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Attorney for defendant JOHN DOE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE, HARBOR JUSTICE CENTER

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

JOHN DOE,

Defendant.

Case Number 10HM08559

DEFENDANT'S NOTICE OF MOTION AND
MOTION FOR DISCOVERY OF PEACE
OFFICER PERSONNEL RECORDS FROM
ORANGE COUNTY SHERIFF'S
DEPARTMENT (CAL. EVID. CODE §§
1043-1047)

DATE: AUGUST 8, 2011

DEPT: H13

TIME: 8:30 A.M.

**TO SANDRA HUTCHENS, SHERIFF OF ORANGE COUNTY, CALIFORNIA, TO
TONY RACKAUCKAS, DISTRICT ATTORNEY OF ORANGE COUNTY, CALIFORNIA,
AND TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that on August 8, 2011 at 8:30 a.m. in Department H13 of the
above-entitled court, defendant JOHN DOE, will move this honorable court for an order, commanding
Sandra Hutchens, Sheriff of Orange County, California, to deliver and produce to defense counsel in this
action, Jerry L. Steering, the following information, documents and items:

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY OF PEACE OFFICER
PERSONNEL RECORDS FROM ORANGE COUNTY SHERIFF'S DEPARTMENT (CAL. EVID.
CODE §§ 1043-1047)

1. Any and all complaints¹ made to the Orange County Sheriff's Department, and the investigation of any such complaints², about Orange County Sheriff's Department Deputy Sheriff **Evan Phillips**, alleging the use of **excessive and/or unreasonable force** upon any person by him; alone or in joint / concerted action with others.
2. Any and all complaints³ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁴, about Orange County Sheriff's Department Deputy Sheriff **Evan Phillips**, alleging the **unlawful arrest** of any person by him; alone or in joint / concerted action with others.
3. Any and all complaints⁵ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁶, about Orange County Sheriff's Department Deputy Sheriff **Evan**

¹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

² Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s) complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding the investigation of any such complaints, and **c**) any other video recordings and audio recordings regarding any such incident complained of.

³ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

⁴ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s) complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding the investigation of any such complaints, and **c**) any other video recordings and audio recordings regarding any such incident complained of.

⁵ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

⁶ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)

1 **Phillips**, alleging the **unlawful detention** of any person by him; alone or in joint / concerted
2 action with others.

3 4. Any and all complaints⁷ made to the Orange County Sheriff's Department, and the investigation
4 of any such complaints⁸, about Orange County Sheriff's Department Deputy Sheriff **Evan**
5 **Phillips**, alleging the **unlawful entry into the residence of any person(s)** by him; alone or in
6 joint / concerted action with others.

7
8 5. Any and all complaints⁹ made to the Orange County Sheriff's Department, and the investigation
9 of any such complaints¹⁰, about Orange County Sheriff's Department Deputy Sheriff **Evan**
10 **Phillips**, alleging the **unlawful search of the residence of any person(s)** by him; alone or in
11 joint / concerted action with others.
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15 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
16 made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
17 the investigation of any such complaints, and **c)** any other video recordings and audio recordings
18 regarding any such incident complained of.

19 ⁷ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such
20 complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and
21 3) any participants in any of said incidents so complained of, as well as the dates of the incidents
22 complained of, and the disposition of any such complaints.

23 ⁸ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
24 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
25 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
26 made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
27 the investigation of any such complaints, and **c)** any other video recordings and audio recordings
28 regarding any such incident complained of.

29 ⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such
30 complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and
31 3) any participants in any of said incidents so complained of, as well as the dates of the incidents
32 complained of, and the disposition of any such complaints.

33 ¹⁰ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
34 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
35 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
36 made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
37 the investigation of any such complaints, and **c)** any other video recordings and audio recordings
38 regarding any such incident complained of.

