

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

ORIGINAL

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 A

REPORT DATE: 20101007 TIME: 1046

TYPE OF REPORT: AGGRAVATED ASSAULT

OFFENSE: 245

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
MHP-CASA DE FRANCISCO

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1222

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

PREMISES: MOBILE HOME

OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

PARTY-CREW: NO

RELATED REPORT(S): 2010 01413133 2010 01413133B 0000

REPORT DISPOSITION: CLEARED BY ARREST

OVER AGE 18: YES

***** SUSPECT INFORMATION *****

ARRESTED PERSON-01:

NAME: CHRISMAN, RICHARD ALLEN

SPEAKING: ENGLISH

SUSPECTED OF USING: NOT APPLICABLE

RACE: W SEX: M AGE: 36 DOB:

HT: 507 WT: 175

HAIR: BRO EYES: HAZ SSN:

R&I: PHX SCAN#0005170362

OLN:

EMPLOYED: YES

OCCUPATION: POLICE OFFICER

DAYS OFF: SSM

WORK HOURS: 0600 - 1600

LEVEL OF FORCE : NOT DICTATED OR WRITTEN

ARREST:

DATE: 100510 TIME: 1930

DAY: TUE GRID: IB27

LOC: 000303 E SOUTH MOUNTAIN AVENUE

PHOENIX AZ

PHX. P.D. BOOKING NO: 201010050890

CLOTHING DESC & MISC:

FULL UNIFORM OF PHOENIX POLICE OFFICER

***** VICTIM INFORMATION *****

VICTIM -01:

NAME: RODRIGUEZ, DANIEL FRANK [**DECEASED**]

SPEAKING: ENGLISH

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RACE: H SEX: M AGE: 29 DOB: 1981 HT: 506 WT: 156
HAIR: BRO EYES: BRO SSN:

AGGRAVATED ASSAULT HOMICIDE: OTHER CIRCUMSTANCES

VICTIM OF:

AGG ASSAULT - COMPLETED
NOT APPLICABLE/UNKNOWN

CLOTHING DESC & MISC:

DETAILS OF THIS INCIDENT REPORTED UNDER 2010-01413133

VICTIM DECLINES NOTIFICATION

LAWFUL REPRESENTATIVE: FERNANDEZ, ELVIRA
(MOTHER)

SEX: F

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: VIRGILLO, SERGIO

SPEAKING: ENGLISH

RACE: W SEX: M AGE: 41 DOB: HT: 000 WT: 000

CLOTHING DESC & MISC:

OFFICER PRESENT DURING INCIDENT WHEN AGG. ASSAULT OCCURRED

OCCUPATION: POLICE OFFICER

WORK HOURS: 0600 - 1600

DAYS OFF: SSM

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

ON 100510 ABOUT 1248 HOURS HOMICIDE SGT. LUMLEY #5097 TELEPHONED ME AND REQUESTED I RESPOND TO 303 EAST SOUTH MOUNTAIN AVENUE REFERENCE AN OFFICER INVOLVED SHOOTING INVESTIGATION.

I ARRIVED AT 1330 HOURS AND FOLLOWING A BRIEFING PROVIDED BY PATROL SGT. MATTSON #5969 I WAS ASSIGNED AS THE CASE AGENT FOR THE INVESTIGATION.

AT ABOUT 1650 HOURS I CONDUCTED A "WALK THROUGH" INTERVIEW WITH OFFICER SERGIO VIRGILLO #7371. OFFICER VIRGILLO AND OFFICER CHRISMAN HAD ARRIVED AT THE SCENE OF THIS INCIDENT IN RESPONSE TO A DOMESTIC VIOLENCE CALL

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PLACED AT 1202 HOURS.

PRESENT DURING THIS INTERVIEW WAS DEPUTY MARICOPA COUNTY ATTORNEY JAMES KEPPEL. THIS INTERVIEW WAS AUDIO RECORDED AND THE MEDIA CARD TURNED INTO THE FORENSIC IMAGING UNIT OF THE PHOENIX POLICE DEPARTMENT.

DURING THE INTERVIEW OFFICER VIRGILLO RELATED THE FOLLOWING: HE HAD RESPONDED TO A DOMESTIC VIOLENCE CALL REFERENCE A MOTHER, (ELVIRA FERNANDEZ), CALLING THE POLICE FOR HELP BECAUSE SHE HAD GOTTEN INTO AN ARGUMENT OR DISAGREEMENT WITH HER SON, (DANIEL RODRIQUEZ), AND THE SON HAD CAUSED DAMAGE TO THE INSIDE OF HER TRAILER.

OFFICER CHRISMAN AND HE WERE IN THE MIDDLE OF THE LARGE MOBILE HOME PARK TRYING TO LOCATE THE TRAILER THE CALL INDICATED THE MOTHER WAS WAITING AT TO SPEAK TO THE OFFICERS.

THE MOTHER HAD LEFT HER TRAILER, SPACE NUMBER FIFTY-ONE, AND GONE NEXT DOOR TO THE TRAILER NEXT TO HER'S, SPACE NUMBER FIFTY.

OFFICER VIRGILLO ARRIVED AT TRAILER FIFTY FIRST AND OFFICER CHRISMAN PARKED BEHIND OFFICER VIRGILLO'S TAHOE. (OFFICER CHRISMAN WAS DRIVING A CHEVROLET IMPALA.)

THEY THEN CONTACTED THE MOTHER AT TRAILER NUMBER FIFTY. SHE TOLD THEM HER SON, (OFFICER VIRGILLO BELIEVED HIS NAME WAS DANIEL), LIVED IN THE TRAILER WITH HER BUT WOULD BE GONE FOR SEVERAL DAYS AT A TIME BUT WOULD COME HOME WHEN HE WANTED TO.

SHE WAS HAVING SOME PROBLEMS WITH HIM AND SHE WANTED ASSISTANCE IN RESOLVING THOSE PROBLEMS AND GETTING HIM OUT OF THE TRAILER. SHE HAD STATED HE WAS OUT OF CONTROL.

OFFICER CHRISMAN AND OFFICER VIRGILLO THEN PROCEEDED TO TRAILER FIFTY-ONE TO ATTEMPT TO SPEAK TO DANIEL.

THEY KNOCKED ON THE DOOR AND WINDOWS SEVERAL TIMES BUT DID NOT GET A RESPONSE FROM ANYONE INSIDE THE TRAILER.

THEY RETURNED TO TRAILER NUMBER FIFTY AND ASKED AGAIN IF THE MOTHER BELIEVED DANIEL WAS INSIDE THE TRAILER.

SHE STATED THE DOORS WERE UNLOCKED, SHE BELIEVED HE WAS INSIDE, AND THEY HAD HER PERMISSION TO GO INSIDE THE TRAILER.

THEY RETURNED TO TRAILER NUMBER FIFTY-ONE AND OFFICER CHRISMAN KNOCKED ON THE DOOR SEVERAL MORE TIMES. OFFICER CHRISMAN THEN TURNED THE DOOR HANDLE AND THE DOOR OPENED.

OFFICER VIRGILLO STATED AS THE DOOR WAS OPEN ABOUT THREE TO SIX INCHES HE COULD SEE TWO MEDIUM SIZED DOGS COMING TOWARDS THE CRACK IN THE DOOR AND THEY WERE BARKING.

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AS OFFICER CHRISMAN OPENED THE DOOR OFFICER VIRGILLO WAS BEHIND HIM AND COULD SEE WHO HE BELIEVED TO BE DANIEL WALKING BEHIND THE DOGS TOWARDS OFFICER CHRISMAN.

AT THIS POINT DANIEL WAS STANDING ON THE TILE AREA OF THE LIVING ROOM FLOOR, WHERE THE TILE AND CARPET MEET- TELLING US TO GET OUT OF HIS TRAILER.

OFFICER CHRISMAN FORCED OPEN THE DOOR AND AN ARGUMENT BEGAN BETWEEN OFFICER CHRISMAN AND DANIEL AS TO WHY THEY WERE THERE AND WHAT THEY WANTED.

DANIEL WAS TELLING OFFICER CHRISMAN WE DIDN'T HAVE A SEARCH WARRANT, THEY HAD NO RIGHT TO COME INTO HIS HOME, IT WAS HIS TRAILER, AND THEY HAD NO RIGHT TO CONTACT HIM OR BE INSIDE HIS HOUSE.

AS THE VERBAL EXCHANGE CONTINUED BETWEEN OFFICER CHRISMAN AND DANIEL I ASKED OFFICER VIRGILLO WHAT HAPPENED NEXT. OFFICER VIRGILLO STATED, "OFFICER CHRISMAN TOOK OUT HIS SERVICE WEAPON AND PUT IT TO AH, DANIEL'S HEAD."

I REPLIED, "TO HIS HEAD?" OFFICER VIRGILLO STATED, "YES."

THE INTERVIEW CONTINUED FOR A PERIOD OF TIME AND I THEN CLARIFIED THE CIRCUMSTANCES OF OFFICER CHRISMAN PULLING HIS SERVICE PISTOL AND PUTTING IT AGAINST DANIEL'S HEAD.

I RELATED I HAD UNDERSTOOD OFFICER VIRGILLO TO SAY OFFICER CHRISMAN AND DANIEL WERE IN A VERBAL CONFRONTATION WHICH BASICALLY WAS, "YOU HAVE NO RIGHT TO BE HERE? YES WE DO MOTHERFUCKER, WORDS TO THAT EFFECT."

OFFICER VIRGILLO REPLIED, "YES."

I STATED, "AND IT IS AT THAT POINT THAT HE PULLS OUT HIS SERVICE PISTOL?"

OFFICER VIRGILLO REPLIED, "YES."

I STATED, "AND WHICH HAND IS IT IN?"

OFFICER VIRGILLO REPLIED, "IT'S IN OFFICER CHRISMAN'S RIGHT HAND I BELIEVE."

I STATED, "RIGHT HAND. AND WHAT DID HE DO AGAIN WITH THE WEAPON?"

OFFICER VIRGILLO REPLIED, "HE PHYSICALLY TOUCHED THE MUZZLE OF THE WEAPON TO AH, ONE OF THE TEMPLES ON AH, DANIEL'S HEAD."

THIS INTERVIEW CONTINUED FOR SEVERAL MORE MINUTES AS OFFICER VIRGILLO DESCRIBED THE INCIDENT WHICH CULMINATED WITH OFFICER CHRISMAN SHOOTING DANIEL AFTER HE HAD SHOT THE PIT BULL DOG.

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PLEASE REFER TO THE ENTIRE AUDIO AND TRANSCRIBED INTERVIEW FOR FURTHER DETAILS AND THE RELATED DEPARTMENTAL REPORTS, (2010-01413133 AND 2010-01413133B FOR FURTHER DETAILS.

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:
INVOICES:

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

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PAGE NUMBER: 1 DR NUMBER: 2010 01413133 B

REPORT DATE: 20101012 TIME: 0828

TYPE OF REPORT: HOMICIDE OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28
MHP-CASA DE FRANCISCO

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER 6290 UNIT: C34

PREMISES: MOBILE HOME OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

PARTY-CREW: NO

PHOTOGRAPHS TAKEN: YES BY: A4654

RELATED REPORT(S): 2010 01413133 2010 01413133A 0000

***** SUSPECT INFORMATION *****

INDEX SUSPECT-01:

NAME: CHRISMAN, RICHARD ALLEN

SPEAKING: ENGLISH

SUSPECTED OF USING: NOT APPLICABLE

RACE: W SEX: M AGE: 36 DOB: HT: 507 WT: 175
HAIR: BRO EYES: BRO SSN:
LEVEL OF FORCE : NOT DICTATED OR WRITTEN

CLOTHING DESC & MISC:

FULL UNIFORM OF PHOENIX POLICE OFFICER
COMMITTED AGGRAVATED ASSAULT ON VICTIM, SHOT VIC DOG, SHOT VICTIM
SERIAL #7371

***** VICTIM INFORMATION *****

VICTIM -01:

NAME: RODRIGUEZ, DANIEL FRANK [**DECEASED**]

SPEAKING: ENGLISH

RACE: H SEX: M AGE: 29 DOB: 1981 HT: 506 WT: 156
HAIR: BRO EYES: BRO SSN:

AGGRAVATED ASSAULT HOMICIDE: OTHER FELONY INVOLVED

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VICTIM OF:

MURDER/NONNEGLIGHT MANSLHTR - COMPLETED
NOT APPLICABLE/UNKNOWN
AGG ASSAULT - COMPLETED
NOT APPLICABLE/UNKNOWN

DR. LICENSE & STATE: D004 AZ

CLOTHING DESC & MISC:

T-SHIRTS, PANTS, TENNIS SHOES AND SOCKS
WAS THREATENED WITH A PISTOL AND SHOT BY SP1
OME CASE #10-05956

VICTIM DECLINES NOTIFICATION

LAWFUL REPRESENTATIVE: FERNANDEZ, ELVIRA
(MOTHER)

SEX: F

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: VIRGILLO, SERGIO

SPEAKING: ENGLISH

RACE: W SEX: M AGE: 41 DOB: HT: 510 WT: 160
HAIR: BRO EYES: BRO SSN:

CLOTHING DESC & MISC:

FULL UNIFORM OF A PHOENIX POLICE OFFICER
PRESENT AT INCIDENT

OCCUPATION: POLICE OFFICER

WORK HOURS: 0600 - 1600

DAYS OFF: SSM

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

ON 100510 ABOUT 1222 HOURS OFFICERS VIRGILLO AND CHRISMAN ARRIVED AT 303 EAST SOUTH MOUNTAIN, THE CASA DE FRANCISCO MOBILE HOME PARK, IN RESPONSE TO A DOMESTIC VIOLENCE CALL AT TRAILER NUMBER FIFTY ONE.

THE REQUEST FOR POLICE ASSISTANCE HAD BEEN PLACED BY ELVIRA FERNANDEZ THE MOTHER OF THE VICTIM- DANIEL RODRIGUEZ. ELVIRA HAD CALLED FROM A NEIGHBOR'S TRAILER, (NUMBER FIFTY), AFTER FLEEING FROM HER TRAILER, NUMBER FIFTY-ONE.

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UPON CONTACTING DANIEL INSIDE OF TRAILER NUMBER FIFTY-ONE, THE FOLLOWING EVENTS OCURRED:

OFFICER CHRISMAN POINTED HIS SERVICE REVOLVER AT DANIEL, TOUCHED THE MUZZLE OF THE PISTOL AGAINST DANIEL'S TEMPLE, SHOT DANIEL'S DOG INSIDE THE TRAILER, AND FINALY SHOT DANIEL TWICE IN THE CHEST KILLING DANIEL.

AT AN AUTOPSY PERFORMED BY DR. JOHNSTON OF THE MARICOPA COUNTY MEDICAL EXAMINER'S OFFICE ON 100710 DANIEL RODRIGUEZ'S DEATH WAS RULED A HOMICIDE CAUSED BY GUNSHOT WOUNDS TO HIS CHEST.

PLEASE REFER TO PHOENIX POLICE DEPARTMENTAL REPORT NUMBER 2010-01413133 AND 2010-01413133A FOR FURTHER DETAILS OF THIS INVESTIGATION.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6290

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 B

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 B 1

REPORT DATE: 20101021 TIME: 0733

TYPE OF REPORT: HOMICIDE

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
MHP-CASA DE FRANCISCO

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): KENNETH PORTER

6290

UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

RELATED REPORT(S): 2010 01413133 2010 01413133A 0000

REPORT DISPOSITION: CLEARED BY ARREST

OVER AGE 18: YES

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

THIS SUPPLEMENT GENERATED IN ORDER TO CLEAR, (CLOSE), THIS INVESTIGATION
WITH THE INDICTMENT OF RICHARD CHRISMAN FOR THE OFFENSE.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 B 001

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PAGE NUMBER: 1

DR NUMBER: 2010 01413133

REPORT DATE: 20101005 TIME: 2228

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: KENNETH PORTER

6290 UNIT: C34

PREMISES: MOBILE HOME

OCCUPIED:

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

PARTY-CREW: NO

PHOTOGRAPHS TAKEN: YES BY: A4654

RELATED REPORT(S): 2010 01413133A 2010 01413133B 0000

***** SUSPECT INFORMATION *****

SUSPECT-01:

NAME: CHRISMAN, RICHARD ALLEN

SPEAKING: ENGLISH

SUSPECTED OF USING: NOT APPLICABLE

RACE: W SEX: M AGE: 33 DOB: HT: 507 WT: 175
HAIR: BRO EYES: BRO SSN:
OLN:
OCCUPATION: POLICE OFFICER R&I: PHX SCAN #0005170362
WORK HOURS: 0600 - 1600 EMPLOYED: YES
LEVEL OF FORCE : NOT DICTATED OR WRITTEN DAYS OFF: SSM

CLOTHING DESC & MISC:

FULL UNIFORM AS A PHOENIX POLICE OFFICER
RESPONDED TO INITIAL DOMESTIC VIOLENCE CALL W/OFFICER VIRGILLO
SERIAL #7371

***** VICTIM INFORMATION *****

VICTIM -01:

NAME: RODRIGUEZ, DANIEL FRANK [**DECEASED**]

SPEAKING: ENGLISH

RACE: H SEX: M AGE: 29 DOB: 1981 HT: 506 WT: 156
HAIR: BRO EYES: BRO SSN:

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AGGRAVATED ASSAULT HOMICIDE: OTHER FELONY INVOLVED

VICTIM OF:

AGG ASSAULT - COMPLETED
NOT APPLICABLE/UNKNOWN
MURDER/NONNEGLIGHT MANSLHTR - COMPLETED
NOT APPLICABLE/UNKNOWN

DR. LICENSE & STATE: D004 AZ

CLOTHING DESC & MISC:

T-SHIRT/S, PANTS, TENNIS SHOES AND SOCKS
VICTIM WAS THREATENED WITH PISTOL AND SHOT, VICTIM IN "A" & "B" DR'S
PHX SCAN#9710100138

***** V 01 - INJURY INFORMATION *****

PHYSICAL CONDITIONS: OTHER MAJOR INJURY

INJURY: APPARENT GUNSHOT WOUNDS TO CHEST, PRONOUNCED DECEASED AT SCENE AT 1252 HOURS. PLEASE REFER TO AUTOPSY PROTOCOL FOR FURTHER DETAILS

PARAMEDIC TREATMENT: YES UNIT[S]: E-57 "A"
NAMES: CAPTAIN RANGEL

TRANSPORTED BY: N/A

HOSPITALIZED: NO

VICTIM DECLINES NOTIFICATION

LAWFUL REPRESENTATIVE: FERNANDEZ, ELVIRA
(MOTHER)

SEX: F

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: VIRGILLO, SERGIO

SPEAKING: ENGLISH

RACE: W SEX: M AGE: 41 DOB: HT: 510 WT: 160
HAIR: BRO EYES: BRO SSN:

CLOTHING DESC & MISC:

FULL UNIFORM OF PHOENIX POLICE DEPARTMENT
ON DUTY WITH SUSPECT OFFICER AT TIME OF INCIDENT, (42A SQUAD, 424A)
OCCUPATION: POLICE OFFICER

WORK HOURS: 0600 - 1600
CAN ID SUSPECT(S): YES

DAYS OFF: SSM
SUSPECT(S):

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WILL TESTIFY: YES

MISC.

WITNESS -02:

NAME: KATHERINE

SPEAKING: ENGLISH

RACE: W SEX: F AGE: 57 DOB: 1952 HT: 506 WT: 185
HAIR: BLN EYES: BLU SSN:

CLOTHING DESC & MISC:

WITNESS -03:

NAME: JONATHAN

SPEAKING: ENGLISH

RACE: H SEX: M AGE: 17 DOB: 1993 HT: 507 WT: 126
HAIR: BLK EYES: BRO SSN:

CLOTHING DESC & MISC:

OCCUPATION: STUDENT

WITNESS -04:

NAME: YEIMI

SPEAKING: ENGLISH

RACE: H SEX: F AGE: 14 DOB: 1995 HT: 504 WT: 110
HAIR: BLK EYES: BRO SSN:

CLOTHING DESC & MISC:

OCCUPATION: STUDENT

WITNESS -05:

NAME: ROSA

SPEAKING: SPANISH

RACE: H SEX: F AGE: 33 DOB: 1977 HT: 503 WT: 130

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HAIR: BLK EYES: BRO SSN:

CLOTHING DESC & MISC:

WITNESS -06:

NAME: CRISTOBAL

SPEAKING: ENGLISH

RACE: H SEX: M AGE: 32 DOB: 1978 HT: 506 WT: 160
HAIR: BRO EYES: BRO SSN:

CLOTHING DESC & MISC:

ONLY HEARD SHOTS

WITNESS -07:

NAME: LUIS

SPEAKING: ENGLISH

RACE: H SEX: M AGE: 35 DOB: 1975 HT: 509 WT: 160
HAIR: BRO EYES: BRO SSN:

CLOTHING DESC & MISC:

ONLY HEARD SHOTS

***** REPORTING PERSON INFORMATION *****

REPORTING PERSON -01:

NAME: FERNANDEZ, ELVIRA

SPEAKING: ENGLISH

RACE: H SEX: F AGE: 60 DOB: 1950 HT: 502 WT: 140
HAIR: BLK EYES: BRO SSN:
DR. LICENSE & STATE: D033 AZ

CLOTHING DESC & MISC:

CALLED 911 TO REPORT PROBLEM WITH SON, (DOMESTIC VIOLENCE)
OCCUPATION: NONE

***** NARRATIVE *****

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SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

DETECTIVE PERSONNEL:

=====

ASSISTANT CHIEF PINA #3056
INVESTIGATIONS BUREAU CHIEF
ON SCENE

COMMANDER FAULKNER #4139
VIOLENT CRIMES BUREAU
ON SCENE

L.T. TOMORY #4883
VIOLENT CRIMES BUREAU
ON SCENE

SGT. LUMLEY #5097
HOMICIDE UNIT
ON SCENE

SGT. LOPEZ #6337
VIOLENT CRIMES BUREAU
ON SCENE

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT/SCENE AGENT

DET. CISNEROS #4657
HOMICIDE UNIT
ASSIST

DET. SCHIRA #4587
HOMICIDE UNIT
ASSIST

CRIME SCENE RESPONSE UNIT:

=====

C.S.S. ESPERUM #A4654
SCENE INVESTIGATION

C.S.S. MASON #A5254
SCENE INVESTIGATION

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PROFESSIONAL STANDARDS BUREAU PERSONNEL:

=====

ASSISTANT CHIEF MCCLELLAND #4118
ON SCENE

LT. DEBENEDETTO #4488
ON SCENE

SGT. EGEA #6222
CASE AGENT

SGT. DOTY #5785
SCENE AGENT

SGT. CLINE #5802
ASSIST

PATROL PERSONNEL:

=====

COMMANDER ALEXANDER #5022
SOUTH MOUNTAIN PRECINCT
ON SCENE

LT. HENRY #5512
SOUTH MOUNTAIN PRECINCT
ON SCENE

LT. MOORE #5545
SOUTH MOUNTAIN PRECINCT
ON SCENE

LT. ROSER #5331
MARYVALE PRECINCT
ON SCENE

SGT. MATTSON #5969
42A SQUAD
PROVIDED BRIEFING

SGT. WALLACE #6215
41A SQUAD
STOOD BY OFFICER CHRISMAN

SGT. CLEMENTS #6165
41X SQUAD
STOOD BY OFFICER VIRGILLO

SGT. ZOPH #7382
46X SQUAD
ON SCENE

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SGT. POST #7056
40A SQUAD
ON SCENE

SGT. HUMBLES #5133
42F SQUAD
ON SCENE

OFFICER CHRISMAN #7371
42A SQUAD
SHOOTING OFFICER

OFFICER VIRGILLO #6437
42A SQUAD
WITNESS OFFICER

OFFICER KINCANNON #6989
42A SQUAD
STOOD BY WITNESS FERNANDEZ
COMPLETED SUPPLEMENT

OFFICER OWENS #5013
42A SQUAD
STOOD BY WITNESS BLACK
COMPLETED SUPPLEMENT

OFFICER RUDE #7339
42A SQUAD
ON SCENE
COMPLETED SUPPLEMENT

OFFICER ARD #6152
41X SQUAD
ON SCENE
COMPLETED SUPPLEMENT

OFFICER SHARP #8617
42B SQUAD
ON SCENE
COMPLETED SUPPLEMENT

OFFICER MCCRAW #5722
41X SQUAD
ON SCENE
COMPLETED SUPPLEMENT

OFFICER CASTILLO #7775
41X SQUAD
ON SCENE

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COMPLETED SUPPLEMENT

OFFICER MCBRIDE #8259
40X SQUAD
ON SCENE
COMPLETED SUPPLEMENT

OFFICER BARRIOS #5799
42A SQUAD
ON SCENE
COMPLETED SUPPLEMENT

PUBLIC AFFAIRS BUREAU PERSONNEL:

=====
SGT. THOMPSON #4236
PUBLIC INFORMATION OFFICER
ON SCENE

MARICOPA COUNTY ATTORNEY OFFICE PERSONNEL:

=====
DEPUTY COUNTY ATTORNEY KEPPEL
LAW ENFORCEMENT LIAISON
ON SCENE

MARICOPA COUNTY MEDICAL EXAMINER OFFICE PERSONNEL:

=====
INVESTIGATOR BUELER #26
INVESTIGATOR KNAPP #27
ON SCENE
TOOK CUSTODY OF VICTIM

CASE #10-5956
SEAL #0000597

DR. JOHNSON
COMPLETED AUTOPSY
10/07/10

ON 100510 ABOUT 1248 HOURS, HOMICIDE SGT. LUMLEY TELEPHONED ME AND REQUESTED I RESPOND TO 303 EAST SOUTH MOUNTAIN AVENUE REFERENCE AN OFFICER INVOLVED SHOOTING INVESTIGATION.

I ARRIVED AT 1330 HOURS AND FOUND THE LOCATION TO BE THE CASA DE FRANCISCO MOBILE HOME PARK, A LARGE TRAILER COURT LOCATED ON THE SOUTH SIDE OF THE 300 BLOCK OF EAST SOUTH MOUNTAIN AVENUE. EAST SOUTH MOUNTAIN AVENUE IS A RESIDENTIAL STREET IN THIS AREA.

THE ACTUAL LOCATION OF THE INCIDENT WAS THE TRAILER LOCATED IN SPACE

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NUMBER FIFTY-ONE OF THE PARK. THIS TRAILER IS LOCATED IN THE SOUTHWEST CORNER OF THE PARK.

THERE ARE NO TRAILERS SOUTH OR WEST OF SPACE FIFTY-ONE. THE TRAILER IS ORIENTATED IN A WEST/EAST POSITION WITH THE FRONT DOOR TO THE TRAILER LOCATED ON THE SOUTH SIDE OF THE TRAILER. THERE IS A COVERED PORCH ON THE SOUTH SIDE OF THE TRAILER AND A COVERED CARPORT ON THE EAST END OF THE TRAILER.

OFFICERS AND YELLOW CRIME SCENE TAPE WERE POSITIONED TO PROHIBIT ACCESS TO THE TRAILER, THE STREET IN FRONT, AND THE SURROUNDING TRAILERS.

AT ABOUT 1425 HOURS, PATROL SGT. MATTSON PROVIDED THE FOLLOWING INFORMATION KNOWN AT THE TIME CONCERNING THIS INCIDENT: ELVIRA FERNANDEZ PLACED A "911" CALL AT 1202 HOURS FROM TRAILER NUMBER , (NEXT DOOR TO HER TRAILER- FIFTY-ONE), BECAUSE SHE WAS INVOLVED IN A DOMESTIC VIOLENCE DISPUTE WITH HER SON-DANIEL RODRIGUEZ. SHE HAD GONE TO THE TRAILER NEXT DOOR, LEAVING DANIEL IN THEIR TRAILER.

OFFICERS VIRGILLO AND OFFICER CHRISMAN HAD ARRIVED IN SEPARATE PATROL VEHICLES AT ABOUT 1222 HOURS AT TRAILER NUMBER FIFTY.

THE RESIDENT IN TRAILER HAD ALLOWED ELVIRA TO USE HER PHONE TO CALL "911" AND HAD INDICATED ELVIRA AND DANIEL TO HAVE PREVIOUS PROBLEMS.

THE OFFICERS HAD CONTACTED DANIEL, A CONFRONTATION ENSUED, AND OFFICER CHRISMAN FIRED A SHOT KILLING A "PITBULL" DOG (ONE OF TWO DOGS IN THE HOUSE).

THERE HAD BEEN TWO TASER DEPLOYMENTS AND "O.C." SPRAY HAD BEEN DEPLOYED. DANIEL BECAME AGGRESSIVE TOWARDS OFFICER CHRISMAN AND HAD GRABBED TOWARDS CHRISMAN'S GUN.

FURTHER CLARIFICATION AS TO DETAILS CONCERNING THE INCIDENT OR WHO HAD PROVIDED THE INFORMATION WAS NOT PROVIDED DURING THE BRIEFING.

FOLLOWING THE BRIEFING I WAS ASSIGNED AS THE CASE AND SCENE AGENT FOR THIS INVESTIGATION. C.S.S. ESPERUM AND C.S.S. MASON ASSISTED WITH THE SCENE INVESTIGATION. DETECTIVES CISNEROS AND SCHIRA ASSISTED IN THE INVESTIGATION WITH SGT. LUMLEY.

AT ABOUT 1650 HOURS, I CONDUCTED A "WALK THROUGH" INTERVIEW WITH OFFICER VIRGILLO. PRESENT DURING THIS AUDIO RECORDED INTERVIEW WAS MARICOPA COUNTY DEPUTY COUNTY ATTORNEY KEPPEL. THE AUDIO CARD OF THE INTERVIEW WAS TURNED INTO THE FORENSIC IMAGING UNIT OF THE PHOENIX POLICE DEPARTMENT.

DURING THE INTERVIEW OFFICER VIRGILLO RELATED THE FOLLOWING:

HE HAD RESPONDED TO A DOMESTIC VIOLENCE CALL REFERENCE A MOTHER (ELVIRA FERNANDEZ) CALLING THE POLICE FOR HELP, BECAUSE SHE HAD GOTTEN INTO AN ARGUMENT OR DISAGREEMENT WITH HER SON (DANIEL RODRIGUEZ) AND THE SON HAD

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CAUSED DAMAGE TO THE INSIDE OF HER TRAILER.

HE AND OFFICER CHRISMAN HAD MET IN THE MIDDLE OF THE LARGE MOBILE HOME PARK AND WERE TRYING TO LOCATE THE TRAILER REFERENCE THE CALL.

THE MOTHER HAD LEFT HER TRAILER, SPACE NUMBER FIFTY-ONE, AND GONE NEXT DOOR TO THE TRAILER NEXT TO HER'S, SPACE NUMBER

OFFICER VIRGILLO ARRIVED AT TRAILER FIRST AND OFFICER CHRISMAN PARKED BEHIND OFFICER VIRGILLO'S TAHOE (OFFICER CHRISMAN WAS DRIVING A CHEVROLET IMPALA).

THEY THEN CONTACTED THE MOTHER AT TRAILER NUMBER SHE TOLD THEM HER SON (OFFICER VIRGILLO BELIEVED HIS NAME WAS DANIEL) LIVED IN THE TRAILER WITH HER BUT WOULD BE GONE FOR SEVERAL DAYS AT A TIME BUT WOULD COME HOME WHEN HE WANTED TO.

SHE WAS HAVING SOME PROBLEMS WITH HIM AND SHE WANTED ASSISTANCE IN RESOLVING THOSE PROBLEMS AND GETTING HIM OUT OF THE TRAILER. SHE HAD STATED HE WAS OUT OF CONTROL.

OFFICER CHRISMAN AND OFFICER VIRGILLO THEN PROCEEDED TO TRAILER FIFTY-ONE TO ATTEMPT TO SPEAK TO DANIEL.

THEY KNOCKED ON THE DOOR AND WINDOWS SEVERAL TIMES, BUT DID NOT GET A RESPONSE FROM ANYONE INSIDE THE TRAILER.

THEY RETURNED TO TRAILER NUMBER AND ASKED AGAIN IF THE MOTHER BELIEVED DANIEL WAS INSIDE THE TRAILER.

SHE STATED THE DOORS WERE UNLOCKED. SHE BELIEVED HE WAS INSIDE AND THEY HAD HER PERMISSION TO GO INSIDE THE TRAILER.

THEY RETURNED TO THE TRAILER NUMBER FIFTY-ONE AND OFFICER CHRISMAN KNOCKED ON THE DOOR SEVERAL MORE TIMES. OFFICER CHRISMAN THEN TURNED THE DOOR HANDLE AND THE DOOR OPENED.

OFFICER VIRGILLO STATED AS THE DOOR WAS OPEN ABOUT THREE TO SIX INCHES HE COULD SEE TWO MEDIUM SIZED DOGS COMING TOWARDS THE CRACK IN THE DOOR AND THEY WERE BARKING.

AS OFFICER CHRISMAN OPENED THE DOOR, OFFICER VIRGILLO WAS BEHIND HIM AND COULD SEE WHO HE BELIEVED TO BE DANIEL WALKING BEHIND THE DOGS TOWARDS OFFICER CHRISMAN.

AT THIS POINT DANIEL WAS STANDING ON THE TILE AREA OF THE LIVING ROOM FLOOR, WHERE THE TILE AND CARPET MEET, TELLING US TO GET OUT OF HIS TRAILER.

OFFICER CHRISMAN FORCED OPEN THE DOOR AND AN ARGUMENT BEGAN BETWEEN OFFICER CHRISMAN AND DANIEL AS TO WHY THEY WERE THERE AND WHAT THEY

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WANTED.

DANIEL WAS TELLING OFFICER CHRISMAN WE DIDN'T HAVE A SEARCH WARRANT, THEY HAD NO RIGHT TO COME INTO HIS HOME, IT WAS HIS TRAILER, AND THEY HAD NO RIGHT TO CONTACT HIM OR BE INSIDE HIS HOUSE.

AS THE VERBAL EXCHANGE CONTINUED BETWEEN OFFICER CHRISMAN AND DANIEL, I ASKED OFFICER VIRGILLO WHAT HAPPENED NEXT. OFFICER VIRGILLO STATED, "OFFICER CHRISMAN TOOK OUT HIS SERVICE WEAPON AND PUT IT TO AH, DANIEL'S HEAD".

I REPLIED, "TO HIS HEAD"? OFFICER VIRGILLO STATED, "YES".

THE INTERVIEW CONTINUED FOR A PERIOD OF TIME AND I THEN CLARIFIED THE CIRCUMSTANCES OF OFFICER CHRISMAN PULLING HIS SERVICE PISTOL AND PUTTING IT AGAINST DANIEL'S HEAD.

I RELATED I HAD UNDERSTOOD OFFICER VIRGILLO TO SAY OFFICER CHRISMAN AND DANIEL WERE IN A VERBAL CONFRONTATION WHICH BASICALLY WAS, "YOU HAVE NO RIGHT TO BE HERE? YES WE DO MOTHERFUCKER, WORDS TO THAT EFFECT".

OFFICER VIRGILLO REPLIED, "YES".

I STATED, "AND IT IS AT THAT POINT THAT HE PULLS OUT HIS SERVICE PISTOL"?

OFFICER VIRGILLO REPLIED, "YES".

I STATED, "AND WHICH HAND IS IT IN"?

OFFICER VIRGILLO REPLIED, "IT'S IN OFFICER CHRISMAN'S RIGHT HAND I BELIEVE".

I STATED, "RIGHT HAND. AND WHAT DID HE DO AGAIN WITH THE WEAPON"?

OFFICER VIRGILLO REPLIED, "HE PHYSICALLY TOUCHED THE MUZZLE OF THE WEAPON TO AH, ONE OF THE TEMPLES ON AH, DANIEL'S HEAD".

OFFICER VIRGILLO STATED OFFICER CHRISMAN THEN PUT HIS PISTOL BACK IN HIS HOLSTER AND THEN GRABBED AHOOLD OF DANIEL'S LEFT ARM. THEY BEGAN TO STRUGGLE, AS IF OFFICER CHRISMAN WAS TRYING TO DETAIN DANIEL.

OFFICER VIRGILLO TRIED TO GRAB DANIEL'S RIGHT ARM, BUT DANIEL WOULD PULL AWAY AND THEY WERE NOT ABLE TO CONTROL DANIEL. OFFICER CHRISMAN THEN DEPLOYED HIS "O.C." SPRAY IN DANIEL'S EYES.

AS THIS WAS GOING ON OFFICER VIRGILLO STATED ONE OF THE DOGS (DESCRIBED AS A PITBULL) WAS BARKING FROM ACROSS THE ROOM BY THE TELEVISION SET. THE OTHER DOG HAD LEFT THE LIVING ROOM AND WAS NOT PRESENT DURING THE REST OF THE INCIDENT.

I CLARIFIED WHERE THE DOG WAS AT AS THIS WAS TAKING PLACE AND OFFICER

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VIRGILLO STATED IT WAS STILL BY THE TELEVISION SET BARKING.

OFFICER VIRGILLO STATED THE O.C. SPRAY WAS AFFECTING HIS THROAT AND HE HAD TO STEP OUTSIDE FOR ABOUT TWO OR THREE SECONDS.

OFFICER CHRISMAN THEN DEPLOYED HIS TASER AND TASED DANIEL. OFFICER VIRGILLO DID NOT SEE THE PROBES OF THE TASER, BUT DID SEE DANIEL PULL HIS SHIRT UP AND EXPOSE HIS CHEST.

DANIEL FELL TO THE FLOOR ON HIS BACK AND OFFICER VIRGILLO STATED OFFICER CHRISMAN WENT DOWN ON HIS KNEE AND "TOUCH TASED" DANIEL.

OFFICER VIRGILLO STATED BOTH DANIEL AND OFFICER CHRISMAN GOT BACK UP OFF THE FLOOR IN A SECOND OR TWO. I ASKED OFFICER VIRGILLO IF DANIEL APPEARED TO BE INCAPACITATED IN ANY WAY AND HE STATED NO.

OFFICER VIRGILLO STATED HE THEN DEPLOYED HIS TASER AND THE PROBES CONTACTED DANIEL'S STOMACH AND CHEST AREA.

DANIEL FELL BACK, BUT WHEN THE TASER CYCLE ENDED, DANIEL PULLED OUT THE PROBES AND IMMEDIATELY STOOD BACK UP.

OFFICER VIRGILLO STARTED TALKING TO DANIEL TO TRY AND CALM HIM DOWN. DANIEL STATED HE HAD A BICYCLE (WHICH WAS LEANING UP AGAINST THE EAST WALL/COUNTER TOP OF THE LIVING ROOM) AND HE WOULD JUST LEAVE.

SO DANIEL GOT HIS BIKE AND WAS STARTING TO WHEEL THE BIKE TO THE DOOR. OFFICER CHRISMAN TRIED TO GRAB DANIEL AND THE DOG STARTED BARKING AGAIN.

OFFICER VIRGILLO STATED OFFICER CHRISMAN THEN PULLED HIS SERVICE PISTOL AGAIN AND SHOT THE DOG. WHEN THIS TOOK PLACE DANIEL WAS ON THE WEST SIDE OF THE BICYCLE AND OFFICER CHRISMAN WAS ON THE EAST SIDE OF THE BICYCLE (THE BICYCLE IS BETWEEN THEM AND THE DOG IS STILL BY THE TELEVISION SET ACROSS THE ROOM).

AFTER THE DOG IS SHOT DANIEL WAS STILL TRYING TO WHEEL THE BICYCLE OUT AND BEGAN ARGUING AGAIN WITH OFFICER CHRISMAN ABOUT WHY OFFICER CHRISMAN HAD SHOT HIS DOG.

OFFICER VIRGILLO STATED THIS VERBAL ARGUING CONTINUED FOR ABOUT FIVE SECONDS AND THEN "I SAW OFFICER CHRISMAN TAKE OUT HIS SERVICE WEAPON AND I AND--AND HE SHOT DANIEL".

I ASKED OFFICER VIRGILLO IF HE FELT THE DOG WAS A THREAT THAT NEEDED TO BE RESOLVED BY THE DOG BEING SHOT AND HE STATED, "NO".

I ASKED OFFICER VIRGILLO IF DANIEL HAD ANYTHING IN HIS HANDS BEFORE OFFICER CHRISMAN SHOT HIM AND HE STATED NO. I ASKED HIM WHERE DANIEL'S HANDS WERE WHEN HE WAS SHOT AND HE STATED, "AH, FROM--FROM WHAT I CAN REMEMBER WHEN I SAW OFFICER CHRISMAN RAISE HIS GUN IN FRONT OF HIM, I BELIEVE DANIEL TOOK A STEP BACK AND PUT UP HIS HANDS".

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WHEN OFFICER VIRGILLO WAS ASKED IF AT ANY TIME IN THE ENTIRE INCIDENT WAS THERE A NEED IN HIS TRAINING AND EXPERIENCE TO USE DEADLY FORCE AGAINST DANIEL, HE STATED, "FROM WHAT I SAW...NO". WHEN ASKED IF DANIEL HAD USED THE BICYCLE AS ANY TYPE OF WEAPON AGAINST OFFICER CHRISMAN, OFFICER VIRGILLO STATED, "NO".

PLEASE REFER TO SUPPLEMENT NUMBER EIGHT OF THIS REPORT FOR A TRANSCRIPTION OF THIS INTERVIEW FOR FURTHER DETAILS.

FOLLOWING THE INTERVIEW OF OFFICER VIRGILLO, OFFICER CHRISMAN WAS PLACED UNDER ARREST AND I CONTINUED WITH THE SCENE INVESTIGATION OF THIS INCIDENT.

PLEASE REFER TO ADDITIONAL SUPPLEMENTS FOR FURTHER DETAILS OF THIS INVESTIGATION. PHOENIX POLICE REPORTS 2010-01413133A AND 2010-01413133B WERE ALSO COMPLETED REFERENCE THIS INCIDENT.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097 DR FINALIZED BY : 6290

END OF REPORT

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

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REPORT DATE: 20101006 TIME: 0009

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: DAVID MCELROY

6979 UNIT: C55

PREMISES: FIXED TRAILER

OCCUPIED: NO

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

PARTY-CREW: NO

***** NARRATIVE *****

SERIAL NUMBER: 6979

ON 10-05-2010 AT 1955 HOURS, I MONITORED AN INTERVIEW OF RICHARD CHRISMAN, WHICH WAS CONDUCTED BY DETECTIVE CISNEROS #4657 AND TOOK PLACE IN THE VIOLENT CRIMES BUREAU, INTERVIEW ROOM #5, ON THE SECOND FLOOR AT 620 WEST WASHINGTON STREET. THIS INTERVIEW WAS AUDIO AND VIDEO RECORDED USING THE "FOR THE RECORD" DIGITAL AUDIO AND VIDEO RECORDING SOFTWARE.

THE INTERVIEW ENDED ON 10-05-2010 AT 2316 HOURS.

THERE WERE ONE (1) INTERRUPTIONS IN THE MONITORING AND/OR RECORDING OF THIS INTERVIEW AS FOLLOWS:

FIRST INTERRUPTION: TIME STOPPED: 2214 HOURS
TIME RESUMED: 2223 HOURS
REASON: CHANGE OF CLOTHING BY RICHARD

ROSE A3692/6979/100610/0025/VCB FRONT DESK

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A3692 DR FINALIZED BY : A3977

END OF REPORT

DR NO: 2010 01413133 001

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

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REPORT DATE: 20101006 TIME: 1013

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1235

REPORTING OFFICER[S]: JOSE CISNEROS

4657 UNIT: C34

PREMISES: MOBILE HOME

OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

PARTY-CREW: NO

***** NARRATIVE *****

SERIAL NUMBER: 4657

ON 10/05/10 AT 1250 HOURS, I WAS CONTACTED BY DETECTIVE SGT. LUMLEY #5097 AND REQUESTED TO GO TO 303 E. SOUTH MOUNTAIN AVENUE IN REFERENCE TO A POLICE INVOLVED SHOOTING. I ARRIVED ON SCENE AT 1320 HOURS.

AT ARRIVAL I NOTED THAT 303 E. SOUTH MOUNTAIN WAS THE CASA DE FRANCISCO MOBILE HOME PARK. I SAW THAT THE DRIVEWAY IN FRONT OF SPACE 51 WAS CORDONED OFF WITH CRIME SCENE TAPE. THERE WERE OFFICERS GUARDING THE EXTERIOR PERIMETER OF THE TAPE.

AT 1423 HOURS, I PARTICIPATED IN A BRIEFING OF THE KNOWN FACTS CONDUCTED BY PATROL SGT. A. MATTSON #5929. THE BRIEFING WAS PERFORMED OUTSIDE THE SCENE. AFTER THE BRIEFING I WAS ASKED TO INTERVIEW THE PERSON WHO HAD CONTACTED POLICE ASKING FOR ASSISTANCE, ELVIRA FERNANDEZ. ELVIRA WAS THE MOTHER OF VICTIM DANIEL FRANK RODRIGUEZ.

I CONTACTED ELVIRA AT 1452 HOURS AND ESCORTED HER TO THE MOBILE COMMAND VAN. I INTERVIEWED ELVIRA REFERENCE THIS INVESTIGATION. PRESENT DURING THE INTERVIEW WAS PROFESSIONAL STANDARDS BUREAU SGT. C. MCCARTHY #6048. THE INTERVIEW WAS DIGITALLY RECORDED. SEE MY SUPPLEMENT OF THE INTERVIEW FOR DETAILS.

I CONTACTED SGT. LUMLEY AND ADVISED HIM WHAT I HAD LEARNED FROM ELVIRA. HE THEN ASKED THAT I CONDUCT THE BULLET COUNT ON OFFICER VIRGILLO'S SERVICE PISTOL. AT 1546 HOURS, I CONTACTED OFFICER VIRGILLO #6437 AS HE SAT IN A PATROL VEHICLE WITH A PATROL SERGEANT. I ASKED HIM TO ACCOMPANY ME TO THE MOBILE COMMAND VAN WHERE I WOULD CONDUCT THE BULLET COUNT OF HIS SERVICE PISTOL AND MAGAZINES.

WHILE IN THE COMMAND VAN AND PRIOR TO CONDUCTING THE BULLET COUNT, OFFICER VIRGILLO WAS PHOTOGRAPHED BY CRIME SCENE SPECIALIST V. ESPERUM #A4654. OFFICER VIRGILLO WAS WEARING A CITY OF PHOENIX POLICE UNIFORM AND DUTY BELT.

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THE UNIFORM CONSISTED OF A DARK BLUE SHORT SLEEVE UNIFORM SHIRT WITH CITY OF PHOENIX POLICE PATCHES SEWN ON TO THE LEFT AND RIGHT SLEEVES. HE HAD A CITY OF PHOENIX POLICE BADGE AFFIXED TO HIS LEFT BREAST. A METAL NAME PLATE WITH HIS NAME "S.F. VIRGILLO" WAS AFFIXED ABOVE HIS RIGHT SHIRT POCKET. HIS PANTS WERE DARK BLUE UNIFORM PANTS.

THE DUTY BELT OFFICER VIRGILLO WAS WEARING HAD A HOLSTER TO HIS RIGHT SIDE. IN THE HOLSTER WAS HIS SERVICE PISTOL. THERE WERE TWO VERTICAL MAGAZINES TO HIS LEFT FRONT. TO THE LEFT OF THE MAGAZINES WAS A BLACK EMPTY TASER HOLSTER. LEFT OF THE TASER HOLSTER WAS A RADIO HOLDER WITH DUTY RADIO. THE RADIO MICROPHONE WAS CLIPPED TO THE LEFT EPAULET OF THE SHIRT. TO THE RIGHT REAR OF THE DUTY BELT WAS A BLACK CUFF CASE WITH HANDCUFFS.

I ASKED OFFICER VIRGILLO IF HE HAD A SECOND WEAPON. HE SAID HE DID NOT.

AT MY REQUEST OFFICER VIRGILLO REMOVED THE MAGAZINE FROM HIS SERVICE PISTOL AND HANDED IT TO ME. I ASKED OFFICER VIRGILLO TO POINT HIS SERVICE PISTOL INTO A BULLET TRAP AND MOVE THE SLIDE BACK TO EXPOSE THE CHAMBER. THERE WAS A ROUND IN THE CHAMBER. THE ROUND WAS PHOTOGRAPHED IN CHAMBER BY C.S.S. ESPERUM.

AT MY REQUEST OFFICER VIRGILLO HANDED TO ME THE LIVE ROUND FROM THE CHAMBER OF THE PISTOL, AND THE TWO MAGAZINES FROM HIS MAGAZINE POUCHES. I PLACED THEM ON A WHITE BOARD TO PHOTOGRAPH. THE WHITE BOARD WAS LABELED WITH THE REPORT NUMBER, DATE OF INCIDENT, TIME OF BULLET COUNT, MODEL, CALIBER AND SERIAL NUMBER OF THE PISTOL AND OFFICER VIRGILLO'S NAME AND SERIAL NUMBER.

THE MAGAZINE FROM HIS PISTOL WAS IDENTIFIED AS MAGAZINE #1, MAGAZINE FROM THE RIGHT MAGAZINE POUCH WAS LABELED MAGAZINE #2 AND LEFT MAGAZINE POUCH AS MAGAZINE #3. I REMOVED AND COUNTED THE BULLETS FROM EACH MAGAZINE, EXAMINED THE PISTOL AND NOTED THE FOLLOWING;

PISTOL: GLOCK MODEL 23

PISTOL SERIAL NUMBER: CKZ 888

ROUND IN CHAMBER: 1 ROUND, .40 CAL FEDERAL S&W

MAGAZINE #1: 13 ROUNDS, .40 CAL FEDERAL S&W

MAGAZINE #2: 13 ROUNDS, .40 CAL FEDERAL S&W

MAGAZINE #3: 13 ROUNDS, .40 CAL FEDERAL S&W

TOTAL ROUNDS: 40 ROUNDS

ROUNDS MISSING: NONE

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OFFICER VIRGILLO EXPLAINED THAT HIS SERVICE PISTOL WAS CITY ISSUED. THE PISTOL, MAGAZINES AND ROUNDS WERE PHOTOGRAPHED BY C.S.S. ESPERUM.

I FILLED OUT THE WEAPON EXCHANGE WORKSHEET FOR OFFICER VIRGILLO'S SERVICE PISTOL, GIVING SGT. MCCARTHY A COPY OF THE WORKSHEET. I THEN ESCORTED OFFICER VIRGILLO BACK TO THE PATROL VEHICLE HE HAD BEEN SITTING IN.

I THEN WAITED IN THE MOBILE COMMAND VAN AS DETECTIVE PORTER DID A WALK THROUGH OF THE SCENE WITH OFFICER VIRGILLO. DURING THIS TIME IT HAD RAINED HEAVILY.

AFTER THE WALK THROUGH, DETECTIVE PORTER CONFERRED WITH SGT. LUMLEY AND MYSELF AS TO WHAT HE LEARNED FROM OFFICER VIRGILLO. DETECTIVE PORTER THEN BRIEFED SGT. LUMLEY, MYSELF AND VARIOUS COMMAND STAFF AS WE STOOD IN THE KITCHEN OF THE TRAILER.

DETECTIVE PORTER THEN ASKED THAT I CONTACT DETECTIVE W. SCHIRA #4587 AND GIVE HIM THE ADDITIONAL INFORMATION LEARNED FROM OFFICER VIRGILLO. WITH THIS INFORMATION, DETECTIVE SCHIRA WAS TO AUTHOR AN AFFIDAVIT AND SEARCH WARRANT TO OBTAIN OFFICER CHRISMAN'S COMPLETE UNIFORM, DUTY WEAPON, DUTY BELT AND ACCOUTERMENTS, TO INCLUDE, BUT NOT LIMITED TO ALL MAGAZINES, BULLETS, OC SPRAY, TASER, BUCCAL SWAB AND MAJOR CASE PRINTS. DETECTIVE SCHIRA ALSO SPOKE WITH DETECTIVE PORTER.

AT APPROXIMATELY 1930 HOURS, I ACCOMPANIED DETECTIVE PORTER, SGT. LUMLEY, LT. TOMORY AND COMMANDER FAULKNER TO THE MOBILE COMMAND VAN. OFFICER CHRISMAN WAS CONTACTED AND ARRESTED FOR AGGRAVATED ASSAULT. LIEUTENANT TOMORY AND COMMANDER FAULKNER REMOVED FROM OFFICER CHRISMAN HIS DUTY BELT, WITH ACCCOMPANYING PISTOL IN PISTOL HOLSTER, MAGAZINES, RADIO IN RADIO HOLDER, TASER, OC SPRAY IN POUCH, SPARE HAND CUFFS, ATTACHED HANDCUFF CASE AND HAND CUFFS AND HANDED THESE ITEMS TO DETECTIVE PORTER, WHO THEN HANDED THEM TO ME. I PLACED THESE ITEMS IN EVIDENCE BAGS FOR TRANSPORT.

OFFICER CHRISMAN WAS HANDCUFFED AND PLACED IN THE CUSTODY OF SGT. G. LOPEZ #6337 AND SGT. E. ZOPF #7382. SERGEANTS LOPEZ AND ZOPF TRANSPORTED OFFICER CHRISMAN TO 620 W. WASHINGTON AND PLACED HIM INTO INTERVIEW ROOM 5.

THE HAND CUFFS WERE REMOVED FROM OFFICER CHRISMAN. HE WAS ALLOWED THE USE OF THE RESTROOM FACILITIES AND GIVEN BOTTLED WATER TO DRINK. OFFICER CHRISMAN WAS DIGITALLY AUDIO AND VIDEO RECORDED DURING HIS TIME IN THE INTERVIEW ROOM. HE WAS MONITORED BY DETECTIVE D. MCELROY #6929 FROM 1955 HOURS TO 2316 HOURS. SEE HIS MONITOR SUPPLEMENT FOR DETAILS. SERGEANT ZOPF WAS IN THE ROOM WITH OFFICER CHRISMAN AT 1955 HRS AND REMAINED WITH HIM UNTIL 2012 HOURS.

I PLACED AND SECURED OFFICER CHRISMAN'S DUTY BELT, WITH ACCCOMPANYING PISTOL IN PISTOL HOLSTER, MAGAZINES, RADIO IN RADIO HOLDER, TASER, OC SPRAY IN POUCH, SPARE HAND CUFFS, ATTACHED HANDCUFF CASE AND HAND CUFFS IN TEMPORARY LOCKER 214 IN THE PROPERTY ANNEX AT 621 W. WASHINGTON. I RETAINED THE KEY TO LOCKER 214.

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I CONTACTED C.S.S. R. SCHERE A5324 AND ASKED HIM TO COME TO 620 WEST WASHINGTON. AT MY REQUEST, AT 2030 HOURS, C.S.S. SCHERE PHOTOGRAPHED OFFICER CHRISMAN IN UNIFORM WITHOUT HIS DUTY BELT AND EQUIPMENT.

OFFICER CHRISMAN WAS WEARING A DARK BLUE SHORT SLEEVE UNIFORM SHIRT. THE SHIRT HAD CITY OF PHOENIX POLICE PATCHES SEWN TO BOTH SLEEVES. THERE WAS A CITY OF PHOENIX POLICE BREAST BADGE AFFIXED TO HIS SHIRT OVER HIS LEFT BREAST. HE HAD A BLACK PEN AND METAL CLIP CUFF KEY IN HIS LEFT SHIRT POCKET. THERE WAS A METAL NAME PLATE WITH HIS NAME "R. CHRISMAN" AFFIXED OVER THE RIGHT SHIRT POCKET.

OFFICER CHRISMAN'S PANTS WERE DARK BLUE UNIFORM PANTS. HIS BELT WAS A VELCRO UNDER BELT. HE WAS WEARING BLACK HIGH TOP BOOTS WITH LACE UP FRONT AND ZIPPER SIDES.

C.S.S. SCHERE PHOTOGRAPHED OFFICER CHRISMAN FROM THE FRONT, BACK AND SIDES. OFFICER CHRISMAN'S HANDS WERE PHOTOGRAPHED BOTH BACK AND PALM SIDE UP. I NOTED A SCRATCH TO THE OUTSIDE OF HIS RIGHT ELBOW. THIS SCRATCH WAS PHOTOGRAPHED. I ALSO NOTED OLDER LOOKING SCRATCHES TO THE INSIDE OF HIS RIGHT BICEP. OFFICER CHRISMAN SAID THOSE SCRATCHES WERE OBTAINED DURING A CAMPING TRIP. IT SHOULD BE NOTED THAT WHEN C.S.S. SCHERE ASKED OFFICER CHRISMAN IF HE HAD ANY INJURIES, OFFICER CHRISMAN REPLIED THAT HE HAD NONE THAT HE WAS AWARE OF. AFTER COMPLETING THE PHOTOGRAPHS C.S.S. SCHERE LEFT THE ROOM.

AT 2136 HOURS, OFFICER CHRISMAN WAS ADVISED HIS LAWYER AND PLEA REPRESENTATIVE WERE PRESENT. DURING THIS TIME DETECTIVE W. SCHIRA GAVE ME A COPY OF THE SIGNED SEARCH WARRANT TO OBTAIN OFFICER CHRISMAN'S CLOTHES, BUCCAL SWABS, AND MAJOR CASE PRINTS. I WAS ADVISED BY OFFICER CHRISMAN'S ATTORNEY, KATHRYN BAILLIE AND HIS PLEA REPRESENTATIVE, DAVE KOTHE #4296, THAT CLOTHES WERE ENROUTE FOR OFFICER CHRISMAN TO CHANGE INTO. THEY ASKED THAT I WAIT TO SERVE THE WARRANT UNTIL THE CLOTHES ARRIVED. KATHRYN BAILLIE ASKED THAT SHE BE PRESENT WHEN I SERVED OFFICER CHRISMAN THE WARRANT. I AGREED TO HER REQUEST.

AT 2139 HOURS, I CONTACTED OFFICER CHRISMAN AND EXPLAINED THAT HIS CLOTHES WERE ENROUTE. I ADVISED HIM THAT I WOULD BRING IN HIS ATTORNEY WHEN I SERVED HIM THE WARRANT TO OBTAIN HIS CLOTHES. HE WOULD THEN BE TAKEN TO RECORDS AND IDENTIFICATION BUREAU TO OBTAIN HIS FINGER PRINTS. AFTER THAT HE WOULD THEN BE TRANSPORTED TO THE MAIN JAIL.

I NOTED THAT WHILE OFFICER CHRISMAN WAS IN THE INTERVIEW ROOM HE WOULD EVERY SO OFTEN TAKE HIS IPHONE CELL PHONE FROM HIS POCKET AND TOUCH AND MANIPULATE THE SCREEN. IT APPEARED THAT HE WAS SENDING AND RECEIVING TEXT MESSAGES. THIS STARTED AT APPROXIMATELY 2036 HOURS AND CONTINUED UNTIL APPROXIMATELY 2157 HOURS.

AT 2158 HOURS, I RECONTACTED OFFICER CHRISMAN AND OBTAINED THE NAME OF HIS MOTHER AND HER PHONE NUMBER TO DOCUMENT ONTO THE BOOKING PAPERWORK AS NEXT OF KIN.

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AT APPROXIMATELY 2205 HOURS, OFFICER CHRISMAN'S CIVILIAN CLOTHES ARRIVED. I SEARCHED THE CLOTHES WITH BAILLIE AND PLEA REPRESENTATIVE JOE CLURE #4089 WATCHING. I NOTED THE CLOTHES WERE NEW AND STILL HAD STORE TAGS ATTACHED TO THEM. NOTHING WAS FOUND IN THE CLOTHES.

WITH KATHRYN BAILLIE PRESENT, I TOOK IN THE CIVILIAN CLOTHES TO OFFICER CHRISMAN. AT 2207 HOURS, I SERVED THE SEARCH WARRANT TO OFFICER CHRISMAN GIVING HIM A COPY OF THE SEARCH WARRANT. DURING THIS TIME BAILLIE BRIEFLY SPOKE WITH OFFICER CHRISMAN.

OFFICER CHRISMAN ASKED ME WHAT THE CHARGES AGAINST HIM WERE. I TOLD HIM HE WAS BEING CHARGED WITH AGGRAVATED ASSAULT. HE ASKED THAT HIS DEBIT CARD BE GIVEN TO HIS GIRLFRIEND. THE CARD WAS THEN GIVEN TO HIS ATTORNEY. AT 2214 HOURS, KATHRYN BAILLIE LEFT THE ROOM.

