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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

DECLARATION OF JERRY L. STEERING
IN SUPPORT OF 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.

I, Jerry L. Steering, do hereby declare that the facts set forth herein are based upon my
personal knowledge and if called upon to testify I could do so competently:

- 1) I am counsel of record for defendant JOHN DOE.

QUALIFICATION OF COUNSEL

- 2) I am licensed to practice law before all of the courts in the State of California, all of the
courts in the State of Georgia, the United States District Court for the Central District of
California, the United States District Court for the Southern District of California, the
United States District Court for the Middle District of Georgia, the United States District
Court for the Northern District of Georgia, the United States Court of Appeals for the

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1 Ninth Circuit, the United States Court of Appeals for the Eleventh Circuit and the United
2 States Supreme Court, as well as in other federal courts, *pro hac vice*.

3 3) I have been licensed to practice law in the State of Georgia since 1984, and in the State of
4 California since 1986.

5 4) I have been involved in and litigated hundreds of cases involving allegations, of crimes
6 against peace officers¹, and of cases involving constitutional torts by peace officers², over
7 the past 23 years.

8 5) I have tried approximately 25 civil jury trials involving allegations of police misconduct,
9 and approximately an equal number of jury trials in criminal actions involving charges of
10 crimes against peace officers; such as violation of Cal. Penal Code §§ 148(a)(1), 241(b)
11 and 243(b).

12 6) I have also settled or otherwise have been involved with hundreds of other police
13 misconduct cases.

14 7) I have deposed hundreds of police officers and deputy sheriffs in civil actions involving
15 allegations of police misconduct (including the Newport Beach Police Department); most
16 of them for allegations of unreasonable force, false arrest³ and malicious prosecution.

17 8) Over the years I personally have received hundreds⁴ of complaints about acts of
18 dishonesty, brutality, false arrests and the framing of innocent persons for crimes that
19 they did not commit, by police officers.

20 9) I have also discussed many of these matters with various private defense counsel about
21 such actions by the Newport Beach Police Department.

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26 ¹ Such as violations of Cal. Penal Code §§ 148(a)(1), 241(b) and 243(b).

27 ² Mostly actions brought pursuant to the Ku Klux Klan Act of 1871; 42 U.S.C. § 1983.

28 ³ Almost all of them being falsely arrested for violation of Cal. Penal Code § 148(a)(1); the very same charge in this case.

⁴ Probably thousands.

- 10) I have also litigated federal and state civil rights actions against Newport Beach Police Department police officers, and am familiar with many of the procedures and practices of the Newport Beach Police Department.
- 11) It has been my experience that a very large percentage of criminal cases brought for violation of Cal. Penal Code § 148(a)(1) such as this instant action, are bogus cases, where the arresting officer arrest the defendant for failing the “attitude test”, and/or to cover-up the officers’ own acts of misconduct; often including beating the defendants, by trying to frame their victims. I believe that this is one of those cases.
- 12) This technique is very common among members of the law enforcement profession as they “know” that a conviction for a crime such as violation of Cal. Penal Code § 148(a)(1), will in some meaningful way disable or, as a practical matter, generally preclude a successful subsequent civil action against the officer for false arrest, unreasonable force, and other related tortious conduct.
- 13) In my law practice I usually get ten to thirty calls per week from persons complaining that they were falsely arrested by police officers, and/or brutalized by police officers, and/or are being framed by police officers. They are not are making-up their stories, and I believe have a good overview of these type of cases.

FACTUAL BACKGROUND OF SUBJECT INCIDENT

- 14) On information and belief, and on the evidence that has, to date, been produced to the defense, I show the following defendant’s version of the Factual Background of the subject July 4, 2010 incident complained of in this action.
- 15) On July 4, 2010, the defendant was celebrating Independence Day with a friend at his friend’s residence at 130 39th Street, Newport Beach, California.