6. Any and all complaints¹¹ made to the Orange County Sheriff's Department, and the investigation of any such complaints¹², about Orange County Sheriff's Department Deputy Sheriff **Evan Phillips**, alleging the **authoring of any false and/or misleading police reports** by him; alone or in joint / concerted action with others.

7. Any and all complaints¹³ made to the Orange County Sheriff's Department, and the investigation of any such complaints¹⁴, about Orange County Sheriff's Department Deputy Sheriff **Evan Phillips**, alleging **any acts of dishonesty by him**; alone or in joint / concerted action with others.

8. Any and all complaints¹⁵ made to the Orange County Sheriff's Department, and the investigation of any such complaints¹⁶, about Orange County Sheriff's Department Deputy Sheriff **Evan**

¹¹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

¹² Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s) complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding the investigation of any such complaints, and **c**) any other video recordings and audio recordings regarding any such incident complained of.

¹³ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

¹⁴ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s) complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding the investigation of any such complaints, and **c**) any other video recordings and audio recordings regarding any such incident complained of.

¹⁵ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

¹⁶ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s) complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding

1 **Phillips**, alleging any acts of **concealment of evidence by him**; alone or in joint / concerted
2 action with others.

3 9. Any and all complaints¹⁷ made to the Orange County Sheriff's Department, and the investigation
4 of any such complaints¹⁸, about Orange County Sheriff's Department Deputy Sheriff **Evan**
5 **Phillips**, alleging **any acts of destruction of evidence by him**; alone or in joint / concerted
6 action with others.

7
8 10. Any and all complaints¹⁹ made to the Orange County Sheriff's Department, and the investigation
9 of any such complaints²⁰, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
10 **Ruelas**, alleging the use of **excessive and/or unreasonable force** upon any person by him; alone
11 or in joint / concerted action with others.
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16 the investigation of any such complaints, and **c**) any other video recordings and audio recordings
17 regarding any such incident complained of.

18 ¹⁷ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
19 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
20 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
21 incidents complained of, and the disposition of any such complaints.

22 ¹⁸ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer
23 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
24 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
25 made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding
26 the investigation of any such complaints, and **c**) any other video recordings and audio recordings
27 regarding any such incident complained of.

28 ¹⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
such complainants, 2) of any witnesses to any such incidents over which any such complaints were
made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

²⁰ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer
generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding
the investigation of any such complaints, and **c**) any other video recordings and audio recordings
regarding any such incident complained of.

1 11. Any and all complaints²¹ made to the Orange County Sheriff's Department, and the investigation
2 of any such complaints²², about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
3 **Ruelas**, alleging the **unlawful arrest** of any person by him; alone or in joint / concerted action
4 with others.

5 12. Any and all complaints²³ made to the Orange County Sheriff's Department, and the investigation
6 of any such complaints²⁴, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
7 **Ruelas**, alleging the **unlawful detention** of any person by him; alone or in joint / concerted
8 action with others.
9

10 13. Any and all complaints²⁵ made to the Orange County Sheriff's Department, and the investigation
11 of any such complaints²⁶, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
12

13 ²¹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
14 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
15 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
16 incidents complained of, and the disposition of any such complaints.

17 ²² Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
18 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
19 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
the investigation of any such complaints, and **c)** any other video recordings and audio recordings
regarding any such incident complained of.

20 ²³ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
21 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

22 ²⁴ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
23 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
24 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
the investigation of any such complaints, and **c)** any other video recordings and audio recordings
regarding any such incident complained of.

25 ²⁵ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
26 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
27 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

28 ²⁶ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)

1 **Ruelas**, alleging the **unlawful entry into the residence of any person(s)** by him; alone or in
2 joint / concerted action with others.