BETWEEN 2214 HOURS AND 2223 HOURS, THE AUDIO AND VIDEO RECORDING WAS PAUSED. DURING THIS TIME, WITH THE ASSISTANCE OF NIGHT DETECTIVE C. BARRON #8138, I OBTAINED FROM OFFICER CHRISMAN HIS SHIRT WITH ATTACHED BADGE AND NAME PLATE, BELT, PANTS, BOOTS, SOCKS AND BULLET PROOF VEST. ALSO RETAINED AS PRISONER PROPERTY WAS HIS IPHONE CELL PHONE. OFFICER CHRISMAN PUT ON THE CIVILIAN CLOTHES OBTAINED FOR HIM.

AT 2223 HOURS, THE AUDIO AND VIDEO RECORDING WAS RESTARTED. AT 2228 HOURS, I PLACED LATEX GLOVES ON MY HANDS AND REMOVED STERILE COTTON SWABS FROM A TUBE THAT HAD BEEN IN A SEALED PACKAGE. I THEN RUBBED THE SWABS ALONG THE INTERIOR OF OFFICER CHRISMAN'S MOUTH OBTAINING BUCCAL SWABS/DNA FROM CHRISMAN. PRESENT WAS DETECTIVE BARRON. I THEN COMPLETED THE SEARCH / WARRANT SUPPLEMENT/RECEIPT OF THE ITEMS TAKEN AND GAVE A COPY TO OFFICER CHRISMAN. DETECTIVE BARRON AND I THEN LEFT THE INTERVIEW ROOM.

AT 2233 HOURS, SERGEANTS LOPEZ #6337 AND ZOPF #7382 ESCORTED OFFICER CHRISMAN TO THE RECORDS AND IDENTIFICATION BUREAU WHERE CHRISMAN WAS PHOTOGRAPHED AND FINGERPRINTED BY TECH. F. FIGUEROA #A5164. AT 2315 HOURS, OFFICER CHRISMAN WAS RETURNED TO THE INTERVIEW ROOM.

AT 2316 HOURS, THE AUDIO AND VIDEO RECORDING WAS TURNED OFF AND ATTORNEY KATHRYN BAILLIE WAS ALLOWED TO SPEAK WITH OFFICER CHRISMAN IN PRIVATE.

DURING THIS TIME, UNDER MY DIRECTION, DETECTIVE BARRON COMPLETED THE BOOKING PAPERWORK FOR OFFICER CHRISMAN. AT 0012 HOURS, OFFICER CHRISMAN WAS TRANSPORTED TO THE MARICOPA COUNTY MADISON STREET JAIL BY SERGEANTS LOPEZ AND ZOPF AND BOOKED FOR ONE COUNT OF AGGRAVATED ASSAULT.

I HAD BEEN IN CONTACT WITH DETECTIVE PORTER AND SERGEANT LUMLEY. I ADVISED THEM OF WHAT HAD OCCURRED WHILE OFFICER CHRISMAN WAS AT 620 W. WASHINGTON. DETECTIVE PORTER ASKED THAT I DO THE BULLET COUNT OF CHRISMAN'S SERVICE PISTOL AND MAGAZINES.

I HAD OFFICER CHRISMAN'S CLOTHES AND IPHONE CELL PHONE PLACED AND SECURED IN TEMPORARY LOCKER 221 OF THE PROPERTY ANNEX. I RETAINED THE KEY FOR THAT LOCKER FOR SECURITY.

SUPPLEMENT

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AT 0035 HOURS, I PLACED OFFICER CHRISMAN'S BUCCAL SWAB INTO LOCKER 214. AT THE SAME TIME I REMOVED OFFICER CHRISMAN'S DUTY BELT, WITH ACCOMPANYING PISTOL IN PISTOL HOLSTER, MAGAZINE'S, TASER, OC SPRAY IN POUCH, SPARE HAND CUFFS, ATTACHED HANDCUFF CASE AND HAND CUFFS FROM LOCKER 214 AND TOOK THEM TO AN EVIDENCE PROCESSING ROOM IN THE CRIME LAB AT 621 W. WASHINGTON. I HAD LOCKED LOCKER 214 AND KEPT THE KEY FOR SECURITY.

THE ABOVE LISTED ITEMS WERE PLACED ON WHITE PAPER ON A TABLE IN THE ROOM. I HAD CRIME SCENE SPECIALIST MCMURRAY #A4652 PHOTOGRAPH THE GUN BELT AND ACCOMPANYING ITEMS. PRESENT WERE NIGHT DETECTIVES C. BARRON AND D. MCELROY.

I THEN NOTED THE FOLLOWING. OFFICER CHRISMAN'S SERVICE PISTOL WAS STILL IN IT'S HOLSTER. THE HOLSTER WAS POSITIONED ON THE RIGHT SIDE OF THE BELT. TO THE LEFT OF THE HOLSTER WAS A CUFF CASE WITH HANDCUFFS INSIDE IT.

AT THE LEFT FRONT SIDE OF THE BELT WERE TWO VERTICAL MAGAZINE POUCHES CONTAINING TWO MAGAZINES. CLIPPED UNDER THE BOTTOM POUCH WAS A DARK METAL FOLDING KNIFE. TO THE RIGHT OF THE MAGAZINE POUCHES WAS A BLACK TASER HOLSTER WITH TASER IN THE HOLSTER. THE TASER HOLSTER WAS POSITIONED SO IT WOULD BE FACING FORWARD ON THE BODY WHEN THE BELT WAS IN PLACE.

TO THE RIGHT OF THE HOLSTER WAS A SLIDE ON "D" CLIP (SLIP CLIP) HOLDER FOR A DUTY RADIO HOLSTER. THERE APPEARED TO BE A WHITE DEFECT ON THE BACK OF THE GUN BELT NEXT TO THE CASE.

SEPARATE FROM THE GUN BELT WERE THREE BLACK SNAP KEEPER RETAINERS, A SPARE PAIR OF CUFFS AND A BLACK SLIDE ON OC SPRAY POUCH.

I REMOVED THE SERVICE PISTOL FROM THE HOLSTER. I NOTED THAT THE PISTOL WAS A .40 CALIBER GLOCK MODEL 22. ON THE RIGHT SIDE OF THE PISTOL JUST BELOW THE SLIDE/CHAMBER WAS A BROWNISH FLAKE. THE SERIAL NUMBER ON THE RIGHT SIDE OF THE GUN WAS "EPH689". THE PISTOL WAS PLACED ON IT'S LEFT SIDE ON A WHITE BOARD.

THE WHITE BOARD WAS LABELED WITH THE REPORT NUMBER, DATE OF INCIDENT, LOCATION OF INCIDENT, MODEL, CALIBER AND SERIAL NUMBER OF THE PISTOL WITH OFFICER CHRISMAN'S NAME AND SERIAL NUMBER.

THE PISTOL WAS PHOTOGRAPHED WHILE ON IT'S LEFT SIDE. AS IT WAS PLACED ON IT'S RIGHT SIDE THE FLAKE DROPPED OFF. WITH GLOVED HANDS AND PLASTIC TWEEZERS I PICKED UP THE FLAKE AND PACKAGED IT FOR IMPOUNDING. THE PISTOL WAS THEN PHOTOGRAPHED.

I THEN PULLED THE CHAMBER BACK EXPOSING THE ROUND IN THE CHAMBER. THE ROUND WAS PHOTOGRAPHED IN PLACE. I REMOVED THE LIVE ROUND AND NOTED IT WAS A FEDERAL .40 CAL S&W JACKETED HOLLOW POINT ROUND.

I REMOVED THE MAGAZINE FROM THE PISTOL AND COUNTED THE ROUNDS FROM THE MAGAZINE. I PLACED THE ROUND FROM THE CHAMBER, AND THE ROUNDS FROM THE

SUPPLEMENT

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MAGAZINE ONTO THE WHITE BOARD WITH THE PISTOL. I REMOVED THE MAGAZINES FROM THE MAGAZINE POUCHES AND COUNTED THE ROUNDS FROM THE MAGAZINES AND PLACED THEM ON THE WHITE BOARD. THE MAGAZINES WERE IDENTIFIED AS FOLLOWS; THE MAGAZINE FROM THE PISTOL WAS MAGAZINE #1, THE TOP POUCH MAGAZINE WAS #2 AND THE BOTTOM POUCH MAGAZINE WAS #3.

I THEN NOTED THE FOLLOWING;

PISTOL: GLOCK MODEL 22

PISTOL SERIAL NUMBER: EPH 689

ROUND IN CHAMBER: 1 ROUND, .40 CAL FEDERAL S&W

MAGAZINE #1: 11 ROUNDS, .40 CAL FEDERAL S&W

MAGAZINE #2: 15 ROUNDS, .40 CAL FEDERAL S&W

MAGAZINE #3: 15 ROUNDS, .40 CAL FEDERAL S&W

TOTAL ROUNDS: 42 ROUNDS

ROUNDS MISSING: 4

I SAW THAT THE LETTERS "P S B" WERE ETCHED ONTO THE SIDE OF MAGAZINE #3.

DURING THIS TIME I COMPLETED A WEAPON EXCHANGE WORKSHEET FOR OFFICER CHRISMAN'S SERVICE PISTOL. I LATER IMPOUNDED THE WORKSHEET AS EVIDENCE, GIVING A COPY TO DETECTIVE PORTER.

I THEN REPLACED THE ROUNDS BACK INTO THEIR RESPECTIVE MAGAZINES. I PUT THE ROUND FROM THE CHAMBER INTO A CLEAR PLASTIC VIAL. THE PISTOL WAS PLACED INTO A SEPARATE EVIDENCE BAG. THE THREE MAGAZINES WITH ROUNDS AND SINGLE ROUND FROM THE CHAMBER WERE PLACED INTO A EVIDENCE BAG.

I THEN REMOVED THE TASER FROM IT'S HOLSTER AND PLACED IT ONTO THE WHITE BOARD. THE WHITE BOARD WAS LABELED WITH THE REPORT NUMBER, DATE OF INCIDENT, LOCATION OF INCIDENT, MODEL NUMBER, SERIAL NUMBER OF THE TASER AND OFFICER CHRISMAN'S NAME AND SERIAL NUMBER.

I EXAMINED THE TASER AND NOTED THE FOLLOWING;

TASER: YELLOW WITH BLACK TRIM

MODEL: X-26

TASER SERIAL NUMBER: X00-065180

I NOTED THE TASER SAFETY WAS IN THE FIRE/ON POSITION. THERE WAS NOT A SPARE TASER CARTRIDGE IN THE CARTRIDGE HOLDER IN THE BASE OF THE HANDLE.

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THERE WAS A SPENT CARTRIDGE ATTACHED TO THE FRONT OF THE TASER. THE BLAST DOORS TO THE SPENT CARTRIDGE WERE GONE. THE PROBE/DARTS WERE MISSING FROM THE SPENT CARTRIDGE. THERE WERE SLOTS TO THE INSIDE LEFT AND RIGHT SIDE OF THE CARTRIDGE.

I NOTED COPPER COLORED WIRE COMING OUT OF EACH SLOT. THE RIGHT SLOT WAS EMPTY EXCEPT FOR THE SINGLE STRAND OF WIRE COMING FROM IT. THE LEFT SLOT HAD WIRE WRAPPED IN A FIGURE EIGHT CONFIGURATION WITHIN THE SLOT.

THE TASER WAS PHOTOGRAPHED BY CSS MCMURRAY A#4652. AFTER EXAMINING THE TASER I PLACED IT INTO A EVIDENCE BAG.

THE CUFF CASE WAS THEN PHOTOGRAPHED TO SHOW A PAIR OF WHITE METAL HANDCUFFS STILL IN THE POUCH. THE OC SPRAY POUCH WAS OPENED AND PHOTOGRAPHED TO SHOW A BLUE CONTAINER WITH BLACK TOP SPRAY DISPENSER OF OC SPRAY. I LATER TOOK OUT THE DISPENSER AND NOTED THE DISPENSER WAS A "SABRE RED" OLEORESIN CAPSICUM SPRAY DISPENSER.

I THEN CONTACTED DETECTIVE PORTER AND TOLD HIM THERE WERE FOUR MISSING ROUNDS FROM THE MAGAZINE THAT HAD BEEN IN OFFICER CHRISMAN'S SERVICE PISTOL.

AFTER CONTACTING DETECTIVE PORTER, I SECURED AND LOCKED THE ABOVE DOCUMENTED ITEMS INTO TEMPORARY LOCKER 214 AT THE PROPERTY ANNEX AT 621 WEST WASHINGTON. I RETAINED THE KEY FOR SECURITY.

I THEN IMPOUNDED OFFICER CHRISMAN'S BUCCAL SWAB AS EVIDENCE.

FOR FURTHER DETAILS ON OFFICER CHRISMAN'S STAY IN INTERVIEW ROOM FIVE PLEASE REVIEW THE DIGITAL RECORDING.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 4657

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 002

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101006 TIME: 1548

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1222

REPORTING OFFICER[S]: JOSE CISNEROS

4657 UNIT: C34

PREMISES: MOBILE HOME

OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

PARTY-CREW: NO

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 100510

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: PBIOLG BRAND: MODEL: BUCCALSWAB COLOR:

SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:

DESCRIPTION: TWO COTTON SWABS USED TO OBTAIN DNA (BUCCAL SWABS) FROM MOUTH OF RICHARD CHRISMAN. 10/05/10 2227 HRS. OBTAINED BY DET. CISNEROS 4657.

**** NARRATIVE ****

SERIAL NUMBER: 4657

THIS SUPPLEMENT GENERATED TO IMPOUND THE LISTED EVIDENCE.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3954292

DR ENTERED BY : 4657 DR FINALIZED BY : 4657

END OF REPORT

DR NO: 2010 01413133 003

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1 DR NUMBER: 2010 01413133 4

REPORT DATE: 20101007 TIME: 0620

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: PAUL McMURRY A4652 UNIT: C23

PREMISES: FIXED TRAILER OCCUPIED:

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A4652

ORIGINATING DR: 201001413133 000

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: PAUL McMURRY(A4652)

THE OFFICIAL LSB REPORT CAN BE VIEWED/PRINTED IN I-RESULTS UNDER THE LAB REQUEST NUMBER 0001 FOR ACCESS TO I-RESULTS, PLEASE CONTACT THE LABORATORY SERVICES BUREAU AT 602-262-6197.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 004

SUPPLEMENT

PAGE NUMBER: 1 DR NUMBER: 2010 01413133 5

REPORT DATE: 20101007 TIME: 0841

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: ERIC LUMLEY 5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 5097

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RESPONSE

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ON 10/05/10, AT ABOUT 1250 HOURS, I WAS ON DUTY WHEN I RECEIVED A PHONE CALL FROM A REPRESENTATIVE OF THE COMMUNICATIONS BUREAU. I WAS ADVISED OF AN OFFICER INVOLVED SHOOTING INCIDENT AT 303 EAST SOUTH MOUNTAIN AVENUE, BUT THEY HAD NO FURTHER DETAILS. I THEN HAD A BRIEF CONVERSATION BY PHONE WITH PATROL SUPERVISOR, SERGEANT MATTSON #5969, WHO WAS AT THE SCENE. HE TOLD ME THERE WAS ONE OFFICER SHOOTER AND ONE OFFICER WITNESS. THE PERSON WHO WAS SHOT IS DECEASED. THE INCIDENT STARTED OUT AS A DOMESTIC VIOLENCE CALL AND THE SHOOTING TOOK PLACE INSIDE OF A TRAILER. I TOLD HIM DETECTIVES WOULD BE RESPONDING TO THE SCENE. I THEN ARRANGED FOR THE ON CALL INVESTIGATIVE TEAM TO RESPOND TO THE INCIDENT.

ON 10/05/10, AT ABOUT 1425 HOURS, I ATTENDED A BRIEFING CONDUCTED BY SERGEANT MATTSON NEAR THE SCENE. AFTER THE BRIEFING WAS CONCLUDED, ASSIGNMENTS WERE MADE WITH THE INVESTIGATIVE TEAM AND FOR THESE TEAM MEMBERS TO WORK WITH INVESTIGATORS OF THE PROFESSIONAL STANDARDS BUREAU. DETECTIVE KENNY PORTER #6290 WAS ASSIGNED TO THE CASE. DETECTIVE WILLIAM SCHIRA #4587 WAS ASSIGNED TO COMPLETE A SEARCH WARRANT. DETECTIVE JOSE CISNEROS #4657 WAS ASSIGNED TO INTERVIEWS. CRIME SCENE SPECIALISTS VANETTA ESPERUM #A4654 AND KATIE MASON #A5254 WERE ASSIGNED TO THE SCENE INVESTIGATION.

I WOULD ASSIST WITH INTERVIEWS OF JONATHAN AND KATHERINE PLEASE REVIEW THOSE SUPPLEMENTS FOR FURTHER DETAILS. I REMAINED AT THE SCENE UNTIL THE SCENE INVESTIGATION WAS COMPLETED. I THEN SECURED FROM THE LOCATION.

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097 DR FINALIZED BY : 6290

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Continued.

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

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PAGE NUMBER: 2 DR NUMBER: 2010 01413133 5

END OF REPORT

DR NO: 2010 01413133 005

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101007 TIME: 0843

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: JONATHAN

SPEAKING: ENGLISH

RACE: H SEX: M AGE: 17 DOB: 1993 HT: 507 WT: 126
HAIR: BLK EYES: BRO SSN:
OCCUPATION: STUDENT

***** NARRATIVE *****

SERIAL NUMBER: 5097

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INTERVIEW WITH JONATHAN

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DATE: 10/05/10
START: 1503 HOURS
END: 1519 HOURS

THE FOLLOWING INTERVIEW WAS CONDUCTED WITHIN THE WITNESS' RESIDENCE. SERGEANT TADD CLINE #5802 OF THE PROFESSIONAL STANDARDS BUREAU WAS PRESENT AND ASKED ADDITIONAL QUESTIONS. THE INTERVIEW WAS AUDIO RECORDED VIA A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

JONATHAN WAS AT HIS RESIDENCE WHEN THE INCIDENT OCCURRED. HIS FAMILY HAD A PROBLEM WITH THEIR CLOTHES DRYER, SO HE HAD TO GO OUTSIDE TO PLACE HIS CLOTHES TO DRY. HE HAD FIRST SEEN POLICE OFFICERS ARRIVE WHILE HE WAS INSIDE HIS RESIDENCE. AFTER EXITING HIS HOME TO THE NORTH SIDE, HE HEARD A COMMOTION ACROSS FROM HIS HOME, WHICH HE WOULD CLARIFY LATER AS TO THE WEST.

HE SAW THE OFFICERS OVER AT THE RESIDENCE MAKING VERBAL COMMANDS TO SOMEONE, WHICH SOUNDED LIKE "STAY DOWN" OR "GET OUT". JONATHAN THEN HEARD

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Continued.

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GUNSHOTS, MAYBE THREE. HE WAS OUTSIDE HIS RESIDENCE NEAR THE FRONT DOOR WHEN HE HEARD THIS GUNFIRE.

IN ASKING HIM ABOUT HOW MANY OFFICERS HE HAD SEEN, JONATHAN HAD SEEN TWO POLICE VEHICLES, BUT WAS UNSURE HOW MANY OFFICERS WERE PRESENT. PRIOR TO THE OFFICERS ARRIVAL, HE HAD NOT HEARD ANY SOUNDS OF A PROBLEM OUTSIDE, SUCH AS YELLING OR A COMMOTION.

IN ASKING JONATHAN ABOUT HIS NEIGHBORS (HE POINTED TO THE WEST), HE TOLD ME HE DID NOT KNOW THEM, BUT SEES THEM. HE DOES KNOW THEY HAVE HAD PROBLEMS IN THE PAST, BECAUSE HE HAD SEEN POLICE AT THE RESIDENCE BEFORE. JONATHAN WENT ON TO TELL ME SOMETHING ABOUT THE MALE WHO LIVED THERE HAD HIT HIS MOTHER AND SHE COULD NOT WALK. JONATHAN TOLD ME HE HAD NEVER SEEN A PROBLEM WITH THOSE RESIDENTS, ONLY WHAT HE HAD HEARD ABOUT. NO ONE FROM THE NEIGHBOR TRAILER HAD EVER COME TO HIS TRAILER FOR HELP.

JONATHAN STATED HE HAS LIVED AT THIS LOCATION FOR ABOUT FOUR YEARS. THE PERSONS LIVING ACROSS FROM HIM HAVE ALSO LIVED THERE FOR THIS TIME FRAME. JONATHAN WAS UNSURE HOW MANY PEOPLE LIVE AT THE TRAILER.

IN FURTHER CLARIFICATION ABOUT THE NEIGHBOR'S TRAILER JONATHAN WAS SPEAKING ABOUT, HE STATED IT WAS THE TRAILER ALL THE WAY IN THE CORNER AGAINST THE WALL.

IN SPEAKING AGAIN ABOUT THE POLICE OFFICERS, HE CONFIRMED THERE WERE ONLY TWO OFFICERS. WHEN HE HEARD THE VERBAL COMMANDS, HE LOOKED AND COULD NOT SEE THE OFFICERS COMPLETELY. HE ONLY SAW ONE OF THE OFFICERS WALK BACKWARDS AND THEN FORWARDS, SEEING ONLY A GLIMPSE OF HIM. THE COMMANDS SOUNDED AS IF COMING FROM JUST ONE OFFICER.

JONATHAN ESTIMATED IT WAS AROUND 1 TO 2 MINUTES AFTER THE COMMANDS, HE HEARD THE GUNFIRE. IT SOUNDED LIKE THERE WERE TRYING TO CALM "HIM" DOWN AND IT WAS NOT WORKING. IN DESCRIBING ANY OTHER SOUNDS HE HEARD DURING THIS TIME HE HEARD WHAT SOUNDED LIKE THUMPING.

THE GUNFIRE SOUNDED LIKE TWO QUICK SHOTS, A PAUSE (POSSIBLY FIVE SECONDS), ANOTHER GUNSHOT AND THEN POSSIBLY A FOURTH SHOT. HE BELIEVED HE HEARD BETWEEN TWO TO FOUR GUNSHOTS. AFTER THE GUNSHOTS, JONATHAN DID NOT WANT TO BE OUTSIDE, SO HE CAME BACK INTO HIS RESIDENCE.

HE DID LOOK OUTSIDE AND OBSERVE A HELICOPTER OVERHEAD AND OTHER OFFICERS ARRIVING, BUT THAT IS ALL HE OBSERVED. IT WAS LATER WHEN AN OFFICER CAME TO HIS RESIDENCE TO ASK HIM QUESTIONS.

JONATHAN WAS THE ONLY PERSON AT HIS RESIDENCE AT THE TIME OF THE INCIDENT. HE DID NOT CALL 911, BECAUSE THE POLICE WERE ALREADY ON SCENE.

SERGEANT CLINE ASKED SEVERAL QUESTIONS ABOUT THE INCIDENT. JONATHAN RESPONDED WITH THE FOLLOWING.

HIS POSITION OUTSIDE WAS A CLEAR VIEW TO HIS NEIGHBORS' TRAILERS TO THE

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WEST. JONATHAN BELIEVED A TIME FRAME OF 7 TO 10 MINUTES OCCURRED BETWEEN THE TIME HE SAW THE OFFICERS OUTSIDE TO THE TIME OF THE VERBAL COMMANDS. THE COMMANDS HE HEARD WERE LOUD AND IN ENGLISH. JONATHAN TOLD US HE DID NOT HAVE A PROBLEM WITH THE NEIGHBOR AT THE RESIDENCE IN QUESTION. HE MAY HAVE SPOKEN TO THE MALE AT THE TRAILER ONCE BEFORE ABOUT A CHINESE RESTAURANT MENU. HE TRIED TO EXPLAIN THE SOUND HE HEARD WHEN ASKED ABOUT THE "THUMPING" NOISE HE DESCRIBED EARLIER. HE THOUGHT IT MIGHT BE SOMETHING BEING PUSHED OR THEY WERE PUSHING EACH OTHER AGAINST THE WALLS.

THIS WAS THE END OF THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 006

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101007 TIME: 0843

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: KATHERINE

SPEAKING: ENGLISH

RACE: W	SEX: F	AGE: 57	DOB: 1952	HT: 506	WT: 185
HAIR: BLN		EYES: BLU	SSN:		

SERIAL NUMBER: 5097

***** NARRATIVE *****

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INTERVIEW WITH KATHERINE

=====

DATE: 10/05/10

START: 1528 HOURS

END: 1555 HOURS

THE FOLLOWING INTERVIEW WAS CONDUCTED WITHIN KATHERINE RESIDENCE. SERGEANT TADD CLINE #5802 OF THE PROFESSIONAL STANDARDS BUREAU WAS PRESENT AND ASKED ADDITIONAL QUESTIONS. THE INTERVIEW WAS AUDIO RECORDED VIA A DIGITAL RECORDER AND THE CONTENT OF THE INTERVIEW WAS SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

KATHERINE KNOWS THE PEOPLE WHO LIVE IN THE TRAILER WHERE THE INCIDENT TOOK PLACE. THE TRAILER WHERE IT TOOK PLACE IS TRAILER #51. KATHERINE HAS LIVED AT THIS LOCATION FOR ABOUT SIX YEARS AND THE PEOPLE IN TRAILER #51 HAVE BEEN HERE FOR FOUR TO FIVE YEARS.

THE PEOPLE SHE KNEW TO LIVE IN TRAILER ARE A MOTHER, ELVIRA AND HER SON, DANIEL. SHE BELIEVED AT ONE TIME, A GIRLFRIEND OF DANIEL'S LIVES THERE BUT ONLY FOR A SHORT TIME FRAME. DANIEL WAS 29 YEARS OLD AND ELVIRA IS 60 YEARS OLD. SHE AND ELVIRA ARE FRIENDLY TO EACH OTHER. KATHERINE HAD

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SPOKEN TO DANIEL A COUPLE OF TIMES IN THE PAST WITH ONLY ONE TIME BEING UNPLEASANT. THIS IS WHEN SHE HAD TO TELL HIM TO TURN HIS RADIO DOWN IN HIS VEHICLE.

KATHERINE WAS ASKED ABOUT HER KNOWLEDGE OF ELVIRA AND DANIEL. SHE TOLD ME SHE KNEW ABOUT A LOT OF YELLING AND BANGING GOING ON. SHE DID NOT LOOK INTO THE ISSUES, BUT OTHER NEIGHBORS WOULD CHECK ON ELVIRA TO SEE IF SHE WAS OKAY. KATHERINE WAS NOT ABLE TO SAY HOW OFTEN THIS BEHAVIOR WOULD OCCUR. SHE MENTIONED DANIEL DID NOT APPEAR TO BE AROUND MUCH. HE WOULD LEAVE FOR ABOUT A WEEK AND THEN COME HOME.

IN ASKING KATHERINE IF THERE WAS EVER A TIME SHE THOUGHT THE PROBLEM WAS EXTREME ENOUGH TO CALL. SHE BASICALLY TOLD ME NO. SHE DID NOT REMEMBER SEEING THE POLICE COME TO TRAILER 51 IN THE PAST, BUT IF THEY HAD, SHE MIGHT HAVE BEEN AT WORK.

I ASKED KATHERINE IF SHE KNEW OF ELVIRA OR DANIEL BEING IN TROUBLE WITH THE POLICE. KATHERINE FOUND OUT TODAY FROM ELVIRA ABOUT DANIEL BEING "COMMITTED" BEFORE, BUT SHE DID NOT KNOW WHAT THIS SPECIFICALLY WORD MEANT. SHE THOUGHT ELVIRA MEANT HE WAS ARRESTED AND WAS INVOLVED IN DRUGS.

ELVIRA TOLD HER ABOUT DANIEL HURTING HER BEFORE. HE HAD CAUSED DAMAGE TO THE PLACE BY PUTTING HOLES IN THE WALLS AND BREAKING THE COUNTER. KATHERINE MENTIONED SHE HAD NEVER BEEN IN TRAILER 51 SINCE THEY HAD MOVED IN. SHE WAS ASKED ABOUT SEEING ANY INJURIES TO ELVIRA AND SHE STATED ELVIRA IS DISABLED AND WALKS WITH A LIMP, SO SHE ASSUMED HER LIMPING WAS DUE TO THE DISABILITY.

WHEN ELVIRA CAME TO HER RESIDENCE TODAY FOR HELP, KATHERINE DESCRIBED HER AS BEING TERRIFIED AND WAS AFRAID OF HER WELL BEING. ELVIRA TOLD KATHERINE SHE WAS AFRAID THAT HE (DANIEL) WOULD HURT HER AGAIN. DANIEL HAD GOTTEN MAD, BECAUSE ELVIRA WOULD NOT GIVE HIM \$35, WHICH SHE DID NOT HAVE. DANIEL APPARENTLY THREW SOMETHING AT ELVIRA, WHICH MISSED HER HEAD.

ELVIRA DID NOT APPEAR TO BE INJURED AND WAS NOT ABLE TO DESCRIBE THE OBJECT DANIEL THREW. ELVIRA WAS SCARED AND WANTED THE POLICE TO COME AND TAKE HIM (DANIEL) OUT OF HER HOME.

THE REASON FOR COMING TO KATHERINE'S HOME WAS TO USE HER PHONE, BECAUSE ELVIRA DID NOT HAVE HER OWN PHONE. ELVIRA STAYED AT KATHERINE'S HOME UNTIL THE POLICE OFFICERS ARRIVED. IT WAS ELVIRA, WHO CALLED 911 AND KATHERINE NEVER SPOKE TO THE OPERATOR.

WHEN ELVIRA SPOKE TO THE 911 OPERATOR, THIS INFORMATION WAS THE SAME AS WHAT KATHERINE WAS TOLD DIRECTLY. IN ASKING ABOUT DANIEL HAVING A WEAPON, KATHERINE DID NOT THINK HE HAD A WEAPON AND THIS WAS BASED ON WHAT ELVIRA TALKED ABOUT.

WHEN THE OFFICERS ARRIVED, THEY CONSISTED OF TWO MALE OFFICERS. THEY SPOKE TO ELVIRA IN KATHERINE'S HOME. IN SPEAKING WITH ELVIRA, ELVIRA TOLD

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THE OFFICERS THE DOOR WAS UNLOCKED. THE OFFICERS WENT TO ELVIRA'S PLACE AND KNOCKED ON THE DOOR AND THEN CAME BACK TO KATHERINE'S PLACE ASKING ELVIRA WAS DANIEL STILL THERE, BECAUSE THERE WAS NO ANSWER. ELVIRA TOLD THE OFFICERS OF DANIEL STILL BEING THERE. ELVIRA TOLD THEM THE DOOR WAS UNLOCKED AND THEY HAD PERMISSION TO GO INSIDE. ELVIRA TOLD THEM HOW TO GET TO DANIEL'S ROOM AND HIS BEDROOM WAS THE ROOM WITHOUT A DOOR.

I ASKED KATHERINE IF THE STORY SHE RECEIVED FROM ELVIRA WAS THE SAME STORY SHE GAVE THE OFFICERS. KATHERINE STATED IT WAS THE SAME. IN ASKING IF KATHERINE IF ELVIRA DESCRIBED AN OBJECT BEING THROWN AT HER AS IF IT MIGHT BE AN ASSAULT AND SHE AGREED WITH THIS. THE DAMAGE INSIDE THE HOME WAS THOUGHT TO BE PRE-EXISTING.

AFTER THE OFFICERS WENT TO TRAILER #51 FOR THE SECOND TIME, SHE AND ELVIRA WERE STANDING IN KATHERINE'S KITCHEN. ELVIRA TOLD HER SHE HOPED THE OFFICERS WOULD BE ABLE TO GET DANIEL TO LEAVE, BECAUSE SHE COULD NOT LIVE THIS WAY ANY LONGER. WHILE TALKING TO HER, KATHERINE HEARD TWO GUNSHOTS, THEN A PAUSE AND THEN THREE MORE. ELVIRA THEN WENT CRAZY.

KATHERINE TRIED TO KEEP ELVIRA INSIDE OF HER HOME, BUT SHE FINALLY GOT OUT. ELVIRA WENT OVER TO HER TRAILER AND THE OFFICERS BROUGHT HER RIGHT BACK ASKING KATHERINE TO KEEP ELVIRA WITH HER. KATHERINE DID NOT GO OVER TO TRAILER #51.

KATHERINE KNEW WHAT GUNFIRE SOUNDS LIKE, SO WHEN SHE HEARD THE SOUNDS FROM NEXT DOOR, SHE KNEW THEY WERE GUNSHOTS. SHE DID NOT HEAR ANY OTHER SOUNDS FROM THE TRAILER PRIOR TO THE GUNSHOTS.

KATHERINE WAS AWARE OF TWO DOGS AT ELVIRA'S TRAILER. SHE NEVER HEARD ANY SOUNDS OF A DOG FROM THE TRAILER. THE ONLY THING SHE KNEW ABOUT ONE OF THE DOGS WAS ELVIRA TELLING HER ABOUT THIS DOG (THE DOG WHICH IS NOW DEAD) WAS VERY FEARFUL OF DANIEL. THE DOG WOULD BECOME SO AGITATED, BECAUSE DANIEL WOULD ABUSE HIM THAT THE DOG WOULD URINATE ON HIMSELF. JUNIOR AND GORDA WERE THE NAMES OF THE DOGS. JUNIOR WAS THOUGHT TO BE PART BOXER, BUT SHE DID NOT KNOW WHAT GORDA WAS.

AFTER THE OFFICERS BROUGHT ELVIRA BACK TO KATHERINE'S TRAILER, ELVIRA WAS HYSTERICAL. ELVIRA WAS BLAMING HERSELF FOR CALLING THE POLICE AND IT WAS HER FAULT FOR HER SON BEING DEAD. SHE THEN BEGAN BLAMING THE POLICE FOR KILLING DANIEL. KATHERINE TRIED TO CONSOLE HER.

KATHERINE MENTIONED ELVIRA CONTINUED TO TALK IN THIS MANNER AND ELVIRA EVEN TOLD KATHERINE SHE HAD CALLED THE MEDIA, BECAUSE ELVIRA WANTED TO TELL THEM THE TRUTH.

IN SPEAKING OF ELVIRA'S DISABILITY, KATHERINE KNEW SHE HAD BUT DID NOT KNOW THE ORIGIN OF THE DISABILITY. ELVIRA HAD DIFFICULTY IN WALKING AT TIMES. I ASKED HER IF DANIEL WOULD HELP ELVIRA, DUE TO HER DISABILITY. KATHERINE STATED DANIEL NEVER HELPED. SHE WOULD SEE ELVIRA OUTSIDE RAKING UP THE YARD AND HE WOULD NOT HELP ELVIRA. SHE KNEW DANIEL WOULD LEAVE TO BE WITH HIS FRIENDS FOR SEVERAL DAYS AT A

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TIME AND THEN HE WOULD COME HOME.

KATHERINE KNEW FROM ELVIRA THAT DANIEL WAS INVOLVED IN DRUG USAGE, BUT KATHERINE WAS NOT AWARE OF THE TYPE OF DRUGS. ELVIRA DID MENTION TODAY ABOUT DANIEL HAVING A VEHICLE AND THAT IT WAS IN THE SHOP. KATHERINE ASKED HER HOW LONG IT HAD BEEN IN THE SHOP AND ELVIRA STATED "FOREVER". ELVIRA WAS NOT AWARE OF WHY IT WAS IN THE SHOP. ELVIRA HAD OFFERED TO DANIEL TO GO GET IT OUT OF THE SHOP AND HE DECLINED HER HELP. KATHERINE MENTIONED TO ELVIRA IF SHE HAD CONSIDERED THAT THE VEHICLE WAS NOT AT THE SHOP AND DANIEL HAD SOLD THE VEHICLE FOR DRUGS. ELVIRA COULD NOT REFUTE THIS IDEA.

SERGEANT CLINE ASKED KATHERINE IF ELVIRA HAD MENTIONED ANYTHING ABOUT DANIEL HAVING ANY MENTAL HEALTH ISSUES. KATHERINE WAS NOT AWARE OF ANY. HE ASKED HER AGAIN ABOUT THE PHONE CALL REQUEST BY ELVIRA AND ABOUT HER DEMEANOR. KATHERINE MENTIONED AGAIN ELVIRA WAS SCARED, SHE WAS TERRIFIED AND WAS CRYING. A QUESTION WAS ASKED OF HER ABOUT SOUNDS SHE HEARD FROM THE OUTSIDE, SUCH AS DOGS BARKING. WHILE IN HER TRAILER, KATHERINE TOLD US SHE CANNOT ALWAYS HEAR NOISES FROM THE OUTSIDE UNLESS IT IS REAL LOUD.

THERE MAY HAVE BEEN SOMETHING GOING ON IN TRAILER #51, BUT SHE MIGHT NOT HAVE HEARD THE SOUNDS. IN ASKING HER ABOUT THE DOG NAMED JUNIOR AND IF HE WAS AN AGGRESSIVE DOG. KATHERINE STATED HE WAS NOT AGGRESSIVE, SHE HAD EVEN PLAYED WITH HIM OUTSIDE IN THE YARD. SHE WAS NOT SURE WHOSE DOG IT WAS, BUT IT WAS ELVIRA WHO TOOK CARE OF HIM. SHE BELIEVED THE DOG WAS OWNED BY DANIEL, BUT THE ONLY PERSON SHE EVER SAW WITH THE DOG WAS ELVIRA.

KATHERINE THEN STATED SHE WANTED TO TELL US MORE ABOUT DANIEL'S ACTIVITY AT THE TRAILER. SHE TOLD US WHEN DANIEL WAS AT THE TRAILER, HE WAS ALWAYS SLEEPING. KATHERINE THOUGHT DANIEL WAS ON DRUGS TODAY BASED SOLELY ON WHAT ELVIRA WAS DESCRIBING ABOUT THE INCIDENT.

THIS WAS THEN END OF THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097

DR FINALIZED BY : 6290

END OF REPORT

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REPORT DATE: 20101007 TIME: 0848

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E. SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 6290

THE FOLLOWING IS A TRANSCRIPTION OF A RECORDED INTERVIEW WITH OFFICER SERGIO VIRGILLO. EVERY EFFORT HAS BEEN MADE TO ACCURATELY TRANSCRIBE THE INTERVIEW. ANY ERROR ON THE TRANSCRIPTION IS UNINTENTIONAL.

TRANSCRIPTION KEY:

PORTER: DETECTIVE KEN PORTER #6290
VIRGILLO: OFFICER SERGIO VIRGILLO #6437
KEPPEL: DEPUTY COUNTY ATTORNEY JIM KEPPEL

PORTER: OKAY, THE FOLLOWINGS AN AUDIO RECORDED INTERVIEW REFERENCE DR 2010-01413133. THE DATE OF THIS INTERVIEW IS OCTOBER THE FIFTH, AH, 2010, IT'S APPROXIMATELY SIXTEEN FIFTY HOURS. THIS INTERVIEW IS REFERENCE THE STATED DR, PRESENT IS AH... MARICOPA COUNTY DEPUTY COUNTY ATTORNEY JIM KEPPEL, OFFICER VIRGILLO, HIS SERIAL NUMBER IS 6437, AND I'M DETECTIVE PORTER, MY SERIAL NUMBER IS 6290.

AND SERGIO... AH, IF YOU COULD JUST GIVE SOME BACKGROUND AH, THIS AFTERNOON, UHM, HOW YOU HAPPENED TO BE HERE IN THIS TRAILER PARK AND THEN WHAT, WHAT TOOK PLACE?

VIRGILLO: SURE. I RESPONDED TO A DOMESTIC VIOLENCE CALL AH, IT APPEARED THE MOTHER HAD CALLED AND WANTED THE POLICE TO HELP HER AH, BECAUSE SHE HAD GOT INTO SOME SORT OF ARGUMENT OR DISAGREEMENT WITH HER SON AND THE SON HAD THROWN SOMETHING INSIDE THE TRAILER CAUSING SOME DAMAGE.

PORTER: OKAY. AND YOU WERE RIDING AS A AH, SINGLE PERSON UNIT?

VIRGILLO: YES.

PORTER: OKAY. WHEN YOU ARRIVED WAS ANYBODY ELSE HERE OR WERE YOU THE

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FIRST OFFICER?

VIRGILLO: OFFICER CHRISMAN WAS BASICALLY IN THE MIDDLE OF THE AH, COMMUNITY, LOOKING IN HIS COMPUTER ON A MAP TO SEE WHERE UNIT WOULD BE.

PORTR: OKAY.

VIRGILLO: I PULLED UP NEXT TO HIM. HE MADE A... HE MADE A RIGHT TO GO NORTH. I MADE A LEFT TO GO SOUTH. I FIN... FOUND UNIT AND I PARKED IN FRONT OF UNIT FIFTY, I BELIEVE...

PORTR: IS THAT YOUR TAHOE RIGHT THERE?

VIRGILLO: YES. AND THEN OFFICER CHRISMAN, I BELIEVE, PARKED BEHIND ME AND THEN AH, WE MADE CONTACT WITH THE MOM IN THAT UNIT.

PORTR: SO, TO YOUR UNDERSTANDING YOU WERE RESPONDING TO UNIT INITIALLY TO CONTACT THE MOM?

VIRGILLO: YES. WITH AN UNDERSTANDING THAT SHE DID NOT LIVE IN UNIT SHE LIVED IN UNIT... THE... FIFTY-ONE, BUT SHE HAD SOUGHT REFUGE IN

PORTR: OKAY. SO, FOR ALL PRACTICAL PURPOSES YOU BOTH GOT HERE AT THE SAME TIME?

VIRGILLO: YES.

PORTR: OKAY. AH, HAVE YOU HAD ANY PRIOR CONTACT WITH EITHER UNIT OR FIFTY-ONE OR DID YOU KNOW OF ANYTHING FROM YOUR MDT ABOUT ANY PREVIOUS CONTACTS?

VIRGILLO: NOT TO MY KNOWLEDGE.

PORTR: OKAY. SO YOU INITIALLY THEN CONTACTED THE LADY WHO CALLED NINE ONE ONE...

VIRGILLO: YES.

PORTR: ... AT UNIT

VIRGILLO: YES.

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PORTR: ... EVEN THOUGH SHE LIVES IN FIFTY-ONE?

VIRGILLO: CORRECT.

PORTR: OKAY, AND WHEN YOU DID THAT, WHAT'D DID SHE RELATE TO YOU?

VIRGILLO: SHE TOLD ME THAT HER SON, WHO IS IN HIS LATE TEENS, AND I BELIEVE SHE GAVE THE NAME OF DANIEL, AH, THAT HE... SHE LIVES IN THE TRAILER WITH DANIEL, BUT HE LEAVES FOR DAYS ON END, AND COMES BACK WHEN HE WANTS, AND SHE WAS HAVING SOME PROBLEMS WITH HIM, AND SHE WANTED US TO ASSIST HER IN RESOLVING THOSE PROBLEMS, AND GETTING HIM OUT OF THE TRAILER.

PORTR: DID SHE RELATE TO ANYTHING TO YOU THAT HAD PRECIPITATED HER CALLING THE POLICE EITHER FROM LAST NIGHT OR THIS MORNING?

VIRGILLO: SHE SAID THAT HE WAS OUT OF CONTROL.

PORTR: 'KAY, DID SHE ELABORATE WHY HE WAS OUTTA CONTROL OR WHAT MIGHT'VE BEEN CAUSING IT?

VIRGILLO: NO, NOT AT THAT TIME.

PORTR: OKAY. SO, WITH THAT LIMITED INFORMATION FROM THAT INITIAL CONTACT, WHAT DID YOU AND OFFICER AH, CHRISMAN DO?

VIRGILLO: OFFICER CHRISMAN AND I WENT TO UNIT . WE KNOCKED ON THE DOOR...

PORTR: FIFTY-ONE?

VIRGILLO: FIFTY-ONE, EXCUSE ME. KNOCKED ON THE DOOR SEVERAL TIMES. KNOCKED ON THE WINDOW SEVERAL TIMES. WE DIDN'T GET A RESPONSE. SO OFFICER CHRISMAN AND I WALKED BACK TO UNIT RECONTACTED THE MOTHER, AND ASKED HER IF DANIEL WAS INSIDE... IF -IF--IF ANYBODY WAS INSIDE THE HOME? IF DANIEL WAS INSIDE THE HOME AND IF THE DOORS WERE UNLOCKED? AH, GO AHEAD.

PORTR: AND--AND SHE...?

VIRGILLO: SHE SAID THE DOORS WERE UNLOCKED. SHE BELIEVED HE WAS INSIDE. AND SHE GAVE US PERMISSION TO GO INSIDE HER TRAILER.

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PORTER: OKAY. DID YOU ASK HER OR DID SHE COMMENT ON ANY WEAPONS THAT MIGHT BE AVAILABLE INSIDE THE TRAILER?

VIRGILLO: DID NOT ASK AND SHE DIDN'T MAKE ANY...

PORTER: SHE DIDN'T SAY?

VIRGILLO: NO.

PORTER: OKAY. SO YOU HAD... IN THE INITIAL CONTACT WITH HER, WHY SHE WANTED YOU HERE? YOU COME OVER? TRY AND CONTACT THE SON, WHO YOU KNOW TO BE DANNY AT THIS POINT? NO ANSWER? GO BACK AND SHE SAYS, I WANT YOU TO GO INSIDE AND--AND--AND MAKE SURE HE'S EITHER GONE OR THERE AND DEAL WITH THAT?

VIRGILLO: RIGHT. BEGIN OUR INVESTIGATION.

PORTER: OKAY. AH, LET'S STEP ON AROUND THE CORNER.

VIRGILLO: SURE.

PORTER: WE'RE GOOD. OKAY, FOR SAKE OF THE TAPE, THAT CAN'T SEE... WE'RE NOW STANDING AT THE FRONT DOOR THAT'S LOCATED ON THE SOUTH SIDE OF UNIT FIFTY-ONE AND THIS IS THE TRAILER THAT YOU ATTEMPTED TO MAKE CONTACT TWICE?

VIRGILLO: YES.

PORTER: OKAY. UHM, AGAIN, JUST FOR CLARIFICATION, WE'RE OUTSIDE AH, THERE APPEARS TO BE A TASER WITH A LIGHT ON. I, AH, I BELIEVE A FLASHLIGHT IN A BAG. MAYBE A SPIRAL NOTEPAD THAT MAY OR MAY NOT HAVE ANYTHING TO DO WITH IT. THIS IS THE DOOR THAT YOU TWO COME OVER AND TRY AND MAKE CONTACT?

VIRGILLO: YES.

PORTER: OKAY. THE SECOND TIME, AH, WHAT TOOK PLACE AS YOU'RE OUTSIDE THE DOOR?

VIRGILLO: OFFICER CHRISMAN, AH, WAS THE PRIMARY OFFICER. HE WENT TO THE DOOR HANDLE AND I STOOD PROBABLY THREE TO FIVE STEPS BACK FROM OFF... OFFICER CHRISMAN. WE KNOCKED ON THE DOOR. OFFICER CHRISMAN KNOCKED ON THE DOOR SEVERAL TIMES, AH, NO RESPONSE. AH, I OBSERVED OFFICER CHRISMAN TO TURN THE DOOR HANDLE--IT OPENED. OFFICER CHRISMAN OPENED IT PROBABLY... I DON'T KNOW, THREE TO

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SIX INCHES, AND AT THAT TIME I COULD SEE TWO DOGS COMING TOWARDS THE CRACK IN THE DOOR AND THEY WERE BARKING.

PORTR: AH, LITTLE DOGS? MEDIUM DOGS? BIG DOGS?

VIRGILLO: ONE WAS A, LIKE A DARK YELLOW PIT BULL. AH, MEDIUM SIZE. AND THE OTHER ONE WAS A MEDIUM SIZE, BUT I COULDN'T TELL WHAT TYPE OF DOG.

PORTR: OKAY. AND AS WE'RE STANDING HERE THIS DOOR IS NOW COMPLETELY OPEN.

VIRGILLO: RIGHT.

PORTR: AH, TO YOUR RECOLLECTION, DO YOU KNOW WHOSE TASER IS OUT HERE ON THE OUTSIDE OF THE DOOR?

VIRGILLO: I BELIEVE THAT'S MY TASER.

PORTR: OKAY. AND DO YOU KNOW ANYTHING ABOUT THE PAPER BAG WITH THE...

VIRGILLO: NO, I DO NOT.

PORTR: ... APPEARS TO BE A FLASHLIGHT IN IT?

VIRGILLO: NO, I DO NOT.

PORTR: OKAY, AND HOW ABOUT THE AH, SPIRAL PAD?

VIRGILLO: THAT'S MY SPIRAL PAD WITH A VICTIM'S RIGHTS PAMPHLET.

PORTR: OKAY. THERE'S A BICYCLE ABOUT THREE FEET INSIDE THE OPEN DOOR? AH, HAS THAT ALWAYS BEEN THERE FROM YOUR INITIAL CONTACT OR DID SOMETHING TRANSPIRE AND IT ENDED UP THERE?

VIRGILLO: SOMETHING TRANSPRIRED WHERE THAT BIKE ENDED... WHY THAT BIKE ENDED UP THERE.

PORTR: OKAY, LET'S WALK ON UP TO THE OPEN DOOR.

VIRGILLO: SURE.

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PORTR: IF YOU PREFER TO STAY OUTSIDE THAT'S FINE.

VIRGILLO: YES. I'LL STAY OUTSIDE.

PORTR: AH, BUT WE ARE NOW AT THE OPEN DOOR AND FOR SAKE OF THE TAPE AGAIN, THERE APPEARS TO BE A KITCHEN IMMEDIATELY TO THE, AH, EAST AND THE DOOR OPENS UP INTO THE LIVING ROOM.

VIRGILLO: YES.

PORTR: THE BICYCLE IS RIGHT HERE. AH, THE SUSPECT IN THIS CASE IS AH, IN THE LIVING ROOM JUST TO THE INSIDE OF THE DOOR. CAN YOU RELATE NOW WHAT TRANSPRIRED WHEN OFFICER CHRISMAN OPENED THE DOOR?

VIRGILLO: YES. OFFICER CHRISMAN OPENED THE DOOR AND I WAS STANDING BEHIND OFFICER CHRISMAN. I COULD SEE A... SOMEBODY WHO I... I'M ASSUMING IS DANIEL. I CAN SEE HIM COMING FROM THE WEST SIDE OF THE TRAILER HALLWAY. I CAN SEE HIM COMING AH, BEHIND THE DOGS AND HE WAS WALKING TOWARDS OFFICER CHRISMAN.

PORTR: OKAY. WHAT--WHAT THEN TOOK PLACE? YOU CAN GO AHEAD...

VIRGILLO: OKAY.

PORTR: ... AND JUST CONTINUE ON IF YOU LIKE?

VIRGILLO: AH, I--I REMEMBER AH, HIM TELLING US TO GET OUT OF HIS TRAILER, AND AH, HE WAS STANDING ON THE TILE AREA... BASICALLY WHERE THE TILE AND THE--THE--THE CARPET KIND OF MEET...

PORTR: OKAY.

VIRGILLO: ... HE WAS STANDING THERE. OFFICER CHRISMAN AH, FORCED OPEN THE DOOR AH, WITH HIS HANDS, AND GOT INTO... OFFICER CHRISMAN AND-- AND I BELIEVE IS DANIEL, GOT INTO A VERBAL ARGUMENT AS TO WHY WE'RE THERE, WHAT... AND WHAT WE WANTED?

PORTR: OKAY, AND THERE IS LIKE A LITTLE ENTRY THATS TILED AND AGAIN, FOR SAKE OF THE TAPE, ABOUT WHERE THE FRONT BICYCLE TIRE'S AT RIGHT NOW...

VIRGILLO: RIGHT.

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PORTR: ... IS WHERE, WHO YOU BELIEVED TO BE DANNY, WALKED UP TO?

VIRGILLO: RIGHT.

PORTR: AND OFFICER CHRISMAN IS ABOUT WHERE I'M AT OR MAYBE A LITTLE BIT FURTHER IN?

VIRGILLO: CORRECT.

PORTR: OKAY. AS THEY'RE HAVING THIS VERBAL EXCHANGE, AH, DO YOU REMEMBER WHAT--WHAT--WHAT THE EXCHANGE CONSISTED OF?

VIRGILLO: YES. AH, DANIEL WAS TELLING OFFICER CHRISMAN THAT WE DIDN'T HAVE A SEARCH WARRANT. WE HAD NO RIGHT TO COME INTO HIS HOME. HE... THAT HIS MOM LIVED WITH HIM IN THE HOME, BUT DANIEL WAS THE HOMEOWNER, AND THAT WE HAD NO RIGHT TO CONTACT HIM OR COME INSIDE HIS HOUSE.

PORTR: OKAY. AH, IF YOU WOULD PREFER, LET ME ASK YOU A QUICK QUESTION? UNTIL THIS INCIDENT... UNTIL THIS INCIDENT AH, CONCLUDED, DID YOU GO DOWN THE HALLWAY YOURSELF OR DID OFFICER CHRISMAN...

VIRGILLO: ... (STARTS TO ANSWER, BUT INTERRUPTED BY DET. PORTER/30:58) ... AC...

PORTR: ... UNTIL THE SHOOTING ACTUALLY OCCURRED? THERE'S...

VIRGILLO: I--I WENT DOWN THE HALLWAY AFTER THE SHOOTING OCCURRED.

PORTR: OKAY.

VIRGILLO: I--I NEVER... I NEVER WENT IN. I NEVER LEFT THE TILE AREA...

PORTR: UNTIL IT TRANSPRIRED?

VIRGILLO: YES.

PORTR: OKAY, THE REASON WHY I'M ASKING THIS IS... WE CAN STEP BACK OUTSIDE...

VIRGILLO: I'M FINE.

PORTR: ... IF YOU PREFER.

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VIRGILLO: I'M FINE.

PORTER: OKAY. OKAY. I... IT WILL HELP I THINK, BUT I WANTED TO MAKE SURE YOU WERE COMFORTABLE WITH STANDING RIGHT HERE?

VIRGILLO: YEAH. I COULD COME INSIDE IT.

PORTER: COME ON IN. WHY DON'T WE COME INTO THIS KITCHEN?

VIRGILLO: THAT'S FINE. THAT MAKES IT EASIER.

PORTER: IT MAKES IT QUIETER TOO. WITH THE RAIN. COME ON IN MR. KEPPEL IF YOU WANT.

WHAT HAPPENED AS THIS VERBAL EXCHANGE CONTINUES BETWEEN OFFICER CHRISMAN AND AH, SUSPECT?

VIRGILLO: OFFICER CHRISMAN TOOK OUT HIS SERVICE WEAPON AND PUT IT TO AH, DANIEL'S HEAD.

PORTER: TO HIS HEAD?

VIRGILLO: YES.

PORTER: AND THEN WHAT TOOK PLACE?

VIRGILLO: AH, OFFICER CHRISMAN AND DANIEL THEN GOT INTO A VERBAL ARGUMENT, UHM, BASICALLY ABOUT THE SAME... WE HAD NO RIGHT TO BE THERE. OFFICER CHRISMAN WAS SAYING THINGS LIKE, "YES WE DO MOTHERFUCKER", "DON'T TELL US WHAT TO DO", THAT TYPE OF THING.

PORTER: OKAY. WHAT WAS THE SITUATION WITH THE ANIMALS AT THIS POINT?

VIRGILLO: AH, THE ANIMALS WERE... I COULD ONLY SEE ONE ANIMAL AT THAT TIME AND THAT WAS A YELLOW PIT BULL, WHICH I BELIEVE... I SEE THE PIT BULL'S, LOOKS LIKE IT'S NOT ALIVE, AND IT WAS OVER BY THE TELEVISION SET BARKING.

PORTER: AND BY THE TELEVISION SET, WE'RE TALKING PROBABLY TEN TO TWELVE FEET FROM WHERE THE TILE ENDS AND THE CARPET BEGINS?

VIRGILLO: YES.

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PORTR: ALONG WHAT WOULD BE THE WEST WALL OF THE LIVING ROOM?

VIRGILLO: YES.

PORTR: OKAY. UHM, AT THE TIME THAT OFFICER CHRISMAN PULLS OUT HIS AH, SERVICE PISTOL...

VIRGILLO: YES.

PORTR: ... AH, WERE YOU EXPERIENCING ANYTHING THAT YOU FELT WAS A THREAT TO YOU IN ANY WAY?

VIRGILLO: NO.

PORTR: OKAY. AND DID DANNY HAVE ANYTHING IN HIS HANDS THAT AH, WOULD'VE BEEN A THREAT TO EITHER YOU OR OFFICER CHRISOM?

VIRGILLO: NO. CHRISMAN.

PORTR: CHRISMAN. I'M SORRY. UHM, OKAY, WHAT HAPPENED... AT THIS POINT IN OUR INTERVIEW, WE'RE UP TO THE POINT TO WHERE YOU ARE JUST BEHIND OFFICER CHRISOM...

VIRGILLO: CHRISMAN.

PORTR: CHRISMAN. I'M SORRY.

VIRGILLO: THAT'S ALRIGHT.

PORTR: ... AND THEY'VE HAD A VERBAL CONFRONTATION RIGHT WHERE THE CARPET AND THE TILE MEET? THE EXCHANGE IS BASICALLY, YOU HAVE NO RIGHT TO BE HERE? YES WE DO MOTHERFUCKER, WORDS TO THAT EFFECT?

VIRGILLO: YES.

PORTR: AND IT IS AT THAT POINT THAT HE PULLS OUT HIS SERVICE PISTOL?

VIRGILLO: YES.

PORTR: AND WHICH HAND IS IT IN?

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VIRGILLO: IT'S IN OFFICER CHRISMAN'S RIGHT HAND I BELIEVE.

PORTR: RIGHT HAND? AND WHAT DID HE DO AGAIN WITH THE WEAPON?

VIRGILLO: HE PHYSICALLY TOUCHED THE MUZZLE OF THE WEAPON TO AH, ONE OF THE TEMPLES ON AH, DANIEL'S HEAD.

PORTR: OKAY.

VIRGILLO: AND THAT--THAT LASTED PROBABLY THREE TO FIVE SECONDS.

PORTR: AND WHAT WAS THE SUSPECT'S RESPONSE TO THAT ACTION ON OFFICER CHRISMAN'S PART?

VIRGILLO: HE LOOKED... I LOOKED AT HIS... I LOOKED AT DANIEL'S FACE. HE LOOKED SURPRISED, UH, BUT HE STILL CONTINUED TO, UHM, ARGUE.

PORTR: ABOUT...?

VIRGILLO: ABOUT US BEING IN HIS HOME.

PORTR: 'KAY, DID... THE PERSON YOU BELIEVED TO BE DANNY MAKE ANY COMMENTS TO HIM OR YOU ABOUT THE WEAPON BEING DRAWN?

VIRGILLO: I DON'T REMEMBER. HONESTLY, I DON'T REMEMBER.

PORTR: OKAY. HE HAS THE MUZZLE OF HIS SERVICE PISTOL AT ONE OF DANNY'S TEMPLES? WHAT HAPPENS NEXT?

VIRGILLO: EVENTUALLY OFFICER CHRISMAN PUTS THE SERVICE WEAPON BACK INTO HIS HOLSTER. THEN OFFICER CHRISMAN GRABS, I BELIEVE, DANIEL'S LEFT ARM WITH BOTH OF OFFICER CHRISMAN'S HANDS, AND THERE WAS A STRUGGLE, UHM, FOR DOMINATION I GUESS, OTHER WORDS THERE WAS A STRUGGLE TO--TO SOME, YOU KNOW, TO--TO DETAIN HIM.

PORTR: OKAY. TO DETAIN HIM OR--OR TAKE HIM INTO CUSTODY...

VIRGILLO: I--I... YEAH.

PORTR: ... WHATEVER?

VIRGILLO: YES.

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PORTR: OKAY. UHM, WHILE HE HAD THE GUN OUT...

VIRGILLO: YES.

PORTR: ... WAS THERE ANY DISCHARGE OF THE WEAPON AT THAT TIME?

VIRGILLO: NO.

PORTR: OKAY, SO HE--HE PULLS HIS SERVICE PISTOL? DISPLAYS IT? AND THEN REHOLSTERS? IS THAT CORRECT?

VIRGILLO: HE PULLS HIS SERVICE WEAPON, PUTS IT TO HIS HEAD, AND THEN RETURNS IT INTO HIS HOLSTER.

PORTR: AND--AND REHOLSTERS IT? OKAY, WHEN HE GOES TO PUT HANDS ON AS WE WOULD SAY...

VIRGILLO: YES?

PORTR: ... WHAT HAPPENED THEN?

VIRGILLO: THERE WAS A--A STRUGGLE. I STEPPED INTO THE TRAILER AT THAT POINT AND TRIED TO GRAB, UHM, DANIEL'S RIGHT ARM, BUT DANIEL KEPT PULLING HIS ARM AWAY FROM ME, AND AT THE SAME TIME PULLING AWAY FROM OFFICER CHRISMAN. UHM, WHAT WAS HAPPENING WAS OFFICER CHRISMAN WOULD GRAB AN ARM, DANIEL WOULD GET FREE. I WOULD GRAB AN ARM, HE WOULD GET FREE. THE DOG CONTINUED TO BARK IN THE BACKGROUND AND AT THAT TIME OFFICER CHRISMAN AH, TOOK OUT HIS O.C. SPRAY, AND SPRAYED DANIEL DIRECTLY IN THE--THE EYES FROM A DISTANCE OF MAYBE ONE FOOT.