- 16) At approximately 3:00 p.m., several Orange County Sheriff's Department Deputy Sheriffs, including Deputy Sheriff Evan Phillips, Deputy Sheriff Rodrigo Ruelas, and Deputy Sheriff Robert Canales, and several Newport Beach Police Department Police Officers, including Officer Shawn Dugan and Officer Randall Card, walked in to said residence. Said entry into said residence was done without a warrant, and was done in an effort to investigate said commotion (that said deputies claimed was a fight); an unlawful entry into a private residence.
- 17) Said deputies claimed to have walked into said residence to investigate a fight that they had allegedly been informed about, although no such fight had occurred; just a party at said residence.
- 18) While inside said residence, Orange County Sheriff's Department Deputy Sheriff Evan Phillips, Deputy Sheriff Rodrigo Ruelas and Deputy Sheriff Robert Canales, and Newport Beach Police Department Police Officer Randall Card physically grabbed the defendant, and brutally (and together and in concert) slammed him to the floor.
- 19) Said officers and deputies then beat-up the defendant for approximately a minute, and then handcuffed the defendant behind his back and took him outside of said residence.
- 20) Said officers and deputies then dragged the defendant by his arms out of said residence and toward the street, while falsely arresting him.
- 21) Once outside, said Officers and Deputies forced the defendant to lean over the trunk of one of the Deputy Sheriff Canales' Orange County Sheriff's Department patrol car.
- 22) Orange County Sheriff's Department Sheriff's Deputy Sheriff Phillips then grabbed the defendant by his arms, which were securely cuffed behind his back, and twice slammed the defendant's face / head into the back window of said car.

- 1 23) Said slamming of the defendant's head produced a large hole in the rear window of said
2 car (*See*, attached Exhibit "A"; true and correct copies of said smashed-out window and
3 defendant JOHN DOE's bloody face from being smashed into said window).
- 4 24) Said slamming of the defendant's head cased severe lacerations and bleeding to the
5 defendant's face / head (*See*, attached Exhibit "A".)
- 6 25) The defendant was then placed in the back seat of Deputy Phillips' Orange County
7 Sheriff's Department patrol car.
- 8 26) The defendant continued to bleed profusely while seated in the back of the car with his
9 hands cuffed behind his back.
- 10 27) Deputy Phillips, then took the defendant to Hoag Medical Hospital, where the defendant
11 received treatment for his wounds.
- 12 28) Deputy Philips then authored a police report falsely accusing the defendant of smashing
13 his own head through the window.
- 14 29) Officer Card also authored a report falsely accusing the defendant of smashing his own
15 head through the window.
- 16 30) Notwithstanding the fact that three independent witnesses called the Newport Beach
17 Police Department to report a deputy smashing the defendant's head through the window,
18 (two of which 911 calls have been produced to the defense in this action) the defendant
19 was charged with vandalizing the window with his face.
- 20 31) In addition to the above and foregoing, on December 31, 2010, defendant JOHN DOE
21 filed Claims for Damages against the City of Newport Beach and County of Orange
22 pursuant to the California Tort Claims Act, for his injuries and damages for said July 4,
23 2010 incident complained of in this action.
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1 32) As I previously stated, I specialize in police misconduct cases; both civil (i.e. excessive
2 force, false arrest, malicious prosecution) and criminal (i.e. criminal cases for crimes such
3 as resisting arrest, "battery on a peace officer, assault of a peace officer; cases like this
4 one) that are filed by a District Attorney's Office based on false material statements made
5 in police reports, like the instant action.

6
7 33) I believe, based on the police reports and the (partial) audio recording of the independent
8 witness accounts, based upon my discussions with my client, defendant JOHN DOE,
9 based upon the photographs that I have seen of his injuries, and based upon my
10 experience as a police misconduct (civil and criminal) litigator, and otherwise based on
11 information and belief, that the peace officer personnel records of Deputy Sheriff's Evan
12 Phillips, Rodrigo Ruelas and of Robert Canales, will contain complaints, and
13 investigation of complaints, for those categories of complaints shown in the notice of
14 motion and motion for discovery of peace officer personnel records, that are sought in
15 this action.
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18 34) I also believe that as the defendant made a Government Claim for Damages against the
19 County of Orange regarding the conduct of deputy sheriffs Phillips, Ruelas and Canales
20 during the July 4, 2010 incident, that it is highly likely that the Professional Standards
21 Bureau of the Sheriff's Department has possession of any such statements by said
22 deputies, by other deputies and supervisors, and by any other witnesses to or participants
23 in said July 4, 2010 subject incident.
24

25 35) Accordingly, based on the above and foregoing, on behalf of defendant JOHN DOE, I
26 respectfully request that an order issue out of this honorable court, ordering and
27 compelling Tony Rackauckas, the District Attorney of Orange County and Jay R.
28

Johnson, the Chief of Police of Newport Beach, to deliver and produce to me, the following documents, items, information and things:

- 36) 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 Phillips**, alleging the use of **excessive and/or unreasonable force** upon any person by him; alone or in joint / concerted action with others.
- 37) Any and all complaints⁷ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁸, 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.
- 38) Any and all complaints⁹ made to the Orange County Sheriff's Department, and the investigation of any such complaints¹⁰, about Orange County Sheriff's Department

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) 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.