3 14. Any and all complaints²⁷ made to the Orange County Sheriff's Department, and the investigation
4 of any such complaints²⁸, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
5 **Ruelas**, alleging the **unlawful search of the residence of any person(s)** by him; alone or in
6 joint / concerted action with others.
7

8 15. Any and all complaints²⁹ made to the Orange County Sheriff's Department, and the investigation
9 of any such complaints³⁰, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
10 **Ruelas**, alleging the **authoring of any false and/or misleading police reports** by him; alone or
11 in joint / concerted action with others.
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15 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
16 made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
17 the investigation of any such complaints, and **c)** any other video recordings and audio recordings
18 regarding any such incident complained of.

19 ²⁷ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
20 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
21 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
22 incidents complained of, and the disposition of any such complaints.

23 ²⁸ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
24 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
25 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
26 made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
27 the investigation of any such complaints, and **c)** any other video recordings and audio recordings
28 regarding any such incident complained of.

²⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
such complainants, 2) of any witnesses to any such incidents over which any such complaints were
made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

³⁰ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
the investigation of any such complaints, and **c)** any other video recordings and audio recordings
regarding any such incident complained of.

1 16. Any and all complaints³¹ made to the Orange County Sheriff's Department, and the investigation
2 of any such complaints³², about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
3 **Ruelas**, alleging **any acts of dishonesty by him**; alone or in joint / concerted action with others.

4 17. Any and all complaints³³ made to the Orange County Sheriff's Department, and the investigation
5 of any such complaints³⁴, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
6 **Ruelas**, alleging any acts of **concealment of evidence by him**; alone or in joint / concerted
7 action with others.
8

9 18. Any and all complaints³⁵ made to the Orange County Sheriff's Department, and the investigation
10 of any such complaints³⁶, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo**
11

12 ³¹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
13 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
14 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

15 ³² Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer
16 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
17 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding
18 the investigation of any such complaints, and **c**) any other video recordings and audio recordings
regarding any such incident complained of.

19 ³³ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
20 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

21 ³⁴ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer
22 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
23 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding
the investigation of any such complaints, and **c**) any other video recordings and audio recordings
24 regarding any such incident complained of.

25 ³⁵ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
26 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

27 ³⁶ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer
28 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding

1 **Ruelas**, alleging **any acts of destruction of evidence by him**; alone or in joint / concerted action
2 with others.

3 19. Any and all complaints³⁷ made to the Orange County Sheriff's Department, and the investigation
4 of any such complaints³⁸, about Orange County Sheriff's Department Deputy Sheriff **Robert**
5 **Canales**, alleging the use of **excessive and/or unreasonable force** upon any person by him;
6 alone or in joint / concerted action with others.
7

8 20. Any and all complaints³⁹ made to the Orange County Sheriff's Department, and the investigation
9 of any such complaints⁴⁰, about Orange County Sheriff's Department Deputy Sheriff **Robert**
10 **Canales**, alleging the **unlawful arrest** of any person by him; alone or in joint / concerted action
11 with others.
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16 the investigation of any such complaints, and **c**) any other video recordings and audio recordings
17 regarding any such incident complained of.

18 ³⁷ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
19 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
20 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
21 incidents complained of, and the disposition of any such complaints.

22 ³⁸ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer
23 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
24 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
25 made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding
26 the investigation of any such complaints, and **c**) any other video recordings and audio recordings
27 regarding any such incident complained of.

28 ³⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
such complainants, 2) of any witnesses to any such incidents over which any such complaints were
made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

⁴⁰ Including any **a**) statements (audio recorded, video recorded, handwritten, type written, computer
generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b**) any reports regarding
the investigation of any such complaints, and **c**) any other video recordings and audio recordings
regarding any such incident complained of.

1 21. Any and all complaints⁴¹ made to the Orange County Sheriff's Department, and the investigation
2 of any such complaints⁴², about Orange County Sheriff's Department Deputy Sheriff **Robert**
3 **Canales**, alleging the **unlawful detention** of any person by him; alone or in joint / concerted
4 action with others.

5 22. Any and all complaints⁴³ made to the Orange County Sheriff's Department, and the investigation
6 of any such complaints⁴⁴, about Orange County Sheriff's Department Deputy Sheriff **Robert**
7 **Canales**, alleging the **unlawful entry into the residence of any person(s)** by him; alone or in
8 joint / concerted action with others.