PORTR: OKAY. LET--LET ME JUST BACK UP TO THE MENTION OF THE DOG AGAIN?

VIRGILLO: SURE.

PORTR: WHILE THIS PHYSICAL...

VIRGILLO: IS THERE ANY WAY YOU COULD MOVE TO THE RIGHT JUST A LITTLE BIT?

PORTR: SURE.

VIRGILLO: THANK YOU.

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PORTR: WHILE THIS PHYSICAL CONFRONTATION BEGINS AND ENSUES FOR A WHILE WITH TRYING TO GAIN CONTROL OF DANNY'S ARMS AND HANDS, WHERE IS THIS DOG AT?

VIRGILLO: THE DOG IS STILL BY THE TELEVISION SET BARKING.

PORTR: OKAY. HOW ABOUT THE SECOND DOG?

VIRGILLO: DID... DIDN'T SEE IT.

PORTR: OKAY. IT HAD... IT HAD APPROACHED AT ONE POINT AND THEN WENT AWAY?

VIRGILLO: CORRECT.

PORTR: OKAY. SO HIS HANDS ARE STILL NOT BEING CONTROLLED? OFFICER CHRISOM, AH, PULLS OUT HIS O.C. SPRAY?

VIRGILLO: YES.

PORTR: AND HOW, IF YOU CAN, CAN YOU GIVE AN ESTIMATE OF HOW LONG THE-- THE DISCHARGE OF IT WAS OR THE BURST OR HOWEVER YOU WANNA DESCRIBE THAT?

VIRGILLO: ONE TO TWO SECONDS.

PORTR: OKAY. WHAT HAPPENED NEXT?

VIRGILLO: AH, WITHIN PROBABLY A SECOND OR TWO AFTER THAT THE, UHM, MY THROAT CLOSED.

PORTR: BECAUSE OF THE...

VIRGILLO: YES.

PORTR: ... O.C. SPRAY?

VIRGILLO: AND I STEPPED OUT OF THE TRAILER AT THAT POINT.

PORTR: LET ME ASK YOU A QUESTION? WHILE--WHILE THAT IS GOING ON THEN YOU WOULD BE ABOUT... WHILE THIS... WHILE THE STRUGGLE IS GOING ON, UNTIL YOU GO HANDS ON, YOU'RE ABOUT WHERE THE BICYCLE SEAT'S

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AT? IS THAT...

VIRGILLO: A LITTLE FURTHER BACK.

PORTR: A LITTLE FURTHER BACK?

VIRGILLO: YES.

PORTR: BUT WHEN THE STRUGGLES BEGINS YOU, AGAIN, TRY TO GAIN CONTROL...

VIRGILLO: YES.

PORTR: ... WITH HIM WITH--WITH THE OFFICER?

VIRGILLO: YES.

PORTR: OKAY. BUT NOW YOU'RE HAVING A HARD TIME BREATHING BECAUSE OF THE O.C. SPRAY?

VIRGILLO: YES.

PORTR: DO YOU STEP ALL THE WAY OUTSIDE?

VIRGILLO: YES.

PORTR: OKAY. THEN WHAT... THEN WHAT HAPPENED?

VIRGILLO: AH, THEN I OBSERVED AH... I WAS... I REMEMBER THINKING... IT'S--IT'S AFFECTING ME, BUT IT DIDN'T APPEAR TO AFFECT DANIEL AT ALL.

PORTR: OKAY. WHAT ABOUT OFFICER CHRISMAN?

VIRGILLO: OFFICER CHRISMAN REMAINED IN THE SAME POSITION AND IT DIDN'T LOOK LIKE IT--IT HAD AFFECTED HIM.

PORTR: OKAY. HOW LONG DO YOU THINK YOU STEPPED OUTSIDE THE DOOR?

VIRGILLO: A SECOND OR TWO... THREE SECONDS.

PORTR: AND THEN WHAT TAKES PLACE?

VIRGILLO: THEN I OBSERVED AH, OFFICER CHRISMAN PULL OUT HIS TASER AND TASE

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AH, DANIEL.

PORTR: OKAY. WERE YOU ABLE TO DETERMINE THE EFFECTIVENESS OF IT OR IF THE PROBES... OR WAS IT TOUCH TASSED? WHAT KIND OF A TASE WAS IT?

VIRGILLO: AH, AT FIRST, OFFICER CHRISMAN DID A--A TASE WHERE THE--THE--THE PROBES GO OUT...

PORTR: YES.

VIRGILLO: ... UHM, I DON'T KNOW IF IT... I COULDN'T SEE THE PROBES, BUT WHAT HAD HAPPENED WAS DANIEL LIFTED HIS SHIRT HALF WAY UP SO THE SHIRT WAS BASICALLY UP AND HIS CHEST WAS EXPOSED...

PORTR: OKAY.

VIRGILLO: ... AND--AND DANIEL FELL ON HIS BACK.

PORTR: OKAY.

VIRGILLO: AND THEN OFFICER CHRISMAN, FROM WHAT I CAN RECALL, GOT ON HIS KNEES AND TOUCH TASSED DANIEL'S BODY SOMEWHERE?

PORTR: OKAY.

VIRGILLO: AND THEN DANIEL GOT UP OFF THE GROUND AND SO DID OFFICER CHRISMAN.

PORTR: OKAY. HOW LONG WOULD YOU SAY THAT DANIEL WAS ON THE GROUND?

VIRGILLO: A SECOND OR TWO.

PORTR: DID HE APPEAR INCAPACITATED IN ANY WAY...

VIRGILLO: NO.

PORTR: ... DURING THAT PERIOD OF TIME?

VIRGILLO: NO.

PORTR: OKAY. SO, TOUCH TASSED? PROBES? WHATEVER THAT SCENARIO WAS...

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VIRGILLO: RIGHT.

PORTR: ... TO YOUR OBSERVATION HAD NO AFFECT ON DANIEL?

VIRGILLO: CORRECT.

PORTR: OKAY. HE GETS UP? OFFICER CHRISMAN GET UP?

VIRGILLO: RIGHT.

PORTR: AND THEN WHAT HAPPENS?

VIRGILLO: HIS...

PORTR: AND BY UP I TAKE IT...

VIRGILLO: STANDING UP.

PORTR: YEAH, BUT HE... HAD HE KNELT DOWN JUST TO--TO TOUCH TASE? HE WASN'T DOWN ON--ON THE GROUND FLAT? OFFICER CHRISMAN?

VIRGILLO: I THINK HE WAS ON HIS KNEES.

PORTR: OKAY. SO DANNY GETS UP? HE GETS UP? WHAT HAPPENS?

VIRGILLO: CORRECT. AH, I PULLED OUT MY TASER. DANIEL STARTED TO WALK BACK... BACKWARDS TOWARDS THE COUCH AND I REMEMBER THE DOG COMING FORWARD A LITTLE BIT.

PORTR: THE PIT BULL?

VIRGILLO: THE PIT BULL. I TOOK OUT MY TASER AND I SHOT DANIEL, I BELIEVE, IN THE STOMACH AND CHEST AREA ONE TIME WITH THE TASER.

PORTR: WITH THE PROBES?

VIRGILLO: WITH THE PROBES.

PORTR: OKAY.

VIRGILLO: I OBSERVED DANIEL TO REACH TO HIS STOMACH AREA... WAIT! NO!

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EXCUSE ME! DANIEL FELL!

PORTR: CAUSE HE'S UPRIGHT WHEN YOU...

VIRGILLO: YES.

PORTR: ... WHEN THE PROBES STRIKE HIM, HE'S UPRIGHT?

VIRGILLO: HE--HE DID A... LIKE A UGH! HE FELL BACK. THE CYCLE WENT FOR A LITTLE WHILE. AS SOON AS THE CYCLE WENT, AH, WENT--WENT OUT, DANIEL REACHED AND JUST RIPPED... I BELIEVE HE RIPPED THE PROBE... THE PROBES OFF.

PORTR: OKAY.

VIRGILLO: AND DANIEL IMMEDIATELY STOOD BACK UP.

PORTR: SO HE'S RIPPING THE PROBES OUT WHILE HE'S ON THE GROUND?

VIRGILLO: YES.

PORTR: OKAY. HE GETS UP, WHAT HAPPENS?

VIRGILLO: THEN I TRY TO CALM DANIEL DOWN AND I STARTED ASKING DANIEL YOU KNOW, LET'S JUST GO OUTSIDE, LET'S JUST GO OUTSIDE, LET'S JUST GO OUTSIDE, LET'S TALK ABOUT THIS. I'LL GIVE YOU A RIDE, YOU KNOW? WE--WE JUST WANNA FIND OUT WHAT'S GOING ON. WE'LL BE ON OUR WAY! I WAS TRYING TO CALM HIM DOWN. AT THAT TIME DANIEL... I ASKED HIM IF HE NEEDED A RIDE AND DANIEL SAID NO, I'VE GOT MY BIKE, UHM, AND HE STARTED GOING FOR THE BIKE... HE SAID HE WAS GONNA RIDE TO HIS... I BELIEVE HIS DAD'S HOUSE.

PORTR: OKAY. WHERE--WHERE IS... WHERE'S OFFICER CHRISMAN WHILE THIS IS GOING ON?

VIRGILLO: OFFICER CHRISMAN... THE BIKE WAS LAYING UPRIGHT AGAINST THE KITCHEN... THE--THE WALL THAT...

PORTR: THIS--THIS COUNTER HERE?

VIRGILLO: I BELIEVE SO.

PORTR: PRIOR TO ANY...

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VIRGILLO: THE BAR AREA.

PORTR: ... PRIOR TO ANY OF THIS TAKING PLACE?

VIRGILLO: YES.

PORTR: OKAY.

VIRGILLO: SO, THEN DANIEL GOT HIS BIKE AND STARTED TO WHEEL THE BIKE TOWARDS THE--THE OUTSIDE OF THE DOOR LIKE HE WAS...

PORTR: FRONT DOOR?

VIRGILLO: RIGHT. AND OFFICER CHRISMAN WAS BETWEEN THE BIKE AND THE DOOR FROM WHAT I CAN REC... BIKE AND DANIEL.

PORTR: OKAY.

VIRGILLO: THE BIKE WAS BETWEEN THEM.

PORTR: OKAY.

VIRGILLO: AH, OFFICER CHRISMAN KEPT TRYING TO GRAB DANIEL AND BRING HIM BACK, TRY TO CONTROL HIM TO DETAIN HIM. UHM, THEN THE DOG STARTED BARKING. THEN I OBSERVED, UHM, OFFICER CHRISMAN GRAB HIS SERVICE WEAPON AND SHOT... SHOT THE DOG.

PORTR: OKAY, AND DO YOU KNOW HOW MANY ROUNDS WERE FIRED TOWARDS THE DOG?

VIRGILLO: ONE, POSSIBLY TWO.

PORTR: OKAY, AND THERE IS A DOG THAT'S LAYING ON THE LIVING ROOM FLOOR? THAT IS THE DOG WE'RE TALKING ABOUT?

VIRGILLO: YES SIR.

PORTR: WHERE WOULD YOU PLACE... APPROXIMATELY TO YOUR BEST RECOLLECTION, OFFICER CHRIS... CHRISOM WHEN THAT... WHEN THAT IS TAKING PLACE? WHEN HE ACTUALLY FIRES HIS WEAPON AT THE DOG?

VIRGILLO: HE WAS STANDING AH, IN THE SAME PLACE HE WAS STANDING THE ENTIRE

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TIME IN FRONT OF THE BAR AREA TOWARDS THE FRONT DOOR.

PORTR: 'KAY, IN REGARDS TO THE BIKE, WAS IT... WAS IT LEANING UP WITH THE FRONT WHEEL GOING TOWARDS THE OUTSIDE OR WAS THE FRONT WHEEL OF THE BIKE TOWARDS THE WALL?

VIRGILLO: I DON'T REMEMBER.

PORTR: OKAY, SO WHETHER OR NOT HE HAD TO TURN IT AROUND OR NOT WE'RE NOT... YOU CAN'T REMEMBER?

VIRGILLO: I DON'T REMEMBER.

PORTR: OKAY. BUT HE... AH... DANNY IS ON WHAT WOULD BE THE LEFT SIDE OF THE BIKE? AND HE'S, LIKE, HE'S TRYING TO WHEEL IT OUT? IF--IF THE FRONT WHEEL IS TOWARDS THE DOOR?

VIRGILLO: I DON'T REMEMBER IF THE FRONT WHEEL IS TOWARDS THE DOOR OR THE REAR WHEEL WAS TOWARDS IT, I DON'T REMEMBER THAT.

PORTR: OKAY.

VIRGILLO: I JUST REMEMBER HIM TRYING TO WHEEL THE BIKE OUT. OFFICER CHRISMAN TRYING TO CONTROL HIM WHILE DANIEL WAS TRYING TO WHEEL THE BIKE OUT. I WAS NOW OUT SIDE OF THE TRAILER THINKING DANIEL WAS GONNA WHEEL THE BIKE OUT. AH, THE... I SEE THE DOG COMING. OFFICER CHRISMAN SHOOTS THE DOG. THEN DANIEL GETTING UPSET. HAVING A VERBAL ARGUMENT WITH OFFICER CHRISMAN ABOUT HEY, WHY DID YOU HAVE TO SHOOT MY DOG?! AND THAT WENT ON FOR PROBABLY FIVE SECONDS. UHM, AT THAT TIME I SAW OFFICER CHRISMAN TAKE OUT HIS SERVICE WEAPON AND I AND--AND HE SHOT DANIEL.

PORTR: OKAY. BETWEEN SHOOTING THE DOG AND WHAT YOU JUST STATED SHOOTING DANIEL, HAD HE REHOLSTERED THAT, AH, SERVICE WEAPON AGAIN? A SECOND TIME?

VIRGILLO: I'M NOT A HUNDRED PERCENT CONFIDENT, BUT I BELIEVE SO.

PORTR: OKAY. CAUSE WE HAVE THE GUN OUT INITIALLY. HE HAS IT UP AGAINST DANNY'S TEMPLE. REHOLSTERS IT. A PHYSICAL CONFRONTATION STARTS. NOW HE'S BEEN TASSED, AH, BY YOU AND OFFICER CHRIS... CHRISOM, AND HE'S IN THE PROCESS OF GETTING THE BIKE OUT? YOU ARE OUTSIDE AT THE DOORWAY AT THIS TIME?

VIRGILLO: YES.

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PORTR: AND WOULD YOU PUT OFFICER CHRISOM ON THE WEST SIDE OF THE BIKE OR IS HE ON THE EAST SIDE OF THE BIKE? IF YOU CAN REMEMBER?

VIRGILLO: HE IS ON THE, AH, EAST SIDE OF THE BIKE. HE'S STILL BETWEEN THE BIKE AND DANIEL. DANIEL'S ON THE WEST SIDE OF THE BIKE.

PORTR: OKAY.

VIRGILLO: OFFICER CHRISMAN IS ON THE EAST SIDE OF THE BIKE.

PORTR: OKAY, AND--AND--AND THAT CLARIFIES A LITTLE BIT HERE.

VIRGILLO: OKAY.

PORTR: BECAUSE THAT PUTS DANNY TOWARDS THE WALL AND OFFICER CHRISOM ON THIS SIDE TOWARDS THE COUNTER TOP...

VIRGILLO: YES.

PORTR: ... AND THE BICYCLE'S SORT OF IN BETWEEN?

VIRGILLO: YES.

PORTR: OKAY, AND AS HE'S STARTING TO GO, THE DOG THAT'S BY THE TEL... AH, TELEVISION HAS NOT ADVANCED FAR, BUT IS--IS BASICALLY IN THE SAME PLACE?

VIRGILLO: BASICALLY.

PORTR: OKAY.

VIRGILLO: IT--IT MOVED UP A LITTLE BIT, THEN IT WOULD MOVE BACK, BUT NOT... WHEN I MEAN A LITTLE BIT, I MEAN A FOOT!

PORTR: OKAY. NOW BACK AT... BACK TO WHERE WE LEFT OFF AND WITH THAT LITTLE BIT OF CLARIFICATION WHERE--WHERE HE'S AT, WHERE DANNY'S AT, WHERE THE BIKE'S AT, AND WHERE YOU ARE AT, YOU'RE STILL AT THE DOORWAY WHEN HE PULLS HIS DUTY WEAPON AGAIN AND SHOOTS THE DOG?

VIRGILLO: YES. I--I REMEMBER WHEN HE SHOT THE DOG... WHEN I SAW HIM PULL OUT THE WEAPON, I... MOV... I--I SAW THAT I MOVED FURTHER BACK

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AND THEN I SAW HIM POINT AT THE DOG AND SHOT THE DOG, BUT I DON'T REMEMBER IF HE P... REHOLSTERED.

PORTR: OKAY. BUT HE IS STILL CLOSER TO THE KITCHEN COUNTER AND...

VIRGILLO: YES!

PORTR: ... AND DANNY IS ON THE OTHER SIDE OF THE BIKE?

VIRGILLO: YES. YES. YES.

PORTR: THE DOG FALLS?

VIRGILLO: YES.

PORTR: YOU ARE STILL AT THE DOORWAY?

VIRGILLO: YES. OUTSIDE THE DOORWAY.

PORTR: WHAT HAPPENS NEXT?

VIRGILLO: AH, OFFICER CHRISMAN WAS TRYING TO GRAB DANIEL AS DANIEL WAS TRYING TO MOVE THE BIKE OUT OF THE HOME.

PORTR: OKAY, AND I KNOW YOU MENTIONED THIS BEFORE, AND IF WE CAN CLARIFY IT, FINE! IF YOU CAN'T REMEMBER, FINE!

VIRGILLO: UH-HUM (AFFIRMATIVE).

PORTR: DID... WHEN THIS IS GOING ON, DID...

VIRGILLO: ... (A NOISE BEING HEARD/OFFICER IS ASKING) ... WHAT'S THAT?

PORTR: ... (RESPONDING TO ABOVE QUESTION) ... THAT'S THE OFFICER OUTSIDE.

VIRGILLO: OKAY.

PORTR: WHILE THIS IS GOING ON AND HE'S TRYING TO KEEP HIM FROM GOING OUT, DO YOU REMEMBER WHERE THIS DUTY WEAPON'S AT?

VIRGILLO: I DON'T REMEMBER IF HE REHOLSTERED OR IF HE HAD IT ON OUT BY HIS SIDE. I DON'T... I DON'T.... I DIDN'T FOCUS IN ON THAT.

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PORTR: OKAY. I... AND I UNDERSTAND. AH, WHAT PRECIPITATED TO YOUR OBSERVATION, OFFICER CHRISMAN DISCHARGING HIS WEAPON AGAIN?

VIRGILLO: I DON'T KNOW.

PORTR: OKAY. DID YOU FEEL AT ANY POINT THAT THE DOG OR THE OTHER DOG THAT'S GONE, AH, WAS A THREAT THAT NEEDED TO BE RESOLVED BY THE DOG BEING SHOT?

VIRGILLO: NO.

PORTR: OKAY. WHEN YOU OBSERVED DANNY BEING SHOT, WHERE EXACTLY ARE YOU, IF YOU CAN REMEMBER?

VIRGILLO: I'M STANDING... BASICALLY MY--MY--MY FEET ARE RIGHT IN... RIGHT ON THE EDGE OF THE DOORWAY.

PORTR: ON THE OUTSIDE OR ON THE INSIDE?

VIRGILLO: RIG... RIGHT--RIGHT... I'M MAYBE...

PORTR: ARE YOU IN THE TRAILER OR ARE YOU OUT ON THE PORCH?

VIRGILLO: I'M ON THE PORCH, BUT I'M... MY NOSE IS BASICALLY HITTING THE PLANE OF THE INSIDE OF THE TRAILER ... (13:26/UNINTELLIGIBLE) ... AS POSSIBLE.

PORTR: OKAY. SO YOU'RE JUST STANDING LITERALLY AT THE ENTRYWAY?

VIRGILLO: YES.

PORTR: AND WHERE WOULD YOU PUT OFFICER CHRISMAN?

VIRGILLO: OFFICER CHRISMAN... IF I COULD... IT'D BE BETTER IF I...

PORTR: YES, LET'S DO... THIS IS REALLY SLIPPERY HERE FOR SOME REASON.

VIRGILLO: THAT'S FINE. I BELIEVE OFFICER CHRISMAN WAS SOMEWHERE ABOUT RIGHT HERE.

PORTR: OKAY, AND FOR SAKE OF THE TAPE, YOU ARE ON THE CARPET RIGHT AT

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THE CORNER OF THIS OPEN DIVIDER ARCHWAY THAT SEPARATES THE LIVING ROOM FROM THE KITCHEN?

VIRGILLO: YES.

PORTR: OKAY, WHERE IS DANNY?

VIRGILLO: DANNY IS EXACTLY WHERE HE IS LAYING... IF YOU WERE TO TAKE HIS FEET AND PROP THEM UP, THAT'S EXACTLY WHERE DANNY WAS.

PORTR: SO LITERALLY JUST STAND HIM UP?

VIRGILLO: YES.

PORTR: AND THE BICYCLE IS BETWEEN THEM OR IS IT ON DANNY'S OTHER SIDE?

VIRGILLO: KIND... THE BICYCLE IS STRAIGHT UP LIKE THIS AND IT LOOKS LIKE IT JUST FELL RIGHT OVER. SO IF YOU WERE TO STAND THIS UP, AND STAND DANNY UP, THAT'S EXACTLY WHERE THEY WERE.

PORTR: OKAY, AND--AND AGAIN, I DO NOT WANT YOU TO DESCRIBE OR RECOLLECT ANYTHING YOU CAN'T BE CERTAIN OF, BUT FROM WHAT YOU ARE JUST MOTIONED WITH YOUR HANDS, WHERE YOU ARE STANDING, WHERE THE FRONT WHEEL OF THE BICYCLE IS AT, AND WHERE DANNY WOULD BE IF WE JUST LITERALLY STOOD HIM UP, HE WOULD BE STANDING NEXT TO THE FRONT BIKE WHEEL?

VIRGILLO: YES SIR.

PORTR: FRONT WHEEL OF THE BICYCLE?

VIRGILLO: YES.

PORTR: AND AGAIN, CORRECT ME IF I'M NOT UNDERSTANDING YOU, THAT PUTS DANNY ON THE WEST SIDE OF THE FRONT BIKE TIRE AND IT PUTS OFFICER CHRISMAN ON THE EAST SIDE OF THE TIRE?

VIRGILLO: FROM WHAT I CAN RECALL, YES.

PORTR: OKAY. AND HOW MANY SHOTS DO YOU RECALL BEING FIRED?

VIRGILLO: ONE, POSSIBLY TWO, MAYBE THREE. IT HAPPENED VERY QUICKLY.

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PORTR: OKAY, BEFORE THE ENGAGEMENT WITH THE GUNSHOTS, DO YOU REMEMBER ANYTHING PARTICULAR THAT WAS BEING SAID BY EITHER DANNY OR OFFICER CHRISMAN? AND WE CAN STEP BACK INTO THE KITCHEN IF YOU LIKE?

VIRGILLO: I'M FINE. NO, I DON'T REMEMBER. JUST A LOT OF A, YELLING BACK AND FORTH AT EACH OTHER.

PORTR: OKAY. YOU'VE BEEN ON THE STREET FOR QUITE A WHILE. IS DANNY TALKING STREET TRASH OR IS HE JUST TALKING?

VIRGILLO: TALKING.

PORTR: OKAY. IS THERE ANY CHALLENGE IN THE CONVERSATION ON EITHER OFFICER CHRISMAN'S PART OR DANNY'S PART THAT HE... I THINK YOU UNDERSTAND WHAT I'M ASKING?

VIRGILLO: YES.

PORTR: ARE WE TALKING TRASH, ONE... AGAINST, YOU KNOW, WITH EACH OTHER? OR IS IT JUST DON'T LEAVE? OR IF YOU CAN REMEMBER AT ALL, WHAT WAS THE GIST OF THAT? I REALIZE IT'S VERY QUICK AND COULD'VE BEEN BRIEF?

VIRGILLO: WELL, IN--IN... INITIALLY, DURING THE INITIAL CONTACT IT WAS GET OF MY TRAILER. NO, WE'RE NOT GETTING OUT. GET OUT OF MY TRAILER. NO WE'RE NOT GETTING OUT. GET OUT! NO, WE'RE NOT GETTING IT OUT. I'M TRYING TO COOL THE SITUATION. I'M TRYING TO TALK TO DANIEL. OFFICER CHRISMAN IS TRYING TO CONTROL THE SITUATION PHYSICALLY. I'M TRYING TO TALK TO DANIEL. THE DOG GETS SHOT. NOW THE ARGUMENT IS BETWEEN THE DOG AND OFFICER CHRISMAN. WHY DID YOU SHOOT MY DOG? THEY'RE GOING BACK AND FORTH, AND THEN OFFICER CHRISMAN SHOOTS DANIEL.

PORTR: OKAY. AND, AH, AGAIN, FOR SAKE OF THE TAPE, THE DISTANCE... BY THE WAY, IS THE DOOR OPEN ALL THE WAY? PARTIALLY? OR...?

VIRGILLO: ALL THE WAY.

PORTR: ALL THE WAY OPEN WHILE THIS EXCHANGE IS GOING ON?

VIRGILLO: YES.

PORTR: AND YOU ARE STILL JUST NOS... AH, TOES UP TO THE THRESHOLD, BASICALLY?

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VIRGILLO: YES.

PORTR: AND AGAIN, JUST FOR CLARIFICATION, HOW MANY ROUNDS DID YOU, THAT YOU THINK MIGHT'VE BEEN FIRED AT DANNY?

VIRGILLO: (LONG SIGH) AT LEAST ONE, IF NOT TWO. POSSIBLY THREE.

PORTR: OKAY. AND YOU ARE APPROXIMATELY SIX FEET, MAYBE LESS, FROM WHERE THIS OCCURS AT AS FAR AS THE SHOTS ARE BEING FIRED WHERE YOU'VE POSITIONED DANNY AND OFFICER CHRISMAN?

VIRGILLO: YES.

PORTR: IF I'M... IF I'M CORRECT THE DOOR IS ALL THE WAY OPEN?

VIRGILLO: YES.

PORTR: CAN YOU DESCRIBE FOR ME IF--IF YOU CAN REMEMBER, THE MANNER IN WHICH OFFICER CHRISMAN WAS HOLDING THIS, AH, DUTY WEAPON?

VIRGILLO: I BELIEVE OFFICER CHRISMAN WAS HOLDING IT IN HIS RIGHT HAND, UHM, AND I--I REMEMBER HIM REACHING... I REMEMBER THE--THE WEAPON COMING UP PROBABLY TO, UHM, WHAT IS IT? A FORTY-FIVE DEGREE ANGLE?

PORTR: DIRECTLY IN FRONT OF HIS BODY?

VIRGILLO: DIRECTLY--DIRECTLY IN FRONT OF OFFICER CHRISMAN'S BODY POINTING THE WEAPON AT DANIEL, THAT'S WHEN I STEPPED BACK THINKING HE'S GOING TO SHOOT HIM.

PORTR: OKAY. AND I--I KNOW THIS SOUNDS REDUNDANT, BUT HOW FAR WOULD THAT PLACE THE MUZZLE OF OFFICER CHRISMAN'S GUN AT THAT POINT FROM DANIEL TO YOUR... TO YOUR RECOLLECTION?

VIRGILLO: TWO TO FOUR FEET. TWO TO THREE FEET?

PORTR: OKAY. AND...

VIRGILLO: MAY... MAYBE LESS, I DON'T KNOW. IT WAS EXTREMELY CLOSE.

PORTR: OKAY. AND AT... AND AT THIS POINT, AH, DID YOU HAVE ANY THREAT

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TO YOU OR THAT YOU COULD PERCEIVE TO OFFICER CHRISMAN?

VIRGILLO: AH, I DID NOT PERCEIVE A THREAT TO MYSELF, UHM, I CAN'T SPEAK FOR OFFICER CHRISMAN. I DON'T KNOW WHAT, HOW, WHAT HE PERCEIVED.

PORTR: OKAY. I UNDERSTAND THAT.

VIRGILLO: YES.

PORTR: AH, DID--DID DANIEL HAVE ANYTHING IN HIS HANDS?

VIRGILLO: NO.

PORTR: WAS HE... WHERE--WHERE WERE HIS HANDS IF YOU CAN RECALL?

VIRGILLO: WHEN HE WAS SHOT?

PORTR: YES.

VIRGILLO: AH, FROM--FROM WHAT I CAN REMEMBER WHEN I SAW OFFICER CHRISMAN RAISE HIS GUN IN FRONT OF HIM, I BELIEVE DANIEL TOOK A STEP BACK AND PUT HIS HANDS UP.

PORTR: THE QUESTION I'M AS... I'M LEADING TO IS, WHAT WAS SUPPORTING THE BICYCLE? DID IT HAVE A KICK STAND ON IT?

VIRGILLO: YOU KNOW I...

PORTR: WAS SOMEBODY'S...

VIRGILLO: ... I DON'T REMEMBER.

PORTR: OKAY. UHM, BUT PRIOR TO THE SHOTS BEING FIRED, DO YOU REMEMBER WHERE DANNY'S HANDS WERE AT IN--IN RELATIONSHIP TO THIS BICYCLE?

VIRGILLO: HE WAS... HE, LIKE I SAID, OFFICER CHRISMAN AND DANIEL WERE STRUGGLING PHYSICALLY.

PORTR: WITH THE BICYCLE BETWEEN THEM.

VIRGILLO: YES. BA... BASICALLY KIND OF OVER THE BIKE.

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PORTR: OVER THE TOP OF THE BIKE? OKAY.

VIRGILLO: AND THEN I SAW OFFICER CHRISMAN, THE GUN COMING UP, AND I BACKED OUT THINKING THERE'S GONNA BE A SHOOTING.

PORTR: OKAY. DID YOU SEE DANIEL AH, STRIKE OFFICER CHRISMAN IN ANY WAY?

VIRGILLO: NOT THAT I CAN SEE. NOT THAT I CAN SEE.

PORTR: OKAY. DID OFFICER CHRISMAN HAVE HIS TASER STILL OUT AT THIS TIME THAT YOU CAN REMEMBER?

VIRGILLO: DON'T REMEMBER.

PORTR: OKAY. DO YOU REMEMBER, UHM, DANIEL REACHING FOR OFFICER CHRISMAN'S GUN AT ANY POINT IN THE HOLSTER OR OUT?

VIRGILLO: AH, FROM MY ANGLE, I COULD NOT SEE THAT.

PORTR: OKAY. LET'S JUST CLARIFY THAT FOR A MINUTE.

VIRGILLO: SURE.

PORTR: UHM, IF YOU COULD POSITION YOURSELF IN THE DIRECTION AS YOU REMEMBER THAT OFFICER CHRISMAN WAS STANDING...

VIRGILLO: SURE.

PORTR: ... WHEN THE GUN GOES OFF.

VIRGILLO: OFFICER CHRISMAN, HIS BODY WAS FACING DIRECTLY WEST. I WAS FACING, I WAS TO OFFICER CHRISMAN'S IMMEDIATE LEFT. AH, DANIEL WAS IN--IN FRONT OF OFFICER CHRISMAN AND THEY WERE... THEY WERE GRABBING EACH OTHER IN FRONT OF ME... IN FRONT OF OFFICER... THEY WERE BASICALLY... DANIEL'S BACK WAS TOWARDS THE WALL WHICH FACES WEST AND OFFICER CHRISMAN AND DANIEL WERE STRUGGLING BACK AND FORTH.

PORTR: OKAY, AND THEY'RE BASICALLY FACE TO FACE?

VIRGILLO: YES.

PORTR: COULD YOU SEE ANYTHING IN EITHER ONE OF THEIR HANDS AS THAT

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STRUGGLE WAS GOING ON?

VIRGILLO: NO.

PORTR: DO YOU RECALL ANYTHING...

VIRGILLO: NO. I DON'T RECALL.

PORTR: ... (6:03/UNINTELLIGIBLE/BOTH TALKING AT THE SAME TIME) ... HANDS.

VIRGILLO: DON'T RECALL.

PORTR: OKAY. UHM, DO YOU REMEMBER ANYTHING SPECIFIC THAT OFFICER CHRISMAN WAS SAYING TO DANNY AS THIS PHYSICAL EXCHANGE WAS GOING ON?

VIRGILLO: NO.

PORTR: I KNOW THIS IS ALL IN JUST SPLIT SECONDS...

VIRGILLO: YEAH!

PORTR: ... AS THAT EX... PHYSICAL EXCHANGE AND--AND YOU WERE DESCRIBING ALMOST A TUG AND A PULL BACK AND FORTH?

VIRGILLO: YES.

PORTR: THEY'RE--THEY'RE SORT OF DOING THAT OVER THE TOP OF THE BIKE?

VIRGILLO: YES.

PORTR: OKAY. HOW LONG DID THAT GO ON AND THEN WAS IT AN IMMEDIATE THAT HE SAW HIM NOW REACHING TO HIS HOLSTER OR WAS THERE A LULL IN THAT CONFRONTATION?

VIRGILLO: IT WAS IMMEDIATE.

PORTR: IT WAS IMMEDIATE?

VIRGILLO: THEY WERE STRUGGLING. I SEE OFFICER CHRISMAN'S GUN COME OUT. OFFICER CHRISMAN RAISING IT. DANIEL TAKE A STEP BACK AND I LOOKED AWAY AND THAT'S WHEN I HEARD THE SHOTS.

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PORTR: OKAY. WHEN YOU SAY A STEP BACK, DID HE STEP BACK AS IN A FULL... MOVING BOTH FEET OR CAN YOU REMEMBER?

VIRGILLO: I DON'T REMEMBER IF HE TOOK A FULL STEP. I JUST REMEMBER... I JUST SEE HIS BIG BODY MOVING BACK.

PORTR: BEFORE THE SHOTS ARE FIRED?

VIRGILLO: YES.

PORTR: OKAY. WHAT HAPPENED THEN?

VIRGILLO: AFTER THE GUN WAS DISCHARGED?

PORTR: THAT'S CORRECT.

VIRGILLO: AH, OFFICER CHRISMAN, AH, I TOOK A STEP BACK, OFFICER CHRISMAN LEFT THE--THE TRAILER. I CLEARED ON THE RADIO. GAVE THE EMERGENCY SIGNAL OF THE OFFICER INVOLVED IN A SHOOTING. PUT THAT OUT TWICE, AH, FIRE DEPARTMENT, I ASKED FOR THE FIRE TO COME IN. UHM, I--I CAME INSIDE AND I SAW DANIEL AND, UHM, IT WAS APPARENT TO ME HE WAS NOT GOING TO SURVIVE THE--THE GUNSHOTS, UHM...

PORTR: OKAY.

VIRGILLO: ... THE BLOOD WAS, UHM, COMING OUT OF HIS UPPER CHEST AREA. EV... EVERY--EVERY BREATH HE WAS TAKING, MORE--MORE BLOOD WAS COMING OUT.

PORTR: OKAY.

VIRGILLO: UHM, I'VE SEEN SEVERAL PEOPLE DIE IN FRONT OF ME AND THEY HAVE THIS GASP AND IT LOOKED LIKE IT WAS WHAT WAS GOING TO HAPPEN. UHM, AT THAT POINT I SAID TO OFFICER CHRISMAN, LET'S CLEAR THE HOME. OFFICER CHRISMAN AND I CAME IN, WE--WE CLEARED THE HOME, UHM, CAME OUTSIDE. OFFICER CHRISMAN PUT ON SOME RUBBER GLOVES AND HE CAME BACK IN AND AH, AT THAT POINT I--I LOOKED AT DANIEL AND IT APPEARED TO ME HE HAD STOPPED BREATHING...

PORTR: UH-HUM.

VIRGILLO: ... AND UHM, THEN I WALKED OUTSIDE AND UHM, THAT'S IT.

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PORTR: I BELIEVE I UNDERSTOOD THAT--THAT OFFICER CHRISOM WALKED OUT FIRST THOUGH MOMENTARILY?

VIRGILLO: YES, HE DID...

PORTR: DIRECTLY AFTERWARD?

VIRGILLO: ... EXIT THE APARTMENT. THE TRAILER, YES.

PORTR: SO HE WALKED PAST YOU?

VIRGILLO: YES.

PORTR: UHM, HOW LONG WOULD YOU SAY HE WAS OUTSIDE?

VIRGILLO: SECONDS.

PORTR: OKAY. WALKED OUT? TURNED AROUND? AND COME BACK?

VIRGILLO: YES.

PORTR: AND YOU CLEAR THE TRAILER?

VIRGILLO: YES.

PORTR: OKAY, DID YOU AND HE HAVE ANY CONVERSATION?

VIRGILLO: NONE WHATSOEVER.

PORTR: NONE WHATSOEVER? HOW ABOUT AFTER YOU CLEAR THE 998 ON THE RADIO?

VIRGILLO: NONE WHATSOEVER.

PORTR: AS YOU ARE CLEARING THE TRAILER, DO HE AND YOU HAVE ANY OTHER CONVERSATION?

VIRGILLO: NONE WHATSOEVER.

PORTR: FIRE SHOWS UP. I'M ASSUMING THAT THE CALVARY SHOWS UP. AND THAT THE FIRST SUPERVISOR ON SCENE IS SERGEANT MATTSON, IS THAT... DOES THAT SOUND...

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VIRGILLO: I DON'T... I DON'T REMEMBER WHO WAS THE FIRST SERGEANT ON SCENE. I REMEMBER SEEING AH, SERGEANT CLEMENTS.

PORTR: OKAY.

VIRGILLO: AND AH, HE'S FORTY-ONE X-RAY AND I LOCKED ON TO HIM.

PORTR: OKAY. SO AFTER YOU CLEAR THE 998, FIRE AND THE REST OF THE CALVARY SHOWS UP? OFFICER... I MEAN SERGEANT CLEMENTS SHOWS UP? DID YOU AND OFFICER CHRISMAN HAVE ANY FURTHER EXCHANGE?

VIRGILLO: NONE WHATSOEVER.

PORTR: NONE WHATSOEVER?

VIRGILLO: NONE WHATSOEVER.

PORTR: AT ANY TIME DID YOU DEPLOY ANY OF YOUR PERSONAL DEFENSE WEAPONS OTHER THAN YOUR TASHER... TASER?

VIRGILLO: NO.

PORTR: WERE THERE EVER HANDCUFFS OUT ON THE PART OF EITHER ONE OF YOU IN THIS INCIDENT?

VIRGILLO: NO.

PORTR: AND AS WE STAND HERE RIGHT NOW THE SCENE WITH THE BICYCLE IN THE POSITION THAT IT'S AT, THE SUSPECT IN THE POSITION HE'S IN, IS THAT BASICALLY THE CONDITION... WHEN THIS TOOK PLACE AND THE TRAILER ENDS UP BEING CLEARED OUT?

VIRGILLO: YES, FROM WHAT I CAN RECALL.

PORTR: I, AND I UNDERSTAND IT'S BEEN A WHILE. AH, AND YOU DID NOT PULL YOUR--YOUR DUTY WEAPON AT ANY TIME?

VIRGILLO: NO, NOT AT ALL.

PORTR: SO YOUR TASER'S THE ONLY INSTRUMENT THAT YOU USED?

VIRGILLO: YES.

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PORTR: [TO DEPUTY COUNTY ATTORNEY] YOU GOT ANY QUESTIONS?

KEPPEL: YES. WHAT WAS YOUR THOUGHT WHEN OFFICER, AH, CHRISMAN PULLED HIS GUN AND PUT TO AH, DECEASED'S HEAD?

VIRGILLO: THIS IS THE WORST DAY OF MY LIFE.

KEPPEL: WHY DID YOU FEEL THAT WAY?

VIRGILLO: BECAUSE IT WAS WRONG. AND I ALSO FELT THAT I'M GETTING SUCKED INTO SOMETHING. THAT NOW OFFICER CHRISMAN'S IN THIS TRAILER, HE'S GOING HANDS ON, I CANNOT LEAVE. EVERYTHING IS HAPPENING SO FAST. THE SPRAY, THE TASE... UHM, DANIEL WALKING BACK. THE DOG... UHM, AND IT'S JUST, IT WASN'T GOOD.

KEPPEL: DID YOU EVER SEE AH, DANIEL USE THE BIKE AS ANY TYPE OF WEAPON AGAINST OFFICER CHRISMAN?

VIRGILLO: NO.

KEPPEL: AT ANY POINT IN THIS ENTIRE INCIDENT, DID YOU FEEL THAT THERE WAS A NEED IN YOUR EXPERIENCE AND YOUR TRAINING TO USE DEADLY FORCE AGAINST DANIEL?

VIRGILLO: FROM WHAT I SAW... NO.

KEPPEL: THANK YOU, THAT'S ALL I HAVE.

PORTR: DO YOU HAVE ANYTHING YOU'D LIKE TO ADD?

VIRGILLO: NO.

PORTR: AND JUST TO CLARIFY YOUR UNDERSTANDING OF THIS ONE LAST TIME, AT ANY POINT IN THIS INCIDENT, FROM THE INITIAL CONTACT AT THE DOOR, UNTIL YOU WALK OUT AND--AND THE TRAILER'S LEFT AS IT IS, DID YOU EVER FEEL THAT YOUR WELFARE AND YOUR LIFE WAS IN DANGER?

VIRGILLO: NOT AT ALL.

PORTR: OKAY.

IT IS NOW APPROXIMATELY SEVENTEEN THIRTY HOURS, AND I BELIEVE WE'RE DONE.

** MORE NARRATIVE CONTINUED ON NEXT PAGE.

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***** NARRATIVE *****

PORTR: OKAY. WE'RE BACK ON TAPE. THIS IS UNDER A NEW FOLDER ON THE... ON THE DIGITAL RECORDER. THIS IS STILL AH, AH, DETECTIVE PORTER AND IS STILL CONDUCTING AN INTERVIEW WITH SERGIO VIRGILLIO?

VIRGILLO: VIRGILLO (CORRECTS PRONUNCIATION).

PORTR: VIRGILLO. I'M VERY SORRY.

VIRGILLO: THAT'S ALRIGHT.

PORTR: AND AH, MARICOPA COUNTY DEPUTY COUNTY ATTORNEY JIM KEPPEL IS STILL PRESENT.. AND AH, SERGIO, I WOULD JUST LIKE JUST TO CLARIFY SOME HISTORIC INFORMATION IN TERMS OF THIS INCIDENT. AH, WHAT SQUAD ARE YOU ASSIGNED TO CURRENTLY?

VIRGILLO: THE FORTY-TWO ADAM SQUAD.

PORTR: AND OFFICER CHRISMAN? WHAT SQUAD IS HE ASSIGNED TO?

VIRGILLO: SAME SQUAD.

PORTR: AND HOW LONG HAVE YOU BEEN ON FORTY-TWO ADAM?

VIRGILLO: AUGUST TWENTY-THIRD IS THE FIRST DAY OF TWO THOUSAND TEN.

PORTR: AS A BASIS OF THE RE-BID?

VIRGILLO: YES.

PORTR: AND HOW ABOUT OFFICER CHRISMAN?

VIRGILLO: HE HAD BEEN ON THE FORTY-TWO ADAM SQUAD FOR SOME TIME PRIOR TO THAT. HE--HE STAYED ON THAT SQUAD AFTER THE RE-BID.

PORTR: HE DID NOT GET BUMPED AND HE DIDN'T GET RELOCATED?

VIRGILLO: RIGHT.

PORTR: SO EXACTLY HOW LONG YOU REALLY DON'T KNOW IN--IN TERMS OF...

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VIRGILLO: THAT I DON'T KNOW.

PORTR: ... PRIOR TO THE RE-BID...

VIRGILLO: I DON'T KNOW.

PORTR: ... AND WHEN YOU CAME ON THE SQUAD?

VIRGILLO: I DON'T KNOW.

PORTR: SO, AUGUST THE TWENTY-FOURTH? CORRECT?

VIRGILLO: CORRECT. YES. THANK YOU.

PORTR: IT WAS AUGUST THE TWENTY-FOURTH, WE ARE NOW AT OCTOBER THE--THE FIFTH...

VIRGILLO: YES.

PORTR: ... SO WE'RE TALKING APPROXIMATELY SIX WORK WEEKS? FIVE TO SIX WORK WEEKS?

VIRGILLO: YES.

PORTR: SO YOU'VE BEEN AH, WORKING TOGETHER ON THE SAME SQUAD...

VIRGILLO: YES.

PORTR: AH, FOR APPROXIMATELY TWENTY TO TWENTY-FIVE DAYS?

VIRGILLO: YES.

PORTR: HAVE YOU EVER RIDDEN AS A TWO MAN UNIT WITH OFFICER CHRISMAN?

VIRGILLO: NO.

PORTR: PRIOR TO YOUR COMING TO FORTY-TWO ADAM, DID YOU WORK IN WHAT IS, I BELIEVE, STILL FOUR HUNDRED? IS THAT WHERE WE'RE AT, I'M SORRY?

VIRGILLO: YES.

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PORTR: OKAY. AND YOU WORKED IN FOUR HUNDRED BEFORE THAT? BEFORE AUGUST THE TWENTY-FOURTH?

VIRGILLO: YES.

PORTR: AH, FIRST, SECOND, OR THIRD SHIFT?

VIRGILLO: FIRST SHIFT.

PORTR: AH, WHICH SQUAD?

VIRGILLO: I WORKED ON FORTY-ONE ADAM AND PRIOR TO THAT FORTY-TWO BRAVO.

PORTR: OKAY, BUT COMING TO FORTY-TWO ADAM ON THE TWENTY-FOURTH IS THE FIRST TIME YOU'VE WORKED WITH OFFICER CHRISMAN?

VIRGILLO: YES.

PORTR: OKAY. AND, AGAIN, I KNOW THIS IS JUST BASED ON YOUR BEST RECOLLECTION, HOW MANY CALLS WOULD YOU ESTIMATE YOU'VE BEEN ASSIGNED TOGETHER AT THE SAME CALL, SAME ADDRESS?

VIRGILLO: TWO, THREE, FOUR, FIVE.

PORTR: OKAY, HALF A DOZEN?

VIRGILLO: YES.

PORTR: OKAY. I... AND AGAIN, JUST TO THE BEST OF YOUR RECOLLECTION, WHAT--WHAT TYPES OF CALLS DO YOU REMEMBER THOSE BEING?

VIRGILLO: THE ONE THAT I SPECIFICALLY REMEMBER WAS A DOMESTIC VIOLENCE CALL. A HUSBAND AND--AND A WIFE GOT INTO AN ARGUMENT.

PORTR: WERE YOU THE ONLY TWO OFFICERS THAT RESPONDED WITH THAT CALL?

VIRGILLO: NO. THERE WERE AH, TWO OTHER OFFICERS THERE.

PORTR: WAS THERE... WHO WAS THE... WHO WAS THE PRIMARY OFFICER IF YOU REMEMBER ON THAT CALL?

VIRGILLO: OFFICER CHRISMAN.

PORTR: OFFICER CHRISMAN? WERE THERE ANY ARRESTS THAT RESULTED IN THAT CALL?

VIRGILLO: NO, BUT I TOOK THE REPORT.

PORTR: YOU... OKAY, SO YOU--YOU DOCUMENTED THE... WHAT WE CALL A SIX. THE DEPARTMENTAL REPORT...

VIRGILLO: CORRECT.

PORTR: ... BECAUSE IT WAS A DOMESTIC VIOLENCE CALL?

VIRGILLO: YES.

PORTR: BUT NOBODY WAS ARRESTED?

VIRGILLO: RIGHT, THERE WERE CONFLICTING STORIES, UHM, NO INDEPENDENT WITNESSES. I COULDN'T ESTABLISH PRIMARY AGGRESSOR, SO I TOOK THE INFORMATION FROM OFFICER CHRISMAN, UHM, AND I DID A REPORT.

PORTR: OKAY. ANY OTHER DOMESTIC VIOLENCE CALLS OF THOSE HALF A DOZEN THAT YOU RECALL?

VIRGILLO: NO ... (2:51/UNINTELLIGIBLE/BOTH TALKING AT THE SAME TIME) ... MAYBE AN ALARM CALL, MAYBE SOMETHING SMALL.

PORTR: OKAY. WE WOULD NOT REFER TO THEM AS A PRIORITY...

VIRGILLO: RIGHT.

PORTR: ... A PRIORITY TWO OR A PRIORITY ONE CALL.

VIRGILLO: RIGHT. RIGHT.

PORTR: DO YOU REMEMBER THIS PARTICULAR CALL, IF IT WAS A PRIORITY ONE OR A TWO?

VIRGILLO: TWO.

PORTR: WAS A PRIORITY TWO? AND FOR SAKE OF EVERYBODY INVOLVED...

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VIRGILLO: IT MIGHT'VE BEEN A PRIORITY ONE. I DON'T REMEMBER.

PORTR: OKAY. OKAY.

VIRGILLO: YES.

PORTR: WE CAN... WE CAN LEAVE IT LIKE THAT.

VIRGILLO: RIGHT.

PORTR: UHM, IS THERE ANYTHING ELSE YOU'D LIKE TO ADD BEFORE WE GO COMPLETELY OFF THE INTERVIEW?

VIRGILLO: UH, NO, I--I JUST, UHM, LIKE I MENTIONED BEFORE, UHM, THE MALE PART IS AN OLDER MAN. HE WAS... HE CALLED THE POLICE OR HIS WIFE CALLED THE POLICE CAUSE THEY WERE HAVING AN ARGUMENT AND HE WAS TALKING TO OFFICER CHRISMAN. OFFICER CHRISMAN SAID SEE THIS FACE? NOW DOES THIS LOOK LIKE THE... DOES THIS LOOK LIKE THE FACE OF SYMPATHY TO YOU? AND I THOUGHT THAT WAS, UHM, ODD, AND UNPROFESSIONAL.

PORTR: HOW MANY YEARS HAVE YOU BEEN A PHOENIX POLICE OFFICER?

VIRGILLO: FOURTEEN YEARS.

PORTR: AND DO YOU HAPPEN TO KNOW HOW MANY YEARS OFFICER CHRISMAN HAS BEEN?

VIRGILLO: I THINK NINE AND A HALF OR TEN.

PORTR: OKAY. OKAY. IF YOU HAD NOT WORKED WITH HIM PRIOR TO AUGUST THE TWENTY-FOURTH, DO YOU HAVE ANY OTHER FIRST HAND KNOWLEDGE OF ANYTHING THAT WOULD RAISE A RED FLAG TO YOU IN TERMS OF RESPONDING...

VIRGILLO: NO.

PORTR: ... TO THE NEXT HOT CALL...

VIRGILLO: NO.

PORTR: ... WITH OFFICER CHRISMAN?

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VIRGILLO: NO. NO.

PORTR: OKAY.

KEPPEL: WAS THERE ANYTHING ABOUT THE DOG THAT POSED ANY TYPE OF THREAT TO OFFICER CHRISMAN OR YOU THAT YOU COULD SEE DURING THIS INCIDENT?

VIRGILLO: THE DOG WASN'T LUNGING. IT WAS BY THE TELEVISION BARKING, MOVING UP A LITTLE BIT, BUT MOVING--MOVING BACK. UHM, WE WERE IN THE TRAILER FOR A LITTLE WHILE, AND I DIDN'T SEE THE DOG, OTHER THAN IT'S LOOK, AND THE TEETH AND THE BARKING, IT DIDN'T... IT DIDN'T LUNGE TO THE POINT WHERE I THOUGHT I SHOULD RUN AWAY OR--OR--OR TAKE SOME ACTION.

KEPPEL: AND DANIEL NEVER SIC'D THE DOG ON YOU OR OFFICER...

VIRGILLO: NO, NO.

KEPPEL: ... CHRISMAN? OKAY.

PORTR: I--I THINK I KNOW THE ANSWER TO THIS, BUT I'M JUST GONNA CLARIFY IT SINCE IT'S BEEN RAISED AGAIN. WAS ANY ACTION TAKEN TOWARDS THE DOG BY EITHER YOU OR OFFICER CHRISMAN PRIOR TO OFFICER CHRISMAN JUST SHOOTING THE DOG? UHM TASE IT?

VIRGILLO: NO.

PORTR: O.C. SPRAY IT?

VIRGILLO: NO.

PORTR: UH, EVEN ADDRESS IT...

VIRGILLO: NO.

PORTR: ... IN TERMS OF DID OFFICER CHRISMAN OR YOU INSTRUCT DANNY AT ANY TIME CONTROL YOUR DOG OR DOGS?

VIRGILLO: SO MUCH WAS SAID, I--I DIDN'T... MAYBE IT WAS SAID, THERE WAS SO MUCH SAID. IT WAS JUST GARBAGE NOW.

PORTR: OKAY.

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VIRGILLO: I--I--I DIDN'T SAY ANYTHING.

PORTER: OKAY. THAT WILL CONCLUDE THIS INTERVIEW AGAIN.

10/7/10 1520 VCBA/MHM/A2955

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : *2955 DR FINALIZED BY : 6290

END OF REPORT

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REPORT DATE: 20101007 TIME: 0907

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: PATRICK ARD

6152 UNIT: 41X

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

**** WITNESS INFORMATION ****

WITNESS -01:

NAME: YEIMI

SPEAKING: ENGLISH

RACE: H	SEX: F	AGE: 14	DOB: 1995	HT: 504	WT: 110
HAIR: BLK	EYES: BRO		SSN:		
OCCUPATION: STUDENT					

WITNESS -02:

NAME:	ROSA
AKA:	OCHOA, ROSA

SPEAKING: SPANISH

RACE: H	SEX: F	AGE: 33	DOB: 1977	HT: 503	WT: 130
HAIR: BLK	EYES: BRO		SSN:		
OCCUPATION: UNEMPLOYED					

**** NARRATIVE ****

SERIAL NUMBER: 6152

ON 10-05-10, AT 1240 HOURS, OFFICER MCCRAW #5722 AND I RESPONDED TO 303 EAST SOUTH MOUNTAIN AVENUE IN REFERENCE TO AN OFFICER INVOLVED SHOOTING.

UPON OUR ARRIVAL, I ASSISTED IN SECURING THE SCENE WHERE THE SHOOTING OCCURRED IN TRAILER #51. I ALSO CONTACTED POSSIBLE WITNESSES IN THE TRAILERS, JUST EAST OF THE SCENE. I CONTACTED THE OCCUPANTS OF AND

I CONTACTED YEIMI , DATE OF BIRTH , WHO LIVES IN . I ASKED YEIMI IF SHE HAD OBSERVED WHAT HAPPENED ACROSS THE STREET,

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AND SHE TOLD ME THE FOLLOWING:

YEIMI STATED THAT SHE WAS ON THE NORTH SIDE OF HER TRAILER STANDING WITH ROSA TALKING TO CRISTOBAL AND LUIS, WHO WERE WORKING ON THE ROOF OF THE TRAILER. YEIMI TOLD ME THAT SHE HEARD FOUR SHOTS AND WHEN THEY HEARD THE SHOTS, SHE AND ROSA, WENT INSIDE THE TRAILER.

I ALSO CONTACTED ROSA , DATE OF BIRTH , AT . ROSA SPEAKS SPANISH ONLY AND SHE EXPLAINED THROUGH HER DAUGHTER THAT SHE WAS STANDING ON THE NORTH SIDE OF THE TRAILER WHEN SHE HEARD FOUR SHOTS. ROSA TOLD ME SHE WAS STANDING WITH HER DAUGHTER.

I CONTACTED JONATHAN AT . I ASKED JONATHAN IF HE HAD HEARD OR SEEN WHAT HAPPENED ACROSS THE STREET. JONATHAN TOLD ME THAT HE WAS UNDER THE COVERED PATIO ON THE NORTH SIDE OF THE TRAILER, PUTTING LAUNDRY OUT TO DRY. JONATHAN TOLD ME HIS DRYER WAS BROKEN, SO HE WAS PUTTING THE LAUNDRY ON THE OUTDOOR FURNITURE. JONATHAN EXPLAINED THAT HE SAW THE OFFICERS AND HEARD THEM YELLING COMMANDS. JONATHAN SAID THE OFFICERS WERE STANDING ON THE SOUTH SIDE OF TRAILER #51. JONATHAN TOLD ME THAT HE HEARD FOUR SHOTS, AND HE WENT BACK INSIDE HIS TRAILER. JONATHAN TOLD ME THAT HE WAS THE ONLY ONE HOME WHEN THE INCIDENT OCCURRED.

A3783 VICKI/6152/100710/0945 VCB FRONT DESK

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A3783 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 009

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

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DR NUMBER: 2010 01413133 10

REPORT DATE: 20101007 TIME: 1016

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: IAN SHARP

8617 UNIT: 42B

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 8617

ON 10/05/10, I RESPONDED TO 303 E SOUTH MOUNTAIN AVENUE REFERENCE AN OFFICER INVOLVED SHOOTING. UPON ARRIVAL, THE INITIAL SCENE WAS SECURED AND CRIME SCENE TAPE WAS SET UP. I PUT UP ADDITIONAL CRIME SCENE TAPE ON THE EXTERIOR PERIMETER EAST AND NORTH. I STOOD BY THE NORTH EXTERIOR PERIMETER AS SCENE SECURITY.

WHILE I WAS STANDING BY THE EXTERIOR PERIMETER THE MOTHER OF THE DECEDED, WHO HAD NOT BEEN INTERVIEWED YET, WAS VISIBLY UPSET. PHOENIX FIRE WAS ADVISING HER TO STAY SEATED BECAUSE OF HER HIGH BLOOD PRESSURE. PHOENIX FIRE PERSONNEL REQUESTED SEVERAL TIMES FOR HER TO ALLOW THEM TO CHECK HER BLOOD PRESSURE AND SHE REFUSED. I COULD SEE THAT SHE WAS VERY UPSET AND UNEASY ON HER FEET. THE MOTHER BEGAN YELLING AND WALKING AWAY FROM THE PHOENIX FIRE PERSONNEL AND THE OFFICER WHO WAS STANDING WITH HER.

THE MOTHER HAD NOT BEEN INTERVIEWED BY DETECTIVES AND WAS NOT ALLOWED TO LEAVE THE SCENE. AS THE MOTHER WAS APPROACHING THE FINAL LINE OF CRIME SCENE TAPE, I ASKED HER TO RETURN, BUT SHE REFUSED. I THEN TOLD HER SHE NEEDED TO RETURN AND SHE REFUSED AGAIN. AT THIS TIME, I ASSISTED HER WITH RETURNING TO THE CRISIS VAN WHERE PHOENIX FIRE PERSONNEL WERE STANDING. PHOENIX FIRE PERSONNEL ATTEMPTED TO EVALUATE HER MEDICAL CONCERN, BUT WERE UNABLE TO CONDUCT A THOROUGH EVALUATION. OFFICER ALLEN RELIEVED ME OF MY PERIMETER POSITION AT APPROXIMATELY 1500 HOURS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097

DR FINALIZED BY : 5097

END OF REPORT

DR NO: 2010 01413133 010

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

11

REPORT DATE: 20101007 TIME: 1046

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: MICHAEL MCCRAW

5722 UNIT: 41X

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: CRISTOBAL
AKA:

SPEAKING: SPANISH

RACE: H SEX: M AGE: 32 DOB: 1978 HT: 506 WT: 160
HAIR: BRO EYES: BRO SSN:

CLOTHING DESC & MISC:

WITNESS -02:

NAME: LUIS
AKA:

SPEAKING: SPANISH

RACE: H SEX: M AGE: 35 DOB: 1975 HT: 509 WT: 160
HAIR: BRO EYES: BRO SSN:

***** NARRATIVE *****

SERIAL NUMBER: 5722

ON 10-05-10, AT APPROXIMATELY 1240 HOURS, OFFICER ARD #6152 AND I RESPONDED TO AN OFFICER INVOLVED SHOOTING AT 303 EAST SOUTH MOUNTAIN AVENUE #51.

PRIOR TO OUR ARRIVAL, DISPATCH CLEARED AND STATED THE SCENE WAS SAFE. AFTER ARRIVING, OFFICER ARD AND I ASSISTED IN CONTROLLING FOOT AND VEHICLE TRAFFIC.

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Continued.

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 11

WE ALSO CONTACTED POSSIBLE WITNESSES IN THE TRAILER ACROSS THE STREET. I SPOKE WITH TWO HISPANIC MALES, WHO HAD BEEN WORKING ON THE TRAILER ROOF WHEN THE INCIDENT OCCURRED.

WITNESS, CRISTOBAL , DATE OF BIRTH , STATED THAT HE WAS ON THE ROOF WORKING WHEN THE SHOOTING HAPPENED. CRISTOBAL SAID HE HEARD APPROXIMATELY FIVE SHOTS. I ASKED HIM IF HE HAD SEEN OR HEARD ANYTHING ELSE AND HE STATED, "NO."

I CONTACTED WITNESS, LUIS , DATE OF BIRTH , WHO ALSO SAID HE WAS WORKING ON THE ROOF WITH CRISTOBAL. LUIS SAID HE HEARD TWO SHOTS. I ASKED LUIS IF HE HEARD ANY YELLING AND HE SAID, "NO."

A3783 VICKI/5722/100710/1110 VCB FRONT DESK

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A3783 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 011

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 12

REPORT DATE: 20101007 TIME: 1140

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): ERIC RUDE

7339 UNIT: 42A

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 7339

DR #2010-01413133
ERIC RUDE #7339, 42A

ON 10/05/10 AT 1237 HOURS, I RESPONDED TO THE RADIO TRAFFIC OF A 998 (OFFICER INVOLVED SHOOTING) VOICED BY OFFICER VIRGILLO #6437 (424A) AT 303 EAST SOUTH MOUNTAIN AVENUE. AS I ARRIVED AT THE ENTRANCE TO THE MOBILE HOME PARK, THE AIR UNIT GUIDED ME TO THE OFFICERS LOCATION AT THE SOUTHWEST CORNER OF THE COMPLEX. I WAS THE FIRST RESPONDING GROUND UNIT ON SCENE. MY CALL SIGN DURING THIS SHIFT WAS 425D.

UPON MY ARRIVAL, OFFICER VIRGILLO WAS STANDING IN THE DRIVEWAY OF TRAILER #51 WITH HIS RADIO MICROPHONE IN HIS HAND. AS I APPROACHED HIM, OFFICER VIRGILLO BROADCASTED OVER THE RADIO THAT THE HOUSE WAS CLEAR, THAT IT WAS SAFE FOR FIRE TO ROLL IN, AND THAT RESPONDING UNITS COULD SLOW IT DOWN.

I THEN PROCEEDED TO THE FRONT DOOR OF THE RESIDENCE WHERE OFFICER CHRISMAN #7371 (421A) WAS STANDING OUTSIDE NEAR THE THRESHOLD OF THE DOOR. OFFICER CHRISMAN ASKED IF I HAD A FLASHLIGHT ON ME. I TOLD HIM I DID AND PROVIDED HIM WITH ONE OF MY FLASHLIGHTS. I ASKED WHY HE NEEDED IT AND HE ADVISED THAT THERE WAS A DARK AREA IN THE RESIDENCE THAT HE WAS UNABLE TO SATISFACTORILY CLEAR DUE TO THE LACK OF A FLASHLIGHT. AT THIS POINT, OFFICER KINCANNON #6989 WAS STANDING NEXT TO US. UPON LEARNING THIS, OFFICER KINCANNON AND I PROCEEDED INSIDE THE RESIDENCE WITH OFFICER CHRISMAN TO FINISH CLEARING THE INTERIOR OF THE RESIDENCE. I THEN BROADCAST OVER THE RADIO AT 1242 HOURS THAT WE WERE FINISHING CLEARING THE HOUSE. UPON ENTERING, OFFICER CHRISMAN ADVISED ME TO CHECK THE AREA TO THE RIGHT, WHICH WAS THE KITCHEN AREA OF THE RESIDENCE. ONCE I HAD CLEARED THIS AREA, I LEARNED THAT OFFICER CHRISMAN HAD FINISHED CLEARING A DARK ROOM OFF OF THE HALLWAY. HE ADVISED THE REST OF THE HOUSE WAS CLEAR.

I NOTICED A DOG IN THE BACK BEDROOM. OFFICER CHRISMAN SAID THAT THIS DOG WAS NOT VICIOUS AND WAS NOT A THREAT, UNLIKE THE ONE HE HAD TO SHOOT IN THE LIVING ROOM. I THEN ADVISED OVER THE RADIO AT 1243 HOURS, IT WAS A DEFINITE CODE 4, THAT THE HOUSE WAS CLEAR AND IT WAS SAFE FOR FIRE TO ROLL IN.

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Continued.

SUPPLEMENT

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AFTER WE EXITED THE RESIDENCE, OFFICER CHRISMAN GAVE ME BACK MY FLASHLIGHT. I NOTICED THAT HE WAS WEARING NITRILE GLOVES AND IT APPEARED THAT THERE WAS SOME BLOOD ON THEM. I THEREFORE GRABBED A PROPERTY BAG AND OFFICER CHRISMAN PLACED MY FLASHLIGHT IN THE PROPERTY BAG. I THEN PLACED MY FLASHLIGHT ON ONE OF THE CHAIRS OUTSIDE NEAR THE FRONT DOOR. I LATER WROTE MY NAME AND SERIAL NUMBER ON THE PROPERTY BAG.

SHORTLY AFTER EXITING THE RESIDENCE, OFFICER CHRISMAN BRIEFLY TOLD OFFICER KINCANNON AND ME WHAT HAPPENED. OFFICER CHRISMAN STATED HE SHOT THE PITBULL DOG IN THE LIVING ROOM BECAUSE IT WAS ABOUT TO ATTACK HIM. HE SAID THAT A STRUGGLE ENSUED WITH THE SUSPECT AFTER THIS. OFFICER CHRISMAN SAID THE SUSPECT REACHED FOR HIS GUN TWICE AND ATTEMPTED TO TAKE HIS GUN AWAY FROM HIM. OFFICER CHRISMAN INDICATED THIS AS THE REASON FOR WHY HE SHOT THE SUSPECT.

SERGEANT MATTSON #5969 (42A) THEN ARRIVED ON SCENE. AS OFFICER CHRISMAN WAS DIRECTED ACROSS THE STREET AWAY FROM THE SCENE WITH OTHER OFFICERS, SERGEANT MATTSON DIRECTED ME TO REMAIN AT THE FRONT DOOR OF THE RESIDENCE TO GUARD THE SCENE. HE ADVISED ME THAT I WAS RESPONSIBLE FOR SCENE SECURITY. I THEN REMAINED AT THE FRONT PORCH AREA OUTSIDE OF THE RESIDENCE IN THE VICINITY OF THE FRONT DOOR. I ENSURED THAT NO UNAUTHORIZED PERSONS ENTERED THE CRIME SCENE. FIRE PERSONNEL ARRIVED ON SCENE TO ATTEND TO THE SUSPECT. FIREFIGHTER JASON KRAMER PROCEEDED INSIDE WITH EQUIPMENT AS MEDIC JOE MARTIN STOOD IN THE THRESHOLD OF THE DOORWAY. CAPTAIN RANGEL (ENGINE 57, A SHIFT) STOOD OUTSIDE IN THE PORCH AREA NEAR ME. JASON KRAMER USED AN EKG DEVICE ON THE SUSPECT. JASON KRAMER PRONOUNCED HIM DEAD AT 1252 HOURS. FIRE PERSONNEL THEN EXITED THE CRIME SCENE. I CONTINUED TO STAND BY AND INSURE THAT NO UNAUTHORIZED PERSONS ENTERED THE CRIME SCENE.

I SUBSEQUENTLY ADVISED SUPERVISORS ON SCENE THAT THERE WAS AN UNRESTRAINED DOG IN THE OPEN BACK BEDROOM OF THE RESIDENCE. OTHER OFFICERS MADE AN ATTEMPT TO SEE IF THEY COULD GET THE DOG OUT THROUGH THE BEDROOM WINDOW, BUT WERE UNSUCCESSFUL. I THEN PROCEEDED INSIDE TO SECURE THE BEDROOM. I CLOSED THE BEDROOM DOOR WHERE THE DOG WAS LOCATED INSIDE. I THEN IMMEDIATELY WALKED BACK OUTSIDE AND RESUMED MY POST NEAR THE FRONT DOOR.

AS I CONTINUED TO GUARD THE CRIME SCENE FOR AN EXTENDED PERIOD OF TIME, I NOTICED/OBSERVED THE FOLLOWING DETAILS OF THE SCENE.

=====
A TAZER WAS ON THE GROUND APPROXIMATELY 2 FEET OUTSIDE OF THE DOORWAY. THE PROBES WERE DEPLOYED AND THE WIRES FROM THE TAZER CARTRIDGE LEAD TO THE VICINITY OF THE BODY INSIDE THE DOORWAY. THE POWER SWITCH FOR THE TAZER WAS IN THE ON POSITION. THERE WAS A SPARE CARTRIDGE ATTACHED TO THE HANDLE OF THE TAZER WHICH HAD NOT BEEN DEPLOYED.

THERE WAS A TAZER PROBE VISIBLE IN THE ABDOMEN OF THE SUBJECT AND ANOTHER TAZER PROBE WAS LODGED IN THE FAR WALL OF THE LIVING ROOM, APPROXIMATELY 8 TO 10 INCHES ABOVE THE FLOOR.

SUPPLEMENT

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THE SUBJECT WAS ON THE LIVING ROOM FLOOR JUST INSIDE OF THE DOORWAY, TO THE LEFT OF THE THRESHOLD.

THERE WAS A RED BICYCLE ON THE FLOOR NEXT TO THE BODY. IT WAS LOCATED JUST INSIDE THE THRESHOLD OF THE DOORWAY. ENTRY INTO THE RESIDENCE REQUIRED STEPPING OVER THE BICYCLE.

THERE WAS A DEAD PITBULL DOG LAYING ON THE LIVING ROOM FLOOR A FEW FEET AWAY FROM THE SUBJECT.

THERE WAS AN ELECTRIC FLOOR STANDING FAN THAT WAS LYING ON ITS SIDE OUTSIDE OF THE FRONT DOOR WITH THE POWER CHORD LEADING INSIDE. THE FAN WAS STILL ON AND THE FRONT SCREEN WAS MISSING.

OTHER MISCELLANEOUS ITEMS WERE STREWN ACROSS THE FLOOR UNDER THE BICYCLE AND IN THE IMMEDIATE VICINITY OF THE THRESHOLD BETWEEN THE KITCHEN AND THE LIVING ROOM AREA.

=====

AT APPROXIMATELY 1400 HOURS, I NOTICED A SMALL TURTLE INSIDE THE THRESHOLD OF THE DOORWAY THAT HAD NOT BEEN THERE BEFORE. THE TURTLE APPARENTLY CAME FROM AN UNKNOWN LOCATION INSIDE THE RESIDENCE AND WAS ABOUT TO EXIT OUT THE FRONT DOOR. HOWEVER, THE TURTLE GOT ENTANGLED IN THE TAZER WIRES. I IMMEDIATELY REQUESTED OVER RADIO FOR SERGEANT MATTSON TO RESPOND TO MY LOCATION AS I PUT ON GLOVES TO HANDLE THE TURTLE. I WAS ABLE TO GET THE TURTLE UNTANGLED FROM THE TAZER WIRES AS SERGEANT MATTSON AND LIEUTENANT HENRY ARRIVED AT MY LOCATION. I ADVISED THEM OF THE SITUATION. A METAL BUCKET WAS FOUND IN THE VICINITY OUTSIDE IN THE PORCH AREA AND I PLACED THE TURTLE IN THE BUCKET.

LIEUTENANT HENRY SUBSEQUENTLY ASKED IF I WAS ALONE AT MY POSITION AND INDICATED THAT HE WANTED A SECOND OFFICER TO STANDBY WITH ME. A FEW MINUTES LATER, OFFICER HAWKINS #8997 (468S) ARRIVED AT MY LOCATION.

AS OFFICER HAWKINS WAS STANDING BY WITH ME, SHE NOTICED A TASER PROBE LYING ON THE EDGE OF THE PATIO CONCRETE SLAB, SEVERAL FEET AWAY FROM THE FRONT DOOR. THERE WAS NO WIRE ATTACHED TO THE PROBE.

OFFICER HAWKINS ADVISED THAT SHE NEEDED TO LEAVE AT 1530 HOURS. SHORTLY AFTER 1500 HOURS, A SUPERVISOR RELEASED HER FROM THE SCENE AND I WAS ADVISED THAT A SECOND OFFICER WAS NO LONGER NEEDED AT MY LOCATION. I CONTINUED TO STAND BY AT MY POSITION UNTIL RELIEVED BY SECOND SHIFT OFFICER TOVAR #8136 SHORTLY AFTER 1600 HOURS.

I ADVISED DETECTIVE PORTER OF THE DISCOVERY OF THE TASER PROBE OUTSIDE OF THE RESIDENCE.

AFTER A HAIL STORM PASSED OVER THE MOBILE HOME PARK, I LEFT THE SCENE AND RETURNED TO SOUTH MOUNTAIN PRECINCT.

THIS WAS THE END OF MY PARTICIPATION IN THIS INCIDENT.

SUPPLEMENT

PAGE NUMBER: 4

DR NUMBER: 2010 01413133

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VICTIM RECEIVED RIGHTS INFORMATION: NO
INVOICES:

MAIL-IN SUPPLEMENT:

DR ENTERED BY : 5097 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 012

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 13

REPORT DATE: 20101007 TIME: 1534

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 6290

INTERVIEW WITH OFFICER CHRISMAN

TRANSCRIPTION KEY:

PORTER: DETECTIVE KEN PORTER #6290
CHRISMAN: OFFICER RICHARD CHRISMAN #7371
BAILEY: KATHERINE BAILEY, OFFICER CHRISMAN'S ATTORNEY
FAULKNER: COMMANDER DAVE FAULKNER #4139

PORTER: OFFICER CHRISMAN, I'M A DETECTIVE WITH THE HOMICIDE BUREAU, WITH THE POLICE DEPARTMENT. AND UNDER THE CIRCUMSTANCES, I'M GOING TO ADVISE YOU OF YOUR MIRANDA RIGHTS. IT MAY SEEM SILLY TO DO TO AN OFFICER BUT I NEED TO DO IT.

CHRISMAN: UH HUH.

PORTER: YOU HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW. YOU HAVE THE RIGHT TO THE PRESENCE OF AN ATTORNEY TO BE WITH YOU DURING QUESTIONING AND TO ASSIST YOU DURING QUESTIONING IF YOU SO DESIRE. IF YOU CAN'T AFFORD AN ATTORNEY AN ATTORNEY CAN BE APPOINTED FOR YOU PRIOR TO ANY AND ALL QUESTIONING. DO YOU UNDERSTAND THOSE RIGHTS?

CHRISMAN: YES SIR.

PORTER: OKAY. UHM... THE NEXT QUESTION IS, ARE YOU WILLING TO AH, TALK TO ME ABOUT WHAT TOOK PLACE EARLIER TODAY?

BAILEY: NO. HE WILL NOT (INAUDIBLE) WALK THROUGH.

PORTER: OKAY. GREAT. WE, WE HAD TO DO ALL OF THIS, AND AH,

BAILEY: (INAUDIBLE)

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PORTR: APPRECIATE EVERYBODY'S CIVILITY. AT, AT THIS POINT... AH

BAILEY: WE, WE'RE HANGING AROUND BECAUSE OF THE P.S.B.

PORTR: YEAH. WELL IT.... IT'S MORE THAN THAT. AT THIS POINT MR. CHRISMAN IS GONNA BE PLACED UNDER ARREST FOR AGGRAVATED ASSAULT. RELATED TO THE INCIDENT THAT TOOK PLACE EARLIER TODAY. UHM, JUST SO EVERYBODY KNOWS WHAT'S GOING TO TRANSPIRE AT THIS POINT, UHM, HE'S GOING TO BE TRANSPORTED DOWNTOWN AND WE'RE GOING TO TAKE PROPERTY FROM HIM UNDERNEATH A WARRANT. HE WILL BE TRANSPORTED BY A SERGEANT, IN A SERGEANT'S CAR. ALONG WITH AH, LIEUTENANT LOPEZ?

FAULKNER: SERGEANT LOPEZ.

PORTR: SERGEANT LOPEZ. I'M SORRY. SO THERE WILL BE TWO SERGEANTS WHO WILL HAVE CUSTODY OF HIM. AND WHEN WE ARRIVE AT THE POLICE DEPARTMENT UHM... HE WILL BE GOING THROUGH THE NORMAL PROCESS AT THAT POINT. WE ARE GOING TO TAKE ANY WEAPONS THAT HE HAS RIGHT NOW.

BAILEY: SURE.

PORTR: AND THAT AT THE, SIX TWENTY, UNDER A WARRANT, WE'LL, WE'LL CONTINUE THE INVESTIGATION, WHICH IS GOING TO INVOLVE THE REST OF HIS PROPERTY (INAUDIBLE).

CHRISMAN: OKAY.

PORTR: DO YOU HAVE ANY QUESTIONS OF WHAT WE'VE DISCUSSED SO FAR?

BAILEY: UHM, I DO NOT AT THIS POINT.

PORTR: OKAY.

10/7/10 1550 VCBA/MHM/A2955

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : *2955 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 013

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 14

REPORT DATE: 20101007 TIME: 1829

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): VANETTA MINE

A4654 UNIT: LAB

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000

DATE: 000000

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:

SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:

DESCRIPTION: ONE WET, ONE DRY SWAB

COLLECTED FROM THE FACE AND OUTER FORWARD EDGE OF OFFICER VIRGILLO'S TASER
(SERIAL #X00-167980)

0002 PKG 000 CODE:EI UK00

ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:

SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:

DESCRIPTION: ONE WET, ONE DRY SWAB

COLLECTED FROM THE TOP STRAP, BOTTOM, LEFT, AND RIGHT SIDES OF THE BODY OF
OFFICER VIRGILLO'S TASER (SERIAL #X00-167980)

0003 PKG 000 CODE:EI UK00

ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:

SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:

DESCRIPTION: ONE WET, ONE DRY SWAB

COLLECTED FROM THE FACE AND SIDES OF OFFICER VIRGILLO'S TASER CARTRIDGE
SERIAL #T08-2004512)

0004 PKG 000 CODE:EI UK00

ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:

SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:

DESCRIPTION: ONE WET, ONE DRY SWAB

COLLECTED FROM THE FACE AND OUTER FORWARD EDGE OF OFFICER CHRISMAN'S TASER
(SERIAL #X00-065180)

0005 PKG 000 CODE:EI UK00

ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:

SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:

DESCRIPTION: ONE WET, ONE DRY SWAB

COLLECTED FROM THE BOTTOM PART OF OFFICER CHRISMAN'S TASER (SERIAL #X00-
065180), JUST UNDER THE LIGHT

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 2 DR NUMBER: 2010 01413133 14

0006 PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: ONE WET, ONE DRY SWAB
COLLECTED FROM THE TOP STRAP, BOTTOM, LEFT AND RIGHT SIDES OF THE BODY OF
OFFICER CHRISMAN'S TASER (SERIAL #X00-065180)

0007 PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: ONE WET, ONE DRY SWAB
COLLECTED FROM THE FACE AND SIDES OF OFFICER CHRISMAN'S TASER CARTRIDGE
SERIAL #T07-1380575)

0008 PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: TWO WET CONTROL SWABS
CONTAINING DISTILLED WATER ONLY

***** NARRATIVE *****

SERIAL NUMBER: A4654

THIS SUPPLEMENT WAS CREATED TO LIST THE SWABS THAT I COLLECTED AT THE
PHOENIX POLICE CRIME LAB, LOCATED AT 621 WEST WASHINGTON STREET, ON
OCTOBER 7, 2010.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3954614

DR ENTERED BY : A4654

DR FINALIZED BY : A4654

END OF REPORT

DR NO: 2010 01413133 014

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101008 TIME: 0956

TYPE OF REPORT: POLICE SHOOTING.

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS

4657 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 4657

ON 10/05/10 AT 1452 I CONTACTED ELVIRA FERNANDEZ. AT THE TIME SHE WAS WITH PHOENIX FIRE DEPARTMENT VICTIM ASSISTANCE PERSONNEL LINDA WARFIELD AND GARY BOHLIG. THEY WERE UNDER THE AWNING OF A TRAILER NORTH OF THE SCENE. LINDA AND GARY WERE RIDING PHOENIX FIRE DEPARTMENT VAN CR16. PROFESSIONAL STANDARDS BUREAU SERGEANT C. MCCARTHY #6048 WAS WITH ME AT THIS TIME.

AFTER INTRODUCING OURSELVES TO ELVIRA, I ESCORTED HER TO THE MOBILE COMMAND VAN WHERE I INTERVIEWED HER REFERENCE THIS INVESTIGATION. MY INTERVIEW OF ELVIRA WAS DIGITALLY RECORDED. PRESENT DURING THE INTERVIEW WAS SGT. MCCARTHY. DURING THE COURSE OF THE INTERVIEW ELVIRA WAS CRYING AND EMOTIONALLY DISTRAUGHT. THE START TIME OF THE INTERVIEW WAS 1453 HOURS. THE END TIME WAS 1519 HOURS.

AFTER THE INTERVIEW I EXPLAINED TO ELVIRA THAT IT WOULD BE SEVERAL HOURS BEFORE SHE COULD ENTER HER HOME. I GAVE HER MY CARD ALONG WITH THE REPORT NUMBER AND NUMBER TO THE MEDICAL EXAMINER'S OFFICE. DURING THE COURSE OF THE SCENE INVESTIGATION DETECTIVE PORTER KEPT IN CONTACT WITH ELVIRA.

ON 10/08/10, I TOOK THE DIGITAL RECORDING TO THE PHOENIX POLICE FORENSIC IMAGING UNIT AND HAD THEM MAKE THREE CD COPIES OF THE INTERVIEW. I GAVE TWO COPIES TO DETECTIVE PORTER. I GAVE A THIRD COPY TO SECRETARY MARGE MAWHINNEY A2955 AND ASKED HER TO TRANSCRIBE THE INTERVIEW. AFTER MAKING THE TRANSCRIPTION, MARGE MAWHINNEY RETURNED THE INTERVIEW CD TO ME.

ON 10/11/10, I REVIEWED THE TRANSCRIPTION WITH THE AUDIO RECORDING AND MADE CORRECTIONS TO THE TRANSCRIPTION. I ALSO TRANSLATED THE SPANISH SPEAKING PARTS OF THE INTERVIEW. I AM A DEPARTMENT CERTIFIED SPANISH SPEAKER. THE FOLLOWING IS THE TRANSCRIPTION MADE BY SECRETARY MARGE MAWHINNEY WITH MY CORRECTIONS IN PLACE.

13:57

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Continued.

SUPPLEMENT

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DR NUMBER: 2010 01413133

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EVERY EFFORT HAS BEEN MADE TO ACCURATELY TRANSCRIBE THIS INTERVIEW. ANY ERROR ON THE TRANSCRIPTION IS UNINTENTIONAL.

INTERVIEW WITH ELVIRA FERNANDEZ.

TRANSCRIPTION KEY:

CISNEROS: DETECTIVE JOSE CISNEROS #4657
FERNANDEZ: ELVIRA FERNANDEZ

CISNEROS: TODAY'S DATE IS TEN, FIVE, TEN. THE TIME IS FOURTEEN FIFTY-THREE HOURS, REPORT NUMBER 2010-01413133. SERGEANT MCCARTHY IS WITH US AND HER NUMBER IS 6048 AND I'M WITH ELVIRA FERNANDEZ.

ELVIRA...

FERNANDEZ: [CRYING/NO RESPONSE]

CISNEROS: DO YOU PREFER SPEAKING ENGLISH OR...

FERNANDEZ: [CRYING] ANYTHING.

CISNEROS: OKAY. I SPEAK SPANISH, IF YOU NEED ME TO SPEAK SPANISH.

FERNANDEZ: I UNDERSTAND. [CRYING]

CISNEROS: OKAY. WELL, I KNOW THIS IS HARD FOR YOU...

FERNANDEZ: [CRYING/MY GOD!!!]

CISNEROS: ... ELVIRA, BUT I--I NEED YOUR HELP, OKAY? WE'LL DO IT IN... WE'LL--WE'LL, LET'S--LET'S GET THIS OVER WITH SO YOU CAN BE WITH YOUR FAMILY AND FRIENDS, OKAY?

HOW DID THIS BEGIN THIS MORNING? DID IT BEGIN THIS MORNING?

FERNANDEZ: YES. IT BEGAN ABOUT TWELVE.

CISNEROS: ABOUT TWELVE O'CLOCK?

FERNANDEZ: HE CAME IN THIS MORNING LIKE ABOUT FIVE IN THE MORNING AND I TOLD HIM ... (25:12/UNINTELLIGIBLE)...

CISNEROS: TH... TH... THIS IS YOUR SON?

SUPPLEMENT

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FERNANDEZ: MY SON.

CISNEROS: WHAT--WHAT'S HIS FULL NAME?

FERNANDEZ: DANIEL RODRIGUEZ.

CISNEROS: OKAY, SO DANIEL CAME IN AROUND FIVE THIS MORNING?

FERNANDEZ: AND HE GOES I'M HOME NOW MOM. I SAID I'M GLAD YOU'RE HOME MIJO. HE GOES ME TOO. SO I WENT BACK TO SLEEP AND I WOKE UP AND I WAS WATCHING A SHOW AT ELEVEN AND I HEARD... I SAW THE DOG TOO. THE LITTLE DOGGIE. JUNIOR IS HIS NAME, AND THEN HE COMES AND I GO, DANIEL IS YOUR MIJO, AND I WENT AND HE WAS ... (24:40/UNINTELLIGIBLE)... AND I GO DANIEL DON'T START WITH THE STEREO SO LOUD.

CISNEROS: THE STEREO WAS ON?

FERNANDEZ: YEAH.

CISNEROS: BUT--BUT WHAT TIME WAS THAT WITH THE STEREO ON?

FERNANDEZ: ABOUT ELEVEN.

CISNEROS: ELEVEN O'CLOCK IN THE AFTERNOON?

FERNANDEZ: ... (24:29/UNINTELLIGIBLE)...

CISNEROS: OR THIS MORNING RATHER?

FERNANDEZ: THEN HE GOES... HE GOES ... (24:26/UNINTELLIGIBLE) ... SHUT THE FUCK UP! AND THEN HE GOES LIKE...

CISNEROS: HE TOLD... HE TOLD YOU THAT?

FERNANDEZ: HE TALKS TO ME WHEN HE COMES HOME LIKE THAT, UH, UH, PRETTY ... (24:19/UNINTELLIGIBLE) ... MY DOG, AND THEN...

CISNEROS: I'M SORRY, WHAT?

FERNANDEZ: I SAID I FEED MY DOG AND THEN HE, UHM, I TOLD HIM, DANIEL, QUIT BANGING THINGS IN THE HOUSE CAUSE MY DOG GETS SCARED.

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CISNEROS: WH... WHICH IS YOUR DOG?

FERNANDEZ: COLA.

CISNEROS: COLA? IS HE... IS HE THE PIT BULL OR THE LAB?

FERNANDEZ: NO, HE'S A LAB.

CISNEROS: OKAY.

FERNANDEZ: AND SEE, UH, JUNIOR'S JUST NEW. HE'S A NEW ONE. HE'S ONLY BEEN AROUND LIKE FOR THREE MONTHS. HE'S JUST A LITTLE PUP. HE'S NOT EVEN...

CISNEROS: JU... JUNIOR'S THE PIT BULL? IS--IS THAT...

FERNANDEZ: NAW, HE'S A BOXER.

CISNEROS: HE'S A BOXER?!

FERNANDEZ: HE'S A BOXER.

CISNEROS: HE'S A... HE'S YOUR SON'S DOG?

FERNANDEZ: YEAH, HE KIND OF PICKED HIM UP.

CISNEROS: OKAY.

FERNANDEZ: AND HE'S BEEN HAVING PROBLEMS FOR ABOUT FIVE MONTHS. GIRLFRIEND AND HIM BROKE UP, AND I KNOW HE'S BEEN DOING DRUGS, AND I CALLED THE COPS BEFORE BECAUSE THEY... I'VE HAD PROBLEMS WITH HIM, AND I... [CRYING]

CISNEROS: WHAT--WHAT--WHAT KIND OF PROBLEMS WAS HE HAVE--HAD WITH HIM?

FERNANDEZ: HE JUST GETS VIOLENT AND STARTS THROWING THINGS. BY THE AFTERNOON HE'S COOKING DINNER FOR ME.

CISNEROS: BUT, WHEN HE GETS VIOLENT, WAS IT IN THE MORNING?

FERNANDEZ: WHEN... IT... I DON'T KNOW, DEPENDS HOW HE FEELS. I DON'T

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KNOW.

CISNEROS: WHEN--WHEN HE--HE'S GOTTEN VIOLENT, AND--AND, UH, DOES IT...
... (23:11/UNINTELLIGIBLE) ... GOTTEN VIOLENT?

FERNANDEZ: YEAH, WITH ME!

CISNEROS: WITH YOU?

FERNANDEZ: YEAH, HE--HE STARTS THROWING THINGS AND STARTS BANGING THE
DOORS AND STARTS BANGING THIS AND STARTS...

CISNEROS: HAS HE EVER HIT YOU?

FERNANDEZ: YEAH, HE'S HURT ME. I CALLED THE COPS BEFORE ON THAT. I'VE
BEEN THERE. THEY'VE NEVER HURT HIM.

CISNEROS: OKAY.

FERNANDEZ: UH, HE'S--HE'S--HE'S, YOU KNOW, I'VE... AND IT'S GOT TO THE
POINT WHERE HE DOESN'T DO THAT ANY MORE BECAUSE I, YOU KNOW,
I RETALIATED BACK AND SO....

CISNEROS: HOW HAVE YOU RETALIATED BACK?

FERNANDEZ: I--I CALLED THE COPS.

CISNEROS: OH, I SEE.

FERNANDEZ: AND THEY... I'VE BEEN IN THERE WITH 'EM. I TELL 'EM DON'T
HURT HIM. JUST WANT 'EM TO LEAVE AND THEN HE HAS LEFT, BUT
LIKE IN THIS TIME I WILL CALL THEM...

CISNEROS: OKAY.

FERNANDEZ: ... I DIDN'T WANT TO, BUT I FIGURED I--I GOTTA...

CISNEROS: WHY DID YOU CALL 'EM THIS TIME?

FERNANDEZ: BECAUSE HE WAS THROWING AND BANGING THINGS AROUND AND I JUST
DIDN'T WANNA PUT UP WITH IT ANY MORE.

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CISNEROS: DID HE BREAK ANYTHING?

FERNANDEZ: HE THREW SOMETHING THROUGH IN THE DOOR AS--AS I WAS PASSING BY, BUT IT JUST MADE A HOLE IN THE WALL.

CISNEROS: MADE A HOLE IN THE WALL...

FERNANDEZ: AND THEN I SAID...

CISNEROS: ... OF--OF--OF YOUR TRAILER?

FERNANDEZ: DOWN THE HALLWAY.

CISNEROS: WH... WH... WHICH, UH, IS IT IN A SIDE WALL? THE DOOR? THE HOLE IN THE DOOR?

FERNANDEZ: ON... IN THE HALLWAY... ON THE HALLWAY...

CISNEROS: UH-HUH.

FERNANDEZ: ... FROM HIS BEDROOM.

CISNEROS: RIGHT.

FERNANDEZ: AND THEN HE MADE A HOLE AND I SAID YOU KNOW WHAT? THINGS ARE NOT GOING TO BE LIKE THIS NO MORE!!! I'M NOT...

CISNEROS: WHY--WHY DID HE MAKE A HOLE IN THE WALL?

FERNANDEZ: 'CAUSE I TOLD HIM NOT TO!!!

CISNEROS: YOU TOLD HIM NOT TO AND HE DID IT ANYWAY?

FERNANDEZ: YEAH, YOU KNOW! HE JUST... HE GETS UPSET...

CISNEROS: WAS HE ANGRY?

FERNANDEZ: I GUESS... I DON'T... (21:56/UNINTELLIGIBLE/CRYING)...

CISNEROS: OKAY. WHY WAS HE ANGRY? CAN YOU TELL ME?

FERNANDEZ: HE'S JUST ANGRY WITH LIFE. THE WAY THINGS HAVE BEEN GOING

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FOR HIM. THINGS HAVEN'T BEEN GOING HIS WAY VERY WELL.

CISNEROS: I SEE.

FERNANDEZ: HE'S NOT WORKING AND HE--HE'S GOING TO SCHOOL.

CISNEROS: OKAY.

FERNANDEZ: AND...

CISNEROS: BUT, THIS MORNING WAS HE ANGRY AT YOU?

FERNANDEZ: NO, HE WASN'T ANGRY. HE JUST ... (21:37/UNINTELLIGIBLE) ... AT HIMSELF.

CISNEROS: OKAY. WHY DID HE MAKE A HOLE IN THE WALL?

FERNANDEZ: BECAUSE HE... BECAUSE I TOLD HIM NOT TO AND HE THREW IT ANYWAY.

CISNEROS: WHAT DID HE THROW?

FERNANDEZ: I DON'T KNOW.

CISNEROS: IS THE... IS THE TRAILER YOURS?

FERNANDEZ: YES.

CISNEROS: IS IT IN YOUR NAME?

FERNANDEZ: IT'S IN HIS NAME RIGHT NOW.

CISNEROS: THE TRAILER IS IN HIS NAME? IS IT BOUGHT AND PAID FOR OR IS HE STILL PAYING FOR IT.

FERNANDEZ: NO, IT'S MY TRAILER, BUT WE PUT IT IN HIS NAME CAUSE I HAD SOME MEDICAL PROBLEMS IN CASE SOMETHING HAPPENED I WANTED TO MAKE SURE THAT HE GOT IT.

CISNEROS: OKAY. SO, AFTER HE MADE A HOLE IN THE WALL, WHAT ELSE DID HE DO IN THE TRAILER?

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FERNANDEZ: THAT'S IT! AND THEN I WENT TO MY ROOM AND I FINISHED MY BREAKFAST I HAD MADE. I WAS GONNA FEED MY DOG AND I... AND I HEARD--HEARD THE STEREO, AND I HEARD A BANGING. I GO, YOU KNOW WHAT, I'M CALLING THE COPS. I SAID TO MYSELF, I'M WALKING TO MY FRIENDS, I SAID, I DIDN'T HAVE MY PHONE TO CALL 'EM. I STARTED WALKING TO... I'LL JUST GO TO THE NEIGHBOR'S HOUSE AND CALL THEM AND TELL 'EM, YOU KNOW, GIVE A LITTLE SCARE... JUST SCARE HIM AND... JUST TECHNICALLY SCARE HIM, BUT IT BACKFIRED ON ME!!! [CRYING]

CISNEROS: B... B... B... BEFORE YOU GET THERE, OKAY, HANG ON? HANG ON ONE SECOND, LET ME ASK YOU ANOTHER QUESTION. WAS THERE ANYBODY ELSE IN THE HOU... IN THE TRAILER WITH YOU?

FERNANDEZ: NO.

CISNEROS: JUST YOU AND YOUR SON?

FERNANDEZ: YES.

CISNEROS: IS--IS THERE A--A PHONE FOR THE TRAILER?

FERNANDEZ: NO.

CISNEROS: BUT DID... BUT, DO--DO YOU HAVE A CELL PHONE?

FERNANDEZ: BUT I DIDN'T HAVE IT WITH ME. MY FRIEND HAS IT. I LEFT IT THERE.

CISNEROS: OKAY. ABOUT WHAT TIME DID HE PUT THE HOLE IN THE WALL?

FERNANDEZ: ABOUT TWELVE, CAUSE THAT WAS WHAT TIME I LEFT TO CALL THE COPS.

CISNEROS: OKAY. SO...

FERNANDEZ: YOU KNOW AFTER TWELVE I--I LEFT, I SAID...

CISNEROS: DID YOU TELL HIM THAT YOU'RE CALLING THE COPS?

FERNANDEZ: NO.

CISNEROS: OKAY. WHERE WAS HE WHEN YOU... WHEN YOU... WHEN YOU LEFT TO

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CALL THE COPS?

FERNANDEZ: I WAS IN THE KITCHEN...

CISNEROS: WHERE WAS HE?! WHERE WAS HE?!

FERNANDEZ: HE WAS IN THE KITCHEN MAKING A PEANUT BUTTER AND JELLY SANDWICH!!! [CRYING].

CISNEROS: WHERE WERE THE DOGS?

FERNANDEZ: THE DOGS WERE IN THEIR ROOMS.

CISNEROS: IN THEIR ROOMS? IS THERE A SPECIAL ROOM FOR THE PIT BULL? OR IS IT...

FERNANDEZ: NO. HE JUST STAYS ... (19:37/UNINTELLIGIBLE) ...

CISNEROS: OKAY.

FERNANDEZ: HE'S A GOOD DOGGIE.

CISNEROS: WHERE DID YOU... WHERE DID HE KEEP HIS PIT BULL?

FERNANDEZ: HE'S A BABY! HE'S ONLY LIKE THREE, FOUR MONTHS OLD.

CISNEROS: WHERE DID HE KEEP THE PIT BULL?

FERNANDEZ: HE'S A BOXER. HE'S...

CISNEROS: I'M SORRY, THE BOXER?

FERNANDEZ: HE'S JUST... HE'S--HE--HE SLEEPS IN MY ROOM. HE'S ONLY ... (19:26/UNINTELLIGIBLE) ... HE'S ALW... HE'S ALWAYS... IT'S LIKE MY WHOLE LIFE, THEY... THEY'RE OPEN... THEY'RE FREE TO WALK AROUND ALL... THIS IS THEIR HOUSE.

CISNEROS: OKAY. SO, UH, YOU LEAVE TO GO TO THE NEIGHBOR'S HOUSE?

FERNANDEZ: I LEFT, I DIDN'T SAY NOTHING. I JUST LEFT AND I SAID I WAS GOING TO TO MY FRIENDS HOUSE, AND I... JUST TO SPACE... WHICH I'VE DONE BEFORE. I'VE DONE... I LEFT BEFORE AND I'VE COME BACK. BY THE TIME I COME BACK HE'S GOT DINNER READY FOR

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ME OR--OR SOME... YOU KNOW, HE JUST... I JUST LET HIM COOL IT OFF BY HIMSELF.

CISNEROS: SO YOU WENT TO WHICH NEIGHBOR'S HOUSE?

FERNANDEZ: THE ONE JUST LIKE IN FRONT OF ME OUT THERE.

CISNEROS: DO YOU KNOW THEIR NAME?

FERNANDEZ: I DON'T KNOW.

CISNEROS: BUT--BUT SHE'S IN FRONT OF YOUR TRAILER SPACE?

FERNANDEZ: I SAY HI TO HER AND ... (18:46/UNINTELLIGIBLE)... I DON'T GET INTO PEOPLE'S...

CISNEROS: ALRIGHT. SO YOU GO TO THE NEIGHBOR'S HOUSE AND YOU...

FERNANDEZ: CALL THE COPS.

CISNEROS: OKAY. FROM THEIR PHONE?

FERNANDEZ: AND...

CISNEROS: WHAT DID YOU TELL THE NEIGHBORS?

FERNANDEZ: WELL, SHE'S HEARD... I JUST TOLD HER WHAT'S GOING ON BECAUSE ESPEC... ESPECIALLY CAUSE DANIEL'S NOT LIKE THAT. HE'S CHANGED...

CISNEROS: WHAT--WHAT DO...

FERNANDEZ: ... HE'S CHANGED SINCE HE'S BEEN... SINCE HE LOST HIS GIRLFRIEND. HIM AND HIS GIRLFRIEND BROKE UP AND HE'S CHANGED. HE REALLY... LIKE HE'S HURT. HE'S HURTING LIKE, HE HASN'T GOTTEN OVER THE HURT. HIS GIRLFRIEND, WHATEVER SHE... SHE USED TO LIVE WITH US.

CISNEROS: WHAT--WHAT'S HER NAME?

FERNANDEZ: ANDREA.

CISNEROS: ANDREA WHAT?

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FERNANDEZ: HE REALLY LOVED HER ... (18:09 UNINTELLIGIBLE/
CRYING)

CISNEROS: WHEN DID HE BROKE UP WITH HER? WHEN DID HE BREAK UP WITH
HER?

FERNANDEZ: IN MARCH.

CISNEROS: WHY DID HE BREAK UP WITH HER?

FERNANDEZ: I DON'T KNOW. SHE USED HIM. HE WALKED OUT AND COME BACK
AND... USED HIM, TOOK ALL HIS MONEY AND YOU KNOW HOW IT IS?
YOU KNOW ... (17:53/UNINTELLIGIBLE) ...

CISNEROS: 'KAY.

FERNANDEZ: ... (17:52/UNINTELLIGIBLE) ... NEVER HAD A GIRLFRIEND HE LIVED
WITH. HE--HE... MY ROBERT GOT KILLED NINE YEARS AGO AT WORK.
HE WAS SEVENTEEN YEARS OLD.

CISNEROS: I'M SORRY.

FERNANDEZ: ... (17:42/UNINTELLIGIBLE) ... FELL ON HIM AND EVER SINCE THEN
DANIEL'S JUST BEEN LIKE, YOU DON'T LOVE ME! ... (17:38/
UNINTELLIGIBLE) ... SO HAVE I BUT, I'M OKAY WITH IT, YOU
KNOW? YOU ACCEPT IT AFTER...

CISNEROS: HOW MANY YEARS AGO DID HE PASS AWAY?

FERNANDEZ: NINE YEARS AGO ... (17:29/UNINTELLIGIBLE/CRYING) ... HE WAS A
GOOD KID.

CISNEROS: AND YOU SAID DANIEL'S HAVING A HARD TIME WITH THAT?

FERNANDEZ: HE'S BEEN HAVING... TO THIS DAY HE HAS A HARD TIME WITH IT.
HE'S JUST ALWAYS... IT'S NOT SUPPOSED TO BE LIKE THIS.
[CRYING] THEN I CALL THE POLICE! I DECIDED TO MAKE THAT
CHOICE! I MADE A WRONG CHOICE, I GUESS!!! I TOLD 'EM ON THE
PHONE THAT HE WAS GETTING VIOLENT AND I JUST WANTED THEM TO
ASK HIM TO LEAVE THE HOUSE, THAT'S ALL! I SAID I'VE CALLED
YOU GUYS BEFORE AND THEN THEY'VE COME AND ASKED HIM AND HE
LEAVES, OKAY?

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CISNEROS: YOU CALLED 911?

FERNANDEZ: YEAH. AND I'VE ALWAYS BEEN THERE WHEN... IN--IN THE PAST. THIS TIME I WAS AT MY NEIGHBOR'S AND SHE... AND I DIDN'T HAVE MY PHONE WITH ME. I TOLD THE OFFICER WHAT WAS GOING ON AND HE ASKED ME IF THERE WAS ANY WEAPONS, I SAID NO, BECAUSE I CHECKED HIS ROOM YESTERDAY AND THERE'S NOTHING IN THERE. I CHECKED THE HOUSE CAUSE I WAS DOING A LITTLE CLEANING IN BACK, YOU KNOW, UHM, SPRAYING THE HOUSE FOR PESTS... FOR INSECTS AND STUFF ... (16:24/UNINTELLIGIBLE) ... AND I CLEANED HIS WINDOWS! NOTHING! NO WEAPONS AND I TOLD YA THERE'S NO WEAPONS IN THERE!

CISNEROS: OKAY.

FERNANDEZ: I EV... THEY TOLD ME... I SAID, I JUST WANT HIM TO LEAVE. DON'T HURT HIM I SAID! I'LL GO WITH YOU AND THEY SAID NO, YOU STAY HERE. THEY KNOCKED ON THE DOOR AND THEN THEY CAME BACK AND THEY SAID, IS THE DOOR... HE DOESN'T ANSWER THE DOOR. YOU KNOW WHAT, I GO, HE'S PROBABLY AT...

CISNEROS: OKAY. LET'S--LET'S JUST STOP. BACK UP A LITTLE BIT, OKAY? I'M A LITTLE CONFUSED NOW AND YOU CAN HELP ME OUT. UH, YOU'RE WAITING OVER AT THE NEIGHBOR'S HOUSE?

FERNANDEZ: RIGHT.

CISNEROS: THE OPERATOR TOLD YOU TO WAIT? IS THAT CORRECT?

FERNANDEZ: NO. THE--THE COPS TOLD ME TO WAIT. BY THEN THEY HAD ALREADY GONE THERE. IT TOOK THEM ABOUT AN HOUR TO GET THERE.

CISNEROS: IT TOOK 'EM... HOW ... (15:48/UNINTELLIGIBLE) ... GET THERE? HOW LONG?

FERNANDEZ: OH, ABOUT AN HOUR I THINK AFTER I CALLED 911.

CISNEROS: OKAY. UH, AND YOU TOLD THE OPERATOR THAT DANIEL WAS GETTING VIOLENT?

FERNANDEZ: I TOLD THEM HE WAS GETTING VIOLENT AND--AND I WANTED AND...

CISNEROS: YOU HAVE TO TELL 'EM?

FERNANDEZ: ... AND I WAS AFRAID FOR MY LIFE AND I WAS AFRAID THAT HE

WOULD HURT US AND I JUST WANTED HIM TO... THE OFFICER TO COME OVER AND ASK HIM TO LEAVE. THEY SAID WELL...

CISNEROS: NOW...

FERNANDEZ: ... OKAY, THEN. ARE YOU OKAY? I SAID I'M FINE. HAS HE HURT YOU? I SAID NO. I JUST WANT HIM TO LEAVE, CAUSE HE'S REAL VIOLENT AND I JUST DON'T WANT TO DEAL WITH HIM
...(15:17/UNINTELLIGIBLE)...

CISNEROS: WELL, WHY WERE... WHY WERE YOU AFRAID FOR YOUR LIFE?

FERNANDEZ: BECAUSE WE'VE HAD OUR FIGHTS BEFORE WHERE WE, AH, WE HAVEN'T HAD A STRUGGLE IN ABOUT NINE MONTHS.

CISNEROS: RIGHT.

FERNANDEZ: BUT I HAD... HE... I MEAN HE... I--I PUT A STOP TO THAT, YOU KNOW BY CALLING...

CISNEROS: CERTAINLY.

FERNANDEZ: ... THE COPS, AND I HAD...

CISNEROS: AND--AND--AND YOU FELT TODAY THAT IF YOU... IF YOU WENT BACK OR IF HE HAD... IF YOU HAD STAYED THERE, DO YOU FEEL LIKE HE WOULD'VE GOTTEN VIOLENT WITH YOU?

FERNANDEZ: NO, BUT I FEEL LIKE HE WOULD'VE... IF... NO, BUT IF I--I WOULD'VE PROBABLY STARTED FIGHTING WITH HIM AND WHEN PEOPLE ARE... WHEN YOU FIGHT... WHEN I FIGHT WITH HIM, HE GETS VIOLENT. HE STARTS BREAKING THINGS AND, BUT HE DOESN'T HURT ME. HE HASN'T HURT ME IN NINE MONTHS, WE HAD... WE HAD A...

CISNEROS: SO, I KNOW HE HASN'T HURT YOU, BUT IN THE PAST HE HAS HURT YOU?

FERNANDEZ: YEAH. A COUPLE TIMES.

CISNEROS: HOW--HOW HAS HE HURT YOU IN THE PAST?

FERNANDEZ: WITH HIM JUST BY TRYING TO CHOKE ME OR PUSHING OR HOLDING ME DOWN AND STUFF BECAUSE I...

CISNEROS: CHOKING YOU? PUSHING YOU?

FERNANDEZ: ... I DO FIGHT... I FIGHT BACK...

CISNEROS: SURE!

FERNANDEZ: ... I THINK I STAY THERE LIKE TAKING IT, YOU KNOW, I FIGHT BACK AND A LOT OF TIMES HE JUST HOLDS ME ... (14:19/
UNINTELLIGIBLE) ...

CISNEROS: BUT HE'S CHOKED YOU IN THE PAST YOU SAID?

FERNANDEZ: YEAH, HE CHOKED ME.

CISNEROS: HAS HE EVER HIT YOU IN THE PAST?

FERNANDEZ: NO, HE'S NEVER HIT ME. EVER! NEVER EVER--EVER... NEVER...

CISNEROS: HAS HE NEVER COME AT YOU WITH A WEAPON AT ALL?

FERNANDEZ: NEVER.

CISNEROS: HAS HE EVER THROWN THINGS AT YOU?

FERNANDEZ: NO.

CISNEROS: BUT HE HAS CHOKED YOU?

FERNANDEZ: HE CHOKED ME ONE TIME.

CISNEROS: YOU MADE A REPORT ON THIS HAVEN'T YOU?

FERNANDEZ: YEAH, I DID! THEY CAME AND ASKED HIM TO LEAVE.

CISNEROS: HOW MANY REPORT--REPORTS HAVE YOU MADE ON--ON HIM, UH...

FERNANDEZ: THIS IS THE SECOND ONE.

CISNEROS: THIS ONE TODAY? THE SECOND ONE?

FERNANDEZ: (NO AUDIBLE RESPONSE)

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13:57

CISNEROS: OKAY.. ALRIGHTY... SO... YOU'RE WAITING THERE... AH... AND THE OFFICERS ARRIVE... AH... DID YOU GO BACK BEFORE THE OFFICERS GOT THERE?

FERNANDEZ: NO.

CISNEROS: OKAY. AND YOU WAIT THERE.

FERNANDEZ: I WAITED THERE CAUSE I FIGURED I'D, (INAUDIBLE) BY THE TIME (INAUDIBLE) I DIDN'T WANT TO CAUSE MORE VIOLENCE.

CISNEROS: SURE.

FERNANDEZ: SO I SAID, I'LL WAIT HERE (INAUDIBLE) WAIT HERE, I'M WAITING FOR THE COPS RIGHT OUTSIDE. (INAUDIBLE) AND WE STARTED TALKING YOU KNOW, BEFORE YOU KNOW IT, I, SHE GOES, WHY ARE THEY TAKING SO LONG? I SAID (INAUDIBLE) THAT'S THE WAY THEY ARE, I SAID, I'VE CALLED THEM BEFORE

CISNEROS: SURE.

FERNANDEZ: AND THEY TAKE A LONG TIME. CAUSE THIS IS NOT AN EMERGENCY.

CISNEROS: THAT HAPPENS SOMETIMES.

FERNANDEZ: THIS IS JUST A, VIOLENCE THAT'S GOING IN THE HOUSE.

CISNEROS: OKAY.

FERNANDEZ: THEY'LL TAKE CARE OF IT, IS SAID. (INAUDIBLE)

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CISNEROS: OKAY. SO THE COPS GET THERE. AND THEN WHAT HAPPENED.

FERNANDEZ: THEY ASKED ME WHAT WAS GOING ON, I TOLD THEM, I TOLD YOU, HE WAS BEING VIOLENT AND I JUST DIDN'T WANT HIM, YOU KNOW, I WANTED HIM TO, TO LEAVE THE HOUSE.

CISNEROS: SO YOU TOLD THE OFFICERS HE WAS GETTING VIOLENT?

FERNANDEZ: YEAH, HE WAS, HE WAS THROWING (INAUDIBLE) HE MADE A HOLE IN THE WALL AND THE MORNING, I WANTED HIM TO JUST LEAVE BECAUSE I DIDN'T WANT TO FIGHT AGAIN.

CISNEROS: YOU TOLD THE OFFICERS HE MADE A HOLE IN THE WALL?

FERNANDEZ: YEAH, MADE A HOLE AND HE THREW SOMETHING. AND, AT ME.... HE DIDN'T THROW IT AT ME, BUT I SAW IT PASSING BY AND HE THREW IT. BUT HE DIDN'T HIT ME, IT HIT THE GROUND.

CISNEROS: RIGHT. YOU TOLD THE OFFICERS THAT HE THREW IT AT YOU?

FERNANDEZ: YEAH. I... I TOLD HIM NOT TO THROW IT. HE DIDN'T THROW IT AT ME, HE JUST THREW SOMETHING THROUGH THE HALL. AND I TOLD HIM DANIEL....

CISNEROS: (INAUDIBLE)

FERNANDEZ: YOU CAN'T BE DOING THAT.

CISNEROS: I, I, I UNDERSTAND. BUT...

FERNANDEZ: I TOLD THE OFFICER THAT.

CISNEROS: THAT, THAT, THAT HE

FERNANDEZ: AND HE GOES, DID HE HURT YOU? DID HE THREW SOMETHING AT YOU, I SAID NO, BUT HE THREW IT AT THE WALL AND MADE A HOLE.

CISNEROS: OKAY.

FERNANDEZ: AND I'M, I JUST WANTED HIM TO LEAVE.

CISNEROS: OKAY.

FERNANDEZ: AND SO (INAUDIBLE) YOU KNOW, I JUST WANTED TO MAKE SURE, I

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WANTED HIM TO BE AFRAID. I WANTED TO KNOW THAT (INAUDIBLE) AND HE'S NOT GOING TO DO THIS.

CISNEROS: OKAY.

FERNANDEZ: (INAUDIBLE) I TOLD HIM, DON'T HURT HIM, OKAY?

CISNEROS: ALRIGHT.

FERNANDEZ: HE'S IN HIS UNDERWEAR. HE'S JUST, HE'S JUST IN THERE, I KNOW HE PROBABLY DID DRUGS AND HE'S (INAUDIBLE)

CISNEROS: OKAY.

FERNANDEZ: (INAUDIBLE) I SAID, DON'T HURT HIM.

CISNEROS: WHAT KIND OF DRUGS DOES HE USE?

FERNANDEZ: (INAUDIBLE) I DON'T KNOW.

CISNEROS: DID YOU EVER SEE HIM DO DRUGS?

FERNANDEZ: NO.

CISNEROS: DO YOU EVER,

FERNANDEZ: (INAUDIBLE)

CISNEROS: YOU EVER SAW HIM DO MARIJUANA? OR SMOKE...

FERNANDEZ: NO.

CISNEROS: DID, HAS HE EVER TOLD YOU WHAT KIND OF DRUGS HE DOES?

FERNANDEZ: NO.

CISNEROS: HONEY, I HAVE TO ASK YOU THIS QUESTION. DO YOU DO DRUGS?

FERNANDEZ: NO.

CISNEROS: HOW ABOUT TODAY. (INAUDIBLE)

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FERNANDEZ: (INAUDIBLE)

CISNEROS: HAVE YOU BEEN DRINKING TODAY?

FERNANDEZ: I DON'T DRINK.

CISNEROS: OKAY. I JUST NEED TO ASK THOSE QUESTIONS. GET THEM OUT OF THE WAY.

FERNANDEZ: I UNDERSTAND.

CISNEROS: OKAY. THANK YOU. UHM... SO... DID YOU WALK WITH THE OFFICERS BACK TO THE, TO YOUR TRAILER?

FERNANDEZ: NO, THEY TOLD ME NOT TO. WELL, THEY CAME FIRST AND SAID (INAUDIBLE) DOESN'T ANSWER THE DOOR. AND I SAID

CISNEROS: OH, SO, LET ME ASK YOU A QUESTION. SO THEY WENT TO THE TRAILER FIRST (INAUDIBLE)?

FERNANDEZ: LEFT ME THERE AND THEN THEY CAME BACK AND

CISNEROS: DID THEY, DID THEY KNOCK ON THE DOOR?

FERNANDEZ: (INAUDIBLE)

CISNEROS: DID YOU HEAR THEM DO THAT?

FERNANDEZ: YEAH.

CISNEROS: DID YOU SEE THEM DO THAT?

FERNANDEZ: NO. I JUST HEARD THEM (INAUDIBLE)

CISNEROS: (INAUDIBLE) KNOCK ON THE DOOR?

FERNANDEZ: AND THEN THEY COME BACK AND THEY KNOCK ON THE DOOR OF HER TRAILER (INAUDIBLE) NEIGHBOR LADY GOES, WHAT? AND HE GOES, IS HE IN THERE? I GO, YEAH, HE SHOULD BE IN THERE. AND HE WAS MAKING A SANDWICH (INAUDIBLE) HE GOES, DO YOU THINK HE'LL ATTACK US? I SAID NO, I DON'T THINK SO. IF HE DOES, YOU GUYS OUGHT TO, YOU GUYS ARE ALL SUITED UP, HE CAN'T HURT

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YOU I SAID, SAID, THE DOORS OPEN, I SAID. WELL I'M GONNA WITH YOU, HE GOES NO, STAY HERE. THE DOORS OPEN. (INAUDIBLE) DOOR, HE'S IN HIS ROOM PROBABLY. I SAID

CISNEROS: DID THE OFF

FERNANDEZ: JUST GO IN THERE AND ASK HIM TO LEAVE. THAT'S ALL.

CISNEROS: (INAUDIBLE) THAT WAS MY NEXT QUESTION. AND YOU ALREADY ANSWERED IT. YOU, YOU TOLD THEM THAT THEY COULD GO INSIDE

FERNANDEZ: (INAUDIBLE) THE DOORS ARE LOCKED, THEY SAID THE DOORS ARE LOCKED, I'LL GO WITH YOU. THEY GO NO. STAY HERE.

CISNEROS: OKAY.

FERNANDEZ: I SAID, HE'S NOT GOING TO DO NOTHING. JUST ASK HIM TO LEAVE. I'LL GO OVER THERE. HE SAID NO, JUST KEEP HER HERE, HE TOLD THE GIRL....

CISNEROS: OKAY.

FERNANDEZ: AND SO I SAID, NOT EVEN TWO MINUTES LATER WE HEARD THE GUNSHOTS, NOT EVEN TWO MINUTES (INAUDIBLE) TWO SHOTS... THERE WERE (INAUDIBLE) SHOTS (INAUDIBLE/CRYING) TOLD ME NOT TO GO IN THERE. (INAUDIBLE) I TOLD HIM THE SECOND TIME, DON'T HURT HIM. DON'T HURT HIM I SAID. (INAUDIBLE/CRYING)

CISNEROS: OKAY.

FERNANDEZ: IF I WOULDN'T BEEN THERE LIKE I HAD BEEN THERE BEFORE THEY WOULDN'T HAVE HURT HIM, I KNOW THEY WOULDN'T.

CISNEROS: ELVIRA LET ME

FERNANDEZ: (CRYING)

CISNEROS: ELVIRA, TAKE A BREATH. YOU'RE DOING PRETTY GOOD. THANK YOU FOR TALKING WITH ME. I APPRECIATE IT.

FERNANDEZ: (CRYING)

CISNEROS: YOU'RE DOING OKAY.

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FERNANDEZ: (CRYING) THIS IS WRONG. THIS IS ALL... WRONG. THIS IS WRONG.
IT WAS WRONG. WHATEVER THEY DID IT WAS WRONG.
(INAUDIBLE/CRYING).

CISNEROS: (INAUDIBLE) WE'RE GOING TO THOROUGHLY INVESTIGATE WHAT
HAPPENED INSIDE. TO GET TO THE TRUTH AS TO WHAT HAPPENED.

FERNANDEZ: (INAUDIBLE/CRYING) THE DOG (INAUDIBLE) AND THEY KILLED
JUNIOR AND THEN THEY KILLED DANIEL (INAUDIBLE/CRYING).

CISNEROS: DID YOU GO INTO THE TRAILER AND SEE WHAT HAPPENED?

FERNANDEZ: I TRIED TO BUT THEY DIDN'T LET ME.

CISNEROS: OKAY.

FERNANDEZ: BUT I KNOW

CISNEROS: HOW, HOW FAR DID YOU GET TO, TO THE, TO YOUR TRAILER?

FERNANDEZ: I DON'T KNOW (INAUDIBLE) THE KITCHEN WHERE I COULD SEE THAT
THE BIKE HAD BEEN THROWN (INAUDIBLE) LOOKED LIKE A LITTLE
STRUGGLE (INAUDIBLE). THERE'S NOT EVEN ENOUGH ROOM FOR YOU
TO BE IN THERE (INAUDIBLE). THEY COULD HAVE TASED HIM, THEY
COULD HAVE TACKLED HIM. THERE'S NOT MUCH ROOM IN THERE.

CISNEROS: LET ME ASK YOU A QUESTION. WHAT, WHAT YOU SAW? LET ME ASK
YOU WHAT, A QUESTION ABOUT WHAT YOU SAW. SO YOU SAW THE
BIKE?

FERNANDEZ: ON THE FLOOR.

CISNEROS: WHERE HAD THE, WHERE HAD THE BIKE BEEN BEFORE.

FERNANDEZ: IT WAS RIGHT ON (INAUDIBLE) INTO THE KITCHEN, RIGHT AS YOU,
AS YOU OPEN THE DOOR, THEN YOU GO TO THE KITCHEN

CISNEROS: (INAUDIBLE) TO THE RIGHT...

FERNANDEZ: RIGHT.

CISNEROS: GO TO YOUR RIGHT.

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FERNANDEZ: AND THE BIKE WAS RIGHT IN FRONT OF THE DOOR. RIGHT IN FRONT OF THE DOOR (INAUDIBLE).

CISNEROS: YOUR POINTING TO YOUR LEFT, YOUR POINTING TO YOUR LEFT.

FERNANDEZ: NO, AS YOU WALK IN THE DOOR LIKE THIS, OKAY?

CISNEROS: OKAY. (INAUDIBLE)

FERNANDEZ: YOU WALK IN THE, THE BIKE IS RIGHT THERE.

CISNEROS: TO THE RIGHT.

FERNANDEZ: RIGHT AWAY THERE'S, THERE'S THE KITCHEN DOOR, THE HALL TO GO TO THE KITCHEN

CISNEROS: OKAY YOU'RE... NOW, WHAT, WHAT I'M SAYING IS THIS. BE PATIENT WITH ME. SINCE I DON'T KNOW WHAT IT LOOKED LIKE INSIDE. I HAVE TO USE RIGHT, LEFT AND, AND FRONT. SO, DOOR IS HERE... YOU'RE POINTING TO, IN FRONT OF YOU, AND TO YOUR RIGHT. IS THAT WHERE THE BIKE IS AT.

FERNANDEZ: AS YOU WALK IN...

CISNEROS: YES...

FERNANDEZ: YOU COULD SEE THAT THERE'S A BAR RIGHT THERE.

CISNEROS: (INAUDIBLE) I DIDN'T KNOW THAT.

FERNANDEZ: AND THEN IN FRONT OF THE BAR,

CISNEROS: BAR IS... BIKE

FERNANDEZ: THAT'S WHERE THE, THAT'S WHERE THE BIKE WAS.

CISNEROS: WHAT, WHAT COLOR IS THE BIKE.

FERNANDEZ: IT'S A RED BIKE.

CISNEROS: OKAY.

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FERNANDEZ: AND AS SOON AS YOU, THE BAR, AND THEN THERE, AND THEN THERE'S A KITCHEN RIGHT THERE.

CISNEROS: TO THE RIGHT? BEHIND THE BAR IS A KITCHEN.

FERNANDEZ: (INAUDIBLE) THE BIKE WAS ON THE FLOOR.

CISNEROS: ON THE FLOOR...

FERNANDEZ: AND IT LOOKED LIKE THERE WAS A, A, SOMETHING, A STRUGGLE... (INAUDIBLE) I HAVE A BUNCH OF STUFF... RIGHT THERE, YOU CAN BARELY GO INTO THE KITCHEN. CAUSE I HAVE A BUNCH OF THINGS THERE. I'VE BEEN CLEANING THEM, THROWING AWAY.... AND I COULD SEE THAT THERE WAS SOMETHING ON THE FLOOR. I DON'T KNOW WHAT IT WAS, BUT IT WAS LIKE ONE OF MY BOXES THAT I HAD THERE. AND AH, AND THE BIKE WAS ON THE FLOOR AND THATS AS FAR AS I GOT, CAUSE I WAS BARELY GOING TO STEP IN WHEN THE COP STOPPED ME. (INAUDIBLE) PUSHED ME BACK.

CISNEROS: OKAY.

FERNANDEZ: AND HE TOLD ME TO LEAVE. I SAID, DID YOU HURT MY SON? I TOLD HIM (INAUDIBLE) AND HE GOES, JUST LEAVE. AND THEN MY FRIEND WAS COMING BEHIND ME AND BROUGHT ME ALL THE WAY BACK TO THE TRAILER. I JUST KNEW THEY HAD HURT HIM, I KNEW IT. I KNEW IT IN MY HEART. (CRYING)

CISNEROS: ELVIRA... ALRIGHT. TAKE A BREATH. YOU'RE DOING GOOD.

FERNANDEZ: (INAUDIBLE/CRYING) I TOLD HIM TWICE. DON'T HURT HIM. THEY... HE COULD'VE TASSED HIM (INAUDIBLE) IF I WOULD HAVE BEEN THERE, THEY WOULDN'T HAVE HURT HIM, I KNOW IT. I KNOW IT. I COULD SMELL THE GUN POWDER ON THE OFFICER. I COULD SMELL IT.

CISNEROS: WE DON'T KNOW WHAT HAPPENED INSIDE, WE'RE STILL INVESTIGATING THAT. (INAUDIBLE)

FERNANDEZ: (CRYING) WHEN THEY LEFT ME THERE (INAUDIBLE/CRYING)

CISNEROS: THAT WAS MY QUESTION TO YOU.

FERNANDEZ: (INAUDIBLE/CRYING) DIDN'T EVEN TALK TO HIM, THEY JUST SHOT HIM. (INAUDIBLE/CRYING) FIRST THERE WERE TWO SHOTS....

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CISNEROS: OKAY.

FERNANDEZ: A PAUSE...

CISNEROS: HOW LONG WAS THE PAUSE?

FERNANDEZ: MAYBE NOT EVEN TEN, TWENTY SECONDS AND THEN WE HEARD THREE SHOTS IN A ROW AGAIN.

CISNEROS: OKAY.

FERNANDEZ: AND THAT WHEN I RAN OVER THERE.

CISNEROS: OKAY. BEFORE YOU HEARD THE TWO SHOTS, YOU TOLD ME YOUR, IT WAS ABOUT TWO MINUTES AFTER THEY LEFT YOU?

FERNANDEZ: AT LEAST, MAYBE NOT EVEN... IT WAS JUST A MATTER OF TIME (INAUDIBLE)

CISNEROS: IN THOSE TWO MINUTES, DID YOU HEAR ANYBODY TALKING, GROWLING,

FERNANDEZ: NO, NOTHING, NOTHING, NOTHING.

CISNEROS: WAS THE DOOR OPEN OR WAS THE DOOR CLOSED.

FERNANDEZ: (INAUDIBLE/CRYING)

CISNEROS: WAS THE TRAILER DOOR CLOSED OR OPEN?

FERNANDEZ: I TOLD HIM, HE SAID THE DOOR WAS CLOSED. I SAID THE DOOR IS UNLOCKED YOU CAN GO IN THERE AN TALK TO HIM. (INAUDIBLE)

CISNEROS: WHEN THE OFFICERS GOT THERE WAS THE DOOR OPEN, DID THEY LEAVE IT OPEN, DID THEY LEAVE IT OPEN OR LEAVE IT CLOSED?

FERNANDEZ: WHEN I WENT IN THERE?

CISNEROS: NO. WHEN THE OFFICERS GOT THERE

FERNANDEZ: I DON'T... I DON'T KNOW.

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CISNEROS: DID THEY OPEN IT OR CLOSE IT.

FERNANDEZ: I DON'T KNOW IF THEY OPENED IT OR CLOSED IT.

CISNEROS: WHEN YOU GOT THERE, WAS THE DOOR OPEN OR CLOSED.

FERNANDEZ: THE DOOR WAS OPEN.

CISNEROS: OKAY.

FERNANDEZ: BUT I TOLD, HE TOLD ME, WHEN THEY CAME BACK THEY SAID THE DOOR IS CLOSED. I SAID, I KNOW, I CLOSED IT, BUT IT'S NOT LOCKED.

CISNEROS: OKAY.

FERNANDEZ: HE GOES, AH, I SAID BUT, JUST, YOU, I SAID IT'S OPEN, IT'S NOT LOCKED. IF YOU WANT TO GO IN THERE AND TALK TO HIM, GO AHEAD, BUT DON'T HURT HIM. I'LL GO WITH YOU. AND HE SAID NO. WELL LET ME GO WITH, AND HE GOES NO, YOU STAY HERE AND TOLD MY, THAT GIRL TO KEEP HER HERE. A MINUTE, NOT EVEN, IN A MATTER OF JUST SECONDS (INAUDIBLE/CRYING).

CISNEROS: ELVIRA? HOW LONG HAS YOUR SON BEEN DOING DRUGS?

FERNANDEZ: (INAUDIBLE) SINCE MARCH, I TOLD YOU.

CISNEROS: MARCH OF THIS YEAR?

FERNANDEZ: YES. HE'S BEEN DOING IT SINCE HE AND HIS GIRLFRIEND BROKE UP, WHICH WAS IN MARCH. I NOTICED CHANGES IN HIM. I NOTICED IT. YOU KNOW, YOU'RE A PARENT. YOU CAN TELL

CISNEROS: SURE.

FERNANDEZ: I'VE LIVED WITH HIM ALL MY LIFE, I CAN TELL WHEN THINGS ARE CHANGING. I CAN TELL. IN HIS ATTITUDE, THE WAY HE IS INSIDE. CAUSE HE'S NOT LIKE THAT, HE'S A GOOD KID. HE'S A HARD WORKER. (INAUDIBLE/CRYING)

CISNEROS: BE, BEFORE.... OKAY.

FERNANDEZ: (INAUDIBLE/CRYING)

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CISNEROS: TAKE YOUR TIME. TAKE YOUR TIME. TAKE YOUR TIME.

FERNANDEZ: HE WAS IN HIS UNDERWEAR, MY GOD. (INAUDIBLE/CRYING) HE WAS IN HIS UNDERWEAR.... HE WAS MAKING A SANDWICH HE WAS GOING TO GO TO SLEEP. I SHOULD'VE NEVER CALLED (INAUDIBLE) LOTS OF TIMES I WALKED AWAY AND I, AND I COME BACK AND YOU KNOW, FOR A FEW HOURS AND (INAUDIBLE) I'M SORRY MOM. AND HE (INAUDIBLE/CRYING) FOR YOU. I JUST, I WANTED TO WALK AWAY BUT SOMETHING TOLD ME NOT TO. AND I THOUGHT THEY WERE GOING TO HELP ME....

CISNEROS: OKAY.

FERNANDEZ: PROTECT ME, AND SERVE ME. (INAUDIBLE/CRYING) WENT IN THERE AND KILLED HIM FOR NO REASON.

CISNEROS: ELVIRA.

FERNANDEZ: (INAUDIBLE/CRYING)

CISNEROS: WE DON'T KNOW WHAT HAPPENED IN THERE RIGHT NOW. OKAY? YOU'RE MAKING ASSUMPTIONS. LET US, LET US FINISH OUR INVESTIGATION TO FIND OUT WHAT REALLY HAPPENED INSIDE.

FERNANDEZ: I KNOW HOW DANIEL IS. I KNOW HE (INAUDIBLE/CRYING)

CISNEROS: ALRIGHT. LET ME ASK YOU A QUESTION. WHEN HE'S NOT ON DRUGS

FERNANDEZ: (CRYING)

CISNEROS: I KNOW. ALRIGHT. DO YOU WANT SOME WATER?

FERNANDEZ: YOU KNOW THEY SAID THAT HE MADE WRONG CHOICES. NO, I MADE THE WRONG CHOICE BY CALLING THE COPS.

CISNEROS: LET ME ASK YOU A QUESTION.

FERNANDEZ: I THOUGHT THEY WERE GOING TO HELP ME. THEY KILLED HIM.

CISNEROS: IN THE PAST, HE'S HIT YOU. HASN'T HE?

FERNANDEZ: NO. HE DOESN'T... HE CHOKED ME ONCE.

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CISNEROS: WELL, HE'S CHOKED YOU.

FERNANDEZ: YEAH. WE STRUGGLED, (INAUDIBLE)

CISNEROS: IS HE VIOLENT WHEN HE'S ON DRUGS? OR IS HE VIOLENT WHEN HE'S NOT ON DRUGS.

FERNANDEZ: WHEN HE COMES HOME (INAUDIBLE) IT WAS JUST BECAUSE HE (INAUDIBLE) I WAS YELLING BACK AT HIM. DON'T THINK I DON'T YELL BACK, I YELL AND CUSS AND I GOT, AND I SAID I GOTTA STOP DOING THAT. AND I DID. I, I JUST WALK AWAY. I TOLD YOU, I WALK AWAY. (INAUDIBLE)

CISNEROS: SURE.

FERNANDEZ: AND I WALK, I COME BACK AND EVERYTHING'S FINE.

CISNEROS: WHEN, WHAT....

FERNANDEZ: AND THAT'S WHAT I'VE BEEN DOING, BUT THIS TIME I SAID, NO, I'M GONNA CALL THE COPS OUT. I'M GONNA SCARE HIM (INAUDIBLE/CRYING)

CISNEROS: WELL, HE SCARED YOU, DIDN'T HE ?

FERNANDEZ: NO, HE DIDN'T SCARE ME? (INAUDIBLE) WE DIDN'T EVEN FIGHT, WE DIDN'T EVEN YELL (INAUDIBLE)

CISNEROS: BUT YOU WANTED HIM TO GO AWAY.

FERNANDEZ: I WANTED HIM TO JUST, I WANTED HIM TO KNOW THAT HE, THAT HE CAN'T BE DISRESPECTFUL AND BE LIKE THAT WITH ME, WITH ME, (INAUDIBLE/CRYING). BUT YOU KNOW, WHEN YOU GOT YOU'RE MOM YELLING AT YOU, YOU'RE GONNA YELL BACK. MAYBE HE DIDN'T MAKE THE RIGHT CHOICES BUT I, I KNOW WHAT CHOICES I HAVE TO MAKE (INAUDIBLE) I TRUSTED THAT GUY, I TRUSTED HIM. I, I TOLD HIM. HE GOES NO, WE'RE NOT GONNA HURT HIM. DON'T, I SAID. (INAUDIBLE) I TOLD HIM (INAUDIBLE) A LITTLE PLACE LIKE THIS, YOU CAN TACKLE SOMEBODY. I KNOW HE DIDN'T HAVE ANY WEAPONS IN THERE. I'M

CISNEROS: ELVIRA... WHAT YOU DIDN'T, WHAT YOU DIDN'T SEE.... WAS WHAT HAPPENED INSIDE.

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FERNANDEZ: BECAUSE THEY DIDN'T LET ME GO WITH THEM.

CISNEROS: SO YOU CAN'T MAKE ASSUMPTIONS AS TO WHAT HAPPENED. LET US FIND OUT THE TRUTH, OKAY? AS TO WHAT HAPPENED INSIDE.

FERNANDEZ: I CAN'T MAKE ASSUMPTIONS, BUT I CAN....

CISNEROS: LET US

FERNANDEZ: TELL BY THE TIME IT TOOK THEM TO GO IN THERE AND GO IN THAT HOUSE AND THE TIME IT TOOK THEM, THEY DIDN'T, I MEAN, I'VE BEEN THERE WITH THEM BEFORE WHEN COPS HAVE GONE OVER THERE AND THEY TALKED TO HIM. IT TAKES ABOUT TEN MINUTES BEFORE WE GET EVERYTHING CLEARED UP, THERE'S NOT EVEN A MINUTE OR TWO WE HEARD THE GUNSHOTS. THEY WENT IN THERE SHOOTING (INAUDIBLE/CRYING) I KNOW THEY KILLED JUNIOR, I KNOW THEY DID. AND JUNIOR (INAUDIBLE/CRYING) AND THEY KILLED HIM TOO. HE WAS MAKING A PEANUT BUTTER AND JELLY SANDWICH IN HIS UNDERWEAR WHEN I LEFT.

CISNEROS: OKAY. ELVIRA... THANK YOU FOR TALKING WITH ME. OKAY? IS THERE ANYBODY I CAN CALL FOR YOU?

FERNANDEZ: (CRYING/SOBING) NOBODY.

CISNEROS: CAN I CALL A PASTOR OR YOUR PRIEST? OR.... ALRIGHT. TAKE A BREATH. I'M GOING TO TAKE YOU OUTSIDE TO THE NEIGHBOR.

FERNANDEZ: I LET THE DEVIL COME IN MY HOUSE AND KILL MY SON (INAUDIBLE/CRYING) FAITH IN THEM...

CISNEROS: DO YOU HAVE ANY QUESTIONS OR ANYTHING?

FERNANDEZ: IT WAS A NON-VIOLENT SITUATION. NOT SUPPOSED TO BE VIOLENT LIKE THIS. (INAUDIBLE/CRYING).

BOTH SPEAKING IN SPANISH

FERNANDEZ: POR QUE ME MATARON A MI HIJO? (WHY DID THEY KILL MY SON). (INAUDIBLE), MATARON (KILL), (INAUDIBLE) HABLAR CON EL (SPEAK WITH HIM), (INAUDIBLE).

CISNEROS: ENTIENDE (UNDERSTAND)

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FERNANDEZ: (INAUDIBLE SPANISH)

BOTH SPEAKING IN ENGLISH

FERNANDEZ: (INAUDIBLE) HIM PERMISSION TO GO IN MY HOUSE AND KILL
(INAUDIBLE)

CISNEROS: THE OFFICERS.... WE DON'T KNOW WHAT HAPPENED INSIDE... I'M
NOT GONNA, MAKE ASSUMPTIONS. DON'T MAKE ASSUMPTIONS JUST
YET, OKAY.

FERNANDEZ: TWICE THEY CAME TO THE DOOR.

CISNEROS: ALRIGHT.

FERNANDEZ: TWICE I TOLD THEM, DON'T HURT HIM, AND HE GOES NO.

CISNEROS: OKAY. ELVIRA....

FERNANDEZ: (CRYING)

CISNEROS: WE'LL TALK SOME MORE (INAUDIBLE) THE TIME NOW IS AH, FIFTEEN
NINETEEN HOURS.

10/8/10 1432 VCBA/MHM/A2955

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : *2955 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 015

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** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 16

REPORT DATE: 20101008 TIME: 1034

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: WILLIAM SCHIRA 4587 UNIT: C30

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 100810 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI LE01

ITEM: JDOCUME BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: COPY OF SEARCH WARRANT #2010-003104, RETURN AND SUPPLEMENTS.

0002 PKG 000 CODE:EI LE01

ITEM: JDOCUME BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: COPY OF SEARCH WARRANT #2010-007245, RETURN, SUPPLEMENTS, AND FAX CONFIRMATION.

**** NARRATIVE ****

SERIAL NUMBER: 4587

THIS SUPPLEMENT IS GENERATED TO IMPOUND COPIES OF THE SEARCH WARRANTS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3954772

DR ENTERED BY : 4587 DR FINALIZED BY : 4587

END OF REPORT

DR NO: 2010 01413133 016

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 17

REPORT DATE: 20101009 TIME: 0639

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: GAIL OWENS

5013 UNIT: 42A

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 5013

WITNESS: : , KATHERINE

=====

CELL: 602-

WHITE FEMALE

DOB:

SSN:

=====

ON 10-05-10, AT 1237 HOURS, OFFICER BARRIOS #5799 AND I RESPONDED TO HOT TRAFFIC REFERENCE AN OFFICER INVOLVED SHOOTING, LOCATED AT 303 EAST SOUTH MOUNTAIN AVENUE TRAILER SPACE #51.

UPON OUR ARRIVAL, I SAW OFFICER VIRGILLO #6437 STANDING IN THE MIDDLE OF THE ROADWAY, SHAKING HIS HEAD FROM SIDE TO SIDE.

I WALKED TO THE FRONT DOOR OF THE TRAILER WHERE I SAW OFFICER CHRISMAN #7371 STANDING THERE REQUESTING OTHER OFFICERS TO ASSIST HIM IN CLEARING THE BACK OF THE TRAILER.

I WALKED BACK TO A POLICE VEHICLE WHERE I GOT CRIME SCENE TAPE AND HANDED IT TO ANOTHER OFFICER WHO BEGAN STRINGING IT AROUND THE SCENE.

I THEN WENT BACK TO THE DOORWAY OF THE TRAILER WHERE THERE WERE OTHER OFFICERS. I HEARD OFFICER CHRISMAN EXPLAIN THAT THE SUSPECT WAS GRABBING FOR HIS GUN.

UPON THE ARRIVAL OF SERGEANT MATTSON #5969, OFFICER BARRIOS BECAME THE SCRIBE. SERGEANT MATTSON ASKED ME TO DO A PREMISE HISTORY OF THE LOCATION OF THE SHOOTING.

I CALLED RADIO WHO ADVISED ME THAT ON JUNE 31, 2010, THERE HAD BEEN A CHECK WELFARE CALL, INCIDENT #1070551. THE CALL CAME FROM A THIRD PARTY. THERE WAS ANOTHER CALL ON MAY 13, 2010; IT WAS A DOMESTIC VIOLENCE CALL MADE BY ELVIRA HERNANDEZ IN REFERENCE TO HER SON, DANIEL RODRIGUEZ, 29 YEARS OF AGE, INCIDENT #689052. I GAVE THIS INFORMATION TO SERGEANT

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MATTSON.

I THEN CONTACTED KATHERINE WHO LIVES WHERE
ELVIRA HERNANDEZ HAD CALLED THE POLICE FROM.

KATHERINE TOLD ME THAT ELVIRA HAD COME OVER TO HER TRAILER AND ASKED HER TO CALL THE POLICE FOR HER BECAUSE HER SON, DANIEL, WAS BEING VERY VIOLENT TO HER. KATHERINE SAID THAT SHE TOLD ELVIRA THAT IT WOULD BE BETTER IF SHE CALLED THE POLICE.

KATHERINE TOLD ME THAT ELVIRA TOLD HER THAT DANIEL HAD HURT HER IN THE PAST AND THAT SHE WANTED HIM GONE BECAUSE HE WAS VIOLENT AT THIS TIME.

KATHERINE SAID THAT ELVIRA TOLD HER BEFORE SHE CAME OVER TO USE THE PHONE DANIEL THREW SOMETHING SHARP AT HER, AND IT WENT BY HER HEAD, POSSIBLY CAUSING DAMAGE TO THE WALL.

I STOOD BY KATHERINE UNTIL I WAS RELIEVED BY DETECTIVES.

A3783 VICKI/5013/100910/0725 VCB FRONT DESK

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A3783

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 017

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1 DR NUMBER: 2010 01413133 18

REPORT DATE: 20101009 TIME: 1046

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS 4657 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000701 W JEFFERSON ST

DATE: 100710 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: PBIOLG BRAND: MODEL: SCRAPINGS COLOR:

DESCRIPTION: TWO SEALED WHITE ENVELOPS CONTAINING RIGHT AND LEFT FINGER NAIL SCRAPINGS FROM HANDS OF DANIEL RODRIGUEZ. ENVELOPES LABELED OME #10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON MD

0002 PKG 000 CODE:EI UK00

ITEM: PBIOLG BRAND: MODEL: TRACE COLOR:

DESCRIPTION: SEALED WHITE ENVELOPE CONTAINING TRACE EVIDENCE FROM LEFT HAND OF DANIEL RODRIGUEZ. ENVELOPE LABELED OME #10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON, MD

0003 PKG 000 CODE:EI UK00

ITEM: PBIOLG BRAND: MODEL: CLIPPINGS COLOR:

DESCRIPTION: SEALED WHITE ENVELOPE CONTAINING LEFT FINGER NAIL CLIPPINGS; SEALED WHITE ENVELOPE CONTAINING RIGHT FINGER NAIL CLIPPINGS AND FINGER NAIL CLIPPER: CLIPPINGS FROM THE RIGHT AND LEFT HANDS OF DANIEL RODRIGUEZ. BOTH ENVELOPES LABELED OME #10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON, MD

0004 PKG 000 CODE:EI UK00

ITEM: PBIOLG BRAND: MODEL: BLOODSTAIN COLOR:

DESCRIPTION: SEALED WHITE ENVELOPE CONTAINING BLOOD STAIN CARD FROM DANIEL RODRIGUEZ. ENVELOPE LABELED OME #10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON, MD

0005 PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: MODEL: BARB COLOR:

DESCRIPTION: BARB TAKEN FROM ABDOMEN OF DANIEL RODRIGUEZ, IN SEALED CLEAR PLASTIC TUBE LABELED OME #10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON, MD.

0006 PKG 000 CODE:EI UK00

ITEM: YAMMUNI BRAND: MODEL: PROJECTILE COLOR:

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PAGE NUMBER: 2 DR NUMBER: 2010 01413133 18

DESCRIPTION: PROJECTILE (SPENT BULLET) TAKEN FROM TORSO OF DANIEL RODRIGUEZ. PROJECTILE IN SEALED WHITE PLASTIC CANISTER LABELED OME #10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON MD

- 0007 PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: DOG BLOOD COLOR:
DESCRIPTION: SEALED WHITE ENVELOPE CONTIANING BLOOD STAIN CARD FROM DOG EXAMINED BY DR. JOHNTON. ENVELOPE LABELED OME #10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON MD
- 0008 PKG 000 CODE:EI UK00
ITEM: YAMMUNI BRAND: MODEL: FRAG/DOG COLOR:
DESCRIPTION: SEALED WHITE PLASTIC CANISTER CONTAINING PROJECTILE FRAGMENTS TAKEN FROM TORSO OF DOG BY DR. JOHNSTON. CANISTER LABELED OME # 10-05956, DANIEL RODRIGUEZ, JEFFEREY JOHNSTON MD.
- 0009 PKG 000 CODE:EI UK00
ITEM: PJEWELR BRAND: MODEL: COLOR:
DESCRIPTION: ONE GROVED WHITE METAL RING; ONE WHITE METAL RING WITH GREEN OBLONG FACE; ONE WHITE METAL BRACELET; ONE BROWN ROUND EAR STUD; ONE WHITE METAL EAR STUD WITH CLEAR STONE; ONE SMALL YELLOW METAL EAR RING; ONE YELLOW METAL FLAT BELL SHAPED EAR HOOP.
- 0010 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: DICE COLOR:
DESCRIPTION: ONE WHITE METAL SAFTY PIN; ONE POLISHED BROWN STONE; TWO BLACK/WHITE DICE; ONE WHITE METAL MASTER KEY; SMALL BOTTLE OF GILCHRIST&SOAMES LOTION; ONE SMALL CLEAR BOTTLE OF CLEAR EYES
- 0011 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: ID CARDS COLOR:
DESCRIPTION: ONE ARIZONA DRIVERS LICENSE FOR DANIEL RODRIGUEZ DO04 ; AAI STUDENT ID CARD FOR DANIEL RODRIGUEZ; METRO LIGHT RAIL BUS CARD.
- 0012 PKG 000 CODE:EI UK00
ITEM: PWALLET BRAND: MODEL: COLOR: BLK
DESCRIPTION: BLACK WALLET CONTAINING MISC CARDS, PAPERS SOCIAL SECURITY CARD FOR DANIEL RODRIGUEZ
- 0013 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: LIGHTERS COLOR:
DESCRIPTION: TWO DISPOSABLE LIGHTERS
- 0014 PKG 000 CODE:EI UK00
ITEM: OTELEPH BRAND: MODEL: MOTOROLA COLOR: BLK SIL
DESCRIPTION: BLACK AND SILVER MOTOROLA/AT&T CELL PHONE
- 0015 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: TOBACCO COLOR:
DESCRIPTION: WHITE METAL CAMEL BRAND CONTAINER LABELED

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PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

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DR NUMBER: 2010 01413133 18

"SNUS" CONTAINING TOBACCO POUCHES

0016 PKG 000 CODE:EI UK00
ITEM: ZCASH BRAND: MODEL: COLOR:
OAN: VALUE: \$2.50
DESCRIPTION: \$1.00 BILL X 1; .25 X 5; .10 X 2; .05 X 1;
TOTAL CASH: \$2.50

0017 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: CONDOMS COLOR:
SIZE: QUANTITY: 0003 SERIAL/ACCT/ID:
DESCRIPTION: 3 CONDOMS

0018 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: NYLONCASE COLOR:
DESCRIPTION: BLACK BALLISTIC NYLON POUCH "SOUND KASE"

**** NARRATIVE ****

SERIAL NUMBER: 4657

THE ABOVE LISTED ITEMS WERE TAKEN FROM THE BODY OF DANIEL RODRIGUEZ DURING HIS AUTOPSY ON 10/07/10 AND TURNED OVER TO ME, DET. J. CISNEROS 4657, FOR IMPOUNDING. SEE AUTOPSY SUPPLEMENT FOR DETAILS.

ON 10/07/10 I PLACED AND SECURED AND LOCKED THESE ITEMS INTO TEMPORARY STORAGE LOCKER 214 IN THE SECURED IMPOUNDING/STORAGE ROOM OF THE PROPERTY ANNEX FACILITY AT 621 W. JEFFERSON.

ON 10/09/07 I REMOVED THE ABOVE ITEMS AND IMPOUNDED THEM AT 621 W. WASHINGTON AS EVIDENCE.

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:
INVOICES: 3955064

DR ENTERED BY : 4657 DR FINALIZED BY : 4657

END OF REPORT

DR NO: 2010 01413133 018

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 19

REPORT DATE: 20101009 TIME: 1627

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS

4657 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 100510 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: MODEL: UNIFORMSHIR COLOR: DBL
DESCRIPTION: DARK BLUE SHORT SLEEVE FLYING CROSS UNIFORM SHIRT. CITY OF PHOENIX POLICE PATCHES SEWN TO LEFT AND RIGHT SLEEVES. CITY OF PHOENIX POLICE BADGE AFFIXED TO LEFT BREAST. WHITE METAL NAME PLATE (R. CHRISMAN) AFFIXED ABOVE RIGHT SHIRT POCKET

0001A PKG 000 CODE:EI UK00

ITEM: IMISC BRAND: MODEL: PHOTOID COLOR:
DESCRIPTION: CITY OF PHOENIX POLICE PHOTO ID/MAGNETIC CARD FOR RICHARD CHRISMAN 07371 ATTACHED TO CLIP KEYRING WITH RETRACTABLE SPOOL. WHITE METAL KEY ATTACHED TO SAME SPOOL. BLACK METAL HANDCUFF KEY.
ALL OF ABOVE ITEMS FOUND IN LEFT FRONT POCKET OF ITEM 1

0001B PKG 000 CODE:EI UK00

ITEM: JDOCUME BRAND: MODEL: COLOR:
DESCRIPTION: CITY OF PHOENIX EMPLOYEE ASSISTANCE PROGRAM PAMPHLET; EAP BUSINESS CARD; CITY OF PHOENIX BUSINESS CARD FOR OFC. T. ASHMORE #5113; FIELD INTERROGATION CARDS ON CLIP (MULTIPLE CARDS FILLED OUT OF VARIOUS SUBJECTS). FOUND IN RIGHT FRONT POCKET OF ITEM 1

0002 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: MODEL: HORACESMALL COLOR: BLU
SIZE: W33 QUANTITY: 0000 SERIAL/ACCT/ID:
DESCRIPTION: BLUE HORACE SMALL UNIFORM PANTS WITH VELCRO INNER BELT

0002A PKG 000 CODE:EI UK00

ITEM: ZCASH BRAND: MODEL: COLOR:
OAN: VALUE: \$7.00
DESCRIPTION: \$5.00 X 1; \$1.00 X 2: ONE OF THE 1.00 DOLLAR BILLS HAD REDDISH/BROWNISH STAIN

0003 PKG 000 CODE:EI UK00

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Continued.

SUPPLEMENT

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DR NUMBER: 2010 01413133

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ITEM: PCLOTHE BRAND: PHOENI MODEL: BODYARMOR COLOR:
DESCRIPTION: PHOENIX BRAND "SURVIVOR ARMOR" BULLET PROOF VEST
LEVEL LPLIIIA; WITH METAL P.A.C.A. TRAUMA PLATE AND A POINT BLANK SOFT
TRAUMA INSERT AND A SURVIVOR ARMOR TRAUMA P.A.C. SOFT TRAUMA INSERT

0004 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: BATES MODEL: LEFT COLOR: BLK
SIZE: 9 1/2 QUANTITY: 0000 SERIAL/ACCT/ID:
DESCRIPTION: BATES BLACK HIGH TOP LEFT BOOT, LACE UP AND
ZIPPER SIDE.

0005 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: BATES MODEL: RIGHT COLOR: BLK
DESCRIPTION: BLACK BATES HIGH TOP, LACE UP AND ZIPPER SIDE
RIGHT BOOT. 2 TO 3 INCH TORN/SEPARATION FROM LEATHER LACE EYE HOLES AND
NYLON TOP PANAL ON TOP LEFT SIDE OF BOOT

0006 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: MODEL: DUTY BELT COLOR: BLK
DESCRIPTION: BLACK DUTY BELT WITH HOLSTER FOR GLOCK DUTY PISTOL
TO RIGHT SIDE; HOLSTER FOR TASER TO LEFT SIDE; TWO MAGAZINE POUCHES OF LEFT
FRONT; CUFF CASE WITH WHITE METAL CUFFS TO BACK RIGHT; SLIDING RADIO
HOLDER WITH SLOT CLIP RETAINER.

0006A PKG 000 CODE:EI UK00

ITEM: YAMMUNI BRAND: MODEL: COLOR:
DESCRIPTION: TWO GLOCK MODEL 22 MAGAZINES TAKEN FROM MAGAZINE
POUCHS OF ITEM 6; MAGAZINE #2 TAKEN FROM TOP POUCH CONTAINED 15 FEDERAL
S&W .40 CAL HOLLOW POINT ROUNDS; MAGAZINE #3 TAKEN FROM BOTTOM POUCH HAD
THE INTIALS PSB SCRATCHED ONTO SIDE AND CONTAINED 15 FEDERAL S&W .40 CAL
HOLLOW POINT ROUNDS

0006B PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: MODEL: OC SPRAY COLOR:
DESCRIPTION: BLACK LEATHER POUCH CONTAINING "SABRE RED"
OLEORESIN CAPSICUM SPRAY DESPENSER

0006C PKG 000 CODE:EI UK00

ITEM: PHANDCU BRAND: MODEL: S & W COLOR:
DESCRIPTION: SMITH AND WESSON WHITE METAL HANDCUFFS

0006D PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: KNIFE MODEL: BENCHMARK COLOR:
DESCRIPTION: BLACK METAL, BENCHMARK BRAND FOLDING SPRING LOADED
CLIP KNIFE. POINT OF BLADE BROKEN OFF; FOUND CLIPPED TO UNDERSIDE OF
BOTTOM MAGAZINE POUCH ON ITEM 6

0007 PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: TASER MODEL: X-26 COLOR: BLK YEL
SIZE: QUANTITY: 0000 SERIAL/ACCT/ID: X00-065180
DESCRIPTION: YELLOW WITH BLACK TRIM X-26 TASER

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AND SPENT TASER CARTRIDGE SERIAL NUMBER T07-1380575. CARTRIDGE HAD BEEN ATTACHED TO FOWARD END OF TASER. TASER AND CARTRIDGE HAD BEEN IN TASER HOLSTER AFFIXED TO ITEM 6. TASER SAFTY HAD BEEN ON THE FIRE POSITION.

0008 PKG 000 CODE:EI UK00

ITEM: ACZG BRAND: GLOCK MODEL: 22 COLOR: BLK

SIZE: .40 QUANTITY: 0000 SERIAL/ACCT/ID: EPH689

DESCRIPTION: GLOCK MODEL 22 .40 CAL SEMI-AUTO PISTOL. HAD BEEN IN GLOCK HOLSTER OF ITEM 6

0008A PKG 000 CODE:EI UK00

ITEM: YAMMUNI BRAND: S/W MODEL: COLOR:

DESCRIPTION: CLEAR PLASTIC VIAL CONTAINING .40 CAL FEDERAL S&W HOLLOW POINT ROUND, FOUND IN CHAMBER OF ITEM 8. GLOCK MODEL 22 MAGAZINE #1 CONTAINING 11 .40 CAL FEDERAL S&W HOLLOW POINT ROUNDS. MAGAZINE #1 FOUND IN MAGAZINE WELL OF ITEM 8

0008B PKG 000 CODE:EI UK00

ITEM: PBILOG BRAND: MODEL: FLAK COLOR:

DESCRIPTION: BROWNISH FLAKE FOUND ON LEFT SIDE OF ITEM 8

0009 PKG 000 CODE:EI UK00

ITEM: RRADIO BRAND: MODEL: COLOR:

DESCRIPTION: CITY OF PHOENIX PORTABLE 800 MEGAHERTZ POLICE RADIO WITH ATTACHED HAND MIKE AND PLUG IN EAR BUD. RADIO STRAPPED INTO BLACK LEATHER HOLDER WITH SLIP CLIP

***** NARRATIVE *****

SERIAL NUMBER: 4657

THIS SUPPLEMENT GENERATED TO IMPOUND THE ABOVE LISTED EVIDENTIARY ITEMS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3955112

DR ENTERED BY : 4657 DR FINALIZED BY : 4657

END OF REPORT

DR NO: 2010 01413133 019

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 20

REPORT DATE: 20101009 TIME: 1854

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS 4657 UNIT: C34

PREMISES: MOBILE HOME OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

PHOTOGRAPHS TAKEN: NO BY:

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 100610 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:IP AP01

ITEM: OTELEPH BRAND: MODEL: IPOD COLOR:

DESCRIPTION: IPOD CELLULAR PHONE IN BLACK AND GREY GRIFFEN
CASE. BELONGING TO RICHARD CHRISMAN

**** NARRATIVE ****

SERIAL NUMBER: 4657

THIS SUPPLEMENT GENERATED TO IMPOUND PRISONER PROPERTY.

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:

INVOICES: 3955116

DR ENTERED BY : 4657 DR FINALIZED BY : 4657

END OF REPORT

DR NO: 2010 01413133 020

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101011 TIME: 0803

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: ANTHONY MERAZ

6628 UNIT: C33

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 6628

ON OCTOBER 8TH, 2010, AT APPROXIMATELY 1330 HOURS I WAS CONTACTED BY DETECTIVE CISNEROS AND ASKED TO ASSIST WITH THIS INVESTIGATION. DETECTIVE CISNEROS ASKED THAT I DOWNLOAD THE ACTIVITY REPORTS FROM TWO X26 TASERS THAT HE HAD IN HIS POSSESSION. DETECTIVE CISNEROS TOLD ME ONE TASER BELONGED TO OFFICER M. CHRISMAN #6437 AND THE OTHER TASER BELONGED TO OFFICER S. VIRGILLO #6437.

DETECTIVE CISNEROS PROVIDED ME WITH THE KEY TO TEMPORARY EVIDENCE LOCKER NUMBER 224. I WALKED TO THE PHOENIX POLICE DEPARTMENT CRIME LABORATORY, LOCATED AT 621 WEST WASHINGTON STREET, AND REMOVED THE TWO TASERS FROM TEMPORARY EVIDENCE LOCKER 224. EACH TASER WAS IN IT'S OWN SEALED EVIDENCE BAG AND EACH BAG WAS MARKED ON THE OUTSIDE, INDICATING WHICH TASER BELONGED TO WHICH OFFICER. DETECTIVE CISNEROS TOLD ME THAT BOTH TASERS HAD ALREADY BEEN SWABBED AND PROCESSED FOR PHYSICAL EVIDENCE. HOWEVER, I TOOK CARE TO HANDLE EACH TASER WITH CLEAN LATEX GLOVES.

I RETURNED TO MY DESK AT 620 WEST WASHINGTON STREET AND PRINTED A COMPLETE ACTIVITY REPORT FROM EACH TASER. I FIRST OPENED THE EVIDENCE BAG MARKED AS BELONGING TO OFFICER S. VIRGILLO. I CUT OPEN THAT BAG AND REMOVED THE TASER. I VERIFIED THE SERIAL NUMBER OF THAT TASER TO BE X00-167980. I THEN PRINTED A COMPLETE ACTIVITY REPORT FROM THAT TASER. I PLACED THE TASER BACK INTO IT'S EVIDENCE BAG AND DISCARDED THE LATEX GLOVES.

I DONNED A FRESH PAIR OF LATEX GLOVES AND OPENED THE EVIDENCE BAG MARKED AS BELONGING TO OFFICER R. CHRISMAN. I CUT OPEN THAT BAG AND VERIFIED THE SERIAL NUMBER OF THAT TASER TO BE X00-065180. I THEN PRINTED A COMPLETE ACTIVITY REPORT FROM THAT TASER. I ALSO WAS REQUIRED TO SYNCHRONIZE THE TASER'S TIME TO THE CORRECT TIME. THAT TIME UPDATE WAS NOTED AT THE END OF THE ACTIVITY REPORT. I PLACED THAT TASER BACK INTO IT'S EVIDENCE BAG.

I TOOK BOTH TASERS BACK TO THE PHOENIX POLICE CRIME LABORATORY AND SEALED EACH BAG WITH EVIDENCE TAPE, MARKING THE TAPE WITH MY INITIALS, SERIAL NUMBER, AND THE DATE. I THEN PLACED THE TASERS BACK INTO TEMPORARY EVIDENCE LOCKER 224 AND RETURNED THE KEY TO DETECTIVE CISNEROS.

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I PROVIDED A COPY OF THE TWO ACTIVITY PRINTOUTS TO DETECTIVE PORTER #6290 AND IMPOUNDED A COPY OF EACH ACTIVITY PRINTOUT AS EVIDENCE. SEE MY SEPARATE IMPOUND SUPPLEMENT FOR DETAILS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6628 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 021

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

22

REPORT DATE: 20101011 TIME: 0829

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: WILLIAM SCHIRA

4587 UNIT: C30

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 4587

ON 10/05/10 AT 1250 HOURS, I WAS CONTACTED BY SERGEANT LUMLEY #5097 AND ASKED TO RESPOND TO 303 EAST SOUTH MOUNTAIN AVENUE TO ASSIST IN A POLICE INVOLVED SHOOTING INVESTIGATION.

I ARRIVED AT 1345 HOURS AND WAS EVENTUALLY BRIEFED BY SERGEANT MATTSON #5969 OF THE CIRCUMSTANCES KNOWN TO THAT POINT. AFTER THE BRIEFING, I WAS ASKED BY SERGEANT LUMLEY TO AUTHOR A SEARCH WARRANT FOR THE SCENE AT 303 EAST SOUTH MOUNTAIN AVENUE. SPACE #51. DETECTIVE PORTER WAS ASSIGNED AS THE CASE AGENT.

I DROVE TO 620 WEST WASHINGTON AND AUTHORED A SEARCH WARRANT AND AFFIDAVIT FOR SEARCH WARRANT. I WENT TO 201 WEST JEFFERSON STREET, THE CENTRAL COURT BUILDING OF THE MARICOPA COUNTY SUPERIOR COURT, AND MET JUDGE GLANVILLE. GLANVILLE REVIEWED THE SEARCH WARRANT AND AFFIDAVIT FOR SEARCH WARRANT AND SWORE ME TO THE TRUTHFULNESS CONTAINED IN THEM. JUDGE GLANVILLE THEN SIGNED THEM AT 1621 HOURS.

I RETURNED TO THE SCENE AND WAS CONTACTED IN THE MAC VAN BY DETECTIVE CISNEROS. CISNEROS ADVISED ME OF INFORMATION LEARNED FROM THE INTERVIEW OF OFFICER VIRGILLO AND EXPLAINED I WOULD NEED TO AUTHOR A SEARCH WARRANT AND AFFIDAVIT FOR SEARCH WARRANT FOR EVIDENCE FROM OFFICER CHRISMAN. CISNEROS AND I CONTACTED DETECTIVE PORTER TO VERIFY THE INFORMATION. I GAVE PORTER A COPY OF THE SEARCH WARRANT FOR THE SCENE AT 303 EAST SOUTH MOUNTAIN AVENUE.

I RETURNED TO 620 WEST WASHINGTON AND AUTHORED A SEARCH WARRANT AND AFFIDAVIT FOR SEARCH WARRANT. I FAXED THEM TO THE INITIAL APPEARANCE COURT. THE HONORABLE BRIAN KAISER CALLED ME AND SWORE ME TO THE TRUTHFULNESS CONTAINED IN THEM, HE THEN SIGNED THEM AND FAXED THEM BACK TO ME.

I GAVE A COPY OF THE SEARCH WARRANT TO CISNEROS WHO SERVED THE WARRANT ON OFFICER CHRISMAN.

I LATER ASSISTED CISNEROS IN CONDUCTING THE WEAPONS INSPECTION OF OFFICER CHRISMAN'S WEAPON AND TASER. I SECURED FROM 620 WEST WASHINGTON

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PAGE NUMBER: 2

DR NUMBER: 2010 01413133 22

STREET AT 0200 HOURS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 4587

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 022

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PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 23

REPORT DATE: 20101011 TIME: 0840

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ANTHONY MERAZ

6628 UNIT: C33

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 100810

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI LE01

ITEM: JDOCUME BRAND: MODEL: COLOR:

DESCRIPTION: COMPLETE ACTIVITY REPORT DOWNLOADED FROM X26
TASER SERIAL NUMBER X00-167980 ON 10/08/10 BY DETECTIVE A. MERAZ #6628.

0002 PKG 000 CODE:EI LE01

ITEM: JDOCUME BRAND: MODEL: COLOR:

DESCRIPTION: COMPLETE ACTIVITY REPORT DOWNLOADED FROM X26
TASER SERIAL NUMBER X00-065180 ON 10/08/10 BY DETECTIVE A. MERAZ #6628.

***** NARRATIVE *****

SERIAL NUMBER: 6628

THIS SUPPLEMENT WAS CREATED TO GENERATE AN INVOICE IN ORDER TO IMPOUND THE LISTED ITEMS OF EVIDENCE.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3955489

DR ENTERED BY : 6628 DR FINALIZED BY : 6628

END OF REPORT

DR NO: 2010 01413133 023

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 24

REPORT DATE: 20101011 TIME: 0840

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): KENNETH PORTER

6290 UNIT: C34

PREMISES: MOBILE HOME

OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

RELATED REPORT(S): 2010 01413133A 2010 01413133B 0000

=====

= *** REQUEST FOR LAB ANALYSIS ***

=

=====

CURRENT DR IS: 2010 01413133 024 BIOLOGICAL EVID (BLOOD, SEMEN, TISSUE): Y

NAM: CHRISMAN RICHARD

NAM:

OFF:HOMICIDE

LOCATION: 000303 E SOUTH MOUNTAIN AV

JAILED: N

OCFR REQ OF ANALYSIS:PORTER, KENNETH
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS.

DATE OCC:100510 TIME:1237
DATE REQ:101110 TIME:0840

VIC: RODRIGUEZ DANIEL FRANK

DUI RELATED:N

BUS:

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
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0003955064	0001		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
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0003955064	0003		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
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0003955064	0004		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
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BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

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DR NUMBER: 2010 01413133 24

REFERENCE INVOICE NUMBER 3955064, ITEM NUMBER ONE (FINGERNAIL SCRAPINGS) - PLEASE PROCESS FOR DNA MATERIAL TO BE COMPARED WITH VICTIM DANIEL RODRIGUEZ, THE SUSPECT RICHARD CHRISMAN AND SERGIO VIRGILLO IN THIS INVESTIGATION

REFERENCE INVOICE NUMBER 3955064, ITEM NUMBER THREE (FINGERNAIL CLIPPINGS) - PLEASE PROCESS FOR DNA MATERIAL TO BE COMPARED WITH THE VICTIM DANIEL RODRIGUEZ, THE SUSPECT RICHARD CHRISMAN AND SERGIO VIRGILLO.

REFERENCE INVOICE NUMBER 3955064, ITEM NUMBER FOUR (BLOOD BLOT) - PLEASE PROCESS FOR THE VICTIM, DANIEL RODRIGUEZ'S, DNA STANDARD FOR COMPARISON PURPOSES.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 024

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PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101011 TIME: 0846

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: WILLIAM SCHIRA

4587 UNIT: C30

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 4587

SEARCH WARRANTS

SEARCH WARRANT AUTHOR: DETECTIVE WILLIAM SCHIRA #4587

SEARCH WARRANT: NUMBER SW 2010- 003104

DATE/TIME SIGNED: 10/05/10; 1621 HOURS

COURT: MARICOPA COUNTY SUPERIOR COURT, CENTRAL COURT

JUDGE: WARREN GLANVILLE

DATE/TIME RETURNED: 10/09/10; 0919 HOURS

JUDGE: WARREN GLANVILLE

SEARCH WARRANT AUTHOR: DETECTIVE WILLIAM SCHIRA #4587

SEARCH WARRANT: NUMBER SW 2010- 007245

DATE/TIME SIGNED: 10/05/10; 2113 HOURS

COURT: MARICOPA COUNTY SUPERIOR COURT, INITIAL
APPEARANCE COURT

JUDGE: HONORABLE BRIAN KAISER

DATE/TIME RETURNED: 10/09/10; 0941 HOURS

JUDGE: HONORABLE JULIA M. LOPEZ

THE SEARCH WARRANTS, AFFIDAVITS AND RETURNS WERE IMPOUNDED AS

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Continued.

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SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 25

EVIDENCE.

VICTIM RECEIVED RIGHTS INFORMATION: NO
INVOICES:

MAIL-IN SUPPLEMENT:

DR ENTERED BY : 4587 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 025

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

26

REPORT DATE: 20101011 TIME: 0914

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

=====

= *** REQUEST FOR LAB ANALYSIS *** =

= =====

CURRENT DR IS: 2010 01413133 026 BIOLOGICAL EVID (BLOOD,SEmen,TISSUE): Y

NAM: CHRISMAN RICHARD

OFF:HOMICIDE

NAM:

LOCATION: 000303 E SOUTH MOUNTAIN

AV

JAILED: N

OFCR REQ OF ANALYSIS:PORTER, KENNETH
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS.

DATE OCC:100510 TIME:1237
DATE REQ:101110 TIME:0915

VIC: RODRIGUEZ DANIEL

DUI RELATED:N

BUS:

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
0003955112	0001		PCLOTHE	FORENSIC BIOLOGY (SERO/DNA)
0003955112	0002		PCLOTHE	FORENSIC BIOLOGY (SERO/DNA)
0003955112	0003		PCLOTHE	FORENSIC BIOLOGY (SERO/DNA)
0003955112	0004		PCLOTHE	FORENSIC BIOLOGY (SERO/DNA)
0003955112	0005		PCLOTHE	FORENSIC BIOLOGY (SERO/DNA)
0003955112	0006		PCLOTHE	FORENSIC BIOLOGY (SERO/DNA)
0003955112	0008		ACZG	FORENSIC BIOLOGY (SERO/DNA) FIREARMS
0003955112	0008	B	PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
0003955594	0005		BBICYCL	LATENT PRINT
0003954614	0001		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)

2010 01413133 26

Continued.

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PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 26

0003954614	0003	PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
0003954614	0004	PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
0003954614	0005	PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
0003954614	0006	PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
0003954614	0007	PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)

BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 1 (UNIFORM SHIRT) - PLEASE LOCATE ANY AND ALL STAINS BELIEVED TO BE BLOOD, (VERIFY IF NECESSARY), AND DOCUMENT THE LOCATIONS WITH PHOTOGRAPH/S.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 2 (UNIFORM PANTS) - PLEASE LOCATE ANY AND ALL STAINS BELIEVED TO BE BLOOD, (VERIFY IF NECESSARY), AND DOCUMENT THE LOCATIONS WITH PHOTOGRAPH/S.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 3 (BULLET RESISTANT VEST) - PLEASE LOCATE ANY AND ALL STAINS BELIEVED TO BE BLOOD, (VERIFY IF NECESSARY), AND DOCUMENT THE LOCATIONS WITH PHOTOGRAPH/S.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 4 (BLACK BOOT) - PLEASE LOCATE ANY AND ALL STAINS BELIEVED TO BE BLOOD, (VERIFY IF NECESSARY), AND DOCUMENT THE LOCATIONS WITH PHOTOGRAPH/S.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 5 (BLACK BOOT) - PLEASE LOCATE ANY AND ALL STAINS BELIEVED TO BE BLOOD, (VERIFY IF NECESSARY), AND DOCUMENT THE LOCATIONS WITH PHOTOGRAPH/S. REFERENCE THE TORN/DAMAGED PORTION OF THIS BOOT, PLEASE ATTEMPT TO DETERMINE IF THIS IS RECENT OR OLD DAMAGE.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 6 (DUTY BELT) - PLEASE LOCATE ANY AND ALL STAINS BELIEVED TO BE BLOOD, (VERIFY IF NECESSARY), AND DOCUMENT THE LOCATIONS WITH PHOTOGRAPH/S.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 8 (GLOCK PISTOL) - PLEASE VISUALLY INSPECT, UNDER MAGNIFICATION IF NECESSARY, FOR ANY BLOOD EVIDENCE. PLEASE COLLECT ANY BLOOD FIRST. PLEASE SWAB THE BORE OF THE BARREL WITH A SEPARATE SWAB. PLEASE SWAB THE MUZZLE AND FIRST ONE INCH OF

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THE SLIDE FOR POSSIBLE DNA MATERIAL. PLEASE SWAB THE REMAINDER OF THE SLIDE WITH SEPARATE SWAB/S FOR POSSIBLE DNA MATERIAL. PLEASE SWAB THE FRAME UNDERNEATH THE SLIDE FOR POSSIBLE DNA MATERIAL. PLEASE COMPARE POSSIBLE DNA OBTAINED TO THE VICTIM DANIEL RODRIGUEZ, RICHARD CRISMAN, AND SERGIO VIRGILLO.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 8B (UNKNOWN MATERIAL) - PLEASE DETERMINE THE SUBSTANCE IS NOT BLOOD OR TISSUE. IF THE SUBSTANCE IS BLOOD OR TISSUE COMPARE TO STANDARDS REFERENCE THIS INVESTIGATION.

REFERENCE INVOICE NUMBER 3955112, ITEM NUMBER 6B (O.C. CANISTER) - PLEASE DETERMINE THE QUANTITY REMAINING AS COMPARED TO A UNUSED CANISTER.

REFERENCE INVOICE NUMBER 3955594, ITEM NUMBER 5 (BICYCLE) - PLEASE PROCESS THE UPPER PORTION OF THE FRAME AND HANDLEBARS FOR LATENT PRINTS.

REFERENCE INVOICE NUMBER 3954614, ITEMS 1,3,4,5,6, AND 7 (SWABS) PLEASE PROCESS FOR DNA MATERIAL TO BE COMPARED WITH THAT OF THE VICTIM DANIEL RODRIGUEZ, RICHARD CHRISMAN, AND SERGIO VIRGILLO.

VICTIM RECEIVED RIGHTS INFORMATION: NO
INVOICES:

MAIL-IN SUPPLEMENT:

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 026

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** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 27

REPORT DATE: 20101011 TIME: 1029

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

=====

= *** REQUEST FOR LAB ANALYSIS ***

=

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CURRENT DR IS: 2010 01413133 027 BIOLOGICAL EVID (BLOOD, SEMEN, TISSUE): Y

NAM: CHRISMAN RICHARD

NAM: OFF:HOMICIDE

NAM:

LOCATION: 000303 E SOUTH MOUNTAIN

AV

JAILED: N

OFCR REQ OF ANALYSIS: PORTER, KENNETH
(LAST, FIRST, MIDDLE) FIRM NAME USE BUS.

DATE OCC:100510 TIME:1237
DATE REQ:101110 TIME:1030

VIC: RODRIGUEZ DANIEL

DUI RELATED:N

BUS:

INVOICE ITEM # SFX TYPE TYPE OF REQUEST

0003954292 0001 PBIOLG FORENSIC BIOLOGY (SERO/DNA)

BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

REFERENCE INVOICE NUMBER 3954292, ITEM NUMBER 1 (SWABS FROM RICHARD CHRISMAN) - PLEASE PROCESS FOR COMPARISON PURPOSES IN THIS INVESTIGATION.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

2010 01413133

27

Continued.

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 27

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 027

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PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

28

REPORT DATE: 20101011 TIME: 1219

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS

4657

UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000621 W WASHINGTON ST

DATE: 100610

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: JDOCUME BRAND: MODEL: WEAPONEXCHN COLOR:

DESCRIPTION: WEAPON EXCHANGE WORKSHEET FOR OFFICER RICHARD
CHRISMAN #7371 SERVICE PISTOL DATED 10/06/10: GIB INVESTIGATOR
DET. CISNEROS 4657

0002 PKG 000 CODE:EI UK00

ITEM: JDOCUME BRAND: MODEL: WEAPONEXCHA COLOR:

DESCRIPTION: WEAPON EXCHANGE WORKSHEET FOR OFFICER SERGIO
VIRGILLO #6437 SERVICE PISTOL; GIB INVESTIGATOR: DET. CISNEROS 4657

**** NARRATIVE ****

SERIAL NUMBER: 4657

THIS SUPPLEMENT GENERATED TO IMPOUND THE LISTED WORKSHEETS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3955536

DR ENTERED BY : 4657

DR FINALIZED BY : 4657

END OF REPORT

DR NO: 2010 01413133 028

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

29

REPORT DATE: 20101011 TIME: 1229

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: GABRIEL LOPEZ

6337 UNIT: C52

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 6337

ON OCTOBER 5, 2010, AT APPROXIMATELY 1300 HOURS, I WAS CONTACTED BY LIEUTENANT TOMORY #4883 AND DIRECTED TO RESPOND TO AN OFFICER INVOLVED SHOOTING AT 303 E. SOUTH MOUNTAIN AVENUE #51. I RESPONDED TO THIS INCIDENT TO SHADOW SERGEANT LUMLEY #5097 TO GAIN SUPERVISOR EXPERIENCE ON OFFICER INVOLVED SHOOTINGS.

AFTER THE INVESTIGATIVE TEAM AND COMMAND STAFF ARRIVED ON SCENE, I ATTENDED AN INCIDENT BRIEFING WHICH WAS PROVIDED BY SERGEANT MATTSON #5969. UPON COMPLETION OF THE BRIEFING, SERGEANT LUMLEY GAVE OUT ASSIGNMENTS TO HIS INVESTIGATIVE TEAM.

SERGEANT LUMLEY, PROFESSIONAL STANDARDS BUREAU SERGEANT CLINE #5802, AND I WALKED TO INTERVIEW WITNESS JONATHON . I WAS PRESENT DURING THIS INTERVIEW; HOWEVER, I DID NOT ASK MR. ANY QUESTIONS. THIS INTERVIEW WAS DIGITALLY RECORDED BY SERGEANT LUMLEY.

AFTER MR. WAS INTERVIEWED, I STOOD BY THE COMMAND POST UNTIL THE SEARCH WARRANT WAS COMPLETED AND SIGNED. ONCE THE SEARCH WARRANT WAS SIGNED, SERGEANT LUMLEY COORDINATED AN INTERVIEW BETWEEN OFFICER VIRGILLO #6437 AND DETECTIVE PORTER #6290. DURING THE INTERVIEW, SERGEANT LUMLEY AND I WERE POSITIONED AT THE COMMAND POST.

AFTER OFFICER VIRGILLO'S INTERVIEW, OFFICER CHRISMAN #7371 WAS PLACED UNDER ARREST FOR AGGRAVATED ASSAULT. I WAS DIRECTED TO ACCOMPANY PATROL SERGEANT ERIC ZOPF #7382 AND TRANSPORT OFFICER CHRISMAN TO POLICE HEADQUARTERS AT 620 W. WASHINGTON. A DIGITAL RECORDER WAS PLACED INSIDE THE PATROL CAR AND ACTIVATED DURING THE TRANSPORTATION OF OFFICER CHRISMAN. OFFICER CHRISMAN WAS TRANSPORTED WITH HIS HANDS CUFFED BEHIND HIS BACK IN A FULLY MARKED PATROL CAR.

AS WE ENTERED THE PATROL CAR, OFFICER CHRISMAN ASKED IF HE WAS GOING TO BE WALKED INTO POLICE HEADQUARTERS HANDCUFFED. I EXPLAINED TO OFFICER CHRISMAN THAT WE WOULD ENTER HEADQUARTERS THROUGH THE BASEMENT. OFFICER CHRISMAN MADE NO OTHER STATEMENTS DURING THE TRANSPORT.

ONCE AT HEADQUARTERS, OFFICER CHRISMAN WAS TAKEN TO THE SECOND FLOOR AND

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 2 DR NUMBER: 2010 01413133 29

PLACED IN MONITOR INTERVIEW ROOM #5. DETECTIVE BARRON #8138 MONITORED OFFICER CHRISMAN FROM THE MONITORING ROOM, WHILE SERGEANT ZOPF POSITIONED HIMSELF JUST OUTSIDE OF ROOM #5.

I CONTACTED SERGEANT BRANDON JONES #A7823, OF THE MARICOPA COUNTY SHERIFF'S OFFICE (MCSO). MCSO SERGEANT JONES WAS THE ON-DUTY INTAKE SUPERVISOR. I EXPLAINED TO MCSO SERGEANT JONES THAT OFFICER CHRISMAN WAS GOING TO BE BOOKED INTO JAIL AND ASKED IF HE COULD ENSURE THAT OFFICER CHRISMAN BE SEGREGATED FROM THE GENERAL JAIL POPULATION. MCSO SERGEANT JONES ADVISED ME TO CALL HIM ONCE WE WERE HEADING TO THE JAIL.

ONCE HOMICIDE DETECTIVES WERE READY TO HAVE OFFICER CHRISMAN BOOKED, I NOTIFIED MCSO SERGEANT JONES THAT WE WERE ON OUR WAY. SERGEANT ZOPF AND I WALKED OFFICER CHRISMAN BACK TO THE PATROL CAR, WHICH WAS LEFT IN THE POLICE HEADQUARTER'S BASEMENT. OFFICER CHRISMAN WAS TRANSPORTED TO THE MCSO JAIL, 201 S. 4TH AVENUE. A DIGITAL RECORDER WAS PLACED INSIDE THE PATROL CAR AND ACTIVATED DURING THE TRANSPORTATION OF OFFICER CHRISMAN. OFFICER CHRISMAN MADE NO STATEMENTS ABOUT THE SHOOTING INCIDENT DURING TRANSPORTATION.

AT THE JAIL, MCSO SERGEANT JONES WAS WAITING INSIDE THE BOOKING ROOM DOORS AND HE FACILITATED OFFICER CHRISMAN'S BOOKING. MCSO SERGEANT JONES STAYED WITH OFFICER CHRISMAN UNTIL HE WAS THROUGH THE BOOKING PROCESS TO ENSURE THAT HE WOULD BE SEGREGATED.

ON OCTOBER 6, 2010, AT 1345 HOURS, THE DIGITAL MEDIA CARD FROM MY DIGITAL RECORDER WAS TAKEN TO THE FORENSIC IMAGING UNIT FOR DOWNLOAD.

FOR MORE INFORMATION PLEASE SEE ORIGINAL REPORT.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6337

DR FINALIZED BY : 5097

END OF REPORT

DR NO: 2010 01413133 029

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 30

REPORT DATE: 20101011 TIME: 1353

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KATHERINE MASON

A5254 UNIT: LAB

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000

DATE: 000000

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: MODEL: TAZER PROBE COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: ONE TASER PROBE

COLLECTED FROM THE BUSHES SOUTH OF THE FRONT PATIO AREA

0002 PKG 000 CODE:EI UK00

ITEM: EFLASHL BRAND: MODEL: FLASHLIGHT COLOR: BLK

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: ONE BLACK COLORED FLASHLIGHT

COLLECTED FROM THE SOUTH PATIO AREA, SOUTH OF THE FRONT DOOR

0003 PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: MODEL: NOTEBOOK COLOR: WHI

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: ONE SMALL SPIRAL NOTEBOOK

COLLECTED FROM THE SOUTH PATIO AREA, SOUTH OF THE FRONT DOOR

0003A PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: MODEL: VICTIMS' RI COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: ONE VICTIMS' RIGHTS PAMPHLET

COLLECTED FROM THE FRONT PATIO AREA, SOUTH OF THE FRONT DOOR

0005 PKG 000 CODE:EI UK00

ITEM: BBICYCL BRAND: MODEL: BICYCLE COLOR: RED BLK

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: ONE RED AND BLACK COLORED BICYCLE WITH APPARENT

BLOOD

COLLECTED FROM THE FRONT ROOM, JUST INSIDE THE FRONT DOOR ON THE TILE AND CARPET

0006 PKG 000 CODE:EI UK00

ITEM: *MISC BRAND: MODEL: CARDBOARD B COLOR: BRO

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Continued.

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 30

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE CARDBOARD BOX WITH APPARENT BLOOD
COLLECTED FROM THE CARPET FLOOR IN THE FRONT ROOM, NORTH OF THE TILE
ENTRY AREA

- 0007 PKG 000 CODE:EI UK00
ITEM: YCASING BRAND: MODEL: CASING COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE CASING
HEADSTAMP: FEDERAL 40 S & W
COLLECTED FROM THE FRONT ROOM, NEAR THE FRONT TIRE OF THE BIKE (ITEM 5)
- 0008 PKG 000 CODE:EI UK00
ITEM: YCASING BRAND: MODEL: CASING COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE CASING
HEADSTAMP: FEDERAL 40 S & W
COLLECTED FROM THE FRONT ROOM, JUST SOUTH OF THE COUCH
- 0009 PKG 000 CODE:EI UK00
ITEM: PCLOTHE BRAND: PRO SP MODEL: T-SHIRT COLOR:
SIZE: 3XLT QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE WHITE 3XL TALL PRO SPORT T-SHIRT WITH APPARENT
BLOOD
COLLECTED FROM THE FRONT ROOM, NORTHWEST OF FRONT
DOOR
- 0009A PKG 000 CODE:EI UK00
ITEM: PCLOTHE BRAND: G UNIT MODEL: T-SHIRT COLOR: RED
SIZE: 2XB QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE RED G UNIT BRAND T-SHIRT
COLLECTED FROM FRONT ROOM, NORTHWEST OF FRONT DOOR
- 0009B PKG 000 CODE:EI UK00
ITEM: PCLOTHE BRAND: G UNIT MODEL: T-SHIRT COLOR: BLK
SIZE: 4XB QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE BLACK G UNIT BRAND T-SHIRT
COLLECTED FROM FRONT ROOM, NORTHWEST OF FRONT DOOR
- 0009C PKG 000 CODE:EI UK00
ITEM: PCLOTHE BRAND: MODEL: HAT COLOR: RED
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE BLACK, WHITE, AND GREY HAT
COLLECTED FROM FRONT ROOM, NORTHWEST OF FRONT DOOR
- 0010 PKG 000 CODE:EI UK00
ITEM: YCASING BRAND: MODEL: CASING COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE CASING
HEADSTAMP: FEDERAL 40 S & W
COLLECTED FROM INSIDE A METAL BOWL ON THE KITCHEN COUNTER

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PHOENIX POLICE DEPARTMENT REPORT

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PAGE NUMBER: 3

DR NUMBER: 2010 01413133 30

0011 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: BLAST DOOR COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE BLAST DOOR FROM TASER CARTRIDGE
COLLECTED FROM FRONT ROOM, SOUTH OF COUCH

0012 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: PROBE&BOARD COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE TASER PROBE AND WHITE BOARD
COLLECTED FROM THE WEST WALL IN FRONT ROOM

0013 PKG 000 CODE:EI UK00
ITEM: YAMMUNI BRAND: MODEL: BULLET COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE FIRED BULLET
COLLECTED FROM SOUTHWEST CORNER OF FRONT ROOM

0014 PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: TWO WET SWABS OF APPARENT BLOOD
COLLECTED FROM THE EXTERIOR OF THE FRONT DOOR

0014A PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: TWO WATER BLANK SWABS

0014B PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: TWO WET SUBSTRATE SWABS
COLLECTED FROM THE EXTERIOR OF THE FRONT DOOR, FREE OF STAIN

0015 PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: TWO WET SWABS OF APPARENT BLOOD
COLLECTED FROM THE LOWER PORTION OF BIKE, ON PEDAL ARM

0015A PKG 000 CODE:EI UK00
ITEM: PBIOLG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: TWO WET SUBSTRATE SWABS
COLLECTED FROM THE PEDAL AREA ON BIKE, FREE OF STAIN

0016 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: BLAST DOOR COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE BLAST DOOR FROM TASER

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PHOENIX POLICE DEPARTMENT REPORT

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PAGE NUMBER: 4

DR NUMBER: 2010 01413133 30

COLLECTED FROM THE TILE IN THE DOORWAY BETWEEN THE KITCHEN AND THE FRONT ROOM

- 0017 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: BLAST DOOR COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE BLAST DOOR FROM TASER
COLLECTED FROM THE TOP OF TRASH BAG NEAR THE NORTHEAST CORNER OF FRONT ROOM
- 0018 PKG 000 CODE:EI UK00
ITEM: YCASING BRAND: MODEL: CASING COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE CASING
HEADSTAMP: FEDERAL 40 S & W
COLLECTED FROM UNDER THE TRASH BAG NEAR THE NORTHEAST CORNER OF FRONT ROOM
- 0019 PKG 000 CODE:EI UK00
ITEM: *MISC BRAND: MODEL: BLAST DOOR COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE BLAST DOOR FROM TASER
COLLECTED FROM FLOOR IN FRONT ROOM
- 0020 PKG 000 CODE:EI UK00
ITEM: HKNIFE BRAND: MODEL: KNIFE&SHEAT COLOR: BLK
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE KNIFE WITH BLACK HANDLE AND BLACK SHEATH
COLLECTED FROM REAR RIGHT POCKET OF SP'S PANTS
- 0021 PKG 000 CODE:EI UK00
ITEM: YAMMUNI BRAND: MODEL: BULLET COLOR:
SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:
DESCRIPTION: ONE FIRED BULLET
COLLECTED FROM INSIDE WEST WALL OF FRONT ROOM
- 0022 PKG 000 CODE:EI UK00
ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: ONE WET SWAB, ONE DRY SWAB
COLLECTED FROM THE TOP OF THE BIKE SEAT
- 0023 PKG 000 CODE:EI UK00
ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: ONE WET SWAB, ONE DRY SWAB
COLLECTED FROM THE TOP OF THE MIDDLE BAR OF BIKE
- 0024 PKG 000 CODE:EI UK00
ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:
SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:
DESCRIPTION: ONE WET SWAB, ONE DRY SWAB

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SUPPLEMENT

PAGE NUMBER: 5

DR NUMBER: 2010 01413133 30

COLLECTED FROM THE TOP OF THE HANDLE BARS ON BIKE

***** NARRATIVE *****

SERIAL NUMBER: A5254

THIS SUPPLEMENT WAS CREATED TO IMPOUND ITEMS THAT WERE COLLECTED DURING A POLICE SHOOTING INVESTIGATION THAT OCCURRED ON OCTOBER 5, 2010 AT 303 EAST SOUTH MOUNTAIN AVENUE.

ITEM 4 WAS ORIGINALLY LABELED AT THE SCENE, BUT WAS TURNED OVER TO DETECTIVE CISNEROS ON OCTOBER 7, 2010.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3955594

DR ENTERED BY : A5254 DR FINALIZED BY : A5254

END OF REPORT

DR NO: 2010 01413133 030

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 31

REPORT DATE: 20101011 TIME: 1512

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: VANETTA MINE

A4654 UNIT: LAB

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000

DATE: 000000

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: IOME BRAND: MODEL: OME PRINTS COLOR:

DESCRIPTION: FINGERPRINT EXEMPLARS (ONE TEN PRINT AND ONE SET
OF MAJOR CASE PRINTS)

COLLECTED FROM THE HANDS OF DANIEL RODRIGUEZ

**** NARRATIVE ****

SERIAL NUMBER: A4654

THIS SUPPLEMENT WAS CREATED TO IMPOUND THE MAJOR CASE PRINTS AND TEN PRINT CARD THAT I COLLECTED FROM THE HANDS OF DANIEL RODRIGUEZ, ON OCTOBER 7, 2010, AT THE FORENSIC SCIENCE CENTER, LOCATED AT 701 WEST JEFFERSON STREET.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3955583

DR ENTERED BY : A4654

DR FINALIZED BY : A4654

END OF REPORT

DR NO: 2010 01413133 031

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 32

REPORT DATE: 20101012 TIME: 0622

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 451

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): RUSSELL SCHERER

A5324 UNIT: C23

PREMISES: MOBILE HOME

OCCUPIED:

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

RELATED REPORT(S): 0000 01413133A 0000 01413133B 0000

***** NARRATIVE *****

SERIAL NUMBER: A5324

ORIGINATING DR: 201001413133 000

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: RUSSELL SCHERER (A5324)

THE OFFICIAL LSB REPORT CAN BE VIEWED/PRINTED IN I-RESULTS UNDER THE LAB REQUEST NUMBER 0003 FOR ACCESS TO I-RESULTS, PLEASE CONTACT THE LABORATORY SERVICES BUREAU AT 602-262-6197.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 032

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 33

REPORT DATE: 20101012 TIME: 0740

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

=====
= *** REQUEST FOR LAB ANALYSIS *** =
=====

CURRENT DR IS: 2010 01413133 033 BIOLOGICAL EVID (BLOOD, SEMEN, TISSUE): Y
NAM: CHRISMAN RICHARD
NAM:
LOCATION: 000303 E SOUTH MOUNTAIN AV OFF:HOMICIDE
OFCR REQ OF ANALYSIS:PORTER, KENNETH JAILED: N
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS.
VIC: RODRIGUEZ DANIEL
BUS:

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
0003955594	0013		YAMMUNI	FORENSIC BIOLOGY (SERO/DNA)
0003955594	0021		YAMMUNI	FORENSIC BIOLOGY (SERO/DNA)
0003955594	0023		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
0003955594	0022		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)

BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

REFERENCE INVOICE NUMBER 3955594, ITEM NUMBER 13 (FIRED PROJECTILE) -

2010 01413133 33

Continued.

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PHOENIX POLICE DEPARTMENT REPORT

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PAGE NUMBER: 2

DR NUMBER: 2010 01413133 33

PLEASE PROCESS FOR POSSIBLE TISSUE OR BLOOD FOR COMPARISON PURPOSES TO THE VICTIM DANIEL RODRIGUEZ OR THE DOG.

REFERENCE INVOICE NUMBER 3955594, ITEM NUMBER 21 (FIRED PROJECTILE) - PLEASE PROCESS FOR POSSIBLE TISSUE OR BLOOD FOR COMPARISON PURPOSES TO THE VICTIM DANIEL RODRIGUEZ OR THE DOG.

REFERENCE INVOICE NUMBER 3955594, ITEM NUMBER 22 (SWAB/S) - PLEASE PROCESS FOR DNA MATERIAL TO BE COMPARED TO THE VICTIM DANIEL RODRIGUEZ AND THE SUSPECT RICHARD CHRISMAN.

REFERENCE INVOICE NUMBER 3955594, ITEM NUMBER 23 (SWAB/S) - PLEASE PROCESS FOR DNA MATERIAL TO BE COMPARED TO THE VICTIM DANIEL RODRIGUEZ AND THE SUSPECT RICHARD CHRISMAN.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6290

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 033

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

34

REPORT DATE: 20101012 TIME: 1252

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ERIC LUMLEY

5097

UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: CLEMENTS, CHAS

SPEAKING: ENGLISH

RACE: W SEX: M AGE: 39 DOB: HT: 000 WT: 000

CLOTHING DESC & MISC:

SERIAL NUMBER: 6165; SUPERVISES 41X SQUAD

OCCUPATION: POLICE SERGEANT

WORK HOURS: 0600 - 1600

DAYS OFF: SSM

***** NARRATIVE *****

SERIAL NUMBER: 5097

SINCE THE INITIAL INVESTIGATION, IT WAS DETERMINED A NUMBER OF POLICE SUPERVISORS HAD CONTACT WITH ONE OR BOTH OFFICERS RELATED TO THIS CASE. THESE SUPERVISORS WOULD BE INTERVIEWED AS WITNESSES. PLEASE LOOK TO OTHER SUPPLEMENTS GENERATED BY MYSELF TO DOCUMENT THESE INTERVIEWS.

=====

INTERVIEW WITH SERGEANT CLEMENTS #6165

=====

DATE: 10/08/10

START: 1143 HOURS

END: 1225 HOURS

THE FOLLOWING INTERVIEW WAS CONDUCTED WITHIN THE SOUTH MOUNTAIN PRECINCT WITHIN AN ISOLATED ROOM. THE INTERVIEW WAS AUDIO RECORDED VIA A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

SERGEANT CLEMENTS HAS BEEN WITH THE PHOENIX POLICE DEPARTMENT FOR FIFTEEN

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Continued.

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

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PAGE NUMBER: 2

DR NUMBER: 2010 01413133

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YEARS. HE HAS BEEN A SUPERVISOR FOR THE LAST FOUR YEARS AND HAS BEEN WORKING WITHIN THE SOUTH MOUNTAIN PRECINCT FOR ALMOST FOUR YEARS. HIS ASSIGNMENTS AT THE SOUTH MOUNTAIN PRECINCT WERE 41F (FIELD TRAINING SERGEANT) AND THE REMAINING TIME WITH THE NET SQUADS OF 42X AND 41X.

ON THE DAY OF THE INCIDENT, CLEMENTS WAS WORKING AND HIS DUTY HOURS WERE 0600 TO 1600 HOURS. IN ASKING HIM ABOUT BOTH OFFICERS (CHRISMAN AND VIRGILLO) ABOUT ANY PRIOR WORK ASSIGNMENTS WITH THEM, HE ADVISED ME OF WORKING AROUND OFFICER VIRGILLO IN THE SQUAW PEAK PRECINCT (700) BACK IN THE LATE 1990'S. HIS OPINION OF OFFICER VIRGILLO AT THAT TIME WAS HE WAS A GOOD OFFICER, VERY MELLOW, AN ALL AROUND SOLID OFFICER. THEY DID SOCIALIZE AT FUNCTIONS AT THE F.O.P. AND SURROUNDING SOME FOOTBALL GAMES. SERGEANT CLEMENTS STATED HE NEVER HAD A PROBLEM WITH OFFICER VIRGILLO BACK AT THAT TIME FRAME OR HEAR OF A PROBLEM REGARDING OFFICER VIRGILLO.

CLEMENTS HAD NOT WORKED WITH OFFICER RICHARD CHRISMAN IN THE PAST, BUT HAD SOME CONTACT WITH HIM AT THE FIREARMS RANGE, DUE TO CLEMENTS BEING A FIREARMS INSTRUCTOR. WHILE ASSIGNED AT THE SOUTH MOUNTAIN PRECINCT, CLEMENTS' FIRST PRECINCT RELATED CONTACT WITH OFFICER CHRISMAN WAS WHEN CHRISMAN WAS A SCHOOL RESOURCE OFFICER AND CLEMENTS NEEDED HELP WITH A PROSTITUTION ROUNDUP. CHRISMAN ACTED AS IF HE KNEW CLEMENTS AND WAS PERSONABLE.

WHEN THE INCIDENT OCCURRED, CLEMENTS WAS IN THE SOUTH MOUNTAIN PRECINCT AT HIS DESK. HE HEARD OFFICER VIRGILLO ON THE RADIO PUT OUT THE 998 (OFFICER INVOLVED SHOOTING RADIO CODE). OFFICER EDDIE CASTILLO WAS IN THE OFFICE WITH HIM. CASTILLO WAS ON THE PHONE AND CLEMENTS TOLD HIM TO HANG UP THE PHONE, BECAUSE OF THE SHOOTING INCIDENT. THEY GOT INTO CASTILLO'S UNDERCOVER VEHICLE AND HEADED TO THE SCENE.

CASTILLO DROVE CLEMENTS TO THE SCENE. AFTER ARRIVING, OFFICERS HAD ALREADY CLEARED THE RESIDENCE WHERE THE INCIDENT TOOK PLACE AND CRIME SCENE TAPE WAS BEING PLACED IN THE AREA BY OFFICERS. SERGEANTS SEAN MATTSON AND MARTY WALLACE WERE ALREADY ON SCENE. CLEMENTS WALKED UP TO THE AREA WITH SERGEANT GREG STANSBERRY.

CLEMENTS THOUGHT THERE WERE SOME OFFICERS NEAR OFFICER CHRISMAN AND WHEN HE OBSERVED OFFICER VIRGILLO, THEY MADE EYE CONTACT AND OFFICER VIRGILLO WALKED TOWARDS CLEMENTS. HE DIRECTED VIRGILLO TO STANDBY HIM. SERGEANT WALLACE MENTIONED HE WOULD STANDBY OFFICER CHRISMAN.

CLEMENTS FIRST IMPRESSION OF OFFICER VIRGILLO'S DEMEANOR WAS CALM, BUT ALSO UPSET. THE MOTHER LINKED TO THE INCIDENT WAS STILL WALKING AROUND, SO CLEMENTS WAS LOOKING FOR A PLACE TO TAKE OFFICER VIRGILLO. HE OVERHEARD SOMEONE SAY ABOUT THE DECEDED (DANIEL RODRIGUEZ) HAD GRABBED CHRISMAN'S GUN AND THIS IS WHY CHRISMAN SHOT. CLEMENTS DID NOT KNOW WHO MADE THIS COMMENT, BUT THIS WAS THE GENERAL SENSE AT THE SCENE.

CLEMENTS TOOK OFFICER VIRGILLO OVER TO SOME COVERED PARKING JUST BEFORE THE RAIN/HAIL STORM STRUCK THE AREA. THE MOTHER, ELVIRA, WALKED OVER TO THEM AND ASKED OFFICER VIRGILLO WHAT HAD HAPPENED. OFFICER VIRGILLO DID

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PHOENIX POLICE DEPARTMENT REPORT

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NOT RESPOND TO HER. IT WAS AT THIS TIME, CLEMENTS TOOK OFFICER VIRGILLO TO A VEHICLE. SERGEANT MATTSON HAD LOANED CLEMENTS HIS CITY VEHICLE (POLICE TAHOE) FOR THIS DETAIL. IT WAS PRIOR TO THE MOTHER CONTACTING OFFICER VIRGILLO THAT LIEUTENANT HENRY SPOKE WITH OFFICER VIRGILLO ASKING HIM ABOUT THE INCIDENT. OFFICER VIRGILLO DID NOT WANT TO TALK ABOUT THE INCIDENT.

CLEMENTS WAS NOW WITH VIRGILLO IN THE POLICE TAHOE AND VIRGILLO NEEDED TO USE A RESTROOM, SO CLEMENTS DROVE HIM OVER TOWARDS A GOLF COURSE JUST SOUTH OF THE COMPLEX, BUT THEY STOPPED AT A STORE OFF 7TH STREET. AFTER THE USE OF THE BATHROOM, THEY DROVE BACK TO THE SCENE. THEY WALKED BACK UP TO THE AREA OF THE SCENE AND BEGAN TALKING TO SOME OTHER OFFICERS, MAYRA HAWKINS AND PAT ARD. THEY TALKED ABOUT MISCELLANEOUS TOPICS. IT WAS ABOUT THIS TIME, THE DETECTIVES WERE ARRIVING.

CLEMENTS ESTIMATED HE SPENT ABOUT ONE HOUR MONITORING OFFICER VIRGILLO. DURING THE TIME HE SPENT WITH VIRGILLO, VIRGILLO NEVER TALKED ABOUT SPECIFICS OF THE INCIDENT, BUT HE DID MAKE A COMMENT "YOU KNOW CHAS, I ALWAYS THOUGHT AN OFFICER INVOLVED SHOOTING WOULD INVOLVE SOMEBODY FIRING AT US AND WE WOULD SHOOT BACK". CLEMENTS DID NOT WANT TO TALK TO VIRGILLO, BECAUSE THIS WAS NOT A PRIVILEGED CONVERSATION. CLEMENTS WAS STILL UNDER THE IMPRESSION SOMEONE HAD GRABBED CHRISMAN'S GUN AND THAT IS WHY HE SHOT. VIRGILLO ALSO MADE THE COMMENT "THIS SHOULDN'T OF HAPPENED" AND "OFFICERS WORK DIFFERENTLY". CLEMENTS GOT THE IMPRESSION VIRGILLO WANTED TO TELL HIM THESE COMMENTS, BUT DID NOT REALLY WANT TO TALK IN DETAIL ABOUT THE INCIDENT.

ONE OTHER COMMENT VIRGILLO MADE WHILE THEY WERE WAITING IN THE POLICE TAHOE WAS "YOU KNOW I HAVE BEEN ON THREE CALLS WITH CHRISMAN AND THEY HAVE ALL BEEN BAD". VIRGILLO DID NOT ELABORATE.

I ASKED CLEMENTS IF HE HAD FORMED AN OPINION ABOUT OFFICER VIRGILLO HAVING SOME PRIOR ANIMOSITY TOWARDS OFFICER CHRISMAN, TO SAY HE (VIRGILLO) DID NOT LIKE HIM (CHRISMAN). CLEMENTS PERCEPTION WAS THERE WAS NO ANIMOSITY IN THE PAST, BECAUSE HE BELIEVED BOTH OF THE OFFICERS HAD EATEN LUNCH TOGETHER THE DAY OF THE INCIDENT. CLEMENTS ALSO HAD SEEN THE INTERACTION OF THE SQUAD MEMBERS OF THE SQUAD CHRISMAN AND VIRGILLO ARE A PART OF. THEY ALL GOT ALONG, EVENTHOUGH THEY HAD ONLY BEEN TOGETHER FOR ABOUT FIVE WEEKS.

SERGEANT CLEMENTS DID NOT HAVE ANY DIRECT CONTACT WITH OFFICER CHRISMAN AT THE SCENE AND THAT IT WAS SERGEANT WALLACE WHO STAYED WITH OFFICER CHRISMAN. WHILE AT THE SCENE, OFFICER VIRGILLO WAS TAKEN TO USE THE RESTROOM AGAIN AND INVESTIGATORS FROM PSB PULLED VIRGILLO AWAY TO COMPLETE A BULLET COUNT. CLEMENTS STAYED AT THE MAC VAN WHERE THE BULLET COUNT WAS COMPLETED.

SERGEANT CLEMENTS WAS TOLD SHORTLY AFTER THIS, HE WAS TO BE RELIEVED BY SERGEANT ZOPF. AS CLEMENTS WAS LEAVING, SERGEANT ZOPF WAS NOW WITH VIRGILLO AND HE TOLD VIRGILLO GOODBYE.

SUPPLEMENT

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I ASKED CLEMENTS ABOUT THE DISTANCE HE HAD OBSERVED OFFICER CHRISMAN AT THE TIME OF HIS INITIAL ARRIVAL AND HIS OPINION OF HIS DEMEANOR. CLEMENTS TOLD ME ABOUT AS CLOSE AS FIFTEEN FEET AND HE APPEARED CALM.

IN ASKING ABOUT ANY OTHER COMMENTS OFFICER VIRGILLO HAD MADE, CLEMENTS MENTIONED WHILE THEY HAD BEEN SEATED IN THE POLICE TAHOE, SERGEANT SEAN MATTSON HAD CALLED ON THE PHONE TO GET MORE DETAILS FOR THE BRIEFING. CLEMENTS THINKS MATTSON CALLED HIM AND HE HANDED THE PHONE TO VIRGILLO. VIRGILLO TOLD MATTSON THAT HE WOULD TALK TO PSB AND HOMICIDE INVESTIGATORS, BUT DID NOT WANT TO TALK ABOUT THE DETAILS NOW. CLEMENTS COULD OVERHEAR MATTSON ASK IF A BIKE HAD BEEN USED AS A WEAPON AND VIRGILLO SAID, "NO, AH, I DON'T WANT TO TALK ABOUT IT".

SINCE THE INCIDENT, I ASKED SERGEANT CLEMENTS ABOUT ANY OTHER ISSUES WHICH SURFACED REGARDING EITHER OFFICER, WHICH CAME TO HIS ATTENTION. CLEMENTS MADE SOME PHONE CALLS TO OFFICER VIRGILLO ON WEDNESDAY AND THURSDAY, THE DAYS AFTER THE INCIDENT. THESE CALLS WERE TO CHECK ON HIS WELFARE. BOTH CONVERSATIONS WERE LENGTHY. CLEMENTS ALSO MENTIONED ABOUT A THIRD CALL, WHICH HE BELIEVED WAS ABOUT NOTIFYING VIRGILLO OF OFFICER CHRISMAN'S ARREST. VIRGILLO TOLD HIM HE HAD RECEIVED A TEXT MESSAGE ABOUT THE ISSUE, BUT VIRGILLO DID NOT WANT TO TALK ABOUT THE TOPIC.

CLEMENTS CALLED VIRGILLO ON WEDNESDAY (OCT. 6) AT 1859 HOURS, WITH NO ANSWER AND VIRGILLO IMMEDIATELY RETURNED HIS CALL. DURING THIS CALL, VIRGILLO COULD NOT UNDERSTAND HOW AN ARREST WAS MADE ON HIS STATEMENT ALONE. THEY TALKED ABOUT PAST INCIDENTS. VIRGILLO HAD SEEN THE NEWS ACCOUNTS AND READ THE INTERNET. VIRGILLO TALKED ABOUT THE SEQUENCE OF EVENTS WERE GROSSLY MISREPRESENTED, THEY WERE NOT IN CHRONOLOGICAL ORDER. VIRGILLO WAS UPSET. THIS WAS MOSTLY A BRAIN STORMING CONVERSATION. THE CONVERSATION ALSO INCLUDED SPEAKING TO VIRGILLO ABOUT COMING BACK TO WORK. CLEMENTS TOLD VIRGILLO THE PRECINCT COMMANDER THOUGHT IT WOULD BE BEST IF VIRGILLO TOOK A POSITION OUTSIDE OF PATROL AND THIS MADE VIRGILLO UNHAPPY. CLEMENTS TOLD HIM HE WOULD ASK AROUND THE PRECINCT TO DETERMINE THE ATMOSPHERE.

CLEMENTS CALLED VIRGILLO THURSDAY (OCT. 7) AT 1805 HOURS WITH NO ANSWER, BUT VIRGILLO CALLED HIM BACK AT 1810 HOURS. CLEMENTS TOLD VIRGILLO ABOUT THE PRECINCT COMMANDER WAS BEING TRANSFERRED AND VIRGILLO WONDERED WHY WAS THIS OCCURRING. CLEMENTS DISCUSSED A POSSIBLE REASON AND HE ASKED VIRGILLO IF HE HAD SEEN CITY COUNCILMAN JOHNSON'S STATEMENT. THEY SPOKE ABOUT THE STATEMENT. VIRGILLO THEN MENTIONED JUST BEFORE CLEMENTS CALLED HIM TODAY, THAT HE HAD RECEIVED A PHONE CALL FROM VICE MAYOR NOWAKOWSKI. CLEMENTS WAS SURPRISED TO HEAR THIS, BECAUSE HE WAS THINKING NOWAKOWSKI SHOULD NOT BE CALLING VIRGILLO. CLEMENTS QUESTIONED VIRGILLO ABOUT THE CALL. VIRGILLO TOLD HIM NOWAKOWSKI IDENTIFIED HIMSELF AND THAT HE WAS A BOARD MEMBER OF CHICANOS POR LA CAUSA AND NOWAKOWSKI BEGAN SPEAKING IN SPANISH. VIRGILLO MENTIONED HE STOPPED NOWAKOWSKI ON THE PHONE AND TOLD HIM THAT HE (VIRGILLO) WAS NOT HISPANIC. VIRGILLO TOLD NOWAKOWSKI THAT HE WAS AN ITALIAN-AMERICAN. THEN THE CONVERSATION CHANGED AND NOWAKOWSKI TALKED OF MARC SPENCER'S STATEMENTS AND VIRGILLO WAS NOT HAPPY ABOUT THE STATEMENTS. NOWAKOWSKI TOLD VIRGILLO THAT HE AND COUNCILMAN JOHNSON WOULD

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PHOENIX POLICE DEPARTMENT REPORT

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PAGE NUMBER: 5 DR NUMBER: 2010 01413133 34

BE HAVING A BIG PRESS CONFERENCE AND THERE WOULD BE DRASTIC CHANGES IN THE SOUTH MOUNTAIN PRECINCT. VIRGILLO TOLD CLEMENTS THIS WAS A WEIRD CALL AND WHAT WAS THE REASONING FOR NOWAKOWSKI TO CALL HIM. CLEMENTS GAVE HIM SOME ADVISE IN NOT ALLOWING HIM (VIRGILLO) TO BE USED AS A PART OF COUNCILMEN'S PLAN.

CLEMENTS TOLD VIRGILLO THE PROPER PROCESS FOR A COUNCILMAN TO CONTACT AN EMPLOYEE WAS TO GO THROUGH COMMANDER HARVEY WHEN THERE IS AN ONGOING CRIMINAL AND INTERNAL INVESTIGATION. CLEMENTS TOLD ME HE HAD NOTIFIED HIS CHAIN OF COMMAND ABOUT THE ISSUE OF THIS PHONE CALL.

CLEMENTS ALSO TOLD VIRGILLO, IT WAS HIS OPINION HE (VIRGILLO) SHOULD TAKE A POSITION SOMEWHERE OUT OF PATROL. HE TOLD VIRGILLO THERE WERE OTHER ASSIGNMENTS, SUCH AS ROBBERY, ASSAULTS OR MISSING PERSONS WHERE HE COULD GO. VIRGILLO TOLD HIM HE WOULD THINK ABOUT THIS TOPIC AND CALL HIM BACK.

CLEMENTS WAS NOT AWARE OF ANY FURTHER CALLS VIRGILLO HAD RECEIVED, SUCH AS THE ONE REGARDING NOWAKOWSKI. THIS WAS THE END TO THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 034

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

35

REPORT DATE: 20101012 TIME: 1350

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: MARK KINCANNON

6989

UNIT: 42A

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 6989

ON 10/05/10 AT APPROXIMATELY 1240 HOURS, I WAS RIDING A ONE MAN MARKED PATROL VEHICLE WHEN I RESPONDED TO ASSIST UNITS ON SCENE AT 303 EAST SOUTH MOUNTAIN AVENUE. UPON ARRIVAL, I SAW OFFICER VERGILLO STANDING IN THE STREET OUTSIDE THE TRAILER WHICH CONTAINED THE SCENE. OFFICER VERGILLO APPEARED TO BE SPEAKING ON HIS PORTABLE RADIO. OFFICERS CHRISMAN AND RUDE WERE STANDING UNDER THE PARKING AWNING OF THE SCENE TRAILER, JUST EAST OF THE EAST SIDE OF THE TRAILER.

I APPROACHED OFFICERS CHRISMAN AND RUDE AND ASKED WHAT I COULD DO TO HELP. OFFICER CHRISMAN SAID HE STILL NEEDED TO CLEAR ONE SECTION OF THE TRAILER TO ASSURE IT WAS COMPLETELY SAFE FOR UNITS ON SCENE. OFFICER RUDE AND I AGREED TO SECURE THE TRAILER. OFFICER CHRISMAN ADVISED THERE WAS STILL ANOTHER DOG IN THE TRAILER.

OFFICER CHRISMAN ENTERED THE TRAILER FIRST, I ENTERED SECOND, AND OFFICER RUDE ENTERED THIRD. WE TOOK SPECIAL CARE UPON ENTERING THE SOUTH DOOR DUE TO THE AMOUNT OF BLOOD AND BLOOD SPLATTER IN THE ENTRYWAY AS WELL AS THE BICYCLE WHICH WAS ALSO IN THE WAY. OFFICER CHRISMAN ADVISED THE AREA HE NEEDED TO CHECK WAS TO THE WEST TOWARD THE HALLWAY. OFFICER CHRISMAN AND I WALKED LEFT TOWARD THE HALLWAY PAST THE DECEASED PIT BULL AND OFFICER RUDE TURNED RIGHT INTO WHAT I BELIEVED TO BE THE KITCHEN AREA. UPON REACHING THE HALLWAY, OFFICER CHRISMAN SAID THE ROOM HE NEEDED TO CHECK WAS ON THE SOUTH SIDE OF THE HALLWAY JUST BEYOND THE JUNCTION OF THE HALLWAY AND THE LIVING ROOM. I POSTED AT THE CORNER OF THIS JUNCTION AND SECURED DOWN THE HALLWAY WHILE OFFICER CHRISMAN ENTERED THE UNSECURED ROOM. I NOTICED THE OTHER DOG SITTING IN THE BEDROOM AT THE END OF THE HALL. WHEN OFFICER CHRISMAN WAS FINISHED SECURING THE ROOM, WE WALKED BACK TO THE FRONT DOOR AND WE EXITED WITH OFFICER RUDE. AGAIN WE TOOK SPECIAL CARE UPON EXITING THE TRAILER.

AS I EXITED, I NOTICED THE DECEASED APPEARED TO BE LYING IN WHAT MIGHT HAVE BEEN A CHAIR. THERE WAS A BICYCLE LYING PARTIALLY ON HIM. I NOTICED WHAT APPEARED TO BE A GUNSHOT WOUND IN THE CHEST AREA OF THE DECEASED. THERE WAS BLOOD SPLATTER ON THE FLOOR IN THE ENTRYWAY. DUE TO BEING CONCERNED ABOUT THE INTEGRITY OF THE SCENE, THESE DESCRIPTIONS WERE ONLY

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OBTAINED AS I QUICKLY EXITED THE TRAILER. ONCE I LEFT THE TRAILER, I NEVER REENTERED.

ONCE OUTSIDE THE TRAILER, I SPOKE BRIEFLY TO OFFICER CHRISMAN. OFFICER RUDE WAS WITH US. OFFICER CHRISMAN WAS CALM CONSIDERING THE EVENTS WHICH HAD JUST TRANSPRIRED. I ASKED OFFICER CHRISMAN WHAT HAPPENED. OFFICER CHRISMAN SAID HE AND OFFICER VERGILLO RESPONDED TO THE TRAILER AND MADE CONTACT WITH THE DECEASED. THEY ENTERED THE TRAILER, BUT OFFICER CHRISMAN SAID HE FELT MORE COMFORTABLE HAVING THE DECEASED EXIT THE TRAILER DUE TO THE PIT BULL. WHEN OFFICER CHRISMAN ATTEMPTED TO ESCORT THE DECEASED FROM THE TRAILER, THE PIT BULL APPROACHED IN AN AGITATED STATE. OFFICER CHRISMAN SAID HE HAD TO SHOOT THE PIT BULL WHICH THEN SET THE DECEASED INTO AN AGITATED STATE. FROM THIS POINT I DO NOT KNOW THE EXACT ORDER OF EVENTS BECAUSE OFFICER CHRISMAN SHARED THE FOLLOWING INFORMATION RATHER QUICKLY. OFFICER CHRISMAN SAID THE DECEASED BEGAN TO FIGHT WITH HIM. DURING THIS FIGHT, THE DECEASED WAS TASED TWICE AND PEPPER SPRAY WAS UTILIZED. OFFICER CHRISMAN SAID DURING THE FIGHT, THE DECEASED WAS TRYING TO GRAB HIS SERVICE WEAPON AND TRYING TO THROW HIS BICYCLE AT HIM. OFFICER CHRISMAN SAID HE HAD TO SHOOT THE DECEASED.

I VERY SHORT TIME LATER, SERGEANT MATTSON ARRIVED UNDER THE AWNING WITH SERGEANT WALLACE. THAT WAS THE LAST TIME I SPOKE TO OR SAW OFFICER CHRISMAN BECAUSE HE LEFT WITH SERGEANT WALLACE.

I WAS ASSIGNED TO STAND BY THE MOTHER OF THE DECEASED, ELVIRA FERNANDEZ. I REMAINED WITH MISS FERNANDEZ UNTIL THE PHOENIX FIRE CR VAN EMPLOYEES ARRIVED TO TEND TO HER NEEDS. I REMAINED WITH MISS FERNANDEZ AND THE CR EMPLOYEES UNTIL I LEFT THE SCENE AT APPROXIMATELY 1430 HOURS.

101210 A5026 1427 HOURS

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A5026 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 035

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 36

REPORT DATE: 20101012 TIME: 1654

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 101210 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:CI V 01

ITEM: PSWBDNA BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: BUCCAL SWABS FROM THE WITNESS SERGIO VIRGILLO

**** NARRATIVE ****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

THIS SUPPLEMENT GENERATED TO IMPOUND BUCCAL SWABS OBTAINED FROM OFFICER VIRGILLO ON 101210. THE SWABS WERE IMPOUNDED AT 621 WEST WASHINGTON STREET.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3955880

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 036

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

37

REPORT DATE: 20101012 TIME: 1700

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290

UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 101310

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI V 01

ITEM: *MISC BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: COPY OF THE "PATROL ACTIVITY LOG" COMPLETED FOR
INCIDENT BY PATROL SGT. MATTSON #5969

**** NARRATIVE ****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

THIS SUPPLEMENT GENERATED TO IMPOUND A COPY OF THE "PATROL DIVISION
ACTIVITY LOG" COMPLETED BY PATROL SGT. MATTSON #5969 REFERENCE THIS
INCIDENT.

THE COPY WAS IMPOUNDED AT 621 WEST WASHINGTON STREET.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3956048

DR ENTERED BY : 6290

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 037

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 38

REPORT DATE: 20101012 TIME: 1702

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28
CASA DE FRANCISCO MHP

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER 6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

=====

= *** REQUEST FOR LAB ANALYSIS ***

=

=====

CURRENT DR IS: 2010 01413133 038 BIOLOGICAL EVID (BLOOD, SEMEN, TISSUE): Y
NAM: CHRISMAN RICHARD

NAM:

OFF:HOMICIDE

LOCATION: 000303 E SOUTH MOUNTAIN AV
OFCR REQ OF ANALYSIS:PORTER, KENNETH
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS.

JAILED: N

VIC: RODRIGUEZ DANIEL
BUS:

DATE OCC:100510 TIME:1237
DATE REQ:101210 TIME:1700
DUI RELATED:N

INVOICE ITEM # SFX TYPE TYPE OF REQUEST

0003955880 0001 PSWBDNA FORENSIC BIOLOGY (SERO/DNA)

BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

REFERENCE INVOICE NUMBER 3955880, ITEM NUMBER 1, (BUCCAL SWABS), FROM THE
OFFICER VIRGILLO. PLEASE PROCESS FOR COMPARISON PURPOSES IN THIS
INVESTIGATION.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

2010 01413133 38

Continued.

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SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 38

INVOICES:

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 038

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 39

REPORT DATE: 20101013 TIME: 0905

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: MATTSON, SEAN

SPEAKING: ENGLISH

RACE: W SEX: M AGE: 37 DOB: HT: 000 WT: 000

CLOTHING DESC & MISC:

SERIAL NUMBER IS 5969; SUPERVISES THE 42A SQUAD

OCCUPATION: SERGEANT

WORK HOURS: 0600 - 1600

DAYS OFF: SSM

***** NARRATIVE *****

SERIAL NUMBER: 5097

=====

INTERVIEW WITH SERGEANT SEAN MATTSON

=====

DATE: 10/12/10

START: 1341 HOURS

PAUSE: 1415 HOURS

AGAIN: 1418 HOURS

END: 1424 HOURS

THE FOLLOWING INTERVIEW WAS CONDUCTED WITHIN THE SOUTH MOUNTAIN PRECINCT IN AN ISOLATED ROOM. THE INTERVIEW WAS AUDIO RECORDED VIA A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

SERGEANT MATTSON WAS WORKING THE DAY OF THE INCIDENT AND WAS THE SUPERVISOR OF THE 42A SQUAD. THIS SQUAD'S SHIFT BEGINS AT 0600 HOURS. OFFICER SERGIO VIRGILLO AND OFFICER RICHARD CHRISMAN WORK ON HIS SQUAD AND THEY BOTH CAME TO WORK ON TIME.

AT THE TIME OF THE INITIAL DOMESTIC VIOLENCE CALL, SERGEANT MATTSON WAS NOT AWARE OF THE PARTICULAR ISSUES AND HIS ATTENTION WAS DRAWN TO THE INCIDENT ONLY WHEN THE 998 (OFFICER INVOLVED SHOOTING) WAS BROADCAST. WHEN THIS WAS BROADCAST OVER THE RADIO, HE WAS SITTING WITH A GROUP OF SUPERVISORS AND HE ADVISED THEM OF WHAT HE HEARD. THE OTHER SUPERVISORS APPARENTLY DID NOT HEAR IT. THEY WERE FINISHING LUNCH AT A RESTAURANT NEAR 2200 EAST BASELINE.

AFTER HEARING THE BROADCAST, MATTSON WAS NOT AWARE OF WHO WAS INVOLVED, BUT BEGAN RESPONDING TO THE LOCATION DUE TO NUMEROUS SUPERVISORS WHO WOULD BE NEEDED AT THE SCENE. HE FELT BECAUSE OF THE LOCATION THERE WAS A GREATER CHANCE HIS OFFICERS MIGHT BE INVOLVED. AS HE LISTENED TO THE RADIO TRANSMISSIONS, HE THEN REALIZED MEMBERS OF HIS SQUAD WERE INVOLVED.

SERGEANT MARK POST WAS RIDING WITH HIM (SGT MATTSON) AT THAT TIME AND IT TOOK LESS THAN TEN MINUTES TO ARRIVE AT THE SCENE LOCATION. IN ASKING WHAT DUTIES SERGEANT POST PERFORMED AT THE SCENE. MATTSON TOLD ME SERGEANT POST HELPED HIM WITH THE FACILITATION OF RESOURCES, HE (POST) WAS NOT GETTING SPECIFICS ABOUT THE CASE. MATTSON DID NOT BELIEVE SERGEANT POST HAD ANY CONTACT WITH OFFICERS CHRISMAN OR VIRGILLO.

UPON THEIR ARRIVAL, MATTSON OBSERVED A NUMBER OF OFFICERS HAD ARRIVED AND SEVERAL SUPERVISORS WERE GOING TO ARRIVE WITHIN A MINUTE OF HIS ARRIVAL. HE THOUGHT HE WAS THE FIRST SUPERVISOR TO ARRIVE. MATTSON OBSERVED OFFICERS RUDE AND KINCANNON WERE STANDING BY OFFICER CHRISMAN. THERE WAS ANOTHER OFFICER STANDING BY OFFICER VIRGILLO, BUT HE DID NOT RECALL WHO THIS OFFICER WAS. HE DEVELOPED INFORMATION TO SHOW THIS INCIDENT WAS A LETHAL SHOOTING AND OFFICER CHRISMAN WAS THE SHOOTING OFFICER. HE KNEW OFFICER VIRGILLO DID NOT FIRE HIS WEAPON. MATTSON WANTED TO CHECK ON THE OFFICERS AND THE FIRST OFFICER HE CHECKED ON WAS OFFICER VIRGILLO. VIRGILLO WAS OKAY. HE NEXT CHECKED ON OFFICER CHRISMAN AND CHRISMAN RELAYED HE WAS OKAY.

OFFICER KINCANNON TOLD HIM (MATTSON) OF WHAT OFFICER CHRISMAN TOLD HIM. OFFICER RUDE MAY HAVE ALSO ADDED DETAILS. THE INITIAL STORY HE HAD OBTAINED WAS ABOUT A DOG BEING SHOT, WHICH WAS A PITBULL AND THIS DOG BECAME AGGRESSIVE. THIS UPSET THE PERSON (DANIEL RODRIGUEZ) THE OFFICERS WERE IN CONTACT WITH. THIS PERSON WAS PEPPER SPRAYED AND HE WAS TASED. THIS SAME PERSON THEN GRABBED OFFICER CHRISMAN'S GUN AND OFFICER CHRISMAN FIRED ONE ROUND TO THE CENTER OF THE PERSON'S CHEST. IN ASKING MATTSON IF THERE WERE OTHER DETAILS GIVEN TO HIM, HE ACKNOWLEDGED THERE WERE SOME MORE. THE OTHER INFORMATION WAS ABOUT A BIKE BEING INVOLVED. THE BIKE WAS USED AS A SHIELD FIRST AND THEN THE PERSON THREW THE BIKE AT THE OFFICERS.

I ASKED SERGEANT MATTSON ABOUT THE INFORMATION HE MAY HAVE OBTAINED FROM OFFICER VIRGILLO ABOUT THE INCIDENT. MATTSON ADVISED IT WAS A PHONE CONVERSATION HE HAD WITH SERGEANT CLEMENTS. HE HAD CALLED SERGEANT CLEMENTS TO OBTAIN ANY FURTHER DETAILS TO HELP HIM (MATTSON) WITH THE BRIEFING PRESENTATION. HE KNEW OFFICER VIRGILLO WAS WITH SERGEANT CLEMENTS. MATTSON BEGAN ASKING QUESTIONS OF CLEMENTS AND THIS IS WHEN

CLEMENTS HANDED THE PHONE TO OFFICER VIRGILLO TO SPEAK DIRECTLY TO MATTSON. THIS CONVERSATION WITH VIRGILLO WAS SHORT.

MATTSON STARTED THE CONVERSATION, DUE THE PREVIOUS DETAILS HE HAD ACQUIRED AND A VISUAL PERSPECTIVE OF THE SCENE (HE LOOKED INTO THE RESIDENCE FROM THE OUTSIDE). MATTSON FELT HE HAD DETAILS OF THE INCIDENT AND NOW HE WAS SEEKING A TIME LINE, BECAUSE THERE WAS TASING INVOLVED. MATTSON ALSO TALKED ABOUT THE OC SPRAY USED AND THAT MATTSON HAD NOT DETECTED THE ODOR OF THE SPRAY. VIRGILLO DID CONFIRM THE OC SPRAY HAD BEEN USED ALONG WITH TASERS BEING USED. AT ONE POINT MATTSON STOPPED TALKING ABOUT THE DETAILS, WHICH HE THOUGHT HAD OCCURRED AND ASKED OFFICER VIRGILLO WHAT HAD HAPPENED. VIRGILLO DESCRIBED THE CALL WAS A DOMESTIC VIOLENCE CALL AND THEY FIRST CONTACTED THE MOTHER, WHO WAS NEXT DOOR TO THE SCENE. THEY OBTAINED SOME INFORMATION ABOUT SOME CRIMINAL DAMAGE AND THEY OBTAINED PERMISSION FROM THE MOTHER TO ENTER THE RESIDENCE. WHEN THEY MADE CONTACT WITH DANIEL, DANIEL LET THEM IN. DURING THEIR CONTACT, A DOG BECAME AGGRESSIVE AND OFFICER CHRISMAN SHOT THE DOG. THE PERSON AT THE RESIDENCE (DANIEL RODRIGUEZ) BECAME AGGRESSIVE. MATTSON THEN STOPPED VIRGILLO AND ASKED HIM WHAT HE (VIRGILLO) MEANT BY THE WORD "AGGRESSIVE". VIRGILLO THEN TOLD MATTSON HE WOULD RATHER WAIT TO TALK TO THE INVESTIGATORS.

THIS WAS NOT THE END OF THE PHONE CONTACT, BECAUSE THIS FRUSTRATED MATTSON BECAUSE VIRGILLO DID NOT WANT TO PROVIDE SPECIFICS AND HE (MATTSON) WANTED MORE INFORMATION FOR THE BRIEFING. MATTSON SKIPPED OVER THE ISSUE OF BEING AGGRESSIVE AND VIRGILLO THEN SPOKE OF OFFICER CHRISMAN DEPLOYING PEPPER SPRAY. VIRGILLO ALSO ADDED THAT BOTH OFFICERS DEPLOYED THEIR TASERS DURING THE INCIDENT. THIS WAS THE FIRST TIME MATTSON WAS AWARE OF TWO TASERS BEING DEPLOYED. VIRGILLO THEN STATED AT THIS TIME OFFICER CHRISMAN SHOT THE MALE (DANIEL RODRIGUEZ).

MATTSON FELT THIS WAS AN ABRUPT ENDING OF THE DETAILS, SO MATTSON ASKED VIRGILLO ABOUT THE GRABBING OF CHRISMAN'S GUN AND ABOUT THE BIKE. MATTSON ASKED VIRGILLO IT WAS HIS UNDERSTANDING THAT THERE WAS A BIKE INVOLVED, SUCH AS A STRUGGLE OVER A BIKE OR A BIKE BEING THROWN. MATTSON FIRST TOLD ME VIRGILLO STATED HE HAD NOT SEEN A BIKE, THEN MATTSON SEEMED UNSURE OF THIS STATEMENT. MATTSON THEN TOLD ME HE WAS SURE VIRGILLO MENTIONED HE DID NOT SEE THE MALE GRAB OFFICER CHRISMAN'S GUN. MATTSON RE QUESTIONED VIRGILLO ABOUT BOTH OF THESE TOPICS AND VIRGILLO AGAIN TOLD MATTSON HE WOULD RATHER WAIT FOR THE INVESTIGATORS. THIS ENDED THE PHONE CONTACT WITH OFFICER VIRGILLO.

PRIOR TO HIS CALL TO SERGEANT CLEMENTS, MATTSON'S DUTIES WERE TO MAKE SURE THE SCENE WAS PRESERVED AND CONTAINED. HIS GOAL WAS ALSO TO MANAGE THE RESOURCES AT THE SCENE. IT WAS MATTSON WHO ASKED SERGEANT WALLACE TO STANDBY OFFICER CHRISMAN AND SERGEANT CLEMENTS TO STANDBY OFFICER VIRGILLO. SERGEANT MATTSON ADDED HE HAD A SECOND CONTACT WITH OFFICER CHRISMAN AT THE SCENE. OFFICER CHRISMAN DID NOT HAVE A CELL PHONE TO USE, SO MATTSON ALLOWED HIM TO USE HIS CELL PHONE, BUT CHRISMAN HAD TROUBLE USING IT AND USED ANOTHER PERSON'S CELL. MATTSON WAS STANDING NEAR HIM WHILE CHRISMAN TALKED TO HIS MOTHER OR LEFT A MESSAGE FOR HER. THE ONE SIDED CONVERSATION WAS ABOUT TELLING HER HE (CHRISMAN) WAS OKAY IF SHE

WERE TO SEE THE NEWS ON THE TELEVISION. HE GAVE NO DETAILS ABOUT THE SHOOTING.

I ASKED SERGEANT MATTSON ABOUT HIS IMPRESSION OF OFFICER CHRISMAN'S DEMEANOR. MATTSON STATED CHRISMAN WAS NOTICEABLY SHAKEN UP. I ALSO ASKED ABOUT HIS IMPRESSION OF OFFICER VIRGILLO'S DEMEANOR AND MATTSON AGAIN DESCRIBED VIRGILLO AS SHAKEN UP.

WHEN HE (MATTSON) LEFT THE SCENE, HE RETURNED TO THE PRECINCT TO COMPLETE SOME ADDITIONAL PAPERWORK. AFTER MATTSON GOT OFF DUTY, HE DROVE BACK OUT TO THE SCENE TO CHECK ON THE OFFICERS IN HIS PERSONAL VEHICLE. HE GUessed THIS WAS AROUND 1700 HOURS AND HE STAYED FOR ABOUT AN HOUR. HE SAW OFFICER VIRGILLO AGAIN AND JUST ASKED HIM AGAIN HOW HE WAS DOING. DETECTIVE KENNY PORTER WAS AT THIS TIME GOING TO TAKE VIRGILLO FOR AN INTERVIEW. MATTSON SPOKE TO OTHER SUPERVISORS AT THE SCENE AND THEN WALKED TO THE MAC VAN AND SAT WITH OFFICER CHRISMAN FOR THE REMAINDER OF TIME HE WAS ON SCENE. OFFICER CHRISMAN DID NOT TALK ABOUT THE INCIDENT WHILE HE WAS IN THE MAC VAN.

WHEN HE LEFT THE SCENE, HE DROVE TO OFFICER CHRISMAN'S HOME TO PROVIDE CHRISMAN'S SET OF KEYS TO CHRISMAN'S GIRLFRIEND, BECAUSE SHE HAD LOCKED HERSELF OUT. THIS WAS A FAVOR ASKED OF MATTSON BY CHRISMAN.

I ASKED SERGEANT MATTSON ABOUT ANY CONTACTS HE HAD SINCE THE DAY OF THE INCIDENT WITH EITHER OFFICER. MATTSON TOLD ME HE HAS HAD PHONE CONTACTS WITH BOTH OFFICERS. HE HAD ONLY ONE PHONE CONVERSATION WITH OFFICER CHRISMAN ON THURSDAY TO CHECK ON HIM AND DISCUSS ADMINISTRATIVE ISSUES. THIS WAS ABOUT A TEN MINUTE CONVERSATION. MATTSON HAD SENT TEXT MESSAGES TO CHRISMAN WITHOUT A RESPONSE.

HIS CONTACTS WITH OFFICER VIRGILLO WERE ABOUT EVERY DAY SINCE THE INCIDENT. ON SOME DAYS THERE WAS MORE THAN ONE PHONE CONTACT. THESE CONTACTS WERE ONLY ABOUT TEN TO FIFTEEN MINUTES IN LENGTH. THESE CALLS WERE MOSTLY ADMINISTRATIVE. THERE WAS ONE CONVERSATION THAT CAME CLOSE TO THE INCIDENT TOPIC. IT REVOLVED AROUND HOW THE MEDIA WAS REPORTING THE INCIDENT AND HOW VIRGILLO SHOULD EXPECT THERE WILL BE BAD INFORMATION REPORTED ABOUT HIM AND THAT MATTSON EXPECTS THE SAME ABOUT HIM.

ANOTHER CONVERSATION AGAIN WAS ADMINISTRATIVE IN NATURE, BUT WITHOUT BEING PROMPTED, OFFICER VIRGILLO TOLD MATTSON THAT EVERYTHING HE HAD SAID WAS COMPLETELY TRUE AND HE STOOD BY EVERYTHING HE SAID. MATTSON DID NOT REMEMBER WHAT DAY THIS CONVERSATION OCCURRED.

I ASKED MATTSON WHAT HIS IMPRESSION WAS OF THIS STATEMENT MADE BY OFFICER VIRGILLO AND MATTSON BELIEVED VIRGILLO KNEW OF THE ISSUES GOING ON IN THE DEPARTMENT. MATTSON FELT VIRGILLO WAS TRYING TO REASSURE HIM THAT WHEN HE (MATTSON) MIGHT HEAR PEOPLE TALKING ABOUT VIRGILLO LYING, MATTSON COULD FEEL COMFORTABLE THAT VIRGILLO WAS NOT LYING.

SERGEANT MATTSON ADVISED ME OF SERGEANT MARK HUMBLES HELPING WITH THE MONITORING OF OFFICER CHRISMAN AND SERGEANT ERIC ZOPF HELPING WITH THE

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MONITORING OF OFFICER VIRGILLO.

(TOOK BREAK FROM INTERVIEW)

I ASKED SERGEANT MATTSON ABOUT HIS TIME AT THE PRECINCT. HE ADVISED ME HE HAD BEEN AT THE SOUTH MOUNTAIN PRECINCT SINCE JANUARY 2010. HE WAS FIRST ASSIGNED TO THE 43A SQUAD, BUT WHEN THE RE BID OCCURRED, HE WAS REASSIGNED TO THE 42A SQUAD.

PRIOR TO BEING REASSIGNED TO THE 42A SQUAD, I ASKED HIM IF EITHER OFFICER WORKED WITH HIM ON THE 43A SQUAD. HE TOLD ME THEY HAD NOT. THE ONLY WORK EXPOSURE TO BOTH OFFICERS WERE WORKING AROUND THEM AT SPORADIC SCENES. MATTSON HAD NEVER WORKED WITH EITHER OFFICER IN THE PAST ON A SQUAD.

I ASKED SERGEANT MATTSON ABOUT HIS IMPRESSION OF OFFICER VIRGILLO IN THESE PAST WEEKS FROM THE RE BID. MATTSON DESCRIBED VIRGILLO AS THE CONSUMMATE PROFESSIONAL. HE THOUGHT HE HAS HIGH INTEGRITY. VIRGILLO IS THE TYPE OF PERSON WHO WOULD TAKE A REPORT, EVEN WHEN THE REPORT IS NOT NECESSARY TO MAKE SURE IT WAS HANDLED TO THE FULLEST DEGREE. MATTSON STATED THIS SUMS UP HIS PERFORMANCE. I ASKED HIM IF HE HAD HEARD ANY NEGATIVE ISSUES REGARDING VIRGILLO AND MATTSON TOLD ME HE HAD NOT.

I THEN ASKED ABOUT OFFICER CHRISMAN AND HIS IMPRESSION OF HIM SINCE THE RE BID PROCESS. MATTSON DESCRIBED CHRISMAN AS A VERY HARD WORKER, THAT CHRISMAN CARED ABOUT SQUAD COHESION. CHRISMAN ALWAYS WOULD SET UP A LOCATION FOR THE SQUAD TO HAVE LUNCH TOGETHER ON FRIDAYS. CHRISMAN HAS KIND OF A LIGHT HEARTED VIEW OF THINGS. I ASKED MATTSON IF HE HAD HEARD ANY NEGATIVE ISSUES SURROUNDING CHRISMAN. MATTSON TOLD ME THERE WAS A PROBLEM BETWEEN SERGEANT WAYNE DILLON AND CHRISMAN. MATTSON BELIEVED THIS STEMMED FROM THE PROBLEM SERGEANT DILLON HAD WITH THE ENTIRE 42A SQUAD. OFFICER CHRISMAN WAS PART OF THE 42A SQUAD BEFORE THE RE BID. THERE WAS A PERCEPTION OF THE 42A SQUAD AT THAT TIME WAS THE SQUAD MEMBERS WERE NOT HARDWORKING. SERGEANT DILLON WOULD ALWAYS GET ON THEM FOR NOT WORKING HARD. IN TURN, THERE WAS A PERCEPTION OF SERGEANT DILLON'S SQUAD WAS NOT OVERLY MOTIVATED TO TAKE TRAFFIC, SO THE 42A SQUAD LOOKED NEGATIVELY ON SERGEANT DILLON'S SQUAD (45F).

DILLON GAVE MATTSON SOME EXAMPLES, SUCH AS ABOUT CHRISMAN HAVING AN UNSHAVEN APPEARANCE AT WORK ONE DAY AND CHRISMAN GAVE SOME TYPE OF INAPPROPRIATE RESPONSE TOWARDS DILLON.

THIS WAS THE END OF THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A5026

DR FINALIZED BY : 6290

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Continued.

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DR NO: 2010 01413133 039

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 40

REPORT DATE: 20101013 TIME: 0940

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS 4657 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 4657

MARICOPA COUNTY OFFICE OF THE MEDICAL EXAMINER:

=====

FORENSIC SCIENCE CENTER
701 WEST JEFFERSON
(602)506-1546

OME CASE NUMBER:

=====

10-05956

MEDICAL EXAMINER:

=====

DR. JEFFEREY JOHNSTON, MD
VARIOUS HRS/DAYS
(602)506-1138

EVIDENCE TAKEN FROM VICTIM:

=====

PAPER BAGS USED TO COVER VICTIM'S RIGHT AND LEFT HANDS AT TIME
OF OME TRANSPORT.

FINGER NAIL CLIPPINGS FROM BOTH RIGHT AND LEFT HANDS OF VICTIM.

FINGER NAIL SCRAPINGS FROM BOTH RIGHT AND LEFT HANDS OF VICTIM.

TRACE EVIDENCE FROM VICTIM'S LEFT HAND.

PROBE FROM VICTIM'S ABDOMEN.

BLOOD STAIN CARD FROM VICTIM.

PROJECTILE FROM VICTIM'S TORSO.

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Continued.

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CONTROL SWAB, SWABS FROM VICTIM'S RIGHT AND LEFT HANDS.

EVIDENCE TAKEN FROM DOG:

=====

PROJECTILE FRAGMENTS TAKEN FROM DOG'S TORSO

BLOOD STAIN CARD FROM DOG

VICTIM'S PROPERTY:

=====

SEE IMPOUND SUPPLEMENT FOR DETAILS.

CAUSE OF VICTIM'S DEATH:

=====

MULTIPLE GUNSHOT WOUNDS TO TORSO

MANNER OF VICTIM'S DEATH:

=====

HOMICIDE

CAUSE OF DOG'S DEATH:

=====

GUNSHOT WOUND

ON 10/07/10 AT 0800 HOURS, I ATTENDED THE AUTOPSY OF DANIEL FRANK RODRIGUEZ CONDUCTED BY DR. JEFFEREY JOHNSTON, MD AND PERFORMED AT THE FORENSIC SCIENCE CENTER AT 701 W. JEFFERSON.

WHEN THE VICTIM WAS BROUGHT IN FOR EXAMINATION I NOTED HE WAS SHIRTLESS. HE HAD PAPER BAGS USED TO COVER HIS HANDS AT TIME OF OME TRANSPORT. HE WAS WEARING GREY PANTS WITH BLACK BELT AND WHITE METAL BUCKLE. HE HAD ON RED SPORT SHOES WITH BLACK TRIM AND WHITE SOCKS. HE HAD ON DARK PLAID BOXER SHORTS, AND A BLACK HAIR NET.

ITEMS SUCH AS EARRINGS, RINGS, CELL PHONE, BLACK CASE AND OTHER PERSONAL ITEMS HAD BEEN REMOVED FROM HIS PERSON. FOR DETAILS OF THE PERSONAL PROPERTY PLEASE REVIEW THE AUTOPSY PERSONAL PROPERTY SHEET AND MY IMPOUND SUPPLEMENT.

I NOTED A TATTOO ON HIS SHOULDER THAT I WAS NOT ABLE TO DISTINGUISH, BUT WAS PHOTOGRAPHED BY OME PERSONNEL.

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Continued.

THE FOLLOWING IS A SUMMARY OF WHAT WAS EXPLAINED TO ME DURING THE COURSE OF THE AUTOPSY. IT WAS DETERMINED THAT DANIEL RODRIGUEZ WEIGHED 141 POUNDS. HE WAS 66 INCHES TALL (5'6"). DOCTOR JOHNSTON EXPLAINED THAT DANIEL HAD RECEIVED TWO GUNSHOT WOUNDS TO HIS TORSO.

A GUNSHOT ENTRY WOUND WAS FOUND AT MIDLINE OF HIS UPPER CHEST. THE EXIT WOUND WAS TO THE RIGHT OF HIS BACK MIDLINE. ANOTHER GUNSHOT ENTRY WOUND WAS FOUND TO DANIEL'S UPPER LEFT CHEST. A SPENT PROJECTILE WAS RECOVERED FROM THE RIGHT SIDE OF THE VICTIM'S BODY IN RELATION TO THIS WOUND. SEE DOCTOR JOHNSTON'S AUTOPSY PROTOCOL FOR THE SPECIFIC LOCATION OF WHERE THE SPENT PROJECTILE WAS FOUND.

DOCTOR JOHNSTON FOUND LIGHT STIPPLING ON THE TORSO OF THE VICTIM. HE NOTED VARIOUS ABRASIONS TO THE VICTIM'S BODY TO INCLUDE ABRASIONS TO THE INSIDE OF THE VICTIM'S LEFT ARM, A CONTUSION TO THE LEFT TEMPLE, AND MINOR FINGER ABRASIONS.

A PUNCTURE WOUND WAS FOUND TO THE RIGHT OF THE UPPER LEFT CHEST GUNSHOT WOUND AND A TASER BARB WAS FOUND TO THE LOWER LEFT ABDOMEN OF THE VICTIM.

AT THE CONCLUSION OF THE AUTOPSY DOCTOR JOHNSTON DETERMINED THE CAUSE OF DEATH AS MULTIPLE GUNSHOT WOUNDS OF THE TORSO AND MANNER OF DEATH AS HOMICIDE.

AFTER CONCLUDING THE AUTOPSY OF DANIEL, DOCTOR JOHNSTON THEN EXAMINED THE DOG. THE DOG WAS SHORT HAIR AND TAN IN COLOR WITH A WHITE CHEST. HE APPEARED TO BE A PIT BULL OR PIT BULL MIX.

I DID NOT ATTEND THE EXAMINATION OF THE DOG.

AT 1355 HOURS, I SPOKE WITH DOCTOR JOHNSTON WHO EXPLAINED THE FOLLOWING. THE WEIGHT OF THE DOG WAS 49.5 POUNDS. THE LENGTH AND SHOULDER HEIGHT WILL BE IN DOCTOR JOHNSTON'S AUTOPSY PROTOCOL.

THE DOG HAD RECEIVED A SINGLE GUNSHOT WOUND TO HIS SPINE. THERE WAS AN EXIT WOUND TO THE DOG'S LEFT SIDE, BUT BULLET FRAGMENTS HAD EMBEDDED IN THE SPINE. THE TRAJECTORY OF THE WOUND WAS RIGHT TO LEFT, SLIGHTLY BACK TO FRONT AND SLIGHTLY DOWNWARD.

THERE WAS A THROUGH AND THROUGH WOUND TO THE DOG'S LEFT EAR. THERE WAS NO STIPPLING ON THE DOG.

FOR SPECIFIC INFORMATION ON THE AUTOPSY OF DANIEL RODRIGUEZ AND EXAMINATION OF DOG SEE DOCTOR JOHNSTON'S AUTOPSY PROTOCOL.

I WAS GIVEN THE PAPER BAGS THAT HAD COVERED THE VICTIM'S HANDS AT ONE TRANSPORT, THE VICTIM'S BLOOD STAIN CARD, SWABS FROM BOTH HANDS, FINGER NAIL CLIPPINGS AND SCRAPINGS, THE BARB FROM HIS ABDOMEN, AND THE PROJECTILE FROM THE VICTIM'S TORSO AS WELL AS THE VICTIM'S PERSONAL PROPERTY.

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I WAS ALSO GIVEN THE DOG'S BLOOD STAIN CARD, AND PROJECTILE FRAGMENTS REMOVED FROM THE DOG'S SPINE.

I PLACED AND SECURED THE SWABS, PAPER HAND BAGS AND VICTIM'S CLOTHES IN A DRYING FACILITY BAY AT 621 WEST WASHINGTON FOR DRYING AND LATER IMPOUNDED THEM AS EVIDENCE. I PLACED AND SECURED THE OTHER ITEMS OBTAINED FROM THE AUTOPSY INTO TEMPORARY STORAGE LOCKER 214 AT THE PROPERTY MANAGEMENT ANNEX AT 621 WEST WASHINGTON AND LATER IMPOUNDED THEM AS EVIDENCE.

SEE MY IMPOUND SUPPLEMENTS FOR FURTHER DETAILS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 4657

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 040

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 41

REPORT DATE: 20101013 TIME: 1608

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS

4657 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000701 W JEFFERSON ST

DATE: 100710 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: MODEL: DICKIES COLOR: GRY

SIZE: 38X32 QUANTITY: 0000 SERIAL/ACCT/ID:

DESCRIPTION: GREY DICKIES PANTS WITH BLACK BELT AND WHITE METAL BUCKLE. BLOODY.

0002 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: MODEL: HAYNES COLOR: GRN WHI

DESCRIPTION: GREEN AND WHITE PLAID HAYNES BOXER SHORTS. BLOODY

0003 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: LEFT MODEL: ADIDAS COLOR: RED

SIZE: 9 1/2 QUANTITY: 0000 SERIAL/ACCT/ID:

DESCRIPTION: BLOODY LEFT ADIDAS SPORT SHOE; RED WITH BLACK TRIM AND WHITE SOCK.

0004 PKG 000 CODE:EI UK00

ITEM: PCLOTHE BRAND: RIGHT MODEL: ADIDAS COLOR: RED

SIZE: 9 1/2 QUANTITY: 0000 SERIAL/ACCT/ID:

DESCRIPTION: BLOODY, RIGHT ADIDAS SPORT SHOE; RED WITH BLACK TRIM. WHITE SOCK

0005 PKG 000 CODE:EI UK00

ITEM: YBAG BRAND: MODEL: RIGHT COLOR:

DESCRIPTION: PAPER BAG USED TO COVER VICTIMS RIGHT HAND; BLOODY

0006 PKG 000 CODE:EI UK00

ITEM: YBAG BRAND: MODEL: LEFT COLOR:

DESCRIPTION: PAPER BAG USED TO COVER VICTIMS LEFT HAND; BLOODY

0007 PKG 000 CODE:EI UK00

ITEM: PBIOLOG BRAND: MODEL: SWABS COLOR:

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Continued.

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133

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SIZE: QUANTITY: 0005 SERIAL/ACCT/ID:
DESCRIPTION: FIVE SWAB CARTONS IN SEALED OME PLASTIC EVIDENCE
BAG; ONE CONTROL SWAB: TWO SWABS FROM RIGHT HAND OF VICTIM: TWO SWABS FROM
LEFT HAND OF VICTIM. ALL CARTONS SEALED AND LABELED WITH OME #10-05956
DANIEL RODRIGUEZ, JEFFEREY JOHNSTON MD

0008 PKG 000 CODE:EI UK00
ITEM: PCLOTHE BRAND: MODEL: HAIRNET COLOR: BLK
DESCRIPTION: BLACK HAIR NET

0009 PKG 000 CODE:EI UK00
ITEM: JDOCUME BRAND: MODEL: CONTROLFORM COLOR:
DESCRIPTION: VIOLENT CRIMES BUREAU EVIDENCE DRYING FACILITY
BAY CONTROL FORM FOR BAY 12 AND BROKEN SEAL 841517

***** NARRATIVE *****

SERIAL NUMBER: 4657

THIS SUPPLEMENT GENERATED TO IMPOUND THE LISTED ITEMS. ITEMS ONE THROUGH
EIGHT HAD BEEN OBTAINED FROM THE BODY OF VICTIM DANIEL RODRIGUEZ DURING
HIS AUTOPSY ON 10/07/10. I WAS GIVEN THOSE ITEMS BY THE OFFICE OF MEDICAL
EXAMINER AND I PLACED THEM IN VCB EVIDENCE DRYING FACILITY BAY 12 ON
10/07/10 AND SEALED THE BAY WITH SEAL #841517. ON 10/13/10 I BROKE THE
SEAL AND REMOVED THESE ITEMS. I THEN IMPOUNDED THEM AT 621 W. WASHINGTON
AS EVIDENCE ALONG WITH THE BAY CONTROL FORM AND BROKEN SEAL #841517.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3956165

DR ENTERED BY : 4657

DR FINALIZED BY : 4657

END OF REPORT

DR NO: 2010 01413133 041

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

42

REPORT DATE: 20101014 TIME: 1019

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: WALLACE, MARTIN

SPEAKING: ENGLISH

RACE: W SEX: M AGE: DOB: HT: 000 WT: 0'00
SPECIAL AGE RANGE: UNKNOWN

CLOTHING DESC & MISC:

SERIAL NUMBER 6215; SUPERVISES 41A SQUAD

OCCUPATION: POLICE SERGEANT

WORK HOURS: 0530 - 1530

DAYS OFF: FSS

***** NARRATIVE *****

SERIAL NUMBER: 5097

=====

INTERVIEW WITH SERGEANT MARTIN WALLACE

=====

DATE: 10/12/10

START: 1430 HOURS

END: 1444 HOURS

THIS INTERVIEW WAS CONDUCTED AT THE SOUTH MOUNTAIN PRECINCT IN AN ISOLATED ROOM. THE INTERVIEW WAS AUDIO RECORDED WITH A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

SERGEANT WALLACE WAS WORKING THE DAY OF THE INCIDENT AND HE WAS ASSIGNED TO THE 41A SQUAD. HIS WORK HOURS THAT DAY WERE 0500 TO 1500 HOURS. AT THE TIME OF THE INCIDENT, WALLACE WAS WITH SERGEANTS SEAN MATTSON AND GREG STANSBERRY FINISHING LUNCH NEAR THE AREA OF 2200 E. BASELINE. WALLACE HAD NOT BEEN MONITORING THE RADIO TRAFFIC BROADCASTS ON CHANNEL A4 AND IT WAS SERGEANT MATTSON, WHO HEARD THE OFFICER INVOLVING SHOOTING INCIDENT

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Continued.

BROADCASTED ON ANOTHER FREQUENCY. WALLACE HAD BEEN MONITORING A DIFFERENT FREQUENCY.

SERGEANT WALLACE THEN SWITCHED OVER TO THE RADIO FREQUENCY OF THE OFFICER INVOLVED SHOOTING TO LISTEN. WALLACE PULLED UP THE CALL DETAILS FROM THE COMPUTER IN HIS POLICE VEHICLE AND HE RESPONDED TO THE SCENE. IT TOOK APPROXIMATELY THREE TO FIVE MINUTES TO ARRIVE AT THE SCENE USING LIGHTS AND SIREN.

WHEN WALLACE ARRIVED, THE LOCATION WAS A TRAILER PARK AND HE FOLLOWED THE DIRECTIONS OF THE AIR UNIT TO THE SOUTHWEST CORNER OF THE TRAILER PARK. AS HE ARRIVED, HE LEARNED FROM SERGEANT MATTSON THAT TWO OFFICERS OF HIS (MATTSON'S) SQUAD HAD BEEN INVOLVED AND MATTSON ASKED HIM (WALLACE) TO STAND BY OFFICER CHRISMAN. WALLACE HAD SOME CONTACT WITH OFFICER VIRGILLO UNTIL SERGEANT CLEMENTS STOOD BY HIM. THIS WAS FOR LESS THAN FIVE MINUTES.

I ASKED SERGEANT WALLACE IF OFFICER VIRGILLO MADE ANY COMMENTS TO HIM ABOUT THE INCIDENT. WALLACE TOLD ME OFFICER VIRGILLO DID NOT MAKE ANY COMMENTS AND WALLACE HAD NOT ASKED HIM ANY QUESTIONS. WALLACE ALSO MENTIONED HE DID NOT ASK ANY QUESTIONS OF OFFICER CHRISMAN AND UP TO THIS TIME HE (WALLACE) STILL HAD NO IDEA WHAT HAD TRANSPRIRED AT THE SCENE.

SERGEANT WALLACE INITIALLY STOOD BY WITH OFFICER CHRISMAN ACROSS THE STREET TO THE EAST OF THE SCENE AND THEN OFFICER CHRISMAN NEEDED TO USE A RESTROOM. THEY DROVE FROM THE SCENE TO THE SOUTH MOUNTAIN PRECINCT, SO CHRISMAN COULD USE THE FACILITIES AND THEN WALLACE DROVE HIM BACK TO THE SCENE LOCATION. I ASKED SERGEANT WALLACE IF OFFICER CHRISMAN SPOKE TO HIM ABOUT ANY DETAILS OF THE INCIDENT. WALLACE STATED THE ONLY THING CHRISMAN STATED WAS ABOUT SMELLING THE DECEDENT'S COLOGNE ON HIS (CHRISMAN'S) LEFT HAND, BECAUSE IT WASN'T CHRISMAN'S DEODORANT. CHRISMAN ALSO MENTIONED AFTER HE WASHED HIS HANDS AT THE PRECINCT, HIS HANDS WERE BURNING FROM THE OC SPRAY.

AFTER THEY ARRIVED BACK AT THE SCENE LOCATION, WALLACE JUST KEPT OFFICER CHRISMAN IN HIS POLICE VEHICLE. AT THIS TIME, ONE MAC VAN HAD ALREADY ARRIVED AND A SECOND MAC VAN WAS EN ROUTE. SERGEANT WALLACE TRIED TO KEEP OFFICER CHRISMAN FROM SEEING THE DECEDENT'S MOTHER, SO HE REPOSITIONED HIS POLICE VEHICLE. SHE NEVER APPROACHED THEM. AFTER THE SECOND MAC VAN ARRIVED, HE AND OFFICER CHRISMAN WENT INTO THIS MAC VAN AND WALLACE STOOD BY CHRISMAN UNTIL SERGEANT HUMBLES TOOK OVER FOR HIM AT AROUND 1700 HOURS.

I AGAIN ASKED SERGEANT WALLACE IF OFFICER CHRISMAN SPOKE TO HIM ABOUT THE INCIDENT. WALLACE STATED CHRISMAN DID NOT TALK ABOUT THE INCIDENT. IT WAS WALLACE WHO TALKED TO CHRISMAN ABOUT WHAT TO EXPECT AND THE PROCESS HE WILL BE GOING THROUGH, BECAUSE SERGEANT WALLACE HAD BEEN INVOLVED IN A SHOOTING BEFORE.

DURING HIS MONITORING OF OFFICER CHRISMAN, SERGEANT WALLACE ALLOWED OFFICER CHRISMAN TO USE HIS CELL PHONE TO MAKE CALLS. WALLACE BELIEVED ONE CALL WAS TO CHRISMAN'S EX-WIFE AND ONE WAS TO CHRISMAN'S GIRLFRIEND.

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THERE MAY HAVE BEEN MORE, BUT THIS IS WHAT HE REMEMBERED. CHRISMAN DID NOT DESCRIBE ANY DETAILS OF THE INCIDENT DURING THESE CALLS.

I ASKED SERGEANT WALLACE IF HE HAD OBSERVED ANY INJURIES TO EITHER OFFICER VIRGILLO OR OFFICER CHRISMAN. HE TOLD ME HE HAD NOT OBSERVED ANY INJURIES TO THEM. I ALSO ASKED HIM ABOUT THEIR UNIFORMS AND IF THEY APPEARED DISHEVELED, TORN, OR IF ANY BUTTONS WERE MISSING. WALLACE STATED HE DID NOT NOTICE ANY PROBLEMS WITH THEIR UNIFORMS.

WALLACE ADVISED HE DID NOT OBSERVE ANYTHING OUT OF THE NORMAL REGARDING THE TWO OFFICERS' APPEARANCE.

I ASKED SERGEANT WALLACE SINCE THE DAY OF THE INCIDENT, HAD HE HAD ANY FURTHER CONTACT WITH EITHER OFFICER. SERGEANT WALLACE TOLD ME HAS NOT BEEN IN CONTACT WITH THEM AND HE WAS NOT THEIR IMMEDIATE SUPERVISOR.

IN ASKING ABOUT HIS TIME IN THE SOUTH MOUNTAIN PRECINCT, SERGEANT WALLACE TOLD ME HE HAD BEEN IN THIS PRECINCT FOR ABOUT A YEAR AND EIGHT MONTHS. DURING THIS TIME, HE WAS THE SUPERVISOR OF THE 44B SQUAD, THE 45S SQUAD, THE 46S SQUAD AND THE 41A SQUAD. DURING THIS TIME, NEITHER OFFICER HAD BEEN ASSIGNED TO HIM (WALLACE). WALLACE MENTIONED HE MAY HAVE SUPERVISED THESE OFFICERS ON A DAY HE COVERED FOR ANOTHER SERGEANT. WALLACE ALSO STATED HE HAD BEEN ON CALLS WITH BOTH OFFICERS AND CONSIDERED BOTH TO BE GOOD OFFICERS.

SERGEANT WALLACE TOLD ME HE HAD NEVER WORKED WITH EITHER OFFICER ON A SQUAD IN THE PAST PRIOR TO HIS PROMOTION. I ASKED SERGEANT WALLACE IF HE KNEW OF ANY NEGATIVE TALK RELATING TO EITHER OFFICER. WALLACE DID NOT KNOW OF ANY. SERGEANT WALLACE DID NOT KNOW OF ANY ANIMOSITY BETWEEN OFFICER CHRISMAN AND OFFICER VIRGILLO.

IN ASKING SERGEANT WALLACE OF THE DIFFERENT SUPERVISORS MONITORING OR CONTACTING THE TWO OFFICERS, SERGEANT WALLACE WAS ONLY ABLE TO SAY HE KNEW SERGEANT CLEMENTS HAD BEEN WITH OFFICER VIRGILLO AND SERGEANT HUMBLES TOOK OVER FOR HIM (WALLACE).

I ASKED SERGEANT WALLACE IF HE HAD ANY FURTHER DETAILS TO PROVIDE AND HE SPOKE OF A COUPLE OF OFFICERS COMING INTO THE MAC VAN AND DISCUSSING AN INCIDENT OF ABOUT A WEEK AGO WITH OFFICER CHRISMAN. THESE WERE OFFICERS BARRIOS, OWENS AND RUDE. THEY DID NOT SPEAK ABOUT DETAILS OF THIS INCIDENT.

THIS WAS THE END OF THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097 DR FINALIZED BY : 5097

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Continued.

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PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 4

DR NUMBER: 2010 01413133 42

END OF REPORT

DR NO: 2010 01413133 042

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

43

REPORT DATE: 20101015 TIME: 0954

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

=====

= *** REQUEST FOR LAB ANALYSIS *** =

= =====

CURRENT DR IS: 2010 01413133 043 BIOLOGICAL EVID (BLOOD, SEMEN, TISSUE): N

NAM: CHRISMAN RICHARD

NAM:

OFF:HOMICIDE

LOCATION: 000303 E SOUTH MOUNTAIN

AV

JAILED: N

OFCR REQ OF ANALYSIS: PORTER, KENNETH
(LAST, FIRST, MIDDLE) FIRM NAME USE BUS.

DATE OCC:100510 TIME:1237
DATE REQ:101510 TIME:0955

VIC: RODRIGUEZ DANIEL

DUI RELATED:N

BUS:

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
0003955112	0008		ACZG	LATENT PRINT

BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT

CASE AGENT

THIS SUPPLEMENT GENERATED TO CLARIFY THE "ROUTING" OF ITEM NUMBER 8,
INVOICE NUMBER 3955112 TO THE EVIDENCE PROCESSING UNIT PRIOR TO BEING
ANALYZED BY THE FORENSIC BIOLOGY UNIT OF THE CRIME LABORATORY.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

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Continued.

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 43

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 043

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

44

REPORT DATE: 20101015 TIME: 1049

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000100 E ELWOOD ST

DATE: 101510 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:CI V 01

ITEM: *MISC BRAND: SABRE MODEL:

COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: A NEW CANISTOR OF "O.C." SABRE RED SPRAY

**** NARRATIVE ****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

THIS SUPPLEMENT GENERATED TO IMPOUND A NEW CANISTER OF "SABRE RED" "O.C." SPRAY OBTAINED FROM POLICE SUPPLY FOR COMPARISON PURPOSES IN THIS INVESTIGATION.

THE CANISTER WAS IMPOUNDED AT 621 WEST WASHINGTON STREET.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3956635

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 044

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

45

REPORT DATE: 20101015 TIME: 1123

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER 6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

=====

= *** REQUEST FOR LAB ANALYSIS *** =

= =====

CURRENT DR IS: 2010 01413133 045 BIOLOGICAL EVID (BLOOD, SEMEN, TISSUE): N
NAM: CHRISMAN RICHARD

NAM:

LOCATION: 000303 E SOUTH MOUNTAIN OFCR REQ OF ANALYSIS: PORTER, KENNETH (LAST, FIRST, MIDDLE) FIRM NAME USE BUS.
VIC: RODRIGUEZ DANIEL
BUS:

AV

OFF:HOMICIDE

JAILED: N

DATE OCC:100510 TIME:1237
DATE REQ:101510 TIME:1120

DUI RELATED:N

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
0003956635	0001		*MISC	QD, TRACE, ARSON

BLOOD DRAWN BY: 1. DATE/TIME DRAW:000000 / 0000
LOC OF DRAWING: 2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

PLEASE USE ITEM NUMBER ONE OF INVOICE NUMBER 3956635, A NEW CANISTER OF O.C. SPRAY FOR COMPARISON PURPOSES OF THIS INVESTIGATION.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

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Continued.

** PUBLIC **

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** RECORD **

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133

45

DR ENTERED BY : 6290

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 045

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

46

REPORT DATE: 20101018 TIME: 0740

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: EDUARDO CASTILLO

7775 UNIT: 41X

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 7775

2010-01413133

EDUARDO CASTILLO #7775
303 E. SOUTH MOUNTAIN

ON 10-05-10 AT APPROXIMATELY 1237 HOURS, SERGEANT CLEMENTS AND I WERE AT SOUTH MOUNTAIN PRECINCT (400 WEST SOUTHERN AVENUE) WHEN WE OVERHEARD AN OFFICER WAS INVOLVED IN A SHOOTING AT 303 E. SOUTH MOUNTAIN AVENUE.

SERGEANT CLEMENTS AND I RESPONDED TO THE SCENE IN AN UNMARKED POLICE VEHICLE WEARING PLAIN CLOTHES. BY THE TIME WE ARRIVED, THE SCENE WAS BEING SECURED BY UNIFORMED OFFICERS.

I WALKED UP TO THE INNER PERIMETER TAPE AND OBSERVED OFFICER CHRISMAN STANDING BY HIMSELF UNDER A CARPORT. OFFICER CHRISMAN APPEARED CALM. BEING THE SCENE WAS SECURE I LEFT BEFORE MEDIA ARRIVED.

I DID NOT SPEAK TO THE OFFICERS INVOLVED IN THE SHOOTING.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 046

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

47

REPORT DATE: 20101018 TIME: 0741

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: PATRICK MCBRIDE

8259

UNIT: 40X

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 8259

ON 10-05-10 AT APPROXIMATELY 1200 HOURS, OFFICER HENRY #6707 AND I RESPONDED 303 E. SOUTH MOUNTAIN AVENUE #51 REGARDING AN OFFICER INVOLVED SHOOTING. WE RESPONDED IN A FULLY MARKED PATROL VEHICLE, OFFICER HENRY DROVE WHILE I SAT IN THE FRONT PASSENGER SEAT. WHEN WE ARRIVED IN THAT TRAILER PARK WE FOLLOWED ANOTHER FULLY MARKED PATROL VEHICLE WHO WAS BEING DIRECTED TO UNIT #51 BY THE AIR UNIT, WHICH HAD RESPONDED OVERHEAD.

WHEN WE ARRIVED AT UNIT #51, IT APPEARED TO ME THAT ALONG WITH THE PATROL VEHICLE WE HAD FOLLOWED IN, WE WERE THE FIRST TO RESPOND TO THE SCENE. THAT IS, WITH THE EXCEPTION OF THE TWO INVOLVED OFFICERS (VIRGILLO AND CHRISMAN) WE WERE THE SECOND MARKED PATROL VEHICLE ON SCENE.

UPON ARRIVAL, BOTH OFFICER HENRY AND I EXITED OUR PATROL VEHICLE. WE WALKED TOWARD UNIT #51 AND STOPPED AT THE DRIVEWAY. WHILE THERE I SAW OFFICER CHRISMAN STANDING NEAR THE FRONT DOOR. ALMOST IMMEDIATELY SEVERAL OTHER OFFICERS RESPONDED TO UNIT #51. I HEARD OFFICER CHRISMAN SAY HE HAD CLEARED THE UNIT THE BEST HE COULD BUT HE DID NOT HAVE A FLASHLIGHT, SO I WATCHED AS OTHER OFFICERS ENTERED THE UNIT TO DO A MORE THOROUGH JOB OF CLEARING THE UNIT.

OFFICER HENRY AND I THEN WALKED BACK TO THE STREET AND REMAINED THERE WHILE THE SCENE WAS SECURED BY OTHER OFFICERS. I HELPED COMPLETE THE LOG WHICH DOCUMENTED WHICH OFFICERS HAD RESPONDED. UPON COMPLETION OF THE PAPERWORK, OFFICER HENRY AND I WERE RELEASED FROM THE SCENE. WE SUBSEQUENTLY RETURNED TO SERVICE. THIS CONCLUDED MY INVOLVEMENT IN THIS MATTER.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 047

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

48

REPORT DATE: 20101018 TIME: 2125

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: DOMINIC BARRIOS 5799 UNIT: 42A

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 5799

ON 10-05-2010 AT APPROXIMATELY 1237 HOURS, OFFICER OWENS #5013 AND I (OFFICER BARRIOS #5799) RESPONDED TO 303 EAST SOUTH MOUNTAIN AVENUE, #51, IN REFERENCE TO OFFICER CHRISMAN #7371 AND OFFICER VIRGILLO #6437 INVOLVED IN A 998 (OFFICER-INVOLVED SHOOTING). WHEN WE ARRIVED AT THE TRAILER LOCATED ON THE SOUTHWEST CORNER OF THE TRAILER PARK, I OBSERVED OFFICER VIRGILLO WALKING AROUND ON THE ASPHALT ROADWAY OF THE TRAILER PARK. OFFICERS KINCANNON #6989 AND RUDE #7339 HAD ALREADY ARRIVED. I WALKED UP TO VIRGILLO AND ASKED HIM IF HE WAS ALRIGHT. OFFICER VIRGILLO APPEARED TO BE DAZED, BUT SAID HE WAS "OKAY". VIRGILLO POINTED IN THE DIRECTION OF TRAILER #51, WHICH WAS SEVERAL TRAILERS AWAY AND TOLD ME OFFICER CHRISMAN WAS IN THAT LOCATION. I IMMEDIATELY WENT OVER TO TRAILER #51 AND SAW OFFICER RUDE #7339 STANDING BY THE DOORWAY OF #51, WHICH FACES SOUTH. AS I APPROACHED OFFICER RUDE, I SAW A YELLOW IN COLOR TASER GUN AND A 6 X 9 STENO PAD JUST OUTSIDE THE DOORWAY ON TOP OF THE DOORMAT. ALL OF THIS AREA WAS COVERED IN BLOOD SPLATTER INCLUDING THE STENO PAD. I OBSERVED A HISPANIC MALE SITTING JUST INSIDE THE DOORWAY, WHO APPEARED TO BE DECEASED. I ALSO OBSERVED BLOOD SPLATTER ON THE DOOR.

WHILE MAKING THESE OBSERVATIONS, OFFICERS CHRISMAN #7371 AND KINCANNON #6989 ADVISED THEY WERE GOING TO CLEAR THE REST OF THE TRAILER. I STOOD AT THE DOORWAY UNTIL THEY ADVISED IT WAS CLEARED. AS I STOOD AT THE DOORWAY, THE HISPANIC MALE WAS LEANING BACKWARD ON A CHAIR WITH WHAT APPEARED TO BE A GUNSHOT WOUND TO THE CHEST AND A BIKE LAYING ON HIS LEGS. OFFICERS KINCANNON AND CHRISMAN ADVISED THE TRAILER WAS CLEARED. AS OFFICER CHRISMAN EXITED THE TRAILER, I ASKED HIM IF HE WAS OKAY AND HE ADVISED ME THAT HE WAS. HE THEN SPONTANEOUSLY STATED "THE GUY GRABBED MY GUN TWICE, DOMINIC". I TOLD CHRISMAN THAT EVERYTHING WAS GOING TO BE OKAY AND THAT OFFICER RUDE AND I WOULD SECURE THE TRAILER.

SERGEANT MATTSON #5969 ARRIVED AND ASKED OFFICER RUDE TO SECURE THE SCENE AND ME TO ASSIST HIM, SERGEANT MATTSON. AT THAT TIME, I ASSISTED SERGEANT MATTSON.

ROSE A3692/5799/101810/2200/VCB FRONT DESK

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PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133

48

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A3692 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 048

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

49

REPORT DATE: 20101020 TIME: 1354

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: DAVID BARRIOS

7374 UNIT: 43A

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 7374

ON 102010, AT APPROXIMATELY 0600 HOURS, SERGEANT STANSBERRY #5854 INSTRUCTED ME TO COMPLETE A SUPPLEMENT REPORT, REFERENCE THE POLICE SHOOTING AT 303 EAST SOUTH MOUNTAIN AVENUE, ON 100510.

ON 100510, AT APPROXIMATELY 1200 HOURS, I WAS RIDING AS A ONE-PERSON PATROL UNIT AND RESPONDED AS BACK-UP TO A POLICE SHOOTING AT 303 EAST SOUTH MOUNTAIN AVENUE.

UPON ARRIVAL, I WALKED UP TO THE OUTER PERIMETER, WHICH WAS JUST EAST OF THE SCENE, AND SPOKE TO A FEW OFFICERS IN THE AREA. I WAS ADVISED THAT THE SCENE WAS SECURE, SO I LEFT THE AREA AND WENT BACK INTO SERVICES.

I HAVE NO FURTHER INFORMATION TO ADD AT THIS TIME.

PAGE A2940/7374/102010/1357/117/LIVE/1

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A2940 DR FINALIZED BY : A2940

END OF REPORT

DR NO: 2010 01413133 049

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 50

REPORT DATE: 20101020 TIME: 2129

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: CARLOS TOVAR

8136 UNIT: 42F

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 8136

ON 10-05-2010 AT APPROXIMATELY 1600 HOURS, I RESPONDED TO 303 EAST SOUTH MOUNTAIN AVENUE REFERENCE A REQUEST TO RELIEVE DAY SHIFT UNITS WHO WERE AT THE SCENE OF AN OFFICER-INVOLVED SHOOTING.

UPON ARRIVAL, I WAS DIRECTED TO TRAILER 51 WHERE I RELIEVED OFFICER RUDE #7339 AT APPROXIMATELY 1605 HOURS. WHILE I WAS PROVIDING SCENE SECURITY, I MADE SURE NO ONE ENTERED THE TRAILER. AT APPROXIMATELY 1645 HOURS, A RAIN STORM ARRIVED, DELIVERING HAIL AND STRONG WINDS. FOR MY SAFETY, I ENTERED THE TRAILER AND CLOSED THE DOOR TO PREVENT ANY HAIL FROM ENTERING THE TRAILER. ONCE THE RAIN STOPPED, I EXITED THE TRAILER AND CONTINUED TO PROVIDE SCENE SECURITY.

AT 1650 HOURS, DETECTIVE PORTER #6290 ALONG WITH JAMES KEPPEL OF THE MARICOPA COUNTY ATTORNEY'S OFFICE AND OFFICER VIRGILLO ENTERED THE SCENE. DETECTIVE PORTER THEN TOLD ME TO POSITION MYSELF JUST OUTSIDE THE PERIMETER OF THE TRAILER. I THEN STOOD BY THE CARPORT OF THE TRAILER.

I CONTINUED TO PROVIDE SCENE SECURITY UNTIL RELIEVED BY OFFICER BALVASTRO.

ROSE A3692/8136/102010/2150/VCB FRONT DESK

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A3692 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 050

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 51

REPORT DATE: 20101021 TIME: 1431

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

=====
= *** REQUEST FOR LAB ANALYSIS ***
=
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CURRENT DR IS: 2010 01413133 051 BIOLOGICAL EVID (BLOOD, SEMEN, TISSUE): N
NAM: CHRISMAN RICHARD

OFF:HOMICIDE

NAM:
LOCATION: 000303 E SOUTH MOUNTAIN AV JAILED: N
OFCR REQ OF ANALYSIS:PORTER, KENNETH DATE OCC:100510 TIME:1237
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS. DATE REQ:102110 TIME:1430
VIC: RODRIGUEZ DANIEL DUI RELATED:N
BUS:

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
0003956635	0001		*MISC	QD, TRACE, ARSON
0003955112	0006	B	*MISC	QD, TRACE, ARSON

BLOOD DRAWN BY: 1. DATE/TIME DRAW:000000 / 0000
LOC OF DRAWING: 2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

THIS SUPPLEMENT GENERATED TO CLARIFY/COMBINE THE REQUEST/S UNDER
SUPPLEMENTS NUMBER TWENTY-SIX AND FORTY-FIVE.

THE REQUEST/S IS TO COMPARE THE WEIGHT OF THE NEW CANISTER OF O.C. SPRAY
IMPOUNDED UNDER INVOICE NUMBER 3956635 ITEM NUMBER ONE AND THE CANISTER OF

2010 01413133 51

Continued.

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133 51

O.C. SPRAY FROM OFFICER CHRISMAN'S DUTY BELT IMPOUNDED UNDER SUPPLEMENT NUMBER TWENTY-SIX, INVOICE NUMBER 3955112 ITEM NUMBER SIX-B.

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:
INVOICES:

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 051

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 52

REPORT DATE: 20101025 TIME: 0938

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: HUMBLES, MARK

SPEAKING: ENGLISH

RACE: W SEX: M AGE: 49 DOB: HT: 000 WT: 000

CLOTHING DESC & MISC:

SERIAL NUMBER IS 5133; SUPERVISES THE 42F SQUAD

OCCUPATION: SERGEANT

WORK HOURS: 1430 - 0030

DAYS OFF: FSS

***** NARRATIVE *****

SERIAL NUMBER: 5097

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INTERVIEW WITH SERGEANT MARK HUMBLES

=====

DATE: 10/13/10

START: 1513 HOURS

END: 1522 HOURS

THIS INTERVIEW WAS CONDUCTED AT THE SOUTH MOUNTAIN PRECINCT IN AN ISOLATED ROOM. THE INTERVIEW WAS AUDIO RECORDED WITH A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

SERGEANT MARK HUMBLES WAS WORKING THE DAY OF THE INCIDENT AND WAS ASSIGNED TO THE 42F SQUAD. WHEN HE CAME INTO WORK AND AFTER BRIEFING, HE WAS TOLD THERE HAD BEEN A 998 (OFFICER INVOLVED SHOOTING) INCIDENT AND RELIEF UNITS WOULD BE NEEDED. HUMBLES WAS DIRECTED TO GO OUT TO RELIEVE THE SUPERVISOR STANDING BY THE SHOOTING OFFICER. THE SUPERVISOR WAS SERGEANT MARTY WALLACE.

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133

52

SERGEANT HUMBLES ESTIMATED HE ARRIVED AT THE SCENE BETWEEN 1530 AND 1600 HOURS. WHEN HE ARRIVED, THERE WERE TWO MAC VANS PRESENT AND HE FOUND OFFICER CHRISMAN WITH SERGEANT WALLACE IN ONE OF THOSE MAC VANS.

AT THIS TIME OFFICER CHRISMAN'S DEMEANOR APPEARED TO BE OKAY, BECAUSE HE WAS TALKING TO DIFFERENT OFFICERS. SERGEANT HUMBLES ESTIMATED HE SPENT ANYWHERE FROM TWO TO THREE HOURS MONITORING OFFICER CHRISMAN. MOST OF THIS MONITORING TOOK PLACE IN THE MAC VAN, BUT SOME JUST OUTSIDE OF THE VAN.

I ASKED ABOUT THE LEGAL REPRESENTATIVE FOR OFFICER CHRISMAN AND IF THIS REPRESENTATIVE STAYED WITH CHRISMAN THE WHOLE TIME. SERGEANT HUMBLES STATED SHE WAS IN AND OUT. OFFICER CHRISMAN HAD MENTIONED THAT HE (CHRISMAN) WAS HUNGRY AND SHE (THE ATTORNEY) OBTAINED SOME FOOD FROM SUBWAY FOR HIM TO EAT.

IN SPEAKING ABOUT OFFICER CHRISMAN'S UNIFORM AND IF SERGEANT HUMBLES NOTICED ANYTHING UNUSUAL, HE RESPONDED BY SAYING NO. NOTHING APPEARED TORN, BUT HE DID NOT PAY A LOT OF ATTENTION TO THE UNIFORM. HUMBLES WAS NOT AWARE OF ANY COMPLAINTS OF OFFICER CHRISMAN BEING INJURED.

IN RESPECT TO OFFICER VIRGILLO, SERGEANT HUMBLES HAD NO CONTACT WITH THIS OFFICER AT THE SCENE.

IN THE PROCESS OF THE INVESTIGATION, THERE HAD BEEN A DELAY DUE TO A BAD STORM AND THEN INVESTIGATORS HAD BEEN DOING A WALK THROUGH WITH THE WITNESS OFFICER. IT WAS AT THIS TIME, A GROUP OF INVESTIGATORS CAME TO THEIR LOCATION AND WANTED TO SPEAK WITH OFFICER CHRISMAN. SERGEANT HUMBLES STAYED OUTSIDE THE MAC VAN AS THE INVESTIGATORS WENT INTO THE MAC VAN. THE FEMALE ATTORNEY WAS WITH OFFICER CHRISMAN AT THIS POINT.

THIS GROUP WAS IN THE MAC VAN FOR ABOUT FIFTEEN MINUTES OR SO AND THEN OFFICER CHRISMAN WAS ESCORTED OUT OF THE MAC VAN AND PLACED IN THE BACK OF SERGEANT ZOPF'S POLICE VEHICLE. ONE OF THE DETECTIVES GOT IN THE FRONT OF THE POLICE VEHICLE AND THEY LEFT THE SCENE. SERGEANT HUMBLES STAYED UNTIL HE OBSERVED COMMANDER ALEXANDER AT THE LOCATION AND GOT DIRECTION FROM HIM TO LEAVE THE SCENE. SERGEANT HUMBLES COULD NOT GIVE A GOOD ESTIMATION OF THE TIME HE LEFT THE SCENE, EXCEPT TO SAY IT MAY HAVE BEEN 45 MINUTES AFTER OFFICER CHRISMAN WAS TRANSPORTED AWAY FROM THE AREA.

I ASKED AGAIN IF HE HAD VIEWED OFFICER VIRGILLO OUT AT THE SCENE AND SERGEANT HUMBLES COMMENTED IF HE HAD SEEN OFFICER VIRGILLO, HE WOULD NOT HAVE KNOWN IT, BECAUSE HE DOES NOT KNOW WHAT OFFICER VIRGILLO LOOKS LIKE.

SERGEANT HUMBLES TOLD ME HE HAD BEEN ASSIGNED TO THE SOUTH MOUNTAIN PRECINCT FOR ABOUT TWO YEARS. HE HAS BEEN A FTO (FIELD TRAINING OFFICER) SERGEANT THE WHOLE TIME. FIRST WAS WITH THE 43F SQUAD, BUT AFTER THE REBID HE TOOK OVER THE 42F SQUAD. I ASKED ABOUT IF HE HAD SUPERVISED EITHER OFFICER WHILE HE WAS ASSIGNED TO THESE SQUADS AND HE TOLD ME HE HAD NOT. HUMBLES STATED HE KNEW OF THE OFFICERS BY NAME AROUND THE PRECINCT, BUT WOULD NOT HAVE ASSOCIATED NAMES AND FACES BEFORE. HUMBLES MENTIONED WHEN

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HE ARRIVED OUT ON THE SCENE, HE RECOGNIZED OFFICER CHRISMAN AS AN OFFICER HE HAD TALKED TO IN THE POLICE STATION IN PASSING BEFORE.

I ASKED SERGEANT HUMBLES IF HE HAD AN OPINION ABOUT EITHER OFFICER AND HE DID NOT. HUMBLES COMMENTING HE DID SPEAK WITH OFFICER CHRISMAN AT THE SCENE, BECAUSE HE (HUMBLES) IS WITH C.I.S.M. AND HE PROVIDED CHRISMAN WITH A TRI-FOLD PAMPHLET FOR THE EAP (EMPLOYEE ASSISTANCE PROGRAM) AND A BUSINESS CARD FOR EAP, BECAUSE THIS HAD BEEN AN OFFICER INVOLVED SHOOTING SCENE. THESE WERE COMMON DOCUMENTS PROVIDED TO OFFICERS AT THESE TYPES OF SCENES.

HUMBLES WAS ASKED IF ANOTHER CISM MEMBER WAS PRESENT AT THE SCENE. HUMBLES MENTIONED HE OBSERVED ANOTHER PERSON IN CIVILIAN CLOTHES. THIS PERSON DID TALK TO HUMBLES ABOUT BEING THERE AS A CISM TEAM MEMBER, BUT HUMBLES DID NOT KNOW WHO THIS PERSON WAS.

PRIOR TO ENDING THE INTERVIEW, I ASKED SERGEANT HUMBLES IF HE HAD ANY CONTACT WITH EITHER OFFICER SINCE THE INCIDENT. HE TOLD ME HE HAD NOT.

THIS WAS THE END OF THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097

DR FINALIZED BY : 5097

END OF REPORT

DR NO: 2010 01413133 052

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 53

REPORT DATE: 20101025 TIME: 1327

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

=====

= *** REQUEST FOR LAB ANALYSIS *** =

= =====

CURRENT DR IS: 2010 01413133 053 BIOLOGICAL EVID (BLOOD,SEmen,TISSUE): N

NAM: CHRISMAN RICHARD

NAM:

OFF:HOMICIDE

LOCATION: 000303 E SOUTH MOUNTAIN

AV

JAILED: N

OCFR REQ OF ANALYSIS:PORTER, KENNETH
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS.

DATE OCC:100510 TIME:1237
DATE REQ:102510 TIME:1325

VIC: RODRIGUEZ DANIEL

DUI RELATED:N

BUS:

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
0003955112	0006		PCLOTHE	FORENSIC BIOLOGY (SERO/DNA) LATENT PRINT
0003955064	0004		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)
0003954292	0001		PBIOLOG	FORENSIC BIOLOGY (SERO/DNA)

BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

2. DATE/TIME DRAW:000000 / 0000

***** NARRATIVE *****

SERIAL NUMBER: 6290

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

REFERENCE INVOICE NUMBER 3955112 ITEM NUMBER SIX, THE DUTY BELT OF OFFICER CHRISMAN, PLEASE SWAB THE HOLSTER AND THE AREAS ON THE BELT NEAR THE HOLSTER, (SEPARATELY), FOR THE COLLECTION OF POSSIBLE DNA MATERIAL TO BE

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Continued.

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DR NUMBER: 2010 01413133

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COMPARED TO THAT OF THE VICTIM- DANIEL RODRIGUEZ AND THAT OF OFFICER CHRISMAN.

THE STANDARDS FOR OFFICER CHRISMAN AND THE VICTIM DANIEL RODRIGUEZ ARE IMPOUNDED UNDER INVOICES 3954292 ITEM NUMBER ONE AND INVOICE NUMBER 3955064 ITEM NUMBER FOUR RESPECTIVELY.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6290

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 053

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

54

REPORT DATE: 20101025 TIME: 1335

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: POST, MARK

SPEAKING: ENGLISH

RACE: W SEX: M AGE: DOB: HT: 000 WT: 000
SPECIAL AGE RANGE: UNKNOWN

CLOTHING DESC & MISC:

SERIAL NUMBER IS 7056; ADMIN SERGEANT AT 400 PRECINCT (40A)

OCCUPATION: SERGEANT

WORK HOURS: 0600 - 1400

DAYS OFF: SS

***** NARRATIVE *****

SERIAL NUMBER: 5097

=====

INTERVIEW WITH SERGEANT MARK POST

=====

DATE: 10/14/10

START: 1420 HOURS

END: 1431 HOURS

THIS INTERVIEW WAS CONDUCTED AT THE SOUTH MOUNTAIN PRECINCT IN AN ISOLATED ROOM. THE INTERVIEW WAS AUDIO RECORDED WITH A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

SERGEANT POST WAS WORKING THE DAY OF THE INCIDENT. HE IS ASSIGNED TO THE SOUTH MOUNTAIN PRECINCT AS THE ADMINISTRATIVE SERGEANT. HE HAS BEEN IN THIS ASSIGNMENT FOR THREE YEARS. HE HAS WORKED IN THE PRECINCT FOR NINE YEARS. HIS TOTAL TIME ON THE DEPARTMENT IS ABOUT TEN AND A HALF YEARS. HE HAS BEEN A SUPERVISOR FOR THE LAST THREE YEARS.

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133

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SERGEANT POST TOLD ME AT THE TIME OF THE INCIDENT, HE WAS ON HIS LUNCH BREAK WITH SERGEANT SEAN MATTSON NEAR 24TH STREET AND BASELINE. HE HAD NOT HEARD THE BROADCAST OF THE OFFICER INVOLVED SHOOTING, IT WAS SERGEANT MATTSON WHO TOLD HIM ABOUT THE BROADCAST OVER THE RADIO. THEY THEN LEFT THE RESTAURANT TO HEAD TOWARDS THE SCENE.

SERGEANT POST ESTIMATED IT TOOK LESS THAN FIVE MINUTES FOR THEM TO ARRIVE AT THE SCENE LOCATION ALONG WITH MEMBERS OF THE FIRE DEPARTMENT, WHO WERE ARRIVING SIMULTANEOUSLY. SERGEANT POST FELT THEY WERE PROBABLY THE FIRST SUPERVISORS TO ARRIVE. WHEN HE ARRIVED, OFFICERS HAD ALREADY SECURED THE SCENE AND WERE PLACING CRIME SCENE TAPE UP. HE HAD SEEN ANYWHERE FROM FOUR TO TEN OFFICERS ALREADY AT THE SCENE.

I ASKED SERGEANT POST IF HE KNEW OFFICER VIRGILLO AND OFFICER CHRISMAN WELL ENOUGH TO RECOGNIZE THEM. HE TOLD ME YES HE KNEW THEM. POST HAD NEVER BEEN THEIR SUPERVISOR, BUT HE HAD WORKED WITH OFFICER CHRISMAN ON A FIELD TRAINING OFFICER SQUAD BEFORE. POST HAD NEVER WORKED DIRECTLY WITH OFFICER VIRGILLO.

WHEN HE ARRIVED AT THE SCENE WITH SERGEANT MATTSON, POST OBSERVED THE OFFICERS INVOLVED IN FRONT OF THE SCENE LOCATION. SERGEANT POST REMEMBERED SERGEANT MATTSON CONTACTING OFFICER VIRGILLO FIRST. AT THE SCENE, SERGEANT POST GAVE ME THE IMPRESSION HE OBSERVED OFFICERS VIRGILLO AND CHRISMAN FROM A SHORT DISTANCE. HIS OPINION OF THEIR DEMEANOR WAS OF TWO OFFICERS WHO HAD BEEN THROUGH A TRAUMATIC INCIDENT. BOTH OFFICERS APPEARED TO BE IN CONTROL OF THEMSELVES, BUT THAT THEY HAD SOME ANXIETY.

AFTER THE SCENE HAD BEEN STABILIZED, SERGEANT MATTSON HAD BEEN MAKING SUPERVISORY ASSIGNMENTS. SERGEANT MARTY WALLACE HAD BEEN ASSIGNED TO STAND BY OFFICER CHRISMAN. SINCE SERGEANT POST KNEW OFFICER CHRISMAN FROM WORKING WITH HIM, HE (POST) APPROACHED HIM (CHRISMAN), SINCE CHRISMAN LOOKED STRESSED. POST'S INTENT WAS TO CHECK ON HIS WELFARE AND CHRISMAN TOLD SERGEANT POST HE WAS OKAY.

SERGEANT POST ASKED OFFICER CHRISMAN IF HE NEEDED A TELEPHONE AND ONE WAS ACQUIRED (...) FOR OFFICER CHRISMAN TO USE. CHRISMAN WANTED TO CALL HIS MOTHER. CHRISMAN DID NOT GO INTO DETAILS ON THE PHONE, BUT WANTED TO LET HER KNOW THAT HE WAS OKAY IN CASE SHE WERE TO SEE A NEWS BROADCAST. THIS CALL WAS MADE IN THE PRESENCE OF SERGEANT WALLACE AND HIMSELF OUTSIDE NEAR THE SCENE.

AFTER CHRISMAN COMPLETED THE PHONE CALL, POST CHECKED ON HIM AGAIN AND THEN WENT TO SEE IF HE COULD HELP SERGEANT MATTSON.

IN ASKING SERGEANT POST ABOUT ANY CONTACTS HE HAD WITH OFFICER VIRGILLO, HE MENTIONED AFTER THE SCENE HAD BEEN STABILIZED, HE SPOKE WITH OFFICER VIRGILLO. HE TOLD OFFICER VIRGILLO THAT HE (VIRGILLO) HAD DONE A GOOD JOB CONTROLLING THE SCENE WITH HIS BROADCASTS OVER THE RADIO. POST ACKNOWLEDGED VIRGILLO DID A GREAT JOB OVER THE RADIO. VIRGILLO DID NOT COMMENT TO HIM, BUT NODDED HIS HEAD. SERGEANT POST DID NOT TALK TO OFFICER VIRGILLO ABOUT THE DETAILS OF THE INCIDENT.

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SUPPLEMENT

PAGE NUMBER: 3

DR NUMBER: 2010 01413133

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SERGEANT POST TOLD ME HE WAS ONLY AT THE SCENE FOR ABOUT FIFTEEN TO TWENTY MINUTES. SINCE HE HAD BEEN DRIVEN THERE BY SERGEANT MATTSON, HE OBTAINED A RIDE FROM ANOTHER SUPERVISOR AND POST LEFT THE SCENE.

I AGAIN ASKED ABOUT HIS PRIOR WORKING RELATIONSHIPS WITH THE OFFICERS AND HIS IMPRESSION OF THE OFFICERS' WORK HABITS. SERGEANT POST HAD HEARD FROM OTHER SUPERVISORS OF OFFICER VIRGILLO BEING AN AVERAGE OFFICER. VIRGILLO DOES HIS WORK. POST HAD NOTHING FURTHER TO ADD.

IN REFERENCE TO OFFICER CHRISMAN, SERGEANT POST DESCRIBED CHRISMAN AS PROVIDING GOOD ENERGY AND GOOD RESOURCES. CHRISMAN WOULD DO HIS JOB AND PERFORM THEM AT THE FULLEST OF HIS CAPABILITIES AND THIS WAS BASED ON HIS WORK EXPERIENCE WITH OFFICER CHRISMAN.

THIS WAS THE END OF THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO
INVOICES:

MAIL-IN SUPPLEMENT:

DR ENTERED BY : 5097 DR FINALIZED BY : 5097

END OF REPORT

DR NO: 2010 01413133 054

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

55

REPORT DATE: 20101025 TIME: 1409

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1235

REPORTING OFFICER [S]: JOSE CISNEROS

4657 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 4657

ON 10/07/10 AT 1700 HOURS, I REMOVED OFFICER CHRISMAN'S TASER FROM LOCKER 214 AND TOOK IT TO A EVIDENCE PROCESSING ROOM AT THE CRIME LAB AT 621 WEST WASHINGTON. THERE I CONTACTED C.S.S. V. ESPERUM AND ASKED HER TO SWAB OFFICER CHRISMAN'S AND OFFICER VIRGILLO'S TASER FOR DNA.

C.S.S. REMOVED OFFICER VIRGILLO'S TASER AND SPENT TASER CARTRIDGE FROM TEMPORARY STORAGE AND PLACED IT ON A WHITE SHEET OF PAPER. OFFICER VIRGILLO'S TASER HAD BEEN PHOTOGRAPHED ON SCENE AS ITEM 4.

I EXAMINED THE TASER WITH GLOVED HANDS NOTED THE FOLLOWING;

TASER: YELLOW WITH BLACK TRIM

MODEL: X-26

SERIAL NUMBER: X00-167980

AT INSPECTION I NOTED THE TASER HAD NO CARTRIDGE ATTACHED TO IT'S FRONT. THE TASER WAS IN THE FIRE/ON POSITION WITH THE UNDER LUG LIGHT ON. THERE WAS A UNSPENT TASER CARTRIDGE ATTACHED TO THE BASE OF THE HANDLE.

I EXAMINED THE SPENT CARTRIDGE THAT HAD COME WITH THE TASER AND NOTED THE FOLLOWING;

CARTRIDGE SERIAL NUMBER: T08-2004512

I NOTED THE SPENT CARTRIDGE HAD NO BLAST DOORS OR PROBES. THERE WERE COPPER COLORED WIRES WRAPPED AROUND THE BODY OF THE CARTRIDGE.

AT MY REQUEST C.S.S. ESPERUM PHOTOGRAPHED OFFICER VIRGILLO'S TASER AND SPENT CARTRIDGE. SHE THEN SWABBED THE TASER, FACE OF THE TASER AND FACE OF THE SPENT CARTRIDGE FOR DNA.

THE TASER AND CARTRIDGE WERE THEN PUT INTO A EVIDENCE BAG AND MOVED OUT OF THE WAY.

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WITH GLOVED HANDS I THEN REMOVED OFFICER CHRISMAN'S TASER FROM AN EVIDENCE BAG AND HAD C.S.S. ESPERUM PHOTOGRAPH THE TASER. OFFICER CHRISMAN'S TASER HAD ALREADY BEEN EXAMINED AND PHOTOGRAPHED ON 10/06/10 (SEE SUPPLEMENT 2 FOR DETAILS).

I REMOVED THE SPENT CARTRIDGE FROM OFFICER CHRISMAN'S TASER. I NOTED THE SERIAL NUMBER OF THE SPENT CARTRIDGE WAS T07-1380575. I HAD C.S.S. ESPERUM SWAB THE TASER, FACE OF THE TASER AND FACE OF THE SPENT CARTRIDGE FOR DNA.

AFTER C.S.S. ESPERUM HAD COMPLETED SWABBING THE TASER AND CARTRIDGE I PUT THE CARTRIDGE AND TASER INTO A EVIDENCE BAG.

I RETAINED CUSTODY OF OFFICER VIRGILLO'S TASER AND SECURED IT ALONG WITH OFFICER CHRISMAN'S TASER INTO TEMPORARY LOCKER 214 AT THE PROPERTY ANNEX.

ON 10/08/10, I PLACED OFFICER CHRISMAN'S TASER AND OFFICER VIRGILLO'S TASER INTO LOCKER 224. I CONTACTED DETECTIVE A. MERAZ #6628 AND ASKED HIM TO DOWNLOAD ACTIVITY INFORMATION FROM EACH TASER FOR LATER INSPECTION. I GAVE HIM THE KEY TO LOCKER 224. AFTER COMPLETING THE DOWNLOADS, DETECTIVE MERAZ RETURNED AND SECURED BOTH TASERS INTO LOCKER 224 AND RETURNED THE LOCKER KEY TO ME.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 4657

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 055

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PHOENIX POLICE DEPARTMENT REPORT

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DR NUMBER: 2010 01413133 56

REPORT DATE: 20101025 TIME: 1412

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1235

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000100 E ELWOOD ST

DATE: 102510 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI V 01

ITEM: OTELEPH BRAND: IPOD MODEL: COLOR: BLK GRY

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: CELL PHONE IMPOUNDED PRIOR UNDER INVOICE 3955116

ITEM #1

**** NARRATIVE ****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

THIS SUPPLEMENT GENERATED TO IMPOUND AS EVIDENCE, ITEM NUMBER ONE OF INVOICE NUMBER 3955116, A CELL PHONE ORIGINALLY IMPOUNDED AS "PRISONER PROPERTY."

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3959263

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 056

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PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101025 TIME: 1519

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: FARAH BITZA

A5040 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A5040

ORIGINATING DR: 201001413133 033

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: FARAH BITZA (A5040)

BLOOD WAS INDICATED ON ITEMS 3955594-0022.01 (SWABS FROM TOP OF BIKE SEAT) AND 3955594-0023.01 (SWABS FROM TOP OF MIDDLE BAR ON BIKE).

NO STAINS CONSISTENT WITH BLOOD WERE OBSERVED ON ITEMS 3955594-0013 (BULLET COLLECTED FROM SOUTHWEST CORNER OF FRONT ROOM) OR 3955594-0021 (BULLET COLLECTED FROM INSIDE WEST WALL OF FRONT ROOM).

THE FOLLOWING ITEMS WOULD BE CONSUMED IN DNA ANALYSIS: 3955594-0022.01 (SWABS FROM TOP OF BIKE SEAT) AND 3955594-0023.01 (SWABS FROM TOP OF MIDDLE BAR ON BIKE).

TRACE MATERIAL WAS OBSERVED ON ITEM 3955594-0021 (BULLET COLLECTED FROM INSIDE OF WEST WALL OF FRONT ROOM) AND WAS RETAINED WITH THE EVIDENCE. TRACE EVIDENCE MAY CONSIST OF HAIRS, FIBERS, SOIL, PLANT MATERIAL AND/OR OTHER MISCELLANEOUS DEBRIS.

THE FOLLOWING ITEMS HAVE BEEN PRESERVED IN LABORATORY STORAGE AND RETAINED FOR POSSIBLE DNA ANALYSIS: 3955594-0022.01 (SWABS FROM TOP OF BIKE SEAT) AND 3955594-0023.01 (SWABS FROM TOP OF MIDDLE BAR ON BIKE).

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM

DR FINALIZED BY : DRLIM

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END OF REPORT

DR NO: 2010 01413133 057

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PAGE NUMBER: 1

DR NUMBER: 2010 01413133 58

REPORT DATE: 20101025 TIME: 1519

TYPE OF REPORT: POLICE SHOOTING OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51 BEAT: 0425 GRID: IC28
CASA DE FRANCISCO MHP

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: FARAH BITZA A5040 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A5040

ORIGINATING DR: 201001413133 038

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: FARAH BITZA (A5040)

BUCCAL SWABS WERE SUBMITTED FOR "SERGIO VIRGILLO" PER INVOICE (ITEM 3955
880-0001.01) AND WERE PRESERVED IN LABORATORY STORAGE AND RETAINED FOR POS
SIBLE DNA ANALYSIS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 058

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101025 TIME: 1519

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: FARAH BITZA

A5040 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A5040

ORIGINATING DR: 201001413133 053

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: FARAH BITZA(A5040)

THE ITEMS LISTED ON THE REQUEST FOR LAB ANALYSIS, SUPPLEMENT 53, ARE DUPLICATED ON AND HAVE BEEN ANALYZED UNDER SUPPLEMENTS 24, 26, AND 27.

VICTIM RECEIVED RIGHTS INFORMATION: NO MAIL-IN SUPPLEMENT:
INVOICES:

DR ENTERED BY : DRLIM

DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 059

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101025 TIME: 1519

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): FARAH BITZA

A5040 UNIT: C23

PREMISES: MOBILE HOME

OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

RELATED REPORT(S): 0000 01413133A 0000 01413133B 0000

***** NARRATIVE *****

SERIAL NUMBER: A5040

ORIGINATING DR: 201001413133 024

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: FARAH BITZA (A5040)

BLOOD WAS INDICATED ON ITEMS 3955064-0003.02A (COMBINATION OF RIGHT FINGERNAIL SCRAPINGS AND SWABS FROM RIGHT FINGERNAIL CLIPPINGS) AND 3955064-0003.03A (COMBINATION OF LEFT FINGERNAIL SCRAPINGS AND SWABS FROM LEFT FINGERNAIL CLIPPINGS).

A BLOOD BLOT WAS SUBMITTED FOR "RODRIGUEZ, DANIEL" (ITEM 3955064-0004.01).

THE FOLLOWING ITEM WAS RECEIVED, BUT NOT ANALYZED: 3955064-0003.01 (FINGER NAIL CLIPPERS).

THE FOLLOWING ITEMS WOULD BE CONSUMED IN DNA ANALYSIS: 3955064-0003.02A (COMBINATION OF RIGHT FINGERNAIL SCRAPINGS AND SWABS FROM RIGHT FINGERNAIL CLIPPINGS) AND 3955064-0003.03A (COMBINATION OF LEFT FINGERNAIL SCRAPINGS AND SWABS FROM LEFT FINGERNAIL CLIPPINGS).

THE FOLLOWING ITEMS HAVE BEEN PRESERVED IN LABORATORY STORAGE AND RETAINED FOR POSSIBLE DNA ANALYSIS: 3955064-0003.02A (COMBINATION OF RIGHT FINGERNAIL SCRAPINGS AND SWABS FROM RIGHT FINGERNAIL CLIPPINGS), 3955064-0003.03A (COMBINATION OF LEFT FINGERNAIL SCRAPINGS AND SWABS FROM LEFT FINGERNAIL CLIPPINGS), AND 3955064-0004.01 (BLOOD BLOT "RODRIGUEZ, DANIEL").

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VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

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PHOENIX POLICE DEPARTMENT REPORT

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101025 TIME: 1519

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: FARAH BITZA

A5040 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A5040

ORIGINATING DR: 201001413133 026

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: FARAH BITZA(A5040)

BLOOD WAS INDICATED ON ITEMS 3955112-0002 (BLUE PANTS) AND 3955112-0004 (LEFT BOOT).

NO BLOOD WAS DETECTED ON ITEM 3955112-0001 (BLUE SHIRT).

NO STAINS CONSISTENT WITH BLOOD WERE OBSERVED ON ITEMS 3955112-0003 (BULLET PROOF VEST), 3955112-0005 (RIGHT BOOT), 3955112-0006 (BLACK DUTY BELT), OR 3955112-0008B (BROWNISH FLAKE FOUND ON LEFT SIDE OF ITEM 8).

THE FOLLOWING ITEMS WOULD BE CONSUMED IN DNA ANALYSIS: 3954614-0001.01 (SWABS COLLECTED FROM FACE AND OUTER FORWARD EDGE OF TASER (SERIAL #X00-167980)), 3954614-0003.01 (SWABS COLLECTED FROM SIDES AND FACE OF CARTRIDGE (SERIAL #T08-2004512)), 3954614-0004.01 (SWABS COLLECTED FROM THE FACE AND FORWARD EDGE OF TASER (SERIAL #X00-065180)), 3954614-0005.01 (SWABS COLLECTED FROM BOTTOM PART OF TASER JUST UNDER LIGHT (SERIAL #X00-065180)), 3954614-0006.01 (SWABS COLLECTED FROM TOP STRAP, BOTTOM, LEFT AND RIGHT SIDE OF BODY OF TASER (SERIAL #X00-065180)), AND 3954614-0007.01 (SWABS COLLECTED FROM FACE AND SIDES OF CARTRIDGE (SERIAL #T07-1380575)).

THE FOLLOWING ITEMS HAVE BEEN PRESERVED IN LABORATORY STORAGE AND RETAINED FOR POSSIBLE DNA ANALYSIS: 3954614-0001.01 (SWABS COLLECTED FROM FACE AND OUTER FORWARD EDGE OF TASER (SERIAL #X00-167980)), 3954614-0003.01 (SWABS COLLECTED FROM SIDES AND FACE OF CARTRIDGE (SERIAL #T08-2004512)), 3954614-0004.01 (SWABS COLLECTED FROM THE FACE AND FORWARD EDGE OF TASER (SERIAL #X00-065180)), 3954614-0005.01 (SWABS COLLECTED FROM BOTTOM PART OF TASER JUST UNDER LIGHT (SERIAL #X00-065180)), 3954614-0006.01 (SWABS COLLECTED FROM TOP STRAP, BOTTOM, LEFT AND RIGHT SIDE OF BODY OF TASER (SERIAL #X00-

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065180), AND 3954614-0007.01 (SWABS COLLECTED FROM FACE AND SIDES OF CARTER
IDGE (SERIAL #T07-1380575)).

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 061

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SUPPLEMENT

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DR NUMBER: 2010 01413133

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REPORT DATE: 20101025 TIME: 1519

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: FARAH BITZA

A5040 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A5040

ORIGINATING DR: 201001413133 027

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: FARAH BITZA(A5040)

BUCCAL SWABS WERE SUBMITTED FOR "RICHARD CHRISMAN" (ITEM 3954292-0001.01) AND WERE PRESERVED IN LABORATORY STORAGE AND RETAINED FOR POSSIBLE DNA ANALYSIS.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM

DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 062

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SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

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REPORT DATE: 20101026 TIME: 0624

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: ZOPF, ERIC

SPEAKING: ENGLISH

RACE: W SEX: M AGE: 38 DOB: HT: 000 WT: 000

CLOTHING DESC & MISC:

SERIAL NUMBER IS 7382; SUPERVISES THE 46X SQUAD

OCCUPATION: SERGEANT

WORK HOURS: 1400

DAYS OFF: SSM

***** NARRATIVE *****

SERIAL NUMBER: 5097

=====

INTERVIEW WITH SERGEANT ERIC ZOPF

=====

DATE: 10/14/10

START: 1444 HOURS

END: 1501 HOURS

THIS INTERVIEW WAS CONDUCTED AT THE SOUTH MOUNTAIN PRECINCT IN AN ISOLATED ROOM. THE INTERVIEW WAS AUDIO RECORDED WITH A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

SERGEANT ZOPF WAS WORKING THE DAY OF THE INCIDENT AND WAS ASSIGNED TO THE 46X SQUAD, WHICH IS A WALKING BEAT SQUAD WITHIN THE SOUTH MOUNTAIN PRECINCT. HE DOES NOT SUPERVISE EITHER OFFICER CHRISMAN OR OFFICER VIRGILLO.

ON THE DAY OF THE INCIDENT, HE ARRIVED AT WORK AT APPROXIMATELY 1400 HOURS. SOMEONE AT THE PRECINCT INFORMED HIM THAT THERE HAD BEEN AN

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OFFICER INVOLVED SHOOTING AND EVERYONE WAS OKAY, EXCEPT FOR THE BAD GUY. HE KNEW THE INVESTIGATION WAS CONTINUING AT 303 E. SOUTH MOUNTAIN. SERGEANT ZOPF GOT INVOLVED IN THE INCIDENT BASED ON A REQUEST FROM SERGEANT SEAN MATTSON. MATTSON HAD MADE A REQUEST FOR HIM TO RELIEVE SERGEANT CHAS CLEMENTS, WHO WAS STANDING BY WITNESS, OFFICER SERGIO VIRGILLO. ZOPF BELIEVED HE STARTED THIS RELIEF AROUND 1530 HOURS.

WHEN SERGEANT ZOPF TOOK OVER FOR SERGEANT CLEMENTS, CLEMENTS THEN LEFT. HE HAD FOUND THEM ON HIS ARRIVAL STANDING IN THE STREET. I ASKED SERGEANT ZOPF IF HE HAD AN OPINION OF OFFICER VIRGILLO'S DEMEANOR AT THAT TIME AND ZOPF COMMENTED VIRGILLO LOOKED A LITTLE DISHEVELED. HE WENT ONTO SAY VIRGILLO'S APPEARANCE SEEMED APPROPRIATE FOR WHAT HE BEEN THROUGH.

DURING HIS FIRST CONTACT WITH OFFICER VIRGILLO, THEY WERE AT A VEHICLE AND ZOPF TOLD VIRGILLO HE WAS GLAD VIRGILLO WAS OKAY AND ASKED IF THERE WAS ANYTHING HE NEEDED. VIRGILLO TOLD ZOPF HE WAS OKAY AND DID NOT NEED ANYTHING.

IN ASKING SERGEANT ZOPF HOW MUCH TIME HE SPENT WITH OFFICER VIRGILLO, ZOPF STATED IT WAS AROUND SIXTY MINUTES. I ASKED SERGEANT ZOPF AGAIN ABOUT ANY CONVERSATIONS HE HAD WITH OFFICER VIRGILLO DURING THIS SIXTY MINUTE TIME FRAME. ZOPF TOLD ME VIRGILLO COMMENTED HOW HE (VIRGILLO) HAD TO TASE THE "SUSPECT" AND THE "SUSPECT" PULLED THE TASER PROBES OUT OF HIS BODY AND THERE WAS NO EFFECT ON HIM. IN ASKING HOW THESE COMMENTS WERE GENERATED, ZOPF TOLD ME THIS WAS FROM THEIR TALKING ABOUT GENERAL TOPICS AND ZOPF BELIEVED HE (ZOPF) BROUGHT UP THE IDEA OF HEARING ABOUT THE OFFICERS HAVING TASED THE MALE A COUPLE OF TIMES. VIRGILLO DID NOT MAKE ANY FURTHER COMMENTS ABOUT THE INCIDENT. SERGEANT ZOPF WENT ON TO SAY HE KNEW OFFICER VIRGILLO PREVIOUSLY FROM VIRGILLO BEING ASSIGNED TO THE SOUTH MOUNTAIN PRECINCT AND THEY CONTINUED TO TALK ABOUT OTHER TOPICS.

ZOPF ENDED HIS MONITORING OF OFFICER VIRGILLO WHEN A DETECTIVE AND A COUNTY ATTORNEY CAME OVER TO VIRGILLO AND WALKED AWAY WITH HIM. HE WAS NOT SURE THE PURPOSE FOR THEM LEADING VIRGILLO AWAY, BUT ZOPF VERIFIED THAT HE DID NOT NEED TO STAND BY WITH THEM. SERGEANT ZOPF JUST STOOD BY THE AREA AT THIS POINT, BECAUSE HE FELT IT WAS STILL HIS DUTY TO MAKE SURE OFFICER VIRGILLO DID NOT NEED ANY HELP IN GETTING BACK TO THE PRECINCT OR IF OTHER MATTERS WERE NEEDED.

SERGEANT ZOPF DID SEE OFFICER VIRGILLO AGAIN IN THE MAC VAN. IT WAS PROBABLY TWO HOURS AFTER VIRGILLO HAD WALKED AWAY WITH THE DETECTIVE AND COUNTY ATTORNEY THAT HE SAW HIM AGAIN. IT WAS DARK OUT AT THIS TIME.

SERGEANT ZOPF APPROACHED OFFICER VIRGILLO AND STOOD BY HIM AGAIN. HE STAYED WITH VIRGILLO DURING THIS SECOND PERIOD FOR ABOUT THIRTY MINUTES. I ASKED IF OFFICER VIRGILLO MADE ANY COMMENTS ABOUT THE INCIDENT TO HIM DURING THIS PERIOD AND ZOPF TOLD ME VIRGILLO DID NOT. ZOPF MENTIONED VIRGILLO TOLD HIM ONLY THAT HE WAS FEELING SICK TO HIS STOMACH. I ASKED ZOPF IF HE WAS AWARE OF WHY VIRGILLO WAS FELLING ILL AND ZOPF TOLD ME THIS WAS ABOUT THE TIME FRAME SERGEANT LOPEZ MAY HAVE TOLD HIM (ZOPF) OFFICER CHRISMAN WAS TO BE ARRESTED. SERGEANT ZOPF WAS NOT SURE IF THIS

INFORMATION WAS TOLD TO HIM BEFORE OR AFTER SEEING OFFICER VIRGILLO FOR THE SECOND TIME.

AFTER THE THIRTY MINUTES HAD GONE BY, OFFICER VIRGILLO BEGAN SPEAKING TO SERGEANT CLINE IN THE BACK OF THE MAC VAN AWAY FROM HIM (ZOPF). THIS ENDED HIS MONITORING OF OFFICER VIRGILLO DURING THIS SECOND PERIOD.

SERGEANT ZOPF LEFT THE MAC VAN AND CHECKED ON THE OFFICERS AT THE SCENE. HE ALSO CHECKED ON OFFICER CHRISMAN. OFFICER CHRISMAN HAD BEEN STANDING OUTSIDE A MAC VAN AND HE (CHRISMAN) WAS WITH A PLEA REPRESENTATIVE. ZOPF ASKED CHRISMAN IF HE WAS OKAY AND CHRISMAN RESPONDED THAT HE WAS FINE. ZOPF DESCRIBED HIM AS LOOKING DISHEVELED. IN ASKING ZOPF WHAT HE MEANT BY THE TERM "DISHEVELED" AND ZOPF STATED CHRISMAN LOOKED FLUSH, PALE. CHRISMAN WAS USUALLY A BOISTEROUS PERSON. THIS WAS A TEN TO FIFTEEN SECOND CONTACT.

SERGEANT LOPEZ HAD ASKED ZOPF TO HELP IN THE TRANSPORTATION OF OFFICER CHRISMAN TO 620 W. WASHINGTON. ZOPF USED HIS POLICE VEHICLE (VEHICLE 911423) TO MAKE THIS TRANSPORT. DURING THE TRANSPORTATION, OFFICER CHRISMAN DID NOT MAKE ANY STATEMENTS. AFTER ARRIVING AT 620 WEST WASHINGTON, THEY DROVE INTO THE BASEMENT AND BROUGHT OFFICER CHRISMAN UP THROUGH AN ELEVATOR. CHRISMAN WAS PLACED IN AN INTERVIEW ROOM.

SERGEANT ZOPF TOLD ME IT WAS HIS JOB TO MONITOR OFFICER CHRISMAN. INITIALLY HE (ZOPF) SAT IN A CHAIR NEXT TO HIM (CHRISMAN) IN THE ROOM. HE AND CHRISMAN TALKED. CHRISMAN ASKED HIM IF HE WAS GOING TO BE BOOKED INTO JAIL AND ZOPF TOLD HIM HE DID NOT KNOW. ZOPF WENT ON TO SAY HE TOLD CHRISMAN THAT HIS KNOWLEDGE OF THE DETAILS WERE LIMITED, BUT IT SOUNDED LIKE A "HE SAID, SHE SAID" TYPE OF INCIDENT. AT THIS TIME, DETECTIVE CISNEROS CAME IN AND ASKED SERGEANT ZOPF TO STEP OUT OF THE ROOM. ZOPF WAS TOLD THE ROOM WAS BEING RECORDED.

THEY STAYED AT 620 W. WASHINGTON UP TO AROUND 0100 HOURS. SERGEANT ZOPF WAS THEN TASKED WITH TAKING OFFICER CHRISMAN TO JAIL WITH SERGEANT LOPEZ, BUT BEFORE THIS OCCURRED, HE STOOD BY AS OFFICER CHRISMAN WAS BEING FINGERPRINTED AT 620 W. WASHINGTON.

DURING THE TIME OF THE TRANSPORT TO THE JAIL, SERGEANT ZOPF DID NOT RECALL IF CHRISMAN MADE ANY STATEMENTS. AFTER ARRIVING AT THE JAIL, THERE WAS ALMOST NO CONVERSATION BETWEEN HIM AND CHRISMAN. THEY COMPLETED THE BOOKING PAPERWORK AND OFFICER CHRISMAN WAS PLACED IN A HOLDING CELL UNTIL THE PAPERWORK WAS COMPLETED. SERGEANT ZOPF MENTIONED TO ME OF GOING INTO THE HOLDING CELL AND HE EXPLAINED TO CHRISMAN WHAT THE FORM FOUR DESCRIBED. CHRISMAN COMMENTED TO ZOPF THAT HE WAS APPRECIATIVE FOR BEING UP FRONT WITH HIM.

CHRISMAN WAS THEN ESCORTED TO ANOTHER AREA AND CHRISMAN REMOVED HIS SHOES AND SOCKS. MSCO REPRESENTATIVES MOVED CHRISMAN THROUGH A SCANNER AND THEN ESCORTED CHRISMAN OUT OF THEIR VIEW. THIS WAS THE LAST TIME ZOPF HAD ANY CONTACT WITH CHRISMAN.

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I ASKED SERGEANT ZOPF ABOUT HIS WORK HISTORY AT THE SOUTH MOUNTAIN PRECINCT. HE TOLD ME HAD BEEN AT THE PRECINCT FOR ABOUT TWO YEARS. ZOPF TOLD ME HE HAS NEVER SUPERVISED OFFICER VIRGILLO OR OFFICER CHRISMAN AT THE PRECINCT IN A SQUAD SETTING. PRIOR TO BEING PROMOTED, ZOPF STATED HE NEVER WORKED WITH EITHER OF THE OFFICERS ELSEWHERE.

SERGEANT ZOPF MENTIONED HE HAD OCCASIONS TO SEE BOTH OFFICERS OUT ON THE STREET IN THIS PRECINCT, BUT THIS WAS THE EXTENT OF HIS CONTACTS.

I ASKED SERGEANT ZOPF IF HE HAD AN OPINION OF OFFICER VIRGILLO WITH HIS KNOWLEDGE OF THE OFFICER. ZOPF COMMENTED VIRGILLO APPEARED TO BE A SOUND OFFICER, SENIOR OFFICER. ZOPF KNEW VIRGILLO HAD WORKED IN THE DRUG ENFORCEMENT BUREAU AND IN THE INSPECTIONS AREA OF THE PROFESSIONAL STANDARDS BUREAU.

I ALSO ASKED ABOUT HIS OPINION OF OFFICER CHRISMAN. SERGEANT ZOPF MENTIONED HE HAD A SIMILAR OPINION OF CHRISMAN. CHRISMAN WAS A SENIOR OFFICER ON THE 42A SQUAD. CHRISMAN SEEMED LIKE A SOLID OFFICER, BUT HE (ZOPF) HAD NEVER BEEN ON A CALL WITH HIM (CHRISMAN).

SERGEANT ZOPF TOLD ME HE BELIEVED HE HAD BEEN ON CALLS WITH OFFICER VIRGILLO, BUT COULD NOT RECALL THE SPECIFICS.

THIS WAS THE END OF THE INTERVIEW.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 5097 DR FINALIZED BY : 5097

END OF REPORT

DR NO: 2010 01413133 063

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REPORT DATE: 20101026 TIME: 0628

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: ERIC LUMLEY

5097 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** WITNESS INFORMATION *****

WITNESS -01:

NAME: HENRY, BEN

SPEAKING: ENGLISH

RACE: A SEX: M AGE: DOB: HT: 000 WT: 000

CLOTHING DESC & MISC:

SERIAL NUMBER IS 5512; SECOND LEVEL OF SUPERVISION AT 300 PRECINCT

OCCUPATION: LIEUTENANT

WORK HOURS: 0600 - 1600

DAYS OFF: TFS

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000000

DATE: 000000

SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI UK01

ITEM: *MISC BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: ONE COPY OF AN E-MAIL SENT TO ERIC LUMLEY FROM
BEN HENRY DATED THURSDAY, OCTOBER 21, 2010, AT 8:57AM

***** NARRATIVE *****

SERIAL NUMBER: 5097

=====

INTERVIEW WITH LIEUTENANT BEN HENRY

=====

DATE: 10/20/10

START: 0905 HOURS

END: 0939 HOURS

THIS INTERVIEW WAS CONDUCTED AT 620 WEST WASHINGTON IN AN ISOLATED ROOM.

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Continued.

THE INTERVIEW WAS AUDIO RECORDED WITH A DIGITAL RECORDER AND THIS RECORDING WILL BE SUBMITTED TO THE FORENSIC IMAGING UNIT FOR PRESERVATION. THE FOLLOWING IS A PARAPHRASED VERSION.

LIEUTENANT BEN HENRY WAS WORKING ON THE DAY OF THE INCIDENT. HIS WORK HOURS WERE FROM 0600 TO 1600 HOURS. HE IS ASSIGNED TO THE ESTRELLA MOUNTAIN PRECINCT (300 PRECINCT), BUT HAD AGREED TO COVER LIEUTENANT HESTON SILBERT'S SHIFT IN THE SOUTH MOUNTAIN PRECINCT.

AT THE TIME OF THE RADIO BROADCAST OF THE OFFICER INVOLVED SHOOTING, LIEUTENANT HENRY WAS IN THE AREA OF 19TH AVENUE NEAR THE PARK OFF OF THE POLICE REGIONAL ACADEMY. HENRY SWITCHED HIS RADIO SETTINGS TO LISTEN TO THE RADIO FREQUENCY BROADCASTING OF THE SHOOTING AND RESPONDED TO THE SCENE OF THE SHOOTING. ON HIS ARRIVAL, HE OBSERVED AT LEAST A DOZEN OFFICERS ALREADY ON THE SCENE AND SEVERAL SERGEANTS.

LIEUTENANT HENRY MENTIONED AS HE WAS RESPONDING TO THE SCENE, HE RECOGNIZED A VOICE ON THE RADIO AS OFFICER SERGIO VIRGILLO, WHO HE HAD WORKED WITH BEFORE. VIRGILLO'S VOICE APPEARED CALM AND VIRGILLO ADVISED THE "SUSPECT" WAS DOWN. VIRGILLO ALSO BROADCAST FOR OFFICERS TO SLOW IT DOWN AND HE GAVE DIRECTIONS FOR OFFICERS TO GAIN ENTRY INTO THE LOCATION.

LIEUTENANT HENRY REMEMBERED SEEING SERGEANT BRIAN FREUDENTHAL #7144 ARRIVING AFTER HE (HENRY) ARRIVED. HE SPOKE WITH SERGEANT SEAN MATTSON, WHO WAS ALREADY ON SCENE. HENRY DISCOVERED SERGEANT MARTY WALLACE WAS STANDING BY WITH OFFICER RICHARD CHRISMAN AND SERGEANT CHAS CLEMENTS WAS STANDING BY OFFICER SERGIO VIRGILLO. HE (HENRY) AND SERGEANT FREUDENTHAL WALKED TOGETHER UP TOWARDS THE SCENE AND THIS IS WHEN HE OBSERVED THE TWO OFFICERS WITH THEIR MONITORING SUPERVISORS.

AS SERGEANT MATTSON WAS PROVIDING LIEUTENANT HENRY WITH SOME DETAILS OF THE INCIDENT, THERE WAS ALSO DISCUSSION WITH SERGEANT FREUDENTHAL OF THE SCENE BEING UNDER CONTROL AND THERE WOULD BE A NEED FOR SOME OFFICERS TO GO BACK INTO SERVICE. SERGEANT FREUDENTHAL VOLUNTEERED TO GO BACK INTO SERVICE AND MANAGE RESOURCES ON A DIFFERENT RADIO FREQUENCY. FREUDENTHAL AND A NUMBER OF OFFICERS THEN LEFT THE AREA TO WORK ANY OTHER RADIO TRAFFIC. LIEUTENANT HENRY BELIEVED SERGEANT FREUDENTHAL DID NOT HAVE ANY DIRECT CONTACT WITH EITHER OFFICER CHRISMAN OR OFFICER VIRGILLO.

SERGEANT MATTSON PROVIDED HENRY WITH AN INITIAL STORY, EVEN THOUGH MATTSON WAS STILL GATHERING INFORMATION. HENRY WAS TOLD CHRISMAN AND VIRGILLO HAD RESPONDED TO A DOMESTIC VIOLENCE CALL AND THERE WAS A FIGHT. AT ONE POINT THE "SUSPECT" THREW A CHAIR AT THE OFFICERS AND HE TRIED TO GO FOR THE OFFICER'S GUN. MATTSON DID NOT INDICATE WHICH OFFICER'S GUN. MATTSON ALSO ADVISED THE "SUSPECT" WAS CAP STUNNED AND TASSED. OFFICER CHRISMAN THEN SHOT THE MALE. THESE WERE THE BASICS AND MATTSON INDICATED HE NEEDED TO GATHER MORE INFORMATION. THEY THEN SEPARATED TO COMPLETE FURTHER DUTIES.

HENRY AND MATTSON WOULD MEET UP AGAIN AND HE GAVE MATTSON SOME FURTHER INSTRUCTIONS IN THE COLLECTION OF THIS INFORMATION. HENRY MENTIONED

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SERGEANT GREG STANSBERRY WAS ALSO AT THE SCENE AND STANSBERRY ASSISTED WITH THE SCENE MANAGEMENT. MATTSON TOLD HENRY IN A "TONGUE IN CHEEK" MANNER THAT HE WAS WORRIED AT FIRST, BECAUSE MATTSON DESCRIBED CHRISMAN SOMETHING LIKE...HE'S MY PROBLEM CHILD OR HE'S CANTANKEROUS. HENRY WAS NOT SURE OF THE EXACT WORDS FROM MATTSON, BUT ALSO MENTIONED SOMETHING TO THE AFFECT OF MATTSON ALWAYS HAVING TO WATCH CHRISMAN IN BRIEFING. HENRY BELIEVED THIS WAS A "TONGUE IN CHEEK" CONVERSATION BETWEEN THEM WITH MATTSON FOLLOWING UP SAYING THAT PEOPLE VIEW HIM (MATTSON) THE SAME WAY AND HE (MATTSON) AND CHRISMAN GET ALONG. HENRY APPRECIATED THE HUMOR AT THAT TIME. MATTSON DID NOT DISCUSS ANYTHING ABOUT OFFICER VIRGILLO AT THIS TIME.

AT A CERTAIN TIME, INVESTIGATORS BEGAN TO ARRIVE AND LIEUTENANT TOMORY AND HE (HENRY) MET. LIEUTENANT HENRY ASKED TOMORY WHAT DID THE INVESTIGATORS NEED FROM THEM AND THEY DISCUSSED ISSUES ABOUT PROVIDING A PROPER BRIEFING. FOR THIS REASON, LIEUTENANT HENRY KNEW FROM HIS PRIOR EXPERIENCE THAT SERGEANT MATTSON'S STORIES "GET JUMBLED" AND THERE HAD BEEN PAST ISSUES WITH HIS BRIEFINGS. HENRY CONSIDERED SERGEANT MATTSON A GOOD GUY, BUT HE (HENRY) AND LIEUTENANT TOMORY WANTED A GOOD BRIEFING.

HENRY MENTIONED TO ME THAT EARLIER HE HAD CONTACTED OFFICER RICHARD CHRISMAN AND SHOOK HIS HAND. HE TOLD CHRISMAN FROM HIS UNDERSTANDING FROM MATTSON'S STORY THAT HE (CHRISMAN) ACTED APPROPRIATELY. HENRY ASKED CHRISMAN IF HE HAD EVER BEEN IN A SHOOTING BEFORE AND HE (HENRY) BELIEVED CHRISMAN REPLIED THAT HE HAD NOT. HENRY WENT ON TO TELL CHRISMAN ABOUT THE PROCEDURES WHICH WOULD FOLLOW, SUCH AS CRIMINAL INVESTIGATORS AND ADMINISTRATIVE INVESTIGATORS BEING INVOLVED.

IN ASKING LIEUTENANT HENRY ABOUT OFFICER CHRISMAN'S DEMEANOR AT THIS TIME, HENRY STATED IT WAS STRANGE TO HIM, BECAUSE CHRISMAN SEEMED A LITTLE BIT LOST. HENRY DESCRIBED HIS EXPERIENCES AT PRIOR OFFICER INVOLVED SHOOTINGS SCENES OBSERVING OFFICERS ACT FROM THOSE WHO ARE HYSTERICAL AND CRYING TO OFFICERS ACTING STOIC AND WANTING TO GO BACK INTO SERVICE. I ASKED HENRY WHAT HE MEANT BY USING THE TERM LOST. HENRY EXPLAINED CHRISMAN HAD A DISTANT LOOK AND SEEMED TO QUESTION HENRY THAT HE WAS NOT HIS LIEUTENANT. I ASKED HENRY IF CHRISMAN APPEARED TO BE UNFOCUSED AND HENRY AGREED WITH THIS DESCRIPTION.

LIEUTENANT HENRY WAS ASKED ABOUT ANY INJURIES OR COMPLAINTS FROM OFFICER CHRISMAN AND HENRY RESPONDED BY SAYING NO. HENRY FURTHER ADDED IT HAD OCCURRED TO HIM BASED ON THE INFORMATION SERGEANT MATTSON HAD DESCRIBED THAT THE OFFICERS HAD BEEN IN A SERIOUS FIGHT AND BASED ON THE ACADEMY AND WHAT THE USE OF FORCE CONTINUUM WAS, SUCH AS, COMMAND PRESENCE, THEN GO HANDS ON, THEN USE MACE OR PEPPER SPRAY, THEN TASER AND THEN USE YOUR GUN. HENRY DESCRIBED WHAT WAS ODD AFTER OBSERVING BOTH OFFICERS, THEIR UNIFORMS WERE PRETTY PRISTINE. THIS WAS ODD TO LIEUTENANT HENRY, EXCEPT HE DID NOTICE OFFICER VIRGILLO'S TASER WAS MISSING. HENRY COMMENTED THE OFFICERS DID NOT HAVE THE APPEARANCE OF OFFICERS, WHO HAD BEEN IN A VIOLENT FIGHT.

IN SPEAKING ABOUT THE CONTACTS WITH THE OFFICERS, LIEUTENANT HENRY ADVISED HE HAD ONLY THE ONE CONTACT WITH OFFICER CHRISMAN. HE DID HAVE THREE

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DIFFERENT CONTACTS WITH OFFICER VIRGILLO. HENRY REFLECTED ABOUT HIS PRIOR WORK EXPERIENCES WITH OFFICER VIRGILLO. THE FIRST WAS IN SQUAW PEAK PARK PRECINCT WHEN HENRY WAS FIRST PROMOTED IN 1997. THE SECOND BEING WHEN LIEUTENANT HENRY WAS AN INVESTIGATOR IN PSB (PROFESSIONAL STANDARDS BUREAU) AND VIRGILLO WAS AN INSPECTOR IN THE BUREAU. THE THIRD TIME WAS AT THE ACADEMY WHEN LIEUTENANT HENRY WAS THE PROFICIENCY LIEUTENANT AND VIRGILLO CAME TO THE ACADEMY AS A TEMPORARY RTO (RECRUIT TRAINING OFFICER) AFTER VIRGILLO WAS REASSIGNED FROM DEB (DRUG ENFORCEMENT BUREAU).

LIEUTENANT HENRY ADVISED HE HAD ALWAYS HAD A GOOD WORKING RELATIONSHIP WITH OFFICER VIRGILLO, BUT DID NOT KNOW HIM OUTSIDE OF WORK. HENRY MENTIONED HE DID NOT KNOW EITHER OF THE OFFICERS (VIRGILLO AND CHRISMAN) OUTSIDE OF WORK. I ASKED LIEUTENANT HENRY TO CLARIFY THAT HE HAD NOT WORKED AROUND OFFICER CHRISMAN BEFORE AND HE TOLD ME HE HAD NOT. HE THEN MENTIONED OF SEEING THE VIDEO OF CHRISMAN RELATING TO THE BRADY LIST THAT HE REMEMBERED THIS ISSUE ABOUT CHRISMAN, BECAUSE HENRY WAS WORKING IN THE PROFESSIONAL STANDARDS BUREAU AT THAT TIME. LIEUTENANT HENRY ADVISED HE WAS NOT ONE OF THE INVESTIGATORS OF THAT MISCONDUCT INVESTIGATION, BUT HE HAD REVIEWED THE CASE AND WAS PART OF THE DISCUSSION OF WHAT THE OUTCOME MIGHT BE FROM THE DISCIPLINE MATRIX.

LIEUTENANT HENRY ADVISED HE HAD NEVER BEEN A SQUAD SUPERVISOR OF OFFICER CHRISMAN OR OFFICER VIRGILLO. HE MENTIONED AGAIN ABOUT HIS WORK CONTACTS WITH OFFICER VIRGILLO. HE HAD SEEN OR WORKED WITH HIM ON CRIME SCENES IN PATROL IN THE SQUAD PEAK PARK PRECINCT. HE HAD SEEN VIRGILLO IN PSB, BUT THEY WORKED IN DIFFERENT AREAS OF THE BUREAU. HENRY ALSO SAW VIRGILLO AT THE ACADEMY, BUT THEY WORKED DIFFERENT AREAS.

ASKING LIEUTENANT HENRY HOW LONG HE STAYED AT THE SCENE AT 303 E. SOUTH MOUNTAIN AVENUE, HE TOLD ME HE WAS UNSURE OF THE TIME, BUT IT WAS SHORTLY AFTER THE BRIEFING ENDED THAT HE LEFT. HE HAD BEEN THE HIGHEST RANKING PATROL BASED PERSON AT THE SCENE UNTIL COMMANDERS AND CHIEFS BEGAN ARRIVING. COMMANDER ALEXANDER HAD ARRIVED AND HE BEGAN ASKING WHERE LIEUTENANT SEAN CONNELLY WAS. HENRY ADVISED ALEXANDER OF HIM COVERING FOR LIEUTENANT HESTON SILBERT, SO COMMANDER ALEXANDER TOLD HENRY THAT SEAN CONNELLY WAS HEADED OUT TO THE SCENE. EVENTUALLY AT ABOUT THE TIME OF THE BRIEFING, HENRY OBSERVED LIEUTENANT CONNELLY AT THE SCENE AND CONNELLY RELIEVED HENRY OF HIS DUTIES AT THE SCENE.

LIEUTENANT HENRY BEGAN TO TALK ABOUT ISSUES REGARDING THE BRIEFING. HE HAD SPLIT UP SOME DUTIES WITH THE BRIEFING USING OFFICER BARRIOS, WHO HAD INFORMATION ABOUT CANVASSING OF THE AREA. HENRY WANTED SERGEANT MATTSON TO FOCUS ON OTHER SPECIFICS AND HENRY BELIEVED SERGEANT MATTSON DID DO A GOOD JOB AT THE BRIEFING. PRIOR TO THE ACTUAL BRIEFING, HENRY ASKED SERGEANT MATTSON TO GIVE HIM A PRELIMINARY BRIEFING AND AT ONE POINT SERGEANT MATTSON ADVISED HENRY OF OFFICER VIRGILLO SAYING THIS IS A "BAD SHOOT". HENRY ASKED MATTSON WHY VIRGILLO WAS SAYING THIS WAS A BAD SHOOTING AND MATTSON TOLD HIM VIRGILLO DID NOT EXPLAIN. LIEUTENANT HENRY TOLD MATTSON NOT TO ASK VIRGILLO ANY FURTHER ABOUT THIS AND NOT TO PUT THIS INFORMATION OUT IN THE BRIEFING. LIEUTENANT HENRY WOULD RELAY THIS INFORMATION TO THE INVESTIGATORS SEPARATELY AND HENRY DID GET WITH

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LIEUTENANT TOMORY ADVISING HIM OF MATTSON'S INFORMATION. THIS WAS RELAYED TO TOMORY AFTER THE BRIEFING.

HENRY REFLECTED BACK AGAIN ON HIS THREE CONTACTS WITH OFFICER VIRGILLO OUT AT THE SCENE. THE FIRST WAS TO TELL VIRGILLO HE WAS GLAD VIRGILLO WAS OKAY. THE SECOND TIME WAS TO GET A FEW MORE DETAILS AND THIS WAS PRIOR TO SERGEANT MATTSON TELLING HIM (HENRY) OF VIRGILLO'S STATEMENT ABOUT THIS INCIDENT BEING A BAD SHOOT. IT WAS DURING THIS SECOND CONTACT, VIRGILLO STARTED HIS STORY FROM THE MIDDLE AND DURING THIS STORY, VIRGILLO TOLD HENRY HE JUST WANTED TO GET THE "SUSPECT" OUT OF THE SCENE. VIRGILLO TOLD HENRY THAT THE MALE (DANIEL RODRIGUEZ) WANTED TO LEAVE ON HIS BIKE. VIRGILLO TOLD HENRY HE DID NOT WANT THE MALE TO LEAVE ON THE BIKE AND HE (VIRGILLO) JUST WANTED TO TAKE THE MALE OUT OF THE SCENE EVEN USING A VEHICLE. LIEUTENANT HENRY TOLD OFFICER VIRGILLO THAT HIS STORY WAS NOT MAKING SENSE AND HENRY ASKED VIRGILLO ABOUT THE FIGHT WITH THE MALE. VIRGILLO PAUSED AND THEN STATED "I'M DRAWING A BLANK". HENRY THEN TOLD VIRGILLO TO START FROM THE BEGINNING. VIRGILLO TOLD HIM OF ARRIVING ON THE RADIO CALL, THEY CONTACTED THE MOTHER TO THE TRAILER JUST NORTH. THIS PERSON INFORMED THEM HER SON WAS IN THE TRAILER JUST SOUTH OF THEM. THERE WAS TALK OF THIS BEING DOMESTIC VIOLENCE. THE OFFICERS THEN KNOCKED AT THE DOOR AND COULD NOT GET IN. THE OFFICERS THEN WALKED BACK AND TOLD THE MOTHER HER SON WAS NOT THERE. THE MOTHER TOLD THEM HER SON WAS THERE AND REDIRECTED THEM BACK TO THE TRAILER. SHE GAVE THEM PERMISSION TO GO INTO THE TRAILER. LIEUTENANT HENRY STATED HE COULD TELL OFFICER VIRGILLO WAS HAVING A DIFFICULT TIME TELLING THE STORY, SO HE ASKED VIRGILLO TO STOP.

LIEUTENANT HENRY FELT VIRGILLO MIGHT HAVE BEEN TRAUMATIZED BY THE INCIDENT, SO HE TOLD VIRGILLO HE HAD ONLY ASKED HIM ABOUT THE INCIDENT TO DETERMINE IF SERGEANT MATTSON HAD ENOUGH OF THE DETAILS TO PROVIDE A THOROUGH BRIEFING TO INVESTIGATORS. HENRY BEGAN TO DESCRIBE THE PROCESS OF THE INVESTIGATION, BECAUSE HENRY DID NOT BELIEVE OFFICER VIRGILLO HAD BEEN INVOLVED IN A POLICE SHOOTING BEFORE.

THE THIRD CONTACT LIEUTENANT HENRY HAD WITH OFFICER VIRGILLO WAS AFTER THE BRIEFING WAS CONCLUDED. THIS WAS WHEN OFFICER VIRGILLO WAS IN A POLICE VEHICLE BEING MONITORED BY SERGEANT CHAS CLEMENTS. THIS TIME HENRY THANKED VIRGILLO AND AT THAT TIME, VIRGILLO SORT OF SMILED AND SAID, "YOU KNOW I'M NOT A FIGHTER". HENRY ACKNOWLEDGED HIM AND TOLD VIRGILLO TO JUST TALK TO THE INVESTIGATORS.

LIEUTENANT HENRY THEN LEFT THE SCENE AND RETURNED TO HIS ASSIGNED PRECINCT.

IT WAS ON OCTOBER 11TH OR 12TH WHEN HE (HENRY) RECEIVED A PHONE CALL FROM SERGEANT CHAS CLEMENTS. CLEMENTS TOLD HENRY THAT HE WAS TRYING TO REMEMBER WHERE HE OBTAINED SOME INFORMATION, AS IF WANTING LIEUTENANT HENRY TO HELP CLARIFY THE DETAILS FOR HIM. CLEMENTS ASKED HENRY IF HE REMEMBERED WHEN HE (HENRY) WAS TALKING TO OFFICER VIRGILLO. HENRY TOLD CLEMENTS HE DID REMEMBER THIS. CLEMENTS ASKED HENRY IF HE REMEMBERED VIRGILLO SAYING SOMETHING ABOUT THE "SUSPECT" REACHING FOR A GUN. HENRY THEN TOLD CLEMENTS TO STOP AND TOLD CLEMENTS HE DID NOT REMEMBER HAVING A

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DISCUSSION WITH VIRGILLO ABOUT THIS TOPIC. CLEMENTS TOLD HENRY HE COULD NOT REMEMBER WHO HE HEARD THIS INFORMATION FROM. HENRY TOLD CLEMENTS THEY SHOULD NOT BE TALKING ABOUT THE SHOOTING AND ADVISED CLEMENTS HE WOULD BE CALLING VCB (VIOLENT CRIME BUREAU) TO LET THEM KNOW THEY (HENRY AND CLEMENTS) SHOULD BE INTERVIEWED. LIEUTENANT HENRY CALLED LIEUTENANT TOMORY RIGHT AFTER ENDING HIS CALL WITH CLEMENTS REGARDING THIS MATTER.

I ASKED LIEUTENANT HENRY ABOUT OFFICER VIRGILLO'S DEMEANOR OVER THE THREE CONTACTS HE HAD WITH HIM. HENRY TOLD ME HE BELIEVED OFFICER VIRGILLO WAS ON THE RADIO AS THEY FIRST WENT OUT TO THE SCENE AND VIRGILLO WAS STOIC ON THE RADIO. HENRY FELT A SUPERVISOR WOULD BE PROUD OF OFFICER VIRGILLO IN HOW HE (VIRGILLO) HANDLED THE SITUATION OVER THE RADIO. WHEN HENRY MET VIRGILLO ON THE FIRST CONTACT, IT WAS THE SAME THING. HIS SECOND CONTACT WITH VIRGILLO, HE (HENRY) COULD TELL VIRGILLO WAS HAVING A HARD TIME PROVIDING DETAILS BASED ON HIS BODY LANGUAGE AND DEMEANOR. HENRY FELT THIS WAS ODD, BECAUSE HE KNEW VIRGILLO TO BE A CALM PERSON. ON THE THIRD CONTACT, WHICH WAS THE TIME VIRGILLO SPOKE OF NOT BEING A FIGHTER, HENRY TOLD VIRGILLO JUST TO TELL THE INVESTIGATORS WHAT HE HAD SEEN. VIRGILLO HAD SORT OF A RELIEF TYPE OF LOOK.

AFTER LIEUTENANT HENRY LEFT THE SCENE, HE NEVER GOT RE INVOLVED WITH THE INVESTIGATION THAT DAY. HE RETURNED TO HIS ASSIGNED PRECINCT TO ATTEND TO HIS OWN DUTIES AND RESPONSIBILITIES. HE ALSO PROVIDED BRIEFINGS TO SOME OF THE SECOND SHIFT SERGEANTS AT HIS PRECINCT.

I ASKED LIEUTENANT HENRY IF HE HAD SPOKEN TO EITHER OFFICER SINCE THE DAY OF THE INCIDENT. HENRY TOLD HE HAD NOT. I ALSO ASKED ABOUT ANYONE WHO APPROACHED HIM AFTER THE DAY OF THE INCIDENT REGARDING STATEMENTS MADE BY EITHER OFFICER, EXCEPT THE PHONE CALL HE HAD WITH SERGEANT CLEMENTS. HENRY TOLD ME NO THERE HAD NOT BEEN ANY OTHER CONVERSATIONS OTHER THAN HE ADVISING OTHER PERSONS IN THE PRECINCT NOT TO SPREAD RUMORS.

THIS WAS THE END OF THE INTERVIEW.

** MORE NARRATIVE CONTINUED ON NEXT PAGE.

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**** NARRATIVE ****

ON 10/21/10, I RECEIVED THE FOLLOWING E-MAIL FROM LIEUTENANT BEN HENRY, WHICH IS VERBATIM.

ERIC, I APOLOGIZE I'M NOT SURE WHAT DATE I GAVE YOU DURING THE INTERVIEW WHEN CHAS CALLED ME, BUT IT WAS THE DAY AFTER THE SHOOTING. FOR EXACT TIMES, THE DUTY PHONE RECORDS CAN BE PULLED OR RADIO TAPES, SINCE CHAS CLEARED ON ESTRELLA'S FREQUENCY IN SEARCH OF ME. ALSO, I CALLED JOE TOMORY AFTERWARDS AND SUGGESTED HOMICIDE INTERVIEW THE SUPERVISORS OUT THERE. I REMEMBER JOE BEING UP ALL NIGHT WORKING THIS CASE, AND HE INFORMED ME THAT HE WOULD RELAY THE SUGGESTION TO YOU AND JOE KNOTT.

- BEN

A COPY OF THE E-MAIL WAS IMPOUNDED FOR DOCUMENTATION.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3959864

DR ENTERED BY : 5097 DR FINALIZED BY : 5097

END OF REPORT

DR NO: 2010 01413133 064

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REPORT DATE: 20101026 TIME: 0931

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: JOSE CISNEROS

4657 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 4657

ON 10/05/10 AT 1452 HOURS, I CONTACTED AND INTERVIEWED ELVIRA FERNANDEZ REFERENCE THIS INVESTIGATION. THE INTERVIEW WAS CONDUCTED IN THE MOBILE COMMAND VAN AT 303 E. SOUTH MOUNTAIN AVE, NEAR SPACE 51. PRESENT DURING THE INTERVIEW WAS PROFESSIONAL STANDARDS BUREAU SERGEANT C. MCCARTHY #6048.

THE FOLLOWING IS A SUMMARY/PARAPHRASE OF THE INTERVIEW.

START TIME: 1452 HRS
END TIME: 1519 HRS

DURING THE COURSE OF THE INTERVIEW ELVIRA EXPLAINED HER SON DANIEL RODRIGUEZ HAD ARRIVED HOME AT ABOUT FIVE IN THE MORNING. AROUND 11:00 A.M. DANIEL BEGAN PLAYING THE STEREO LOUDLY. SHE ASKED HIM TO TURN DOWN THE STEREO AND HE TOLD HER TO "SHUT THE FUCK UP". SHE EXPLAINED DANIEL WAS BANGING THINGS AROUND AND THE NOISE WAS SCARING HER DOG. SHE SAID THERE WERE TWO DOGS IN THE TRAILER; HER LAB AND DANIEL'S BOXER. NO ONE ELSE WAS LIVING IN THE HER TRAILER. SHE HAD SAID THE TRAILER WAS HERS, BUT WAS IN DANIEL'S NAME.

SHE RELATED DANIEL HAD BEEN HAVING PROBLEMS FOR ABOUT FIVE MONTHS. DANIEL HAD BROKEN UP WITH HIS GIRLFRIEND, ANDREA MARTINEZ, IN MARCH. SHE BELIEVED HE HAD BEEN DOING DRUGS SINCE MARCH. SHE ADDED THAT DANIEL WOULD GET VIOLENT AND START THROWING THINGS, BUT BY THE AFTERNOON HE WOULD COOK DINNER FOR HER.

I ASKED HER IF DANIEL EVER HIT HER. SHE SAID HE HAD HURT HER IN THE PAST AND SHE HAD CALLED THE COPS ON HIM. SHE LATER ADDED THAT WHILE DANIEL HAD NEVER HIT HER HE HAD CHOKED HER. SHE SAID IT HAD GOTTEN TO THE POINT THAT HE NO LONGER HURT HER, BECAUSE SHE HAD RETALIATED BACK.

I ASKED HER HOW SHE HAD RETALIATED BACK. SHE ANSWERED "I CALLED THE COPS".

SHE EXPLAINED IN THE PAST WHEN SHE CALLED THE COPS THEY WOULD MAKE DANIEL LEAVE.

I ASKED HER WHY SHE CALLED THE POLICE ON THIS OCCASION. ELVIRA SAID BECAUSE DANIEL WAS THROWING AND BANGING THINGS AND SHE DID NOT WANT TO PUT UP WITH IT ANYMORE.

ELVIRA EXPLAINED THAT DANIEL HAD THROWN AN OBJECT THROUGH THE WALL OF THE HALLWAY IN THE TRAILER AND HAD MADE A HOLE. SHE SAID HE HAD DONE THAT BECAUSE SHE HAD TOLD HIM NOT TO.

SHE LEFT HER TRAILER AND WENT TO HER NEIGHBOR'S TRAILER TO CALL THE POLICE. SHE DID NOT HAVE HER CELL PHONE AT THE TIME, BECAUSE SHE HAD LEFT IT WITH A FRIEND. SHE SAID SHE DID NOT TELL DANIEL SHE WAS CALLING THE POLICE INSTEAD TELLING HIM SHE WAS GOING TO A FRIEND'S HOUSE.

ELVIRA SAID SHE CALLED 911 AND TOLD THE OPERATOR THAT DANIEL WAS GETTING VIOLENT. SHE SAID SHE TOLD THE OPERATOR "I WAS AFRAID FOR MY LIFE AND I WAS AFRAID THAT HE WOULD HURT US AND I JUST WANTED HIM TO LEAVE...". SHE TOLD THE OPERATOR THAT SHE WAS FINE AND HE HAD NOT HURT HER.

SHE EXPLAINED THAT WHILE SHE WAITED FOR OFFICERS TO ARRIVE SHE DID NOT RETURN TO HER TRAILER. SHE MET THE OFFICERS OUTSIDE HER NEIGHBOR'S TRAILER.

SHE SAID SHE TOLD THE OFFICERS THAT DANIEL HAD GOTTEN VIOLENT AND WAS THROWING THINGS. THAT DANIEL HAD THROWN SOMETHING AND MADE A HOLE IN THE WALL. SHE SAID THAT SHE TOLD THE OFFICERS SHE HAD JUST WANTED DANIEL TO LEAVE.

THE OFFICERS WENT TO HER TRAILER DOOR AND SHE HEARD THEM KNOCK ON HER DOOR. THE OFFICERS THEN CAME BACK AND ASKED IF DANIEL WAS STILL INSIDE. SHE SAID SHE TOLD THEM DANIEL SHOULD STILL BE INSIDE MAKING A SANDWICH.

SHE SAID SHE TOLD THE OFFICERS HER TRAILER DOOR WAS OPEN AND TO "JUST GO IN THERE AND ASK HIM TO LEAVE". SHE ASKED TO GO WITH THEM. SHE SAID THEY TOLD HER TO STAY.

ELVIRA EXPLAINED THAT ABOUT TWO MINUTES AFTER THE OFFICERS LEFT HER, SHE HEARD TWO SHOTS. SHE LATER SAID THAT AFTER A PAUSE SHE HEARD THREE MORE SHOTS.

SHE THEN RAN TO HER TRAILER DOOR. ELVIRA SAID SHE TRIED TO GO INSIDE, BUT THE OFFICERS WOULD NOT LET HER. SHE LOOKED IN AND SAW HER SON'S RED BIKE ON THE FLOOR. SHE EXPLAINED THE BIKE HAD BEEN IN FRONT OF THE BAR NEAR THE KITCHEN. SHE SAID THE OFFICER TOLD HER TO LEAVE. HER FRIEND CAME UP FROM BEHIND HER AND TOOK ELVIRA TO HER TRAILER.

AT THE END OF THE INTERVIEW I THANKED HER FOR HER HELP AND ESCORTED HER OUTSIDE THE COMMAND VAN.

THE DIGITAL RECORDING OF MY INTERVIEW WITH ELVIRA WAS TRANSCRIBED IN SUPPLEMENT 15. FOR FURTHER DETAILS PLEASE REVIEW THE TRANSCRIPTION AND THE DIGITAL RECORDING.

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 3

DR NUMBER: 2010 01413133 66

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 4657 DR FINALIZED BY : 4657

END OF REPORT

DR NO: 2010 01413133 066

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

67

REPORT DATE: 20101026 TIME: 1343

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

=====

= *** REQUEST FOR LAB ANALYSIS ***

=

=====

CURRENT DR IS: 2010 01413133 067 BIOLOGICAL EVID (BLOOD,SEmen,TISSUE): N

NAM: CHRISMAN RICHARD

OFF:HOMICIDE

NAM:

LOCATION: 000303 E SOUTH MOUNTAIN

AV

JAILED: N

OCFR REQ OF ANALYSIS:PORTER, KENNETH
(LAST,FIRST,MIDDLE) FIRM NAME USE BUS.

DATE OCC:100510 TIME:1237
DATE REQ:102610 TIME:1340

VIC: RODRIGUEZ DANIEL

DUI RELATED:N

BUS:

INVOICE	ITEM #	SFX	TYPE	TYPE OF REQUEST
0003955112	0008		ACZG	FIREARMS
0003955594	0007		YCASING	FIREARMS
0003955594	0008		YCASING	FIREARMS
0003955594	0010		YCASING	FIREARMS
0003955594	0013		YAMMUNI	FIREARMS
0003955594	0018		YCASING	FIREARMS
0003955594	0021		YAMMUNI	FIREARMS
0003955064	0006		YAMMUNI	FIREARMS

BLOOD DRAWN BY:

1. DATE/TIME DRAW:000000 / 0000
2. DATE/TIME DRAW:000000 / 0000

LOC OF DRAWING:

***** NARRATIVE *****

SERIAL NUMBER: 6290

2010 01413133 67

Continued.

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133

67

DET. PORTER #6290
HOMICIDE UNIT
CASE AGENT

REFERENCE INVOICE NUMBER 3955594 ITEMS NUMBER- SEVEN, EIGHT, TEN, AND EIGHTEEN- FIRED CARTRIDGES; AND ITEMS NUMBER- THIRTEEN AND TWENTY-ONE, FIRED PROJECTILES; PLEASE ATTEMPT TO ASCERTAIN IF THEY WERE FIRED FROM THE GLOCK PISTOL, ITEM NUMBER EIGHT OF INVOICE NUMBER 3955112.

THE SAME IS REQUESTED OF ITEM NUMBER SIX OF INVOICE NUMBER 3955064- A PROJECTILE RECOVERED FROM THE BODY OF THE VICTIM AT AUTOPSY.

REFERENCE THE GLOCK PISTOL, PLEASE CONDUCT A FUNCTIONALITY ANALYSIS ON THE PISTOL AND A FIRING PATTERN ANALYSIS USING PHOENIX POLICE DEPARTMENT ISSUED AMMUNITION.

THANK YOU.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6290

DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 067

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

69

REPORT DATE: 20101027 TIME: 1719

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER [S]: JACOB THOMAS

A5386 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A5386

ORIGINATING DR: 201001413133 043

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: JACOB THOMAS (A5386)

FRICTION RIDGE DETAIL WAS PRESERVED FROM ITEM 3955112-0008 (HANDGUN). THE IMAGES WERE STORED IN THE MIDEO IMAGING DATABASE UNDER INVOICE 3955112. IF A LATENT PRINT COMPARATIVE ANALYSIS IS REQUIRED, AND KNOWN PRINTS OF THE SUBJECT ARE AVAILABLE, PLEASE SUBMIT A LATENT PRINT COMPARATIVE REQUEST VIA PACE.

THE FOLLOWING ITEMS OR COLLECTIONS FROM THE FOLLOWING ITEMS HAVE BEEN PRESERVED FOR POSSIBLE DNA ANALYSIS AND WILL BE CONSUMED DURING DNA ANALYSIS: ITEMS 3955112-0008.02 (SWABS FROM INSIDE THE BARREL), 0008.03 (SWABS FROM THE MUZZLE), 0008.04 (SWABS FROM A SECTION OF THE SLIDE AND FRAME), AND 0008.05 (SWABS FROM NORMAL CONTACT AREAS).

TRACE MATERIAL WAS OBSERVED ON ITEM 3955112-0008 (HANDGUN) AND WAS RETAINED WITH THE EVIDENCE. TRACE MATERIAL MAY CONSIST OF HAIRS, FIBERS, SOIL, PLANT MATERIAL AND/OR OTHER MISCELLANEOUS DEBRIS.

NO STAINS CONSISTENT WITH BLOOD WERE FOUND ON ITEM 3955112-0008 (HANDGUN).

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 069

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

70

REPORT DATE: 20101027 TIME: 1719

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: PAUL MATAK

A3619 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

**** NARRATIVE ****

SERIAL NUMBER: A3619

ORIGINATING DR: 201001413133 043

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: PAUL MATAK (A3619)
3955112-0008 THE DIGITAL IMAGING MANAGEMENT SYSTEM CONTAINS 3 LATENTS FROM THIS ITEM.

AN EVALUATION FOR AFIS QUALITY HAS BEEN CONDUCTED. NO LATENTS WERE ENTERED INTO AZAFIS.

AN EVALUATION FOR COMPARATIVE QUALITY WAS NOT CONDUCTED, THEREFORE, IF A COMPARATIVE ANALYSIS IS NEEDED THEN A "REQUEST FOR LATENT PRINT COMPARISON" MUST BE SUBMITTED.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM

DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 070

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

71

REPORT DATE: 20101028 TIME: 0907

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

CURRENT DR IS: 2010 01413133 071 DATE OF REP: 100510 TIME OF REP: 1237
LOCATION OF OCC: 000303 E SOUTH MOUNTAIN AV
OFFENSE: HOMICIDE

OFFICER REQUESTING ANALYSIS: PORTER, KENNETH
DIVISION OR SECTION: HOMICIDE EXTENTION: 3494551

COMPARE PRINTS OF THE FOLLOWING PEOPLE WITH LATENT IMPRESSIONS OBTAINED IN DR
SCN FP LAST NAME FIRST MIDDLE DOB SEX

9710100138 Y	RODRIGUEZ	DANIEL	1981	M
0005170362 Y	CHRISMAN	RICHARD	1973	M

***** SPECIAL INSTRUCTIONS *****

PLEASE COMPARE ANY LATENT PRINTS OBTAINED IN THIS INVESTIGATION TO THE TWO
LISTED INDIVIDUALS, DANIEL RODRIGUEZ AND RICHARD CHRISMAN.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 071

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

73

REPORT DATE: 20101102 TIME: 1456

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 000620 W WASHINGTON ST

DATE: 110210 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI V 01

ITEM: *MISC BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0002 SERIAL/ACCT/ID:

DESCRIPTION: COPIES OF SEARCH WARRANTS- SW2010-008259 AND
2010-008260 OBTAINED REFERENCE THE SUSPECT'S CELL PHONE IN THIS
INVESTIGATION

**** NARRATIVE ****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

THIS SUPPLEMENT GENERATED TO IMPOUND COPIES OF TWO SEARCH WARRANTS
OBTAINED REFERENCE THE SUSPECT CHRISMAN'S CELL PHONE.

THE TWO WARRANTS, (NUMBERS SW2010-008258 AND 2010-008260), WERE OBTAINED
FROM THE INITIAL APPEARANCE COURT AND WERE BOTH SIGNED BY JUDGE HAMNER.

THE COPIES WERE IMPOUNDