
From: Michael Slater

Sent: Wednesday, January 25, 2023 1:48 PM

To: 'jwilson@cityofberkeley.info' <jwilson@cityofberkeley.info>

Cc: 'cmaldonado@cityofberkeley.info' <cmaldonado@cityofberkeley.info>; 'kfutch@cityofberkeley.info' <kfutch@cityofberkeley.info>

Subject: Request for Investigation by BPD // By: Victim | As to: Lance Goree // Re: 2/4/22 Battery Incident at YMCA (Berkeley) // BPD Report No. 22-5533

Sgt. Wilson,

My law firm has been retained by Victim (copied) to represent him in connection with a February 4, 2022 battery incident that occurred between Mr. Victim and three YMCA employees, including Lance Goree, at the Downtown Berkeley YMCA Residence ("YMCA Residence")—located at [2001 Allston Way](#) in Berkeley, California 94704—where Mr. Victim lives. I am writing to respectfully request that the Berkeley Police Department conduct an investigation into criminal charges against Mr. Goree, including for PC 242 felony assault / battery. The facts and reasoning for this request are set forth below.

In summary, Mr. Goree (who is much larger than Mr. Victim) confined Mr. Victim to a corner of the cafeteria in the YMCA Residence to confront Mr. Victim about changes Mr. Victim had allegedly made to the front door lock of his apartment at the YMCA Residence. ("Door Lock Issue.") Mr. Victim indicated dozens of times that he did not want to talk to Mr. Goree about the Door Lock Issue at that time; that Mr. Goree was making him and his girlfriend, Veronica (who was also in the cafeteria filming the incident), feel unsafe; and that he wanted to leave. But Mr. Goree would not allow Mr. Victim to leave, and **for more than fifteen (15) minutes** berated Mr. Victim with questions about the Door Lock Issue and thinly veiled threats of violence. When Mr. Goree threatened Mr. Victim' and Veronica's safety directly, Mr. Victim attempted to push through Mr. Goree to escape from the cafeteria with Veronica.

But Mr. Goree did not fall down; was hardly even knocked off balance; immediately recovered; took a fighting stance; stalked closer to Mr. Victim—crouching and creeping forward much like a boxer or a martial artist (likely because Mr. Goree has martial arts training); taunted Mr. Victim and invited further confrontation as follows: "You want some? You want some? Hu? You want that? Hu? Hu? Hu? Hu? You really want it? You really want it? Hu? You do, hu? You really want this? Hu?" At that point, Mr. Victim retreated back to the corner of the cafeteria where he had previously been confined. Instead of walking away, Mr. Goree continued to close the gap between himself and Mr. Victim. From his posture, tone and demeanor, it was clear Mr. Goree was dead-set on physically attacking Mr. Victim. When Mr. Goree got within arms-length of Mr. Victim, and with a closed left fist, Mr. Goree threw a powerful, devastating jab punch directly into Mr. Victim' face—causing Mr. Victim to nearly lose consciousness and to nearly fall to the floor.

Next, Mr. Goree grabbed Mr. Victim around his shoulders and mid-section and threw Mr. Victim to the floor of the cafeteria. The force of Mr. Goree's takedown maneuver caused Mr. Victim to land on his back, immediately after which time Mr. Goree landed violently with the full weight of his body directly on top of Mr. Victim. Mr. Goree quickly got Mr. Victim into a chokehold. **For no less than fourteen (14) minutes**, Mr. Goree employed a **carotid chokehold** (periodically, together with an airway choke) against Mr. Victim, who showed little resistance other than futile efforts to try to breathe. At one point, Mr. Victim managed to free his throat enough to plead "I can't breathe," to which Mr. Goree responded: "I know. That's the point!" At another, Mr. Goree told Mr. Victim: "You are not getting out of this. And if you do get out of this, I will pummel you until you can't move." When Mr. Victim pleaded "I need

air!," Mr. Goree responded: "No. Don't tell me what you need. It's too late, Mr. Victim. It's too late." When Mr. Victim questioned why additional YMCA employees were stepping and putting furniture on his feet, Mr. Goree told Mr. Victim: "I'd be more worried about this guy around my neck." When Mr. Victim pleaded "I need help," Mr. Goree agreed, stating: "Yes you do."

Ultimately, Mr. Victim was arrested by officers of the Berkeley Police Department ("BPD") –I believe by BPD Officers Futch and Maldonado (both of whom are copied here). Mr. Victim was cited for PC 242 misdemeanor battery and taken to the Santa Rita Jail where he remained in custody for the better part of the next day. (BPD Report No. 22-5533.)

Mr. Victim has suffered myriad, life-changing injuries as a proximate result of the 2/4/22 incident. Mr. Victim' physical injuries include, but are not limited to: disfigurement (including deformation of his breastbone), suspected traumatic brain injury, post-concussion syndrome, migraine and fatigue. Mr. Victim' emotional physical injuries include, but are not limited to: severe emotional distress, humiliation, depression and Post Traumatic Stress Disorder —as diagnosed by his doctors following the incident.

In light of the foregoing, I am writing to respectfully request that the BPD investigate the Subject Incident, including to determine whether criminal charges should be brought against Mr. Goree for PC 242 felony assault / battery and any other criminal charges. In connection with Mr. Victim' civil claims against the YMCA, Mr. Goree and others, Mr. Victim has retained a use-of-force expert to evaluate the use-of-force issues in this case. Our expert was not only a law enforcement officer for fifteen years, he now trains law enforcement personnel around the state regarding use of force – including the safe and legal use of chokehold restraints. According to our expert, the force employed by Mr. Goree against Mr. Victim was grossly excessive and, even if it at one point in time amounted to self-defense, exceeding what is permissible self-defense by using deadly force against Mr. Victim off-and-on for fourteen minutes. Indeed, in his experience serving as an expert witness in criminal cases, our expert indicated that Mr. Goree's conduct could even support a PC 664 / 187 attempted murder charge.

To inform the BPD's determination, I am attaching Mr. Victim' (operative) first amended complaint for damages against the YMCA, Lance Goree and the other YMCA employees involved in the 2/4/22 incident—which contains a

more detailed description of the subject incident. (Alameda Superior Court, Case No. 22CV01990.) To inform the BPD's investigation and decision, I am also writing to provide the following evidence: (1) [cell phone video footage](#) captured by Mr. Victim' girlfriend, Veronica; (2) [cell phone audio](#) also captured by Veronica (including the minutes preceding the video footage); and (3) [surveillance footage](#) from a YMCA camera inside the cafeteria. These are secure DropBox links created through my firm's DropBox account. The evidence was too large to send via email.

Thank you for your time and consideration. Please do not hesitate to contact me to discuss.

Very respectfully,

Michael Slater



MICHAEL SLATER

Founding Partner

The Slater Law Firm, APC

M: (818) 645-4406

A: 515 S. Flower St., 18th Fl., Los Angeles, CA 90071

W: www.theslaterlawfirmapc.com

E: mslater@theslaterlawfirmapc.com

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