9 23. Any and all complaints⁴⁵ made to the Orange County Sheriff's Department, and the investigation
10 of any such complaints⁴⁶, about Orange County Sheriff's Department Deputy Sheriff **Robert**
11

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13 ⁴¹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
14 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
15 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
16 incidents complained of, and the disposition of any such complaints.

17 ⁴² Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
18 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
19 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
the investigation of any such complaints, and **c)** any other video recordings and audio recordings
regarding any such incident complained of.

20 ⁴³ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
21 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
22 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
23 incidents complained of, and the disposition of any such complaints.

24 ⁴⁴ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
25 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
26 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
the investigation of any such complaints, and **c)** any other video recordings and audio recordings
regarding any such incident complained of.

27 ⁴⁵ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
28 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

⁴⁶ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)

Canales, alleging the **unlawful search of the residence of any person(s)** by him; alone or in joint / concerted action with others.

24. Any and all complaints⁴⁷ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁴⁸, about Orange County Sheriff's Department Deputy Sheriff **Robert Canales**, alleging the **authoring of any false and/or misleading police reports** by him; alone or in joint / concerted action with others.

25. Any and all complaints⁴⁹ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁵⁰, about Orange County Sheriff's Department Deputy Sheriff **Robert Canales**, alleging **any acts of dishonesty by him**; alone or in joint / concerted action with others.

complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding the investigation of any such complaints, and **c)** any other video recordings and audio recordings regarding any such incident complained of.

⁴⁷ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

⁴⁸ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s) complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding the investigation of any such complaints, and **c)** any other video recordings and audio recordings regarding any such incident complained of.

⁴⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such complainants, 2) of any witnesses to any such incidents over which any such complaints were made, and 3) any participants in any of said incidents so complained of, as well as the dates of the incidents complained of, and the disposition of any such complaints.

⁵⁰ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s) complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of, made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding the investigation of any such complaints, and **c)** any other video recordings and audio recordings regarding any such incident complained of.

1 26. Any and all complaints⁵¹ made to the Orange County Sheriff's Department, and the investigation
2 of any such complaints⁵², about Orange County Sheriff's Department Deputy Sheriff **Robert**
3 **Canales**, alleging any acts of **concealment of evidence by him**; alone or in joint / concerted
4 action with others.

5 27. Any and all complaints⁵³ made to the Orange County Sheriff's Department, and the investigation
6 of any such complaints⁵⁴, about Orange County Sheriff's Department Deputy Sheriff **Robert**
7 **Canales**, alleging **any acts of destruction of evidence by him**; alone or in joint / concerted
8 action with others.

9 28. Any **statements**⁵⁵ **made by** Orange County Sheriff's Department Deputy Sheriff **Evan Phillips**
10 during and/or about and/or regarding the subject July 4, 2010 incident complained of in this
11 action, that were obtained pursuant to any Internal Affairs
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16 ⁵¹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
17 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
18 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
19 incidents complained of, and the disposition of any such complaints.

20 ⁵² Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
21 generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
22 complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
23 made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
24 the investigation of any such complaints, and **c)** any other video recordings and audio recordings
25 regarding any such incident complained of.

26 ⁵³ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any
27 such complainants, 2) of any witnesses to any such incidents over which any such complaints were
28 made, and 3) any participants in any of said incidents so complained of, as well as the dates of the
incidents complained of, and the disposition of any such complaints.

⁵⁴ Including any **a)** statements (audio recorded, video recorded, handwritten, type written, computer
generated, summarized statements and paraphrased statements) of: 1) any such deputy sheriff(s)
complained of, 2) of the complaining party(ies) and 3) of any witnesses to the incident complained of,
made or obtained pursuant to any such investigation of any such complaints; **b)** any reports regarding
the investigation of any such complaints, and **c)** any other video recordings and audio recordings
regarding any such incident complained of.