⁷ 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.

⁸ 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.

⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any such

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

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

40) 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

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.

¹⁰ 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.

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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.

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

41) 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 Phillips**, alleging the **authoring of any false and/or misleading police reports** by him; alone or in joint / concerted action with others.

42) Any and all complaints¹⁷ made to the Orange County Sheriff's Department, and the investigation of any such complaints¹⁸, 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.

43) Any and all complaints¹⁹ made to the Orange County Sheriff's Department, and the investigation of any such complaints²⁰, about Orange County Sheriff's Department

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 the investigation of any such complaints, and **c)** any other video recordings and audio recordings regarding any such incident complained of.

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¹⁸ 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.

¹⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any

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

44) Any and all complaints²¹ made to the Orange County Sheriff's Department, and the investigation of any such complaints²², about Orange County Sheriff's Department Deputy Sheriff **Evan Phillips**, alleging **any acts of destruction of evidence by him**;
alone or in joint / concerted action with others.

45) Any and all complaints²³ made to the Orange County Sheriff's Department, and the investigation of any such complaints²⁴, about Orange County Sheriff's Department

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.

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Deputy Sheriff **Rodrigo Ruelas**, alleging the use of **excessive and/or unreasonable force** upon any person by him; alone or in joint / concerted action with others.

46) Any and all complaints²⁵ made to the Orange County Sheriff's Department, and the investigation of any such complaints²⁶, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo Ruelas**, alleging the **unlawful arrest** of any person by him; alone or in joint / concerted action with others.

47) Any and all complaints²⁷ made to the Orange County Sheriff's Department, and the investigation of any such complaints²⁸, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo Ruelas**, alleging the **unlawful detention** of any person by him; alone or in joint / concerted action with others.

48) Any and all complaints²⁹ made to the Orange County Sheriff's Department, and the investigation of any such complaints³⁰, about Orange County Sheriff's Department

²⁵ 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.

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

49) Any and all complaints³¹ made to the Orange County Sheriff's Department, and the investigation of any such complaints³², about Orange County Sheriff's Department Deputy Sheriff **Rodrigo Ruelas**, alleging the **unlawful search of the residence of any person(s)** by him; alone or in joint / concerted action with others.

50) Any and all complaints³³ made to the Orange County Sheriff's Department, and the investigation of any such complaints³⁴, about Orange County Sheriff's Department

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.

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Deputy Sheriff **Rodrigo Ruelas**, alleging the **authoring of any false and/or misleading police reports** by him; alone or in joint / concerted action with others.

51) Any and all complaints³⁵ made to the Orange County Sheriff's Department, and the investigation of any such complaints³⁶, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo Ruelas**, alleging **any acts of dishonesty by him**; alone or in joint / concerted action with others.

52) Any and all complaints³⁷ made to the Orange County Sheriff's Department, and the investigation of any such complaints³⁸, about Orange County Sheriff's Department Deputy Sheriff **Rodrigo Ruelas**, alleging any acts of **concealment of evidence by him**; alone or in joint / concerted action with others.

53) Any and all complaints³⁹ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁴⁰, about Orange County Sheriff's Department

³⁵ 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.

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³⁹ Including the names, addresses, telephone numbers, dates of birth of the complainant(s) of: 1) any

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

54) Any and all complaints⁴¹ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁴², about Orange County Sheriff's Department Deputy Sheriff **Robert Canales**, alleging the use of **excessive and/or unreasonable force** upon any person by him; alone or in joint / concerted action with others.

55) Any and all complaints⁴³ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁴⁴, about Orange County Sheriff's Department

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.

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⁴² 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.

⁴³ 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.

⁴⁴ 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.

DECLARATION OF JERRY L. STEERING IN SUPPORT OF MOTION FOR DISCOVERY OF
PEACE OFFICER PERSONNEL RECORDS FROM ORANGE COUNTY SHERIFF'S
DEPARTMENT (CAL. EVID. CODE §§ 1043-1047)

Deputy Sheriff **Robert Canales**, alleging the **unlawful arrest** of any person by him;
alone or in joint / concerted action with others.

56) Any and all complaints⁴⁵ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁴⁶, about Orange County Sheriff's Department Deputy Sheriff **Robert Canales**, alleging the **unlawful detention** of any person by him;
alone or in joint / concerted action with others.

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

58) 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

⁴⁵ 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.

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) 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

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

59) Any and all complaints⁵¹ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁵², 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.

60) Any and all complaints⁵³ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁵⁴, about Orange County Sheriff's Department

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.

⁵¹ 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.

⁵² 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.

⁵³ 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.

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.

DECLARATION OF JERRY L. STEERING IN SUPPORT OF MOTION FOR DISCOVERY OF
PEACE OFFICER PERSONNEL RECORDS FROM ORANGE COUNTY SHERIFF'S
DEPARTMENT (CAL. EVID. CODE §§ 1043-1047)

Deputy Sheriff **Robert Canales**, alleging **any acts of dishonesty by him**; alone or in joint / concerted action with others.

61) Any and all complaints⁵⁵ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁵⁶, about Orange County Sheriff's Department Deputy Sheriff **Robert Canales**, alleging any acts of **concealment of evidence by him**; alone or in joint / concerted action with others.

62) Any and all complaints⁵⁷ made to the Orange County Sheriff's Department, and the investigation of any such complaints⁵⁸, about Orange County Sheriff's Department Deputy Sheriff **Robert Canales**, alleging **any acts of destruction of evidence by him**; alone or in joint / concerted action with others.

⁵⁵ 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.

⁵⁶ 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.

⁵⁷ 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.

⁵⁸ 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 63) Any **statements**⁵⁹ **made by** Orange County Sheriff's Department Deputy Sheriff **Evan**
2 **Phillips** 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
4 Investigation, Administrative Investigation, or other type of investigation⁶⁰ performed by
5 the Orange County Sheriff's Department about / regarding the July 4, 2010 incident
6 complained of in this action.
7
8 64) Any **statements**⁶¹ **made by** Orange County Sheriff's Department Deputy Sheriff
9 **Rodrigo Ruelas** during and/or about and/or regarding the subject July 4, 2010 incident
10 complained of in this action, that were obtained pursuant to any Internal Affairs
11 Investigation, Administrative Investigation, or other type of investigation⁶² performed by
12 the Orange County Sheriff's Department about / regarding the July 4, 2010 incident
13 complained of in this action.
14
15 65) Any **statements**⁶³ **made by** Orange County Sheriff's Department Deputy Sheriff **Robert**
16 **Canales**, during and/or about and/or regarding the subject July 4, 2010 incident
17 complained of in this action, that were obtained pursuant to any Internal Affairs
18 Investigation, Administrative Investigation, or other type of investigation⁶⁴ performed by
19 the Orange County Sheriff's Department about / regarding the July 4, 2010 incident
20 complained of in this action.
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25 ⁵⁹ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

26 ⁶⁰ Such as a civil liability investigation.

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

28 ⁶² Such as a civil liability investigation.

⁶³ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

⁶⁴ Such as a civil liability investigation.

66) Any statements⁶⁵ 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 investigation⁶⁶ performed by the Orange County Sheriff's Department about / regarding the July 4, 2010 incident complained of in this action.

67) Any statements⁶⁷ made by any participants in 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 investigation⁶⁸ performed by the Orange County Sheriff's Department about / regarding the July 4, 2010 incident complained of in this action.

I declare under penalty of perjury, based on personal knowledge and on information and belief,
under the laws of the State of California, that the above and foregoing is true and correct.

This the 15th day of July, 2011, at Newport Beach, California.

Jerry L. Steering

⁶⁵ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

⁶⁶ Such as a civil liability investigation.

⁶⁷ Written, audio recorded, video recorded, summarized, paraphrased or otherwise made or recorded.

⁶⁸ Such as a civil liability investigation.

DECLARATION OF JERRY L. STEERING IN SUPPORT OF MOTION FOR DISCOVERY OF
PEACE OFFICER PERSONNEL RECORDS FROM ORANGE COUNTY SHERIFF'S
DEPARTMENT (CAL. EVID. CODE §§ 1043-1047)

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On July 15, 2011, I served the attached:

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

☒ BY PERSONAL SERVICE

() BY FAX AT (951) 304-5405

Gregory Peacock

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DECLARATION OF JERRY L. STEERING IN SUPPORT OF MOTION FOR DISCOVERY OF
PEACE OFFICER PERSONNEL RECORDS FROM ORANGE COUNTY SHERIFF'S
DEPARTMENT (CAL. EVID. CODE §§ 1043-1047)