence of Deputy Lema for a period of time. [REDACTED] returned to the presence of Deputy Lema, and both awaited the arrival of an ambulance.

Upon the arrival of the ambulance Deputy Lema guided the attendants to the area of [REDACTED] and recovered from [REDACTED] immediate vicinity a quantity of fresh and green marijuana stalks, stems and leaves, measuring some six inches in length. Deputy Lema reduced this marijuana to his possession and noted the growing plants and containers were no longer in position.

[REDACTED] was killed by a single shot which entered his body at an angle of 45 degrees at the fourth anterior rib, pierced the heart, exited posteriorly nicking the seventh rib, and through the flesh at approximately the mid point of the upper left arm.

A search of the entire area conducted during the morning hours of October 5, 1970, disclosed the two growing plants, still in containers, 174 feet distant from their original location and located in thick underbrush. No latent fingerprints were able to be recovered.

A search of the vehicle of [REDACTED] was conducted on October 5, 1970, and the following items recovered: One dried marijuana seed, one small blue bottle containing soil or dirt, vegetable material, determined not to be marijuana, one package of Zig-zag cigarette papers.

On October 9, 1970, a release was prepared by the District Attorney which stated that upon conclusion of investigation the matter would be examined by the Humboldt County Grand Jury.

On October 15, 16, and 19, 1970, the Humboldt County Grand Jury considered the death by shooting of [REDACTED] and on October 20, 1970, returned no indictment.

Subsequent to the Humboldt County Grand Jury's investigation and determination of October 20, 1970, and following Preliminary Examination, referred to above, October 21, 1970, it was reported by [REDACTED] that the two growing marijuana plants were the property of [REDACTED]

December 4, 1970

██████████ and were placed in containers, where discovered on October 2, 1970, by ██████████ and ██████████

██████████ was offered a polygraph examination on October 20 or 21, 1970, and declined to participate through his attorney, ██████████

On November 6, 1970, the Humboldt County Grand Jury filed the following interim report on the death of ██████████

"GRAND JURY REPORT

On October 15, 16 and 19, 1970, the Humboldt County Grand Jury inquired into the circumstances of the death of ██████████ on October 4, 1970. This interim report of the Grand Jury is now prepared and forwarded to the citizens of Humboldt County.

On October 4, 1970, ██████████ was killed by a single shot fired by Deputy Sheriff Lawrence L. Lema in the vicinity of Grizzley Bluff Road, County of Humboldt.

Investigation and interrogation into the events of October 4, 1970, was conducted by the Humboldt County Sheriff's Department and the Office of the District Attorney, County of Humboldt.

On October 15, 1970, the Humboldt County Grand Jury, ██████████ Foreman, assembled at the request of District Attorney William F. Ferroggiaro, Jr. to hear, weigh, and evaluate evidence surrounding the tragic event of October 4, 1970.

Section 888, California Penal Code, states:

"A grand jury is a body of the required number of persons returned from the citizens of a county before a court of competent jurisdiction, and sworn to inquire of public offenses committed or triable within the county."

District Attorney Ferroggiaro, on behalf of the Humboldt County Grand Jury, extended an invitation to Attorney ██████████ attorney for the ██████████ family and attorney for ██████████ to provide the Office of District Attorney and the Grand Jury with assistance and evidence in order that a complete evaluation be made. This invitation was extended to ██████████ on October 4, 1970, and October 12, 1970, each time at the ██████████ residence.

██████████ representing both the ██████████ family and ██████████ assisted the Humboldt County Grand Jury in its ultimate determinations and conclusion.

The Humboldt County Grand Jury, during its deliberations, was assisted, and relied upon, the testimony of Deputy Sheriff Lawrence L. Lema and the testimony of ██████████ both of whom testified at length to the events of October 4, 1970.

December 4, 1970

It is well to recall that each of these witnesses, Lema and [REDACTED] had the right not to testify, and might have relied upon Constitutional guarantees under the Federal and State constitutions and statutory enactments.

Each witness, Lema and [REDACTED] testified voluntarily, each being separately advised by his legal counsel to assist the Grand Jury in its investigation.

At the outset it was determined that all members of the Grand Jury had to be acquainted with the vicinity and physical characteristics of the area in which the fatal shooting occurred. Accordingly, arrangements were made and on October 15, 1970, all members of the Grand Jury assembled in the area near Grizzley Bluff Road, Humboldt County, known to be the place of incident, and a jury viewing of the incident scene was accomplished.

Testimony was received by the Grand Jury which discussed the initial finding and location of two marijuana plants by a citizen-rancher, his notice to the authorities and the subsequent assistance rendered to the Humboldt County Sheriff's Narcotic Division on October 2, 1970.

Testimony was received which described the creation and authorization of surveillance duty under authority of the Sheriff's Narcotic Division, describing surveillance on October 3, 1970, and the events of October 4, 1970.

Testimony, previously referred to, was received from Deputy Sheriff Lawrence L. Lema and [REDACTED] which set forth the facts surrounding the surveillance, the arrest, the shooting which resulted in the death of [REDACTED] and the apprehension and custody of [REDACTED]

Testimony was received which described the assistance rendered to Deputy Sheriff Lema by [REDACTED] in summoning aid for the stricken [REDACTED]

The testimony of [REDACTED] Pathologist, was received by the Grand Jury indicating the cause of death of [REDACTED] detailing in medical language the wounds and medical findings upon the person of the deceased [REDACTED] Said findings constitute the basis for the Certificate of Death, filed by the Humboldt County Coroner.

Testimony was received by the Grand Jury which detailed Deputy Lawrence L. Lema's activities immediately preceding the fatal shooting, including his attendance at christening services and a family gathering. Testimony and information in this regard was received from Deputy Lema, from members of his family and from persons not related.

The Humboldt County Grand Jury devoted considerable study

December 4, 1970

to the background circumstances of individuals involved in this incident.

Deputy Sheriff Lawrence L. Lema's entire personnel file maintained by the Humboldt County Sheriff's Department, Personnel Section, was provided and studied by the Grand Jury. Additionally, Deputy Lema's supervisors during the past five years, Captain Edward Hulbert and Chief of Police Charles Goff, Ferndale Police Department, were consulted in detail.

Testimony was received from persons having knowledge of unrelated incidents involving Deputy Lawrence Lema, said names having been provided by Attorney [REDACTED] to the Office of the District Attorney, Humboldt County, or made known in the course of investigation. Additionally, Chief Investigator Hickok recited in substance conversations and interrogations conducted of persons forwarded by Attorney [REDACTED] and reported to have knowledge concerning the incident of October 4, 1970. These last included: [REDACTED]

The family of [REDACTED] assisted in the investigation of the Grand Jury. Testimony was offered and received from [REDACTED] and [REDACTED] father and brother respectively, of [REDACTED]. This testimony concerned the background of [REDACTED] and the relationships between [REDACTED] and Deputy Sheriff Lawrence L. Lema, between the [REDACTED] family and Deputy Sheriff Lawrence L. Lema.

Testimony was received from members of the Humboldt County Sheriff's Department regarding the recovery of the two marijuana plants on October 5, 1970, distant from the point of shooting on October 4, 1970.

Testimony was received regarding vehicle traffic in and on River Road, East Ferry Road on the afternoon hours of October 4, 1970.

Testimony was received on the custody and care accorded the vehicle of [REDACTED] its subsequent search and return.

During the course of the Grand Jury's investigation the testimony of 22 persons was offered and received, some 14 items of evidence and photography were received and reviewed.

At the conclusion of testimony and evidence the Grand Jury reviewed the applicable law, retired to deliberation and ultimately determined to return no indictment in the matter of the investigation of the death of [REDACTED]

This report is the result of that investigation. This report is presented at this time, not as argument, but as an assurance of inquiry and as a documentation of scope of inquiry.

The Humboldt County Grand Jury has caused this report to be made with several conflicting interests in mind, to wit: community concern, pending criminal and civil matters and the applicable provisions of Section 911, California Penal Code:

"The following oath shall be taken by each member of the grand jury: 'I will support the Constitution of the United States and of the State of California, and all laws made in pursuance thereof and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of this State, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. I will keep my own counsel, and that of my fellow grand jurors and of the government, and will not, except when required in the due course of judicial proceedings, disclose the testimony of any witness examined before the grand jury, nor anything which I or any other grand juror may have said, nor the manner in which I or any other grand juror may have voted on any matter before the grand jury. I will present no person through malice, hatred or ill will, nor leave any unrepresented through fear, favor, or affection, or for any reward or the promise or hope thereof; but in all my presentments I will present the truth, the whole truth, and nothing but the truth, according to the best of my skill and understanding, so help me God'.

Respectfully submitted,



HUMBOLDT COUNTY GRAND JURY

The following witnesses testified before the Humboldt County Grand Jury in this matter, October 15, 16 and 19, 1970:

- 1. MELVIN AMES
- 2. [REDACTED]
- 3. [REDACTED]
- 4. [REDACTED]
- 5. BERT CRAVEN
- 6. DENNIS DE CARLI
- 7. RICHARD GILLESPIE
- 8. ANGELO GONSALVES
- 9. CHARLES GOFF
- 10. ROBERT HICKOK
- 11. EDWARD HULBURT
- 12. LAWRENCE L. LEMA
- 13. [REDACTED]
- 14. [REDACTED]
- 15. [REDACTED]
- 16. [REDACTED]
- 17. HAROLD REED
- 18. [REDACTED]
- 19. [REDACTED]
- 20. [REDACTED]
- 21. JACK TAYLOR
- 22. [REDACTED]

December 4, 1970

██████████ through his attorney ██████████ has indicated he will seek a Writ of Prohibition at the District Court of Appeal, San Francisco, California, to prohibit further prosecution in this matter. Accordingly, the trial date, People v. ██████████ December 14, 1970, Superior Court, County of Humboldt, has been vacated and a date for re-setting set for January 8, 1971, Superior Court, County of Humboldt.

Respectfully yours,

WILLIAM F. FERROGGIARO, JR.  
District Attorney of  
Humboldt County

WFFjr:rs

RD  
AC

P. O. Box [REDACTED]  
Ferndale, CA 95536  
October 25, 1970

Mr. Charles A. O'Brien  
Chief Deputy Attorney General  
State of California  
Sacramento, California

Dear Mr. O'Brien:

I urge your office to conduct an investigation into the details surrounding the death of [REDACTED]. This unarmed man was shot during daylight hours in a quiet country setting by a Humboldt County deputy sheriff.

Unless such an investigation is conducted by an impartial outside organization, I believe that many residents of Humboldt County will continue to be deeply resentful and highly suspicious of the methods and motives of the local law enforcement authorities in the handling of this case.

Attached is a copy of a letter from [REDACTED] sent to our local newspaper, which reflects the feelings of many Humboldt County residents.

It would seem to me that an investigation by your office would be in the best interests of all parties desiring justice, openness, and honesty. I knew neither of the men involved.

Sincerely,  
[REDACTED]

Enclosure

cc: Mr. William Ferroggiaro,  
District Attorney, Humboldt County  
Mr. Gene Cox, Sheriff,  
Humboldt County  
Times-Standard

*There was no attachment JAS*

# PROPERTY STORAGE REPORT

BIN NO. \_\_\_\_\_

DATE 10-3-70 TIME 11:15A DAY Monday LOCKER NO. \_\_\_\_\_ CASE NO. 70-10968

NAME [REDACTED] REASON FOR STORING: \_\_\_\_\_

Evidence

## DESCRIPTION OF EVIDENCE

1 burnt Marihuana Seed  
2 partial leaves  
1 pkg of Zig Zag Papers  
1 Blue bottle with dirt  
1 PGE bill to [REDACTED]

HOLD FOR TRIAL Yes YES/NO HOLD FOR SAFEKEEPING \_\_\_\_\_ YES/NO HOLD FOR OTHER: \_\_\_\_\_

HOLD FOR PROCESSING BY IDENT. DIV. Yes YES/NO WHEN PROPERTY IS AVAILABLE FOR RELEASE.