⁵⁵ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

Investigation, Administrative Investigation, or other type of investigation⁵⁶ performed by the Orange County Sheriff's Department about / regarding the July 4, 2010 incident complained of in this action.

29. Any **statements⁵⁷ made by** Orange County Sheriff's Department Deputy Sheriff **Rodrigo Ruelas** during and/or about and/or regarding the subject July 4, 2010 incident complained of in this action, that were obtained pursuant to any Internal Affairs Investigation, Administrative Investigation, or other type of investigation⁵⁸ performed by the Orange County Sheriff's Department about / regarding the July 4, 2010 incident complained of in this action.

30. Any **statements⁵⁹ made by** Orange County Sheriff's Department Deputy Sheriff **Robert Canales**, during and/or about and/or regarding the subject July 4, 2010 incident complained of in this action, that were obtained pursuant to any Internal Affairs Investigation, Administrative Investigation, or other type of investigation⁶⁰ performed by the Orange County Sheriff's Department about / regarding the July 4, 2010 incident complained of in this action.

31. Any **statements⁶¹ made by any witness(es) to said subject July 4, 2010 incident complained of in this action**, during and/or about and/or regarding the subject July 4, 2010 incident complained of in this action, that were obtained pursuant to any Internal Affairs. Investigation, Administrative Investigation, or other type of investigation⁶² performed by the Orange County Sheriff's Department about / regarding the July 4, 2010 incident complained of in this action.

⁵⁶ Such as a civil liability investigation.

⁵⁷ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

⁵⁸ Such as a civil liability investigation.

⁵⁹ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

⁶⁰ Such as a civil liability investigation.

⁶¹ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

⁶² Such as a civil liability investigation.

1 32. Any statements⁶³ made by any participants in said subject July 4, 2010 incident complained
2 of in this action, during and/or about and/or regarding the subject July 4, 2010 incident
3 complained of in this action, that were obtained pursuant to any Internal Affairs, , Administrative
4 Investigation, or other type of investigation⁶⁴ performed by the Orange County Sheriff's
5 Department about / regarding the July 4, 2010 incident complained of in this action.
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7 This motion is made on the ground that the evidence sought by way of this instant motion is
8 exculpatory and/or has evidentiary value as impeachment evidence, for use by the defendant at the trial
9 of this instant action.

10 This motion is also based on the attached Declaration Of Jerry L. Steering, and defendant's
11 Memorandum of Points and Authorities in support thereof.
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13 Dated: July 15, 2011

14 Jerry L. Steering
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28 ⁶³ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

⁶⁴ Such as a civil liability investigation.

PROOF OF SERVICE

I declare that I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within cause; my business address is 4063 Birch Street, Suite 100, Newport Beach, California 92660.

On July 15, 2011, I served the attached:

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY OF PEACE OFFICER PERSONNEL RECORDS FROM ORANGE COUNTY SHERIFF'S DEPARTMENT (CAL. EVID. CODE §§ 1043-1047)

On the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Tony Rackauckas District Attorney Orange County District Attorney's Office 4601 Jamboree Blvd. Newport Beach, CA 92660	Sandra Hutchens Sheriff Orange County Sheriff's Department 550 N. Flower Street Santa Ana, CA 92701
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☒ BY PERSONAL SERVICE

☐ BY MAIL I placed each sealed envelope with postage there prepaid, for collection and mailing at Newport Beach, California, following ordinary business practices. I am readily familiar with the practice that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

☐ BY FAX

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This the 15th day of July, 2011, at Newport Beach, California.

Gregory Peacock

DEFENDANT'S NOTICE OF MOTION AND MOTION FOR DISCOVERY OF PEACE OFFICER PERSONNEL RECORDS FROM ORANGE COUNTY SHERIFF'S DEPARTMENT (CAL. EVID. CODE §§ 1043-1047)