



BERKELEY POLICE DEPARTMENT POLICE REPORT

2100 Martin Luther King Jr. Way
Berkeley, CA 94704
(510) 981-5900

CASE NARRATIVE

CASE NO.

2012-00018138

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6

PRIMARY OFFENSE / OCCURRED INCIDENT

ROBBERY

REPORTING OFFICER
Emelson, Earl

DATE / TIME WRITTEN
04/06/2012 12:21

Summary:

On 04/06/12 Franklin was walking south bound on Shattuck Ave @ Center St. He passed a group of young male and female adults congregating near the BART station entrance there. He associated members of that group with a woman who alleged the week prior that he had sexually assaulted her, for which he was arrested under case 12-16433. As he passed, first one male, unidentified and outstanding, came forward demanding his property and challenged him to fight. The group then approached as that first subject punched Franklin with others joining in soon after. In the process of this fight, members of the group stole his sunglasses, jacket and hat. The first suspect pulled out a kitchen knife and threatened to kill Franklin as he escaped. The suspects fled as police arrived on scene. Witnesses pointed out Williams as involved. Williams was detained on Allston Way @ Harold St. Franklin positively identified him in a field show-up stating that he was one of the individuals kicking and hitting him on the ground. While clearing the scene, Franklin spotted a second involved party, Daniels, at Kittredge St. @ Shattuck Ave. He was taken into custody. Franklin stated that he too kicked and hit Franklin when he was on the ground. An independent witness, Ricketts, came forward and stated that he saw Daniels as a member of the group that was attacking Franklin earlier. BPD officers took Daniels and Williams into custody.

Other Parties:

OP Officer Smith # 60, assisted with detaining Williams, transported and booked, read Miranda, took a signed written statement
OP Officer Ledward #47, assisted with detaining Daniels, transported and booked, read Miranda, took signed written statement
OP Officer Del Rosario #99, assisted with detaining Teague, took his written statement
OP Lieutenant Spiller L1, took written statement from Ricketts
OP Sergeant Friedman S-2, took photos of Franklin's injuries

Scene: The above location is in downtown Berkeley which is in a commercial area.
Physical Conditions: Franklin suffered abrasions to his left knee and shin

Statement:

Franklin stated (in summary) that he was walking down Shattuck Ave near the downtown BART station when a mixed group of young adult men and women approached to challenge him to fight. One suspect, a black male adult, punched him as he demanded his property. Other members of the group continued then attacked him as he was on the ground and robbed him of some of his possessions. Franklin identified in field show up, suspects Williams and Daniels as members of the group that actively hit and kicked him. (See attached written statement)

Williams stated (in summary/POST Miranda admonition) that he was trying to break up a fight, but did tell the victim to take off his jacket so it wouldn't get dirty. (See attached written statement)

Daniels stated (in summary/POST Miranda admonition) that he was trying to break up a fight in the midst of traffic and told the person on the ground to get up because cars were coming. (See attached written statement)

Unlawful dissemination of this
information is a misdemeanor.
DO NOT DUPLICATE



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Rickets stated (in summary) that he saw a group attacking Franklin. He specifically identified Daniels as involved in the kicking and hitting. (see attached written statement)

Teague stated (in summary) that he saw his friend "Shake Cool" fighting with "Tupac". (See attached written statement)

Frette stated via phone that he was walking down Shattuck Ave near the BART station. He saw a black male wearing a yellow shirt being yelled at by a group. He described the main person yelling as black male, early 20's, 5'11", thin build, wearing a dark hooded sweatshirt with a blue shirt underneath. He had a thick braid in the back which could have either been one braid total or two braids joined together into one. He heard that person yell, "You have to leave. You're messing with my folks". He then heard a second voice yell, "Make him leave and take his coat". He turned around and saw that the black male with the yellow shirt was down on the ground with the group around him attacking and kicking him. He called the police.

Investigation:

On 04/06/12 I responded to 2150 Shattuck Ave regarding a report of a group of eight males attacking one male in the street. BPD dispatch advised that the report may be a possible robbery with a knife alleged to be brandished at the victim. Upon my arrival at 2200 Shattuck Ave, Lance Goree, Operations Manager for the Downtown Berkeley Merchants Association, was pointing to a black male adult, later identified as Rory Williams, stating that he was involved in attacking a person. He pointed to a person seated on a nearby bench, Jonathan Franklin, as the victim.

I saw Williams put the hood of his sweatshirt on his head which I knew to be an attempt to conceal his face as he walked away. I challenged him at gunpoint at the corner of Harold Way @ Allston Way and ordered him to the ground. He would not obey my repeated shouted commands, responding that he had no weapon on him. Officer Smith arrived and detained Williams in handcuffs.

I contacted Franklin and took his statement. He stated that he was not injured initially. I drove him to the field show up location. Prior to arrival, I told him that he was not obligated to pick anyone out, that he should disregard the fact that the person may be handcuffed when detained and that the person's appearance and clothing may have changed and to keep that in mind in making his decision. Franklin immediately identified Williams as a person who was kicking him. I directed Officer Smith to arrest Williams and book him. Officer Smith later read Williams Miranda and took his signed written statement.

After leaving the field show up location, I relocated Franklin to Kittredge St. @ Shattuck Ave to take his written statement. As we sat there, Franklin pointed out a second suspect, later identified as Daniels, standing with a group on the west side of Shattuck Ave. Franklin stated that Daniels hit and kicked him when he was on the ground. Daniels was wearing a distinct red and black Court jester style hat. I directed officers to detain Daniels. Officer Ledward #47 handcuffed Daniels. As we were coordinating that detention, unsolicited, a witness, Rickets, came forward and stated that he saw Daniels attacking Franklin as part of the group. Lieutenant Spiller L-1 took his written

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statement. Rickets did not want to participate in a field show up for Williams. I directed Officer Ledward to transport and book Daniels. Officer Ledward read Daniels Miranda and then took his written statement.

Amongst Daniels group, Franklin also pointed out a white male, David Teague, as involved. I detained him in handcuffs. Franklin stated that Teague was involved with the group, but couldn't specifically identify what he had done if anything. I directed Officer Del Rosario #99 to take his written statement. Teague stated that he came to the aid of "Shake Cool" trying to break up a fight.

I took Franklin's signed written statement. I read it to him to which he stated that it was all correct. Franklin now complained of an injury to his leg. Sergeant Friedman responded and photographed his injury. Franklin told me that he suffers from a medical condition that he attributed to smoking marijuana as a teen laced with PCP that did permanent brain damage. He stated that he is treated at John George Pavillion for complications of his condition. His condition has caused him to be homeless and difficult to get in touch with by phone. He identified family members that might be able to contact with him in the future as his brother, Daniel Jordan, who lives at an unknown address with unknown phone number in the area of 78th Ave @ Hillside St. in Oakland, sister, Jonetta Johnson 707-332-5257, Aunt, Michelle Johnson 707-656-5870 and his father at contact number 707-494-9930.

I contacted again Lance Goree in person to take his statement. He stated that he learned second hand from a group of construction workers that Williams was involved, but never saw that actual incident. I then contacted the original RP, Robbin Frette, and took his written statement.

Franklin stated that this robbery was related to case 12-16433. Franklin was arrested on 03/28/12 for PC 243.4 with the case dismissed on 03/29/12.

Status: Closed. Forward to the District Attorney's office for review.

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