NAME OF RECIPIENT Narcotic Bureau

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ PH. NO. \_\_\_\_\_

PROPERTY CUSTODIAN'S SIGNATURE WHEN PROPERTY IS READY FOR RELEASE

SIGNATURE OF DEPUTY STORING  
Lee I. Templeton  
Narcotic Bureau

DATE \_\_\_\_\_ TIME \_\_\_\_\_

## SPECIAL INSTRUCTIONS (If any)

Please send items out to Medical lab for ananlysis

LLT

PROPERTY STORAGE REPORT

BIN NO. \_\_\_\_\_

DATE 10-5-70 TIME 1200 DAY Monday LOCKER NO. \_\_\_\_\_ CASE NO. 70-10968

NAME [REDACTED] REASON FOR STORING: Evidence

DESCRIPTION OF EVIDENCE

One Hills Bros. Coffee can, pictures of White house, Capitol Bldg. and Lincoln Memorial on it.  
Red, Blue, trimmed in white. Number 2940 on the bottom. Containing one Marijuana plant approx  
36 inches in height.  
One 4x4 1/2" sq. plastic type container CLOUDY in color, Containing one Marijuana plant about  
22 inches in height.

HOLD FOR TRIAL yes YES/NO HOLD FOR SAFEKEEPING no YES/NO HOLD FOR OTHER: evidence

HOLD FOR PROCESSING BY IDENT. DIV. yes YES/NO WHEN PROPERTY IS AVAILABLE FOR RELEASE.

NAME OF RECIPIENT none

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ PH. NO. \_\_\_\_\_

PROPERTY CUSTODIAN'S SIGNATURE WHEN PROPERTY IS READY FOR RELEASE

[Signature] # 539  
SIGNATURE OF DEPUTY STORING

DATE 10-5-70 TIME 1200

SPECIAL INSTRUCTIONS (If any)

PROPERTY STORAGE REPORT

BIN NO. \_\_\_\_\_

DATE 10-4-70 TIME \_\_\_\_\_ DAY \_\_\_\_\_ LOCKER NO. \_\_\_\_\_ CASE NO. 70-10968

NAME [REDACTED] REASON FOR STORING: process

for evidence -

DESCRIPTION OF EVIDENCE

(1) [REDACTED] Datsun Pickup - [REDACTED] in color -

Calif License [REDACTED]

EVIDENCE TAG

DATE 10-4-70

CASE NO. 70-10968

NAME [REDACTED]

HOLD FOR TRIAL \_\_\_\_\_ YES/NO

ARTICLE 1 set keys (3) for Datsun Pickup

HOLD FOR PROCESSING BY \_\_\_\_\_

NAME OF RECIPIENT [REDACTED]

OFFICER J. Taylor #597

10R 1-68 E.P.CO.

ADDRESS \_\_\_\_\_ CITY Ferndale, Calif. PH. NO. \_\_\_\_\_

PROPERTY CUSTODIAN'S SIGNATURE WHEN PROPERTY IS READY FOR RELEASE

SIGNATURE OF DEPUTY STORING

DATE \_\_\_\_\_ TIME \_\_\_\_\_

SPECIAL INSTRUCTIONS (If any)

I HAVE THIS DATE RECEIVED THE DESCRIBED PROPERTY ON THIS TAG FROM THE HUMBOLDT COUNTY SHERIFF

[REDACTED]

Lawrence Schubert  
OFFICER RELEASING PROPERTY

# PROPERTY STORAGE REPORT

BIN NO. \_\_\_\_\_  
DATE 10-4-70 TIME 1:00 PM DAY Mon LOCKER NO. \_\_\_\_\_ CASE NO. 70-10968  
NAME Larry Lema REASON FOR STORING: Evidence

DESCRIPTION OF EVIDENCE  
Small portion of Marihuana

HOLD FOR TRIAL Yes HOLD FOR SAFEKEEPING \_\_\_\_\_ HOLD FOR OTHER: \_\_\_\_\_  
YES/NO YES/NO

HOLD FOR PROCESSING BY IDENT. DIV \_\_\_\_\_ WHEN PROPERTY IS AVAILABLE FOR RELEASE.  
YES/NO

NAME OF RECIPIENT \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ PH. NO. \_\_\_\_\_

PROPERTY CUSTODIAN'S SIGNATURE WHEN PROPERTY IS READY FOR RELEASE \_\_\_\_\_  
SIGNATURE OF DEPUTY STORING Ben H. Crowl

DATE \_\_\_\_\_ TIME \_\_\_\_\_

SPECIAL INSTRUCTIONS (If any)

CASE

# PROPERTY STORAGE REPORT

BIN NO. \_\_\_\_\_

DATE 10-4-70 TIME 5:02 PM DAY Sun LOCKER NO. \_\_\_\_\_ CASE NO. 70-10968

NAME Larry L. IEMA REASON FOR STORING: Evidence

### DESCRIPTION OF EVIDENCE

One .38 cal "Colt" brand revolver w/ 6 inch barrel [REDACTED]

One empty "Peters" brand .38 spl casing

Five live .38 spl rounds

HOLD FOR TRIAL Yes YES/NO HOLD FOR SAFEKEEPING No YES/NO HOLD FOR OTHER: \_\_\_\_\_

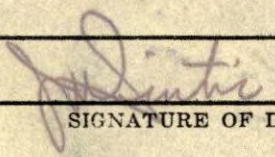
HOLD FOR PROCESSING BY IDENT. DIV. No YES/NO WHEN PROPERTY IS AVAILABLE FOR RELEASE.

NAME OF RECIPIENT Larry L. IEMA

ADDRESS [REDACTED] Craig St CITY Ferrisdale, Calif. PH. NO. [REDACTED]

PROPERTY CUSTODIAN'S SIGNATURE WHEN PROPERTY IS READY FOR RELEASE

SIGNATURE OF DEPUTY STORING



DATE \_\_\_\_\_ TIME \_\_\_\_\_

SPECIAL INSTRUCTIONS (If any)

OCT 5 1970

MARGRET E. JOHNSON, CLERK  
BY PENELOPE K. HOREL  
DEPUTY CLERK

IN THE (MUNICIPAL) (~~Justice~~) COURT OF EUREKA JUDICIAL DISTRICT

STATE OF CALIFORNIA )  
COUNTY OF HUMBOLDT. )

AFFIDAVIT IN SUPPORT OF AND  
PETITION FOR SEARCH WARRANT

NO 14881

Personally appeared before me this 5th day of October  
1970, the affiant, CAPTAIN EDWARD A. HULBURT

a peace officer, who, on oath, makes complaint, and deposes and  
says that he has and there is probable and reasonable cause to  
believe, and that he does believe, that there is now ~~on~~ the  
premises located at and also described as \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
~~(these premises are occupied by)~~

XXXX and in (a) vehicle(s) described as a \_\_\_\_\_ Datsun pickup truck,  
\_\_\_\_\_ California license No. \_\_\_\_\_ in the basement of the Humboldt  
County Courthouse in Eureka, California, impounded by the Humboldt County  
Sheriff's Department / Said vehicle is registered to \_\_\_\_\_  
and on the person(s) of \_\_\_\_\_

the following personal property, to wit: marijuana and marijuana para-  
phernalia, dangerous drugs and other narcotics paraphernalia, and tools

Your affiant says that there is probable and reasonable cause to believe and that he does believe that the said property constitutes: (CHECK THE APPROPRIATE BOX OR BOXES)

- ( ) -- stolen or embezzled property;
- (X) -- property or things used as the means of committing a felony;
- ( ) -- property or things in the possession of a person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered;
- (X) -- property or things which consist of an item or constitutes evidence which tends to show that a felony has been committed, or tends to show that a particular person has committed a felony.

Your affiant says that the facts in support of the issuance of the search warrant are as follows:

Your affiant has been a Deputy Sheriff for the past 16 years, employed in such capacity by the Humboldt County Sheriff's Department, and has acted and received the information set forth in this affidavit in that capacity.

Your affiant is now and has been for the past 9 years a Captain in the Sheriff's Department of Humboldt County assigned to the Detail thereof.

On the date of October 4, 1970, at approx 11:00 a.m. your affiant (received information from)

(observed)/(read) Deputy Sheriff Larry Lima to the following effect: Deputy Sheriff Lima told me that [redacted] had informed detectives Ames and Templeton, who are currently assigned to the narcotics division of the Humboldt County Sheriff's Office that he was aware of a place

1 the area from which he could observe the area in which the nar-  
2 cotics plants were being grown, for a time on Friday, October 3,  
3 and again on Saturday, October 4, 1970. Yesterday afternoon Lima  
4 told me [REDACTED] had called him at home informing him that a  
5 car he believed to contain the [REDACTED] in the marijuana culti-  
6 vating was approaching the area in which the marijuana plants  
7 were being grown. Lima told me he left his home and was able to  
8 again go to the place where the marijuana plants were being grown  
9 to wait for the [REDACTED] in this Datsun pickup described above.  
10 After a while one [REDACTED] [REDACTED] [REDACTED] and a [REDACTED] arrived  
11 at the marijuana plants. Lima waited until they had bent over  
12 the plants, apparently cultivating them, and made his presence  
13 known to [REDACTED] and [REDACTED]. He told them they were under arrest  
14 and at this time [REDACTED] turned quickly around. Lima, believing  
15 [REDACTED] was armed, shot and killed [REDACTED]. [REDACTED] was taken into  
16 custody and his car was taken to the Humboldt County Courthouse  
17 basement and impounded. After being advised of his rights,  
18 [REDACTED] admitted that he had smoked marijuana and that [REDACTED]  
19 had smoked marijuana in the past and that [REDACTED] had taken him to  
20 this location just to show him marijuana plants that he, [REDACTED]  
21 was growing. [REDACTED] stated further that [REDACTED] had asked him  
22 if he would like to see some marijuana plants. [REDACTED] then di-  
23 rected him to the area in which the marijuana plants were found.

24 It is believed that since [REDACTED] was apparently involved in  
25 the narcotics traffic in Humboldt County that his car would con-  
26 tain evidence of the use of marijuana such as debris. Also, it  
27 is expected that marijuana and paraphernalia used by marijuana  
28 users would be in his car at the present time. In my experience,

Your affiant commenced the actual physical mechanics of preparing this affidavit and attached search warrant at 8:30 <sup>a.m.</sup> ~~p.m.~~ of October 5, 1970; and your affiant affixed his signature under oath to this affidavit before the undersigned magistrate at the time and date attested by said magistrate; the elapsed time reflected herein has been diligently utilized by your affiant in the mechanics of physically preparing these documents, locating and consulting with Deputy District Attorney JOHN I. QUINLEN of this County, in reference to the aforementioned preparation; locating the appropriate magistrate; and transporting these documents to the magistrate for his official action in connection therewith.

Your affiant has reasonable cause to believe that grounds for the issuance of a search warrant exist, as set forth in Section 1524 of the Penal Code, based upon the aforementioned information, facts and circumstances.

Your affiant prays that a search warrant be issued, based upon the above facts, for the seizure of said property, or any part thereof, <sup>in the daytime</sup> ~~at any time of the day or night~~, good cause being shown therefor, and that the same be brought before this magistrate or retained subject to the order of this court, or of any other court in which the offense in respect to which the property or things taken is triable, pursuant to Section 1536 of the Penal Code.

---

Affiant  
CAPTAIN EDWARD A. HULBURT

Subscribed and sworn to before me

on this 5th day of October, 1970.  
at 10:45 <sup>a.m.</sup> ~~p.m.~~

IN THE MUNICIPAL JUSTICE COURT OF Eureka JUDICIAL DISTRICT

RETURN TO SEARCH WARRANT

NO. G14881

The personal property (listed below/set out on the inventory attached hereto) was taken from the premises located and described as a [REDACTED] Datsun Pickup truck, [REDACTED] California license No. [REDACTED], in the basement of the Humboldt County Court-house in Eureka, California, impounded by the Humboldt County Sheriff's Department. Said Vehicle is registered to [REDACTED]

and from the vehicle(s) described as \_\_\_\_\_

and from the person(s) of \_\_\_\_\_

by virtue of a search warrant dated the 5th day of October,  
19 70, and executed by Judge Robert Connors  
of the above-entitled court: Eureka Municipal Court

One burnt Marihuana se  
two partial leaves  
one package of Zig Zag Papers  
one small bottle (blue) with dirt inside

I, Captain Edward A. HULBURT, by whom this warrant was executed, do swear that the (above/attached) inventory contains a true and detailed account of all the property taken by me under the warrant, on October 5, 19<sup>70</sup>    .

All of the property taken by virtue of said warrant will be retained in my custody subject to the order of this court or of any other court in which the offense in respect to which the property or things taken, is triable.

\_\_\_\_\_  
Affiant

Subscribed and sworn to before me  
this 5th day of October, 19 <sup>70</sup>    .

\_\_\_\_\_  
Judge of the Municipal Court  
(Judge of the Superior Court)



Your affiant says that there is probable and reasonable cause to believe and that he does believe that the said property constitutes: (CHECK THE APPROPRIATE BOX OR BOXES)

- ( ) -- stolen or embezzled property;
- ( X ) -- property or things used as the means of committing a felony;
- ( ) -- property or things in the possession of a person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered;
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3 and again on Saturday, October 4, 1970. Yesterday afternoon Lima  
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5 car he believed to contain the [REDACTED] in the marijuana culti-  
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7 were being grown. Lima told me he left his home and was able to  
8 again go to the place where the marijuana plants were being grown  
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11 at the marijuana plants. Lima waited until they had bent over  
12 the plants, apparently cultivating them, and made his presence  
13 known to [REDACTED] and [REDACTED]. He told them they were under arrest  
14 and at this time [REDACTED] turned quickly around. Lima, believing  
15 [REDACTED] was armed, shot and killed [REDACTED]. [REDACTED] was taken into  
16 custody and his car was taken to the Humboldt County Courthouse  
17 basement and impounded. After being advised of his rights,  
18 [REDACTED] admitted that he had smoked marijuana and that [REDACTED]  
19 had smoked marijuana in the past and that [REDACTED] had taken him to  
20 this location just to show him marijuana plants that he, [REDACTED]  
21 was growing. [REDACTED] stated further that [REDACTED] had asked him  
22 if he would like to see some marijuana plants. [REDACTED] then di-  
23 rected him to the area in which the marijuana plants were found.

24 It is believed that since [REDACTED] was apparently involved in  
25 the narcotics traffic in Humboldt County that his car would con-  
26 tain evidence of the use of marijuana such as debris. Also, it  
27 is expected that marijuana and paraphernalia used by marijuana  
28 users would be in his car at the present time. In my experience,

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Your affiant has reasonable cause to believe that grounds for the issuance of a search warrant exist, as set forth in Section 1524 of the Penal Code, based upon the aforementioned information, facts and circumstances.

Your affiant prays that a search warrant be issued, based upon the above facts, for the seizure of said property, or any part thereof, <sup>in the daytime</sup> ~~at any time of the day or night~~, good cause being shown therefor, and that the same be brought before this magistrate or retained subject to the order of this court, or of any other court in which the offense in respect to which the property or things taken is triable, pursuant to Section 1536 of the Penal Code.

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Affiant  
CAPTAIN EDWARD A. HULBURT

Subscribed and sworn to before me  
on this 5th day of October, 19 70.  
<sup>a.m.</sup>  
at 10:45 p.m.

IN THE MUNICIPAL JUSTICE COURT OF EUREKA JUDICIAL DISTRICT

S E A R C H W A R R A N T

NO. G14881

County of Humboldt

The People of the State of California to any sheriff, constable, marshal, policeman, or any other peace officer in the County of Humboldt:

Proof, by affidavit, having been this day made before me by CAPTAIN EDWARD A. HULBURT

that there is probable and reasonable cause for the issuance of the search warrant, as set forth in the affidavit attached hereto and made a part hereof as if fully set forth herein; you are, therefore, commanded to make immediate search in the daytime

~~(at any time of the day or night, good cause being shown therefor)~~  
of the premises located and described as

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the vehicle(s) described as a                      Datsun pickup truck, 1970 California license No.                     , in the basement of the Humboldt County Courthouse in Eureka, California, impounded by the Humboldt County Sheriff's Department. Said vehicle is registered to                      and the person(s) of

for the following personal property, to wit: marijuana and marijuana paraphernalia, dangerous drugs and other narcotics paraphernalia, and tools used in cultivating marijuana.

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and if you find the same or any part thereof, to bring it forth- with before me at the Municipal Court of Eureka Judicial District ~~Superior Court of the State of California~~ County of Humboldt, State of California, or to any other court in which the offense in respect to which the property or things taken is triable, or retain such property in your custody, subject to the order of this court pursuant to Section 1536 of the Penal Code.

Given under my hand and dated this 5th day of October, 19 70.

ROBERT N. CONNERS

Judge of the Municipal Court  
(Judge of the Superior Court)

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S T A T E M E N T  
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[REDACTED]

. . .

MONDAY, OCTOBER 5, 1970

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EUREKA, CALIFORNIA

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STATEMENT OF [REDACTED]

Taken at the Humboldt County Courthouse,  
Sheriff's Office, Eureka, Humboldt County,  
California, at the hour of 12:00 O'clock  
Noon, on Monday, October 5, 1970, in the  
presence of Lieutenant Roy Simmons, Detective  
Lee Templeton and Mr. [REDACTED]  
Certified Shorthand Reporter.

The following proceedings were then and there had,

to wit:

MR. SIMMONS: Your name is [REDACTED]

A. Yes.

Q. How old are you, [REDACTED]

A. Sixteen.

Q. And what is your address?

A. [REDACTED].

Q. [REDACTED] do you know Detective Templeton?

A. I met him in there.

Q. You met him before.

My name is Simmons, a Lieutenant with the Sheriff's  
Office. This is Mr. [REDACTED] he is a Court Recorder.

We want to talk to you about the events of yesterday  
concerning [REDACTED] [REDACTED] [REDACTED] and [REDACTED] do you know  
these boys?

A. Well, I know them just by sight. I mean, if I pass them  
on the street I'll know them.

1 Q. Did you see them yesterday?

2 A. I saw -- I saw -- the only time I saw [REDACTED] was after he got  
3 shot, then I saw him. I saw [REDACTED] when he was up at our house.

4 Q. He came up there?

5 A. Yes, to phone an ambulance.

6 Q. To phone an ambulance. Were you down in the area there  
7 with Officer Lema?

8 A. Yes. I went down to our heifer pen and he told us if we  
9 seen a car, you know or anything goes down before he gets down  
10 there to come through the heifer pen and tell him, that's what  
11 I was doing. We phoned him up and told him there was a [REDACTED]  
12 Chevy went down there, I seen it go out. So, dad told me to go  
13 down and tell him it already went out and so I went down there.  
14 I was just inside the heifer pen when I heard the shot, I  
15 started walking towards it, then that's when I saw him and he  
16 asked me who I was and I told him and he told me to go with  
17 him, he accidentally shot one of the boys that were there.

18 Q. What did you then do in the way of assisting him, what did  
19 you do?

20 A. He asked me to take his car to go up to our place and call  
21 the Sheriff's Department.

22 Q. Did you do this?

23 A. Yes. I couldn't get our line, so, I called my grandpa and  
24 he called up.

25 MR. TEMPLETON: You have a party line on the telephone?

26 THE WITNESS: Yes.

1 MR. SIMMONS: Then, you were down at the heifer pen?

2 A. Yes.

3 Q. On the ranch near where this happened, is that correct?

4 A. Yes.

5 Q. About how far is this pen from --

6 A. From where it happened?

7 Q. Yes.

8 A. Oh, let's see, it's quite a long ways. I guess, I can't  
9 really tell you. I can't say. It's not quite half a mile, I  
10 guess. I don't know.

11 Q. Did you see a [REDACTED] pickup go down into the area prior to  
12 the shot?

13 A. When I seen it, we seen that [REDACTED] Datsun pickup go down  
14 twice, once with a bunch of stuff in the back and it come out  
15 with rocks in it and I guess, well, dad, he saw it the first  
16 time and I saw it the second time but it went down there where  
17 you turn off to go into the place where it happened.

18 MR. TEMPLETON: How many people was in there, the  
19 vehicle, [REDACTED] as far as you can tell?

20 THE WITNESS: The [REDACTED] pickup?

21 Q. Um hum.

22 A. I didn't -- couldn't tell how many were in there. All I  
23 did see was who was driving, I didn't know who it was, I just  
24 seen the driver in the truck.

25 MR. SIMMONS: [REDACTED] after you heard the shot and you  
26 went down to this area where it happened and you contacted

1 Officer Lema you then took his car and went to your house to  
2 make a phone call?

3 A. Yes.

4 Q. Did you see any cars or meet any cars on the way to your  
5 house?

6 A. No. No, I didn't.

7 Q. How long were you there at your house?

8 A. Oh, I guess about ten or so minutes.

9 Q. To your knowledge was there any cars that went down in  
10 there then?

11 A. No, just that [REDACTED] pickup that was up at our place,  
12 [REDACTED] was driving.

13 Q. He came there while you were attempting to call the  
14 Sheriff?

15 A. No. He was already there.

16 Q. He was already there?

17 A. Yes.

18 Q. Did he leave before you did?

19 A. Yes.

20 Q. Do you know where he went?

21 A. I just saw him go down the lane. He headed down towards --  
22 towards where Officer Lema was at.

23 Q. How soon after did you leave and go back down to the area?

24 A. I guess about five or so minutes, enough to call my grandpa  
25 and that, to take his car back down there for him.

26 Q. Did you meet or see any cars as you went back?

1 A. No.

2 Q. Now, during this time that you went down and met Officer  
3 Lema you were on foot at that time?

4 A. Yes.

5 Q. And after contacting Officer Lema whose vehicle were you  
6 driving in?

7 A. Up to our place or back?

8 Q. Yes, up to your place?

9 A. His car.

10 Q. You drove Officer Lema's car?

11 A. Yes.

12 Q. From the scene there back up to your house to call the  
13 Sheriff's Office?

14 A. Yes.

15 Q. Did you use the same vehicle to go back down in?

16 A. Yes.

17 Q. Yet on none of these trips or walking into that area you  
18 didn't see any other vehicle or any other persons?

19 A. No, I didn't.

20 Q. On each of the two trips that you saw this [REDACTED] Datsun  
21 pickup go into that area how many people were in the car?

22 A. In the pickup I couldn't tell you. I really don't know.

23 Q. You couldn't see well enough to tell how many was in the  
24 car?

25 A. No. No, I couldn't.

26 Q. Did you hear anything from that particular area where this

1 happened prior to hearing the shot?

2 A. No, I didn't.

3 Q. But you state that you were approximately a half a mile  
4 away when --

5 A. Well, I couldn't say that. I was, when I heard the shot,  
6 I was walking up towards where dad pointed out where his car  
7 was at and it's, well, I guess it was maybe about twenty-five  
8 yards this side of his car.

9 MR. TEMPLETON: That's towards your corral?

10 THE WITNESS: Yes, towards the heifer --

11 MR. TEMPLETON: The heifer pen.

12 MR. SIMMONS: Well, let me get this clear again, just  
13 where were you when you heard the shot?

14 A. I guess about twenty-five yards behind his car.

15 Q. Behind Officer Lema's car?

16 A. I could just barely start seeing the roof of his car  
17 through the trees.

18 Q. I see and you weren't close enough that you could have  
19 heard any conversation from that area?

20 A. No. No.

21 Q. How far would you estimate that you were away from that  
22 particular area?

23 A. From where I was at to where he was shot?

24 Q. Yes.

25 A. I can't -- I can't actually say that.

26 Q. Quarter of a mile?

1 A. I don't think it was that far. I really can't say how far  
2 it was.

3 Q. Was there any other activity in that area at that time,  
4 was that -- were there any cars down on the river, any  
5 construction work going on at that time?

6 A. Well, there was a catskinner working on that thing down  
7 there, I believe, I'm pretty sure I heard the cat working down  
8 there still.

9 Q. This would be on the river?

10 A. Yes.

11 Q. And approximately how far would that be from you?

12 A. Well, from where I was at, quite a way.

13 Q. Quite a ways. Quarter of a mile, half a mile?

14 A. Yes, I guess so, something like that, about a quarter of a  
15 mile.

16 Q. Was this piece of machinery unusually loud or --

17 A. Well, not really. It's -- I can't tell you how loud a  
18 cat sounds to me, I'd been hearing it everyday.

19 Q. It was making about the same amount of noise that --

20 A. Yes.

21 Q. -- that a cat would make?

22 A. Yes.

23 Q. [REDACTED] did you have any knowledge of what Officer Lema was  
24 doing in that area?

25 A. Yes, I did.

26 Q. How did you come about this knowledge?

1 A. Well, we -- when we first got suspicious of it, something  
2 going on down there, when we kept seeing these cars kept going  
3 down and the cars that were going down hardly were ever down  
4 there and first of all I seen this [REDACTED] Chevy go down, I think  
5 it's a [REDACTED] Chevy, dark [REDACTED] drive down and it would stop  
6 down there by this hole down there, then wait a few minutes,  
7 then come back. Went in that one area there. Then it come  
8 back out about five or ten minutes later and then the next day  
9 when my father put the cows down in the field and the cow got  
10 out and he found it, he stumbled over it and he didn't know  
11 what it was, was suspicious about it because he was -- he said  
12 it was in pots and so he come up and got mom and he called the  
13 Sheriff's Department. I guess that's how they found out about  
14 it. Then they told me about that that night.

15 MR. TEMPLETON: [REDACTED] do you know who this [REDACTED] Chevy  
16 belonged to?

17 A. The [REDACTED] [REDACTED] Chevy, yes, it's [REDACTED] [REDACTED] car.

18 Q. Do you know this man personally?

19 A. [REDACTED] [REDACTED] Well, I know him. I don't actually, what you  
20 call, associate with him but I do know him.

21 MR. SIMMONS: Did you ever observe these plants there  
22 yourself?

23 A. Yes, my dad showed them to me.

24 Q. Can you describe what kind of pots they were in?

25 A. One was in a can, I can't tell you what color it was. It  
26 was the tallest plant, then there was one in a gray plastic

1 pot can, you know, pot -- it was just short, the biggest one  
2 was turning yellow.

3 Q. You don't recall the color of the can this larger plant was  
4 in?

5 A. Well, I think it was, pretty sure it was red and white.

6 MR. TEMPLETON: Those plants, [REDACTED] are not yours?

7 A. No.

8 Q. Now, where the plants are located or from where the road  
9 goes down towards the river bar there, you know, it makes a  
10 left fork there and goes down where the plants were located?

11 A. Yes.

12 Q. Who owns that land?

13 A. Where the plants were on? Well, you might say we are. We  
14 were leasing the land they were on from [REDACTED] [REDACTED]  
15 owns the land we were leasing.

16 Q. In other words, you have full control of the land?

17 A. Yes.

18 MR. SIMMONS: Did Mr. [REDACTED] have any land leased or  
19 does he own any land in that area also?

20 A. Well, I really don't know what's going on about the land  
21 [REDACTED] had, just -- our fence is on about four, five feet on  
22 [REDACTED] on [REDACTED] [REDACTED] property and so they were surveying  
23 and so we were moving our fence back and I think, I'm pretty  
24 sure he has at least that much of it, a little bit more land  
25 right around that area.

26 Q. That is in that same area where this land -- where the

1 A. Well, no, it doesn't go in the same place, it kept going  
2 straight down, this one and sometimes it might -- sometimes,  
3 once I think it had a boat in the back but I seen the [REDACTED]  
4 Datsun go down all the time, I didn't think nothing of the  
5 [REDACTED] Datsun being down there.

6 MR. TEMPLETON: Do you know this [REDACTED] boy?

7 A. [REDACTED] [REDACTED]

8 Q. Um hum.

9 A. Well, not personally, no.

10 Q. You know of him though?

11 A. Yes, I know of him.

12 MR. SIMMONS: [REDACTED] what was the -- err -- excuse me  
13 -- [REDACTED] what was the conversation between you and Officer  
14 Lema there at the scene?

15 A. Well, he just told me to take his car up to the house and  
16 call the sheriffs and I said, "All right."

17 Q. Was [REDACTED] there at the time?

18 A. No, he wasn't.

19 Q. He had already departed?

20 A. Yes.

21 Q. I understand Lema had sent him to call an ambulance?

22 A. Yes.

23 Q. Did you have any conversation with [REDACTED] when he got  
24 back to your house?

25 A. No. He was coming out of the house and he got in the car  
26 right when I pulled up and we looked at each other and he went

- 1 on and he got in the car and drove off.
- 2 Q. When you went back down to the scene did you see him down  
3 there?
- 4 A. No, he wasn't there.
- 5 Q. Was Officer Lema at the scene when you got back down?
- 6 A. No, he wasn't.
- 7 Q. -- with his car?
- 8 A. No.
- 9 Q. What did you then do?
- 10 A. I parked his car, so, just maybe about, thirteen or so  
11 yards away from where it happened and got out and walked back  
12 and I drove my pickup down as far as our field where we --  
13 where the gate was closed and drove it on back up to our house.
- 14 Q. Do you have any knowledge where Lema and [REDACTED] were  
15 at that time?
- 16 A. I think they went up to show the ambulance, bring the  
17 ambulance down to where it happened at. I seen the pickup  
18 come back with the ambulance following it.
- 19 Q. During these trips in you saw no one in the area or no  
20 vehicles other than Officer Lema's, [REDACTED] and their  
21 vehicles?
- 22 A. Right.
- 23 Q. The pickup and Lema's vehicle?
- 24 A. Yes.
- 25 Q. What type of vehicle was Lema operating?
- 26 A. A Plymouth, I think, I mean --

1 Q. What color?

2 A. [REDACTED], I believe.

3 Q. I believe you said that [REDACTED] was just leaving your

4 house as you drove in?

5 A. Yes. He was just getting into his car or coming out to

6 his car.

7 Q. Then you didn't pass on the roadway some place --

8 A. No.

9 Q. -- in that area?

10 A. No.

11 MR. SIMMONS: Lee, do you have any questions?

12 MR. TEMPLETON: Was there any conversation with you

13 or Mr. Lema after you went back at all?

14 A. No, there wasn't. When I come back I just parked his car

15 and walked up to the -- to our pickup and drove it on home.

16 Q. Then you went on home?

17 A. Yes. I didn't even go back down after that.

18 MR. TEMPLETON: That's about all I have.

19 MR. SIMMONS: Do you recall the exact words that Lema

20 said to you when you arrived at the scene there?

21 A. Yes, he says, "Are you one of the [REDACTED] boys?" And I said,

22 "Yes." He says, "Come with me." He said, "I just accidentally

23 shot one of those boys in the chest."

24 Q. Did you see the man that had been shot?

25 A. Yes, I did.

26 Q. Can you describe his position to me?

1 A. He was laying on his back with his arms spread out.

2 Q. Is there anything further that you'd like to add to this  
3 statement, [REDACTED]

4 A. No.

5 MR. SIMMONS: Lee, anymore questions?

6 MR. TEMPLETON: No, I'm fine.

7 MR. SIMMONS: [REDACTED] if you have nothing further you'd  
8 like to add to the statement, we'll terminate the statement  
9 then at 12:18 P. M., October the 5th, 1970.

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[REDACTED]

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MONDAY, OCTOBER 5, 1970

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EUREKA, CALIFORNIA

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## STATEMENT OF [REDACTED]

Taken at the Humboldt County Courthouse,  
Sheriff's Office, Eureka, Humboldt County,  
California, at the hour of 12:20 o'clock P. M.,  
on Monday, October 5, 1970, in the presence of  
Lieutenant Roy Simmons, Detective Lee Templeton  
and Mr. [REDACTED] Certified Shorthand  
Reporter.

The following proceedings were then and there had,

to wit:

MR. SIMMONS: I'll ask you some embarrassing questions,  
how old are you?

A. Forty, I won't be forty-one until two weeks.

Q. Good and what is your address, Mr. [REDACTED]

A. [REDACTED], Ferndale, California.

Q. Mr. [REDACTED] we want to talk to you about the events that  
happened near your place there yesterday. Lee, would you like  
to start in here?

MR. TEMPLETON: Okay. Mr. [REDACTED] I think the thing  
to do is start right back from the beginning.

You contacted, I believe, the Sheriff's Office  
regarding some plants down -- located on your land?

A. Yes.

Q. When was this, sir?

A. It seems like it was --

Q. Maybe I can enlighten --

1 A. Around the 31st of October or 30th. It was either around  
2 the 30th or the first of October.

3 Q. Okay and you then, you met with my partner and myself Mr.  
4 Ames at your ranch on Friday, October the 2nd?

5 A. Yes.

6 Q. And then you accompanied us down to the bottom of your  
7 land towards the river?

8 A. And showed you where I had come across these plants were  
9 in containers.

10 Q. Mr. [REDACTED] would you tell us how you come about to find  
11 these plants and what the circumstances were, what led up to  
12 it?

13 A. Well, there had been a lot of cars going in and out of the  
14 river bar down there and I had lost sprinklers off my irrigation  
15 system and so when the Sheriff came out, Mr. DeCarli, we were  
16 talking about it and he told me that any time there was a lot  
17 of activity going on, you know, to feel free to call any time,  
18 that that's what they were for to check into it. So that one  
19 day I was down at the river bar and a cow had got out and I  
20 was bringing her back in and that's how I came across these  
21 plants, they were in one -- one was in a three gallon coffee  
22 can and one was in a small plastic container and at the time  
23 I didn't know what they were but they had been freshly watered  
24 and so, all I knew from them was what was -- what the Sheriffs  
25 had explained to me, what they looked like. So, I called the  
26 Sheriff's Department and I came home and called them and told

1 them that I thought it was marijuana and then they came out  
2 and verified that it was marijuana.

3 I meant, a pound can. In fact, it looked like it had  
4 a picture of the capitol or a building or something like that  
5 on the side of it.

6 Q. Can you remember what color this can was?

7 A. The building was what you call, the center of your can was  
8 a grayish color and the other colors wasn't as bright. In  
9 fact, you wouldn't even see them sitting there the way they  
10 blended in with the trees if you hadn't of just almost stumbled  
11 onto them but I can't remember the other. There was some  
12 other shade of color in, it seemed like there was kind of a,  
13 maybe a orangish-red or that effect color to one of them into  
14 it and the small container was just a little plastic container  
15 like, I think you can get pots in plants in stores in them but  
16 they looked like something that, oh, I don't know how -- what  
17 size to say. I'd say three, say three to four inches square  
18 around and approximately, say, four inches deep and one of the  
19 plants was, oh, approximately, say, I'd say close to two and  
20 a half to three feet in height and it had, I guess you could  
21 say, berries or pods or what you call them on the end and the  
22 other one it was, approximately, eighteen inches high, the  
23 smaller plant.

24 Q. Did you see Officer Lema Friday afternoon?

25 A. Yes.

26 Q. After my partner and I left you?

1 A. Yes.

2 Q. Did you have any conversation with him at that time?

3 A. Yes. He came down and told me who he was and his purpose  
4 for being down and I taken him down and showed him where the  
5 plants was.

6 Q. How about Saturday?

7 A. And he was down Saturday, I didn't see him. I seen his  
8 car go down but I didn't -- I didn't see him.

9 Q. This brings up now Mr. [REDACTED] yesterday, could you relate to  
10 the best of your knowledge what the events were yesterday?

11 A. These cars were going in the place there and this was just  
12 before he went down and so then I seen his car go down, Mr.  
13 Lema's and then it wasn't too long after that that a [REDACTED]  
14 pickup came up to the house and wanted to use the phone, said  
15 somebody got shot at the river bar and so I didn't know who the  
16 boy was at the time and he had came up, he was in a [REDACTED]  
17 Datsun pickup and he said to call an ambulance and then I  
18 asked him what happened and he said, "Lema shot [REDACTED] [REDACTED]  
19 And so I said, "Well, how did it happen?" And he said, "I  
20 don't know." And so he went on, on back down or he started to  
21 go down as my son came in and he said, [REDACTED] sent him to call  
22 the Sheriff's Department. And the [REDACTED] pickup, it went back  
23 down, then it came back out and it went up towards the school  
24 there at Grizzly Bluff School, then it turned around and came  
25 back and there was an ambulance behind it as it came back in  
26 and I don't -- from then -- from there on I don't know if the

1 pickup came back out or not after that.

2 Q. Well, prior to all this, now Mr. [REDACTED] you have seen these  
3 cars come in there, was this before Officer Lema had come or  
4 did you have to call him to come down there or what?

5 A. I called him.

6 Q. You called him?

7 A. Yes or my son did and he called him in and told him that  
8 this car had come in but it had left just before he got there,  
9 this car that came out and that's when -- and in just a few  
10 minutes after that, I never seen the Datsun go in to the place  
11 but it came out and they come in and said somebody got shot  
12 and then he went back down then and then came out again and  
13 went up towards the school and then it wasn't just a few  
14 minutes the ambulance came and then not too long after that the  
15 city police came down first from Ferndale there, it was his  
16 marked car and then it wasn't too long after that then the  
17 sheriffs came right in there, in their cars.

18 Q. Did you at any time yesterday, now yesterday would be the  
19 4th of October, did you have any conversation with Lema at all  
20 during the day?

21 A. No, not yesterday.

22 Q. Now, those plants that you showed Officer Ames and myself  
23 Friday, are those plants on your land?

24 A. Yes, it's -- I lease the land.

25 Q. I understand you lease it from [REDACTED]

26 A. Yes.

1 Q. Okay. At any time did you give anybody permission to  
2 place those plants or grow any of that type of plant on your  
3 land?

4 A. Absolutely not.

5 MR. SIMMONS: Mr. [REDACTED] did you see any cars come  
6 out of that area after the man came to call the ambulance?

7 A. No. I never seen any come out but I was in the house  
8 trying to find a phone number to call the ambulance, you know,  
9 I was getting a phone number to call the ambulance and the  
10 boy, later, I found out, his name was [REDACTED] [REDACTED] had called  
11 the ambulance from my phone but I didn't see any cars.

12 Q. You said "[REDACTED] [REDACTED]" you mean --

13 A. [REDACTED]

14 Q. -- [REDACTED]

15 A. I didn't know him when he came to the house. I mean, I  
16 had seen his face but I didn't know who he was and --

17 Q. Had you noticed that [REDACTED] pickup coming into the area  
18 previously that day?

19 A. He had come down, looked like he had trash on the back of  
20 his pickup the first time that I seen it go down and it had a  
21 load on the back of the pickup but when he came back there he  
22 didn't have nothing on the pickup and --

23 Q. This is when he came back just prior to this shooting?

24 A. Yes, the accident.

25 Q. Had you ever seen this [REDACTED] pickup on days previous to  
26 yesterday?

1 A. I have seen it go down to the river bar and, oh, he did  
2 come back, he did have rocks or all in the back of it, I have  
3 seen it go down, you know, before. In fact, I have seen it go  
4 down quite a few times. I knew it was a local truck but I  
5 didn't know who owned it or anything.

6 Q. Okay and how long, over how long a period of time have you  
7 noticed this vehicle going down to the river bar and back?

8 A. Oh, it's hard to say. I have seen it go down a lot of  
9 times.

10 Q. Did you ever see it go in near the area of where these  
11 plants were?

12 A. No, up until yesterday that's the first time I had seen it  
13 actually drive into the trees there.

14 Q. What route did it normally take as it went down the river?

15 A. It would go right, what you'd call straight on down to the  
16 river.

17 Q. Straight on down East Ferry Road?

18 A. Yes.

19 MR. SIMMONS: I have no further questions. Lee?

20 MR. TEMPLETON: I have nothing.

21 MR. SIMMONS: Do you have anything you'd like to add  
22 to this statement, Mr. [REDACTED]

23 A. No, I can't -- I can't think of anything else that I've  
24 seen.

25 Q. But you did become suspicious when you saw these cars  
26 going into that area quite often?

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A. Yes, um hum.

MR. SIMMONS: If there is no more questions, and you have nothing further to add Mr. [REDACTED] we'll terminate this statement then at 12:35 P. M.

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MONDAY, OCTOBER 26, 1970

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1 STATEMENT OF [REDACTED]

2 Taken at the District Attorney's Office,  
3 Courthouse, Eureka, Humboldt County, Calif-  
4 ornia, on Monday, October 26, 1970, at the  
5 hour of 5:00 o'clock P. M.; there being then  
6 and there present the said [REDACTED] [REDACTED]  
7 [REDACTED]; Robert D. Hickok, Chief Investigator,  
8 District Attorney's Office; and [REDACTED],  
9 a Certified Shorthand Reporter.

10 The following proceedings were then and there had,  
11 to wit:

12 MR. HICKOK: Your name is [REDACTED] --

13 A. (Int'g) [REDACTED]

14 Q. Is it [REDACTED]?

15 A. [REDACTED]

16 Q. This is [REDACTED] [REDACTED], [REDACTED], excuse me, it's the end of  
17 the day.

18 He will be taking down everything we say in here, and  
19 mainly what I want to do is make a record of our conversation  
20 of the other day.

21 Now I spoke with [REDACTED] at four-thirty this after-  
22 noon. He indicated that you were somewhat concerned about  
23 giving this statement, and so I will, as I indicated to him,  
24 to you, we don't intend to use this statement in any proceeding  
25 against you.

26 A. Okay.

- 1 Q. Now that is a matter of record, okay.
- 2 Is that satisfactory with you?
- 3 A. Fine.
- 4 Q. All right. And, for the record, would you state your name  
5 and address?
- 6 A. [REDACTED] Box [REDACTED], Ferndale.
- 7 Q. That is on Fifth Street?
- 8 A. Right, yes.
- 9 Q. And you're employed?
- 10 A. By the [REDACTED] in Scotia.
- 11 Q. You're recently out of the service?
- 12 A. Yes.
- 13 Q. When was your discharge date?
- 14 A. January 2nd of this year.
- 15 Q. Army?
- 16 A. Yes.
- 17 Q. What is your age now?
- 18 A. Twenty-two.
- 19 Q. Your date of birth?
- 20 A. [REDACTED]
- 21 Q. Are you acquainted or were you acquainted with [REDACTED]  
22 [REDACTED]
- 23 A. Yes.
- 24 Q. And [REDACTED]
- 25 A. Yes.
- 26 Q. [REDACTED]

1 A. Uh huh.

2 Q. All Ferndale residents?

3 A. Yes, they all went to school with me.

4 Q. Prior to October the 4th, 1970, had you been in the area of

5 East Ferry Road and River Bar Road?

6 A. Yes, quite a few times. Like I said, we had, you know,

7 lots of parties down there, and then one night we took the

8 plants down to that particular area.

9 Q. You say "We had a lot of parties," does that include the

10 four fellows we just talked about, [REDACTED] [REDACTED] [REDACTED]

11 A. [REDACTED] was down there, [REDACTED] never did, I never saw him down

12 there.

13 Q. How about [REDACTED]

14 A. Yes, [REDACTED]

15 Q. How many occasions?

16 A. Oh, two or three times a week.

17 Q. It was a weekly thing?

18 A. Yes.

19 Q. The daytime or evening?

20 A. Well, we all worked, in the evenings we just go down there

21 and build a fire and sit around, shoot the bull.

22 Q. Drink beer, shoot the breeze?

23 A. Yes, right.

24 Q. The plants that you mentioned were two marijuana plants?

25 A. Yes.

26 Q. Is that all that you have had growing?

1 A. Yes.

2 Q. How did you start them growing?

3 A. Well, the guy I got the seeds from -- just, I mean, how did  
4 I?

5 Q. Yes, how did you get the seeds?

6 A. I got them when I was over at Vietnam, a friend of mine  
7 stuffed them in my wallet. After I was home I found them and  
8 he told me to, you know, spread the peace, so I got them  
9 germinated.

10 Q. How did you do that?

11 A. I just put them in wet cotton or something and just lay  
12 the seeds in there and it starts growing, and when they get so  
13 tall, just put them in dirt.

14 Q. Where did you put them in dirt?

15 A. Out in our back yard.

16 Q. That is on Fifth Street in Ferndale?

17 A. Yes.

18 Q. And any place in particular?

19 A. Well, just along the fence, my mom has a bunch of flowers  
20 and other plants growing there. I just kind of stuck them in  
21 there where she wouldn't notice them too much.

22 Q. Did she notice them?

23 A. Yeah, I told her they were pepper plants, worked for [REDACTED]

24 Q. [REDACTED] had told somebody that they were pepper plants?

25 A. Yes.

26 Q. Did [REDACTED] know you had them growing there?

1 A. Well, he knew I had started some, but he didn't know where  
2 they were.

3 Q. Did you know about his plants out on Price Creek?

4 A. No, I knew about them when he had them there at his house.

5 Q. What did he do, dig them up and transport them out there?

6 A. Yeah.

7 Q. The two plants now, how long did you have them growing  
8 there at your place?

9 A. Quite a while, three or four months. I am not for sure on  
10 that when I started them, they were pretty old.

11 Q. They were pretty good sized, one was almost three feet and  
12 the other was maybe eighteen inches, is that correct?

13 A. Right, yes.

14 Q. And one of them looked to be a little bit older than the  
15 other one?

16 A. Yes, I don't know, there was something wrong with them  
17 because [REDACTED] started his, you know, after I did. They got  
18 real tall. Mine were just -- I don't know, something wrong  
19 with them.

20 Q. When the plants were recovered down in the area off of  
21 East Ferry Road they had some branches broken from the stems?

22 A. Uh huh.

23 Q. Did you break those off?

24 A. Yes, I took them the night when I tore them -- pulled them  
25 out of the yard and just to try and see how they were.

26 Q. How much did you take off, do you recall?

1 A. No, quite a bit. I don't know exactly how many leaves, I  
2 just ripped the ones that looked ripe off, the biggest ones.

3 Q. Did you smoke them green?

4 A. No.

5 Q. Dried them?

6 A. Yeah.

7 Q. Where?

8 A. In the oven.

9 Q. Any good?

10 A. Yeah.

11 Q. Then on about August 21st [REDACTED] was arrested, was that the  
12 date, do you recall?

13 A. I don't know, I don't recall, no. I don't know, probably  
14 around there.

15 Q. At any rate, he was arrested and you became concerned about  
16 your plants?

17 A. Yeah.

18 Q. After you heard that he was arrested?

19 A. Yes, things were getting too hot around there, figured I  
20 better get rid of them.

21 Q. You didn't just go and get rid of them, though, did you?

22 A. Pulled them up and we took them out there to the river bar.

23 Q. Now there was a period of time between when [REDACTED] was  
24 arrested and when you got rid of the plants?

25 A. Yeah, I had, you know, to wait until it was -- I didn't want  
26 my mom to get real suspicious after [REDACTED] got in trouble and

1 just all of a sudden my plants disappeared, so I waited until  
2 she was gone, and then that night I just went out and pulled  
3 them up and put them in the truck, there was a bunch of other  
4 junk in there, and figured I would get rid of them somewhere.  
5 We happened to be out at the river bar that night so I put them  
6 out there.

7 Q. You think you destroyed the plants when you pulled them  
8 up?

9 A. No.

10 Q. All right. When you pulled them up, was there dirt still  
11 attached to the roots?

12 A. Yes.

13 Q. Did you put them into any containers at that time?

14 A. Well, when we got out there [REDACTED] dog's grave was over in  
15 there, we were just going to throw them away, there was that  
16 other garbage, some other junk there in the back of my truck,  
17 a plastic thing and the can, so we just stuck them in there, I  
18 did, and set them on that grave, kind of like, well, it's sort  
19 of like flowers on a grave. I don't know why we did it.

20 Q. [REDACTED] with you then?

21 A. Yes.

22 Q. Where did you get this soil?

23 A. It was -- there was some -- well, there's all dirt and  
24 stuff in the back of my truck from me cleaning around the yard  
25 and there and just -- there was some on the plants there, I  
26 just scraped some from the truck into it and stuck them out

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there.

Q. [redacted] was with you when this was being done?

A. Yeah.

Q. Was [redacted] with you when you pulled them up out of your yard?

A. No, when I pulled them up I put them there in the truck and then [redacted] came into the house that night and we were just going to go out and goof around, you know, and so that is how he got -- he just jumped in the truck and we took off and went out there. When I took them out of the ground, he wasn't there yet.

Q. But then when you put them into the containers, then you put them on the grave of [redacted] dog, how long had the dog been buried there?

A. Probably about two months.

Q. What happened to the dog?

A. It got run over running across the road out in front of his house, a Blue Tick Hound, it was a pretty nice dog.

Q. What time of the night was this that you went down to the river in that area transplanting these marijuana plants?

A. Well, it was dark, that was, you know, during the summer, stayed light. It was probably around nine, ten o'clock.

Q. Had you been drinking up to that time?

A. Yeah.

Q. Both of you?

A. Well, we had some beer with us and I had stopped in at the Palace after work, did every night, I don't know if [redacted] had

1 been drinking or not, he didn't say, he didn't act it.

2 Q. So Sunday, the 4th of October, you mentioned that you were  
3 driving around with [REDACTED] [REDACTED]

4 A. Uh huh.

5 Q. And whose vehicle were you in?

6 A. Mine.

7 Q. What kind of a vehicle?

8 A. A [REDACTED] [REDACTED] Chevrolet pickup, half ton.

9 Q. And where were you on that Sunday?

10 A. I was out to the beach taking pictures.

11 Q. Centerville Beach?

12 A. Right.

13 Q. And is that where you heard about the shooting?

14 A. Yes, there was another kid drove out there and we were  
15 talking to him after we came down the hill, pulled in there  
16 at the ramp, you know, Centerville Beach. We were talking to  
17 him. He said somebody was shot out there. We didn't think  
18 much of it, but figuring, see, what's going on, and we went  
19 and drove out there. We saw [REDACTED] dad. He was standing there  
20 in the road. He waved and we stopped, and he said, "What's  
21 this about [REDACTED] being shot?" Shit, we didn't know anything  
22 about that, you know, so he jumped in with some other fellows  
23 was there in a pickup, and they went down there and we followed  
24 them on down. When we got out there, we saw sheriff's cars  
25 and everything, there was another kid stopped there at the  
26 top of the hill just coming out and he had been down there.

1 He said that [REDACTED] had been killed.

2 Q. Did somebody mention a marijuana plant at that time?

3 A. No, we didn't know.

4 Q. When did you learn that there was marijuana plants  
5 involved?

6 A. Gosh, I don't remember.

7 Q. When did you tell [REDACTED] that the plants there were yours?

8 A. Well, when they said [REDACTED] was shot, I told him that I had --  
9 we had some plants down there and that it could have been what  
10 happened, you know.

11 Q. After you put your plants in down there, did you and [REDACTED]  
12 go down and water them?

13 A. No.

14 Q. You never watered them?

15 A. Never, never went back to them.

16 Q. How about [REDACTED] do you know if he went back to them?

17 A. No, I don't know, he didn't say.

18 Q. Anybody else know about the plants being there?

19 A. No.

20 Q. You didn't tell anybody?

21 A. Uh uh, I am sure [REDACTED] didn't either.

22 Q. How long were they there prior to the Sunday that [REDACTED] was  
23 shot?

24 A. Well, when was [REDACTED] -- I don't know, about three weeks or  
25 so, whatever time [REDACTED] was arrested, on the 21st, you say, of  
26 August?

1 Q. I believe, I would have to double check.

2 A. Not more than a week after that that I took them down  
3 there.

4 Q. They were there for three weeks or so, they were still  
5 pretty healthy, they must have been getting water in some  
6 fashion?

7 A. I don't know, I don't know how long they will live without  
8 water.

9 Q. Did you water them when you planted them?

10 A. No, they didn't have any water.

11 Q. The last time you were here, you said you threw the plants  
12 down?

13 A. Well, I didn't know what -- I didn't want to get stuck for  
14 cultivation or anything because we didn't know it was -- we  
15 were just going to throw them away, we thought about the grave  
16 and they were flowers, so we just put them on the grave and  
17 that was it.

18 Q. This is the way it happened then, the way you're saying  
19 today?

20 A. Yes.

21 Q. You and [REDACTED] put them into the two containers?

22 A. Uh huh.

23 Q. And did you put -- what were they again?

24 A. Well, it was an old plastic thing mom used to can like you  
25 put strawberries in a freezer, a plastic square thing, and a  
26 can or something.

1 Q. Coffee can, three pound coffee can?

2 A. Yes, it was one of those short ones of coffee or something.

3 Q. To your knowledge, had [REDACTED] grown any marijuana plants any  
4 other place?

5 A. No.

6 Q. You know [REDACTED] fairly well?

7 A. Yes.

8 Q. Either you or he use marijuana to any extent at all?

9 A. Do we smoke it?

10 Q. Yes.

11 A. Well, I do out there, not a lot, but --

12 Q. (Int'g) Is the marijuana that you and [REDACTED] smoke marijuana  
13 that either you or he grew?

14 A. No.

15 Q. Do you know if he had anything growing anywhere?

16 A. No, I am sure he would have said something if he had.

17 Q. How many times a week did you see [REDACTED]

18 A. Just about every night, I just drove by his house on the  
19 way home from work and he was working helping his dad there on  
20 that Waddington Store converting it into a garage and I would  
21 stop and he would come to the house or we would just go into  
22 the Palace or something.

23 Q. Your acquaintanceship with [REDACTED] has been just since you  
24 come out of the Army?

25 A. Well, no, we were friends all through school, through high  
26 school. He had been through the Catholic grammar school, so I

1 didn't know him too well then, played basketball with him and  
2 stuff. We got to be pretty good friends in high school and  
3 then he went to college and we would always play around when  
4 he came home, and he came back right after I got home, he just  
5 graduated from Chico, and then he was home for a while. Then  
6 he took off with some friend and went around the states.

7 Q. Did you know that [REDACTED]?

8 A. I know him, yes, I met him through [REDACTED] when he came up to  
9 get him and they took off.

10 Q. Do you know anything at all about the incident that  
11 occurred on the river bank of October 4th, 1970?

12 A. Only that, you know, what we heard that they were sitting  
13 there looking at the plants and [REDACTED] turned around and Lema was  
14 walking up behind him and he shot him.

15 Q. Who did you hear that from?

16 A. [REDACTED]

17 Q. [REDACTED]

18 A. Yes.

19 Q. Do you know Deputy Lema?

20 A. No, not really, just -- he was one of the older kids around  
21 town there and he started out there as the cop in town and he  
22 was our football assistant coach for a few years there in high  
23 school, and we used to see him up there, used to be kind of a  
24 fountain, sweet shop in Ferndale, he would be in there playing  
25 pool at night when we would go up there, that's all, not much,  
26 but we knew him.

1 Q. Okay, fine, I think that concludes it.

2 Anything further that you can think of that we haven't  
3 covered?

4 A. No, except for -- I just can't see how he got off? I don't  
5 see how it's justifiable, do you know? Does it seem to you  
6 like it was justifiable?

7 MR. HICKOK: Well, you know, I am hardly in a position  
8 to comment on something like that. I don't think really any-  
9 body is until they have got all the facts.

10 That's all.

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SUNDAY, OCTOBER 4, 1970

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STATEMENT OF [REDACTED]

Taken in the Sheriff's Office, Courthouse,  
Eureka, Humboldt County, California, on  
Sunday, the 4th day of October, 1970,  
commencing at the hour of 8:37 o'clock  
P.M.; there being then and there present  
the said [REDACTED] [REDACTED] [REDACTED] Roy  
Simmons, Lieutenant, Detective Division,  
Humboldt County Sheriff's Department;  
Ed Hulbert, Captain, Humboldt County  
Sheriff's Department; and [REDACTED] [REDACTED] [REDACTED],  
Certified Shorthand Reporter.

The following proceedings were then and there had,

to wit:

MR. SIMMONS: [REDACTED] I talked to you briefly out  
there at the car. My name is Simmons, Roy Simmons, I'm a  
Lieutenant with the Humboldt County Sheriff's Office, and  
this is Captain Hulbert from the Humboldt County Sheriff's  
Office, and this is Mr. [REDACTED] he's a court recorder.

And what is your full name, [REDACTED]

A. [REDACTED] [REDACTED] [REDACTED]

Q. [REDACTED] [REDACTED] you've been advised of your constitutional  
rights already, haven't you?

A. Yeah, but you might go through it again; I don't remember.

Q. I'll advise you of your constitutional rights.

You have the right to remain silent. Anything you

1 say can and will be used against you in court. You have the  
2 right to have a lawyer present before any questioning. If  
3 you cannot afford to have an attorney one will be appointed  
4 for you.

5 Do you understand these rights?

6 A. Yeah.

7 Q. Having these rights in mind, do you wish to talk to us?

8 A. Yeah.

9 Q. Would you state your full name again for the record?

10 A. [REDACTED]

11 Q. And what is your date of birth, [REDACTED]

12 A. [REDACTED]

13 Q. And your address?

14 A. [REDACTED], Ferndale.

15 Q. [REDACTED] Ferndale?

16 A. Yeah.

17 Q. And you were with [REDACTED] [REDACTED] this afternoon?

18 A. Um hum.

19 Q. And the two of you made a trip down to the river bar over  
20 near Grizzly Bluff School at Waddington, is that correct?

21 A. Yeah, we been back and forth several times there today  
22 getting rocks.

23 Q. You were hauling rocks there today?

24 A. Um hum.

25 Q. And what type of vehicle were you in, [REDACTED]

26 A. Datsun pickup.

1 Q. Datsun pickup? Will you tell me what happened this  
2 afternoon?

3 A. Yeah, we went -- my dad was with us before, and we went  
4 down to get the rock, and he had to milk, and we went down  
5 for another load and he was going to show me the plants that  
6 were down there.

7 Q. About what time was this you went down there, [REDACTED]

8 A. Three-thirty or quarter to four.

9 Q. Three-thirty or quarter to four?

10 A. I guess; I'm not sure.

11 Q. You said he was going to show you these plants, who are  
12 you referring to?

13 A. [REDACTED]

14 Q. [REDACTED] [REDACTED]

15 A. Um hum. So before we went down to get the rock we drove  
16 in there to look at them and we were in there looking at  
17 them and we turned around to leave and I heard a shot and I  
18 saw Lema standing there with his arm out like that aiming  
19 right at the son-of-a-gun and then he went down and he yelled  
20 "You shot me" a couple times, asked him why he shot him, and  
21 that's it.

22 Q. When you went down, you say he was going to show you these  
23 plants, whose plants were these?

24 A. I don't know, I don't think they were [REDACTED] though. He  
25 talked like they belonged to somebody else. I'm sure they  
26 weren't his, probably a friend of his.

1 Q. Did he say how he knew they were there?

2 A. No.

3 Q. How many plants were there?

4 A. Two that I saw.

5 Q. What were these plants in?

6 A. I think metal containers, I'm not sure.

7 Q. They were in containers, though, they weren't just growing

8 in the soil?

9 A. No.

10 Q. About how big were these plants?

11 A. Christ, I don't know, a couple feet high.

12 Q. You're indicating about as high as this desk, which I

13 believe it's about thirty inches, thirty-six inches?

14 A. I guess, something like that.

15 Q. Both of them were about the same?

16 A. No, one of them was bigger than the other one.

17 Q. What state were these plants in, were they dry or were

18 they green or --

19 A. (Int'g) I guess they were green; I don't know.

20 Q. Now, where did you park your vehicle, [REDACTED] when you and

21 [REDACTED] went to look at these plants?

22 A. It was either on the road or one side of the road close to

23 where they were.

24 Q. You're talking about the River Road, are you?

25 A. Well, that road where we were near there, wherever we

26 turned off to the side.

1 Q. The one road there is called East Ferry Road, the one that  
2 comes down from Grizzly Bluff School down to the river?

3 A. I think so.

4 Q. Let me draw a little map here, [REDACTED] This would be  
5 Ferndale Road coming out towards Grizzly Bluff and turning  
6 when you get to the school. The River Road goes straight ahead  
7 here, that's East Ferry Road -- excuse me, what is called  
8 East Ferry Road, and then there's a road that turns off to  
9 the left.

10 A. Yeah.

11 Q. And goes -- runs down almost parallel with the river, and  
12 the river is out in here.

13 A. Yeah.

14 Q. We refer to this as River Road for lack of a better name.

15 Now, when you turned off East Ferry Road and went  
16 down on River Road, did you park on River Road when you got  
17 out to go look at the plants?

18 A. Um hum.

19 Q. Do you recall whether you parked on the east side or the  
20 west side of the road?

21 A. No, I really couldn't say, I don't remember.

22 Q. Do you recall a bunch of old car bodies down there?

23 A. Yeah.

24 Q. Where were you parked in relation to those?

25 A. I really couldn't say, I don't know. I know I probably  
26 pulled off one side of the road or maybe even on the road,

1 plants were?

2 A. Yes.

3 MR. TEMPLETON: Now, [REDACTED] wouldn't own that land  
4 where those plants were though?

5 A. No, that's strictly [REDACTED] land.

6 Q. Yes.

7 Approximately how many times have you seen that [REDACTED]  
8 Chevy or this Datsun pickup in there?

9 A. Well, I have seen -- I've seen the [REDACTED] Chevy in there  
10 once and that was the night dad was telling me about it. He  
11 said he seen it a few more times more than that, I think once  
12 or twice more, something like that, to that effect, I'm not  
13 sure.

14 Q. Can you tell us the day that you seen the car in there?

15 A. Oh, I can't tell you the exact date. It was the day before  
16 they called in about the plants being down there. It was the  
17 night before there, we were milking when I saw the car going  
18 down there and I knew it was [REDACTED] [REDACTED] because there's only  
19 two cars in Ferndale that are like that and his is [REDACTED] up  
20 in the back with the wide tires on it.

21 Q. How about the Datsun now?

22 A. Well, I can't tell you if it's the same Datsun but I seen  
23 a [REDACTED] Datsun go down there almost every weekend, I have been  
24 seeing that ever since summer, go down. I can't say if it's  
25 the same --

26 Q. Datsun?

1 but I can't remember.

2 Q. Do you recall if you were beyond those cars or if you  
3 stopped prior to coming to those cars?

4 A. No.

5 Q. Then you parked on River Road and then you -- where did  
6 you go from there?

7 A. Back up there, the plants were in the trees.

8 Q. You went up another road to the west?

9 A. I don't believe there is a road there. Where the ambulance  
10 backed in.

11 Q. Where there had been cars previously several times from  
12 the indication there?

13 A. I don't know; there might have been.

14 Q. About how far up would you say from this River Road where  
15 you parked the car was it to where the plants were?

16 A. I don't know, sixty, seventy-five yards -- oh, it wasn't  
17 that far, about -- maybe twenty yards.

18 Q. And these plants then were in the brush at the end of this  
19 little --

20 A. (Int'g) Um hum.

21 Q. (Cont'g) -- clearing or roadway that goes up in there?

22 What did you do when you and [REDACTED] arrived there, what did the  
23 two of you do?

24 A. Got out of the pickup and went over and looked at the  
25 plants. I never seen the plants before and I was curious  
26 what they looked like.

1 Q. Was there any conversation between the two of you?

2 A. I can't remember -- yeah, something about some of the  
3 leaves being dry or something, that's all I can remember.

4 Q. Did he pick any of these leaves, pull any of them off the  
5 plants?

6 A. I don't know if he did or not; he could have, he could  
7 have, but I couldn't say for sure.

8 Q. Did he say anything about going to take any of them with  
9 him?

10 A. No, he didn't say anything to me.

11 Q. Was there any conversation with him using this before or --

12 A. (Int'g) No, no, I didn't even know they were down there  
13 until today he mentioned it while we were down there getting  
14 the rocks. I told him I'd like to see them.

15 Q. Did he say how he knew they were there?

16 A. No.

17 Q. Who they belonged to?

18 A. No, he probably said something, you know, give me an idea  
19 that they belonged to some friend of his, because that's the  
20 impression I got, or he wouldn't have known they were there.

21 Q. Do you think they were his plants?

22 A. No, I don't think so.

23 Q. Well, what happened while you were looking at the plants  
24 there?

25 A. Well, just we looked at them, I noticed one of them looked  
26 like it was kind of blooming or something, and turned around

1 to walk away and -- I don't know, I must have been looking  
2 down or something, and I heard the shot and I looked up and  
3 saw Lema standing there. I didn't even see him, I don't know  
4 where he was standing.

5 Q. When were you first aware that Officer Lema was there?

6 A. When I heard the shot.

7 Q. Had he placed you under arrest or had he told you to hold  
8 it?

9 A. I didn't hear a word before I heard that shot. I thought  
10 about that for about half an hour and I know damn well I didn't  
11 hear a word.

12 Q. You didn't hear anything prior to the shot?

13 A. I didn't hear a word.

14 Q. You didn't hear Officer Lema say "Hold it, you're under  
15 arrest"?

16 A. I heard nothing.

17 Q. How far away was Officer Lema from you?

18 A. Close when I first saw him, probably -- maybe fifteen  
19 feet.

20 Q. Was there any conversation then between you and Officer  
21 Lema?

22 A. Yeah, quite a bit. I told him what a stupid son-of-a-  
23 bitch he was, and of course he got all shook up, he put a  
24 handcuff on me and then he -- then he decided I ought to go  
25 get an ambulance, you know, running around in circles, and  
26 I made him unlock the one handcuff he had hooked up there and

1 I took off to get an ambulance.

2 Q. Then he had placed you under arrest?

3 A. I guess so, I would say so.

4 Q. When did he -- when did he inform you that you were

5 under arrest?

6 A. Probably then --he must have said "You're under arrest,"

7 when he put the handcuffs on me, I guess. I know he said it

8 sometime.

9 Q. You don't know whether it was that time or earlier?

10 A. I know it wasn't before he shot, no. Sometime during that

11 time when he was putting my handcuffs on, one handcuff on.

12 Q. What -- what did you do then?

13 A. He unlocked the handcuff and I don't know, I threw it on

14 the ground or some goddamn thing and took off in the car and

15 went up to the house to call an ambulance.

16 Q. Whose house was this that you went to?

17 A. I believe their name is [REDACTED]

18 Q. Did you call the ambulance yourself?

19 A. Yeah.

20 Q. Who was present there at the house when you made the call?

21 A. There was a guy there, I assume it was Mr. [REDACTED] I don't

22 know, I don't know the people, I just heard that's the name.

23 Q. Then what did you do, [REDACTED]

24 A. Then I went back down, and this time I met Lema walking

25 up the road, and he got in the pickup, said [REDACTED] was dead,

26 and we drove down there and I looked at him, and I don't even

1 know if we got all the way down there.

2 Q. It's my understanding that you made a trip down there  
3 before picking up Officer Lema and came back and went to  
4 another -- back up to the school to wait for the ambulance  
5 and then came down again, is that correct?

6 A. Well --

7 Q. (Int'g) Picked up Lema?

8 A. I picked him up, I think, on the way down there. He was  
9 in the pickup all the time. What you mean is, was I down  
10 here without him?

11 Q. Yes, um hum.

12 A. No, I don't believe so. He was in the pickup all the time.  
13 I drove back down there, he got in the pickup with me and we  
14 went down there, and, man, I took a look at him and I got back  
15 in the pickup and took off.

16 Q. Wasn't it on your way out and you picked up Officer Lema  
17 and went up to the school house and waited for the ambulance  
18 there? In other words, you had come down in there --

19 A. (Int'g) Maybe I did, I went on -- maybe I stopped and  
20 talked to him --

21 Q. (Int'g) Yeah.

22 A. (Cont'g) -- and went on back.

23 Q. Went on down in and came back?

24 A. He told me -- he said he was dead and I couldn't believe  
25 that.

26 Q. You went on down?

- 1 A. I guess I did.
- 2 Q. And came back and picked up Officer Lema and went up to  
3 the school and waited for the ambulance?
- 4 A. [REDACTED] right.
- 5 Q. While you were down there did you see any other people in  
6 that area?
- 7 A. Oh, geez, I don't know. I saw somebody around there some-  
8 time but I don't know if it was then or before.
- 9 Q. Did you see any vehicles down there?
- 10 A. Yeah, there was one pulling out of there when I went in.
- 11 Q. Which direction was that car coming from?
- 12 A. North -- it was pulling out of this road here, pulling out  
13 here.
- 14 Q. Out of River Road?
- 15 A. Yeah.
- 16 Q. Could you tell who was in the car?
- 17 A. No, somebody I never seen before. I don't even know what  
18 kind of car it was. I was -- I was shook up.
- 19 Q. Do you know how many persons was in the car?
- 20 A. There was at least two; more than one I know.
- 21 Q. Can you recall what the car looked like, what color it  
22 was?
- 23 A. I told Lema I thought it was light [REDACTED] but it could have  
24 been green; I don't know, I couldn't say for sure.
- 25 Q. And you believe that there were two people in that car?
- 26 A. I'd say more than one.

1 Q. Had you seen that car enter the area?

2 A. Uh uh.

3 Q. Where -- where did you make the call from in relation to  
4 the roads we have here, East Ferry Road? Where is the [REDACTED]  
5 residence?

6 A. Right over here.

7 Q. You're indicating that the [REDACTED] residence is off of East  
8 Ferry Road to the north between Grizzly Bluff School and where  
9 River Road leaves East Ferry Road?

10 A. Correct.

11 Q. Um hum. Approximately how far back from East Ferry Road  
12 is the [REDACTED] residence?

13 A. Well, maybe -- well, there's a curve here, it goes in here  
14 and comes back here. It may be a quarter of a mile altogether  
15 -- no, it isn't that long, not quite that long.

16 Q. This car that was coming out of there, what rate of speed  
17 was it traveling at?

18 A. Normal, I guess; I don't know. It didn't seem to be rushed.  
19 I don't remember. I just met it and drove on by.

20 Q. It was traveling at a normal rate of speed?

21 A. I'd say so.

22 Q. Approximately where did you meet that car, [REDACTED]

23 A. Well, it was right about here at the intersection, some-  
24 where pretty close to it, because I just pulled in here and I  
25 saw the car coming, I didn't stop but I pulled right over.

26 Q. You passed this car then on River Road?

1 A. Yeah.

2 Q. At some point between where the little road turns off  
3 that goes into where the plants were and East Ferry Road?

4 A. Yes.

5 Q. This is where you passed this car and naturally you would  
6 have passed to your right and he would have passed to his  
7 right in the rather narrow road?

8 A. Yes.

9 Q. That road is rather narrow through there, isn't it?

10 A. Um hum.

11 Q. And there should be some tracks, there should be some  
12 indication where two cars have passed in that manner?

13 A. I suppose.

14 Q. How long had you been at the plants there, you and [REDACTED]

15 A. Maybe a minute.

16 Thank you.

17 Q. Um hum. Have you ever known [REDACTED] to use narcotics before?

18 A. I heard him about smoking -- talking about smoking mari-  
19 juana, but not any more than that.

20 Q. He has told you then he does or has smoked marijuana  
21 previous to this?

22 A. Um hum.

23 Q. Is that correct? Has he ever smoked any marijuana in your  
24 presence?

25 A. No.

26 Q. Have you ever used marijuana, [REDACTED]

1 A. Yeah, I tried it, my wife and I tried it one time just  
2 like a lot of other people.

3 Q. Do you have any marijuana now?

4 A. No.

5 Q. I understand that we have your car in custody, [REDACTED].

6 A. Um hum.

7 Q. Had it towed in and impounded. Do you have any objection  
8 to the vehicle being searched?

9 A. No, although I heard some guys talking about the pockets  
10 in that green coat that's in there, that's [REDACTED] if you  
11 find anything in that, that's not mine. Maybe it doesn't make  
12 any difference.

13 Q. The green coat is [REDACTED]

14 A. Yeah, what the hell else did he throw in there? I think  
15 he threw a shirt in there, too, maybe a gray shirt, and he  
16 threw some cigarette papers in there, I think.

17 Q. He threw some cigarette papers in there? Does -- does he  
18 smoke cigarettes?

19 A. Yeah, occasionally.

20 Q. Does he normally roll his cigarettes or smoke --

21 A. (Int'g) He does.

22 Q. [REDACTED] I want you to recall as accurately as you possibly  
23 can your first encounter with Officer Lema?

24 A. Today?

25 Q. Yes. Were you -- were you standing with your back to  
26 Officer Lema when you were looking at the plants?

1 A. Um hum. We might have been from the direction where he  
2 was when I first noticed him for sure.

3 Q. Didn't you hear him say, "Hold it, you're under arrest,"  
4 before you turned?

5 A. No, sir, I didn't. I'm not saying he didn't say it,  
6 I'm saying I didn't hear him say it.

7 Q. I see. What were [REDACTED] actions?

8 A. You mean when he got shot?

9 Q. Yeah, just prior to him being shot. What was he doing?

10 A. I -- we just both turned around to leave, and I heard  
11 the shot, and, man, he was hit. That's all I remember. He  
12 yelled at Lema, rolled around on the ground for awhile and  
13 that was it.

14 Q. Do you recall him having anything in his hand after he  
15 was shot?

16 A. Nothing.

17 Q. Did you look to see?

18 A. No.

19 Q. Would you say he had nothing in his hand?

20 A. I didn't recall him having anything.

21 Q. You say you don't recall whether he had anything in his  
22 hand or not?

23 A. No.

24 Q. What did he say?

25 A. He said, "Lema, you shot me," and he asked him why he  
26 shot him.

1 Q. Then he knew it was Lema?

2 A. Yeah, he knew it was Lema.

3 Q. Had he smoked any marijuana today?

4 A. No, I don't think so. He was with me most of the day and  
5 he didn't as far as I know of. I went and got him this morn-  
6 ing at nine o'clock to go over and go to work and he was  
7 helping me all day, and I know he didn't.

8 Q. Were you with him most of the day?

9 A. Yeah, I was with him all day.

10 MR. SIMMONS: Captain, do you have any questions?

11 MR. HULBERT: Had you previously today talked  
12 about marijuana plants, had he told you about it --

13 A. (Int'g) No.

14 Q. (Cont'g) -- on any previous trips down to the river?

15 A. No.

16 Q. How did you come to get on the conversation about mari-  
17 juana plants?

18 A. He just asked me if I wanted to see some plants and I  
19 said yeah.

20 MR. SIMMONS: And you did tell us that you did see  
21 the plants?

22 A. Pardon?

23 Q. You did say you saw the plants?

24 A. Yes.

25 Q. And examined them? And one of the plants appeared to be  
26 blooming?

1 A. Not blooming, it had something on it, button or something,  
2 I don't know whether it was a bloom or what it was. Some-  
3 thing besides leaves.

4 MR. HULBERT: Was [REDACTED] squatting down by the plants?

5 A. Yeah, yeah, I think we both were probably.

6 Q. Did you see him possibly pull some dry leaves off of the  
7 plant?

8 A. No, I didn't see him.

9 Q. Did he say something about the leaves?

10 A. Oh, he said something about some of the leaves were  
11 getting yellow.

12 MR. SIMMONS: Approximately what time did this  
13 happen this afternoon, [REDACTED]

14 A. Say about three-thirty or quarter to four, I'm really not  
15 sure. I think we left the house at three-thirty to go down  
16 there.

17 MR. HULBERT: Has he ever told you anything about  
18 these plants before?

19 A. No, no.

20 MR. SIMMONS: Did Officer Lema ask you what became  
21 of these plants?

22 A. Yeah.

23 Q. What did you tell him, [REDACTED]

24 A. I told him I didn't know.

25 Q. Do you have any knowledge of who these plants might have  
26 belonged to other than [REDACTED]

1 A. No, sir, I don't. I know some of his friends they could  
2 belong to, but that's --

3 Q. Do you know a boy by the name -- a man by the name of

4 [REDACTED]

5 A. [REDACTED]

6 Q.. Um hum.

7 A. I went to school with him.

8 Q. You would have recognized [REDACTED] if he had been one -- the  
9 one in the car that came out of there?

10 A. Oh, yeah, I think I know most of the guys around there.  
11 I would have -- it could have been, but I don't think so; I  
12 would have recognized him if he was one of them.

13 Q. In other words, these people were no one that you know  
14 rather well?

15 A. No, nobody I know at all. I didn't know them. I didn't  
16 recognize them.

17 MR.. HULBERT: Did you --

18 MR. SIMMONS: (Int'g) Do you know most of the  
19 people in that area?

20 A. I think so. There's some few long-haired people around  
21 that I don't know.

22 Q. Were these people long-haired people?

23 A. I don't know, I really couldn't -- they didn't look  
24 particularly scroungey, but I didn't pay too much attention.  
25 I was a little shook up at the time.

26 Q. When you and [REDACTED] or when you and [REDACTED] rather, went down

1 to the river this particular time that this happened, did you  
2 first go all the way down to the river?

3 A. No.

4 Q. Where did you go when you went down on the river bar prior  
5 to going to where the plants were?

6 A. You mean before we went down there, the trip before that?

7 Q. No, I mean, when you went on the trip where you went to  
8 the plants, did you go --

9 A. (Int'g) Directly to the plants.

10 Q. You went directly to the plants? The reason you were  
11 going down there this particular time was to see the plants?

12 A. No, going down after a load of rocks.

13 Q. Going down after a load of rocks?

14 A. Yes.

15 Q. But you stopped to see the plants prior to getting the  
16 rocks?

17 A. Yes.

18 Q. Where were you going to get the rocks?

19 A. Down this road here.

20 Q. Down East Ferry Road, almost to the river?

21 A. No, there's a bunch of stuff down there piled along there.  
22 Just past that. His dad's property.

23 Q. You turned down the East Ferry Road to the right of where  
24 you would go to see the plants?

25 A. Yeah.

26 Q. Do you know whose property these plants are on, who owns

1 that property?

2 A. No, I don't -- [REDACTED] -- [REDACTED] father owns some property  
3 down there, but I don't know if it's that particular spot or  
4 not. It's right along the road where that boundary is or  
5 something. I don't know.

6 Q. [REDACTED] father does have property or have control of  
7 property down in this particular area?

8 A. The road is on his property, the State put the road in  
9 the wrong place or something -- the county did, and it's not  
10 supposed to be there, but he's going through some proceedings  
11 now to get it moved.

12 Q. Which road are we talking about here?

13 A. This road here.

14 Q. East Ferry Road?

15 A. Yeah.

16 Q. You say that when you and [REDACTED] were there at the plants  
17 you were both squatted down looking at the plants, and then  
18 you turned, you didn't hear Officer Lema holler to you that  
19 you were under arrest, to hold it, or words to that effect?

20 A. No, the first thing I heard was a shot.

21 Q. You say you were looking down, you didn't see?

22 A. I must have been to not have seen him, because he must  
23 have been standing there in plain sight, I know, but I didn't  
24 see him.

25 Q. Were you observing [REDACTED] at that particular time?

26 A. No.

1 Q. Do you know what he was doing?

2 A. No, I didn't see him get hit. I heard the shot and  
3 looked up.

4 Q. You don't know then what his actions were, you don't know  
5 whether he was turning facing --

6 A. (Int'g) Not really, but I noticed the hole in his chest,  
7 the hole that I saw, so he must have been facing Lema.

8 Q. You don't know how fastly he turned or --

9 A. (Int'g) No.

10 Q. (Cont'g) -- anything of this nature, what he might have  
11 done?

12 A. Nope.

13 MR. HULBERT: When you returned after going up and  
14 making the phone call at [REDACTED] and you returned down and  
15 checked the body, were the plants there at that time?

16 A. I couldn't say, I didn't look at the plants.

17 Q. What did you do when you arrived back?

18 A. When I got back -- when I went back to [REDACTED] body?

19 Q. Yes.

20 A. I went over and looked at him, and he was on his back with  
21 his eyes open, turned [REDACTED] and I figured that was it, and I  
22 went back in the pickup and took off and went back to wait  
23 for the ambulance. I picked up Lema on the way back there.

24 MR. SIMMONS: Were the plants there at that time?

25 A. I don't know.

26 Q. Do you recall whether you'd seen any vehicle tracks in

1 there or not at that time?

2 A. No, there couldn't have been, because I remember when the  
3 ambulance backed in there they were the only tracks, and they  
4 backed in there and I was wondering if they were going to get  
5 stuck or not.

6 MR. HULBERT: Has [REDACTED] at any time offered you  
7 marijuana?

8 A. Oh, he said if I ever wanted to smoke some he could get  
9 some.

10 Q. Have you ever smoked any with [REDACTED]

11 A. No.

12 Q. Have you ever been with [REDACTED] when he has smoked marijuana?

13 A. I have been with him after he smoked it -- not -- not while  
14 he's smoking it, you know.

15 Q. How many occasions has this happened?

16 A. A few, one or two, three; I don't know.

17 Q. At any time today do you think he could have been smoking  
18 any marijuana?

19 A. No, I'm positive he couldn't have; I was with him all the  
20 time.

21 Q. Has he ever talked to you about taking anything stronger --

22 A. (Int'g) No.

23 Q. (Cont'g) -- than marijuana?

24 A. He probably wouldn't say anything to me, anyway, because  
25 he knows I don't -- he knows I don't go for anything like that.

26 MR. SIMMONS: Did he have anything to drink today,

1 any alcoholic beverage or anything, beer?

2 A. We had about four beers, I think he drank one of them this  
3 morning when we were working. He drank one, my father drank  
4 one and I drank one and my brother drank one.

5 Q. Do you recall any conversation at all between either [REDACTED]  
6 and Lema prior to the shot?

7 A. No, I don't.

8 Q. What were the weather conditions there at the time this  
9 happened?

10 A. Gee, I don't know, like it was all day, cloudy and foggy.

11 Q. Overcast? Was the wind blowing?

12 A. I don't think so, no more than usual.

13 Q. Was there any noise in the area at any time?

14 A. I don't believe so. I didn't hear any that I know.

15 Q. Do you recall any machinery running?

16 A. No, crackling leaves under our feet maybe; that was about  
17 it.

18 Q. Did I ask you before how long you've known [REDACTED]

19 A. No, I've known him all my life, I guess. Well, I wouldn't  
20 say that. From the time I was five or six years old, I guess.  
21 They used to live by us at Grizzly Bluff.

22 Q. You kept pretty close contact with him all this time?

23 A. No, he's been off to college, he got a Bachelors Degree,  
24 he just got through college this spring, came home, he's been  
25 helping his dad in the summer.

26 MR. SIMMONS: Captain, do you have any further

1 questions?

2 MR. HULBERT: After you called the ambulance and  
3 you returned and you say you met this car coming out of this  
4 River Road, were you on the River Road at that time also?

5 A. Yeah, I'm sure I turned.

6 Q. Now, did you have to pull off the road or did they pull  
7 off the road?

8 A. I think we both went off -- I know I was in a hurry and  
9 going pretty fast.

10 UNIDENTIFIED SPEAKER: [REDACTED] attorney's here.

11 A. My attorney?

12 MR. HULBERT: Have you ever partied with [REDACTED],  
13 been out?

14 A. No, I haven't. I haven't, since he's been home I haven't  
15 had much time for that kind of stuff. I used to when I was  
16 in high school I guess, we used to go out together every now  
17 and then, but I have been busy working on my house this  
18 summer, I bought a house over there and remodeling it.

19 Q. Who are you employed by?

20 A. [REDACTED], timekeeper.

21 Q. You did not go back in and remove those plants yourself?

22 A. No, sir.

23 MR. SIMMONS: [REDACTED] apparently somebody has an  
24 attorney for you. Did you get one?

25 A. I don't know anything about it.

26 Q. You don't know anything about it? Do you want to see an

1 attorney right now?

2 A. Not particularly, I guess. I don't know. Are you going to  
3 arrest me or what? I mean, am I going to be arrested? If  
4 you are going to lock me up --

5 Q. (Int'g) Yes, you were informed by Lema that you were --  
6 okay. Fine.

7 You were informed by Lema that you were under  
8 arrest. That still stands, [REDACTED]

9 A. Well, I realize that, I mean, I assumed that, but --

10 Q. No, what we are talking to you about here now, we are  
11 just conducting an investigation into what happened.

12 A. I know that.

13 Q. And trying to get at the truth and the details here of  
14 just what took place and when and how, and there is an attorney  
15 outside that has been secured by someone, says he's your  
16 attorney, I don't know whether --

17 A. (Int'g) Maybe my wife got him, I don't know.

18 Q. And you certainly have the right to talk with him right  
19 now, if you want.

20 A. Yeah, I'd like to talk to him if it's all right.

21 MR. SIMMONS: Fine. Would you have the attorney  
22 come in?

23 MR. HULBERT: Is his attorney out here? Send him in.  
24 Come on in, [REDACTED]

25 MR. SIMMONS: Hi, [REDACTED] How are you doing?

26 MR. [REDACTED] How are you?

1 [REDACTED], your father just came and seen us.

2 Has there been any charge?

3 MR. SIMMONS: [REDACTED] this is the District Attorney,  
4 Mr. Ferroggiaro.

5 MR. FERROGGIARO: [REDACTED] [REDACTED] how are you?

6 MR. SIMMONS: [REDACTED] has been arrested, yes, on a  
7 narcotics violation.

8 [REDACTED] What is the booking charge?

9 MR. SIMMONS: He hasn't been booked as yet.

10 [REDACTED] [REDACTED] Possession?

11 MR. SIMMONS: Possession and cultivating, I believe  
12 is the charge.

13 [REDACTED] [REDACTED] What is the bail?

14 MR. SIMMONS: We don't know, [REDACTED], he hasn't  
15 been booked as yet.

16 We are talking to him in regard to this matter of  
17 the shooting.

18 [REDACTED]: Have you given a statement yet, [REDACTED]

19 When did you do that?

20 A. Now.

21 [REDACTED] [REDACTED] Just now?

22 A. In the last few minutes.

23 MR. SIMMONS: Not at this time. Would you contact  
24 the Sheriff or Undersheriff? I believe they're somewhere in  
25 the building.

26 You bet. Goodbye.

1 MR. FERROGGIARO: They get right through here?

2 MR. SIMMONS: Yes.

3 MR. HULBERT: [REDACTED], we have questioned him in regards  
4 to what transpired out there, what happened, and the details  
5 on it.

6 [REDACTED] I'd like to talk to him alone.

7 MR. SIMMONS: Certainly. Would you like to talk to  
8 him here, [REDACTED], or someplace else?

9 [REDACTED] This is all right. If I can use your  
10 facilities.

11 MR. SIMMONS: You certainly may.

12 MR. HULBERT: You don't want the Court Reporter?

13 [REDACTED] No.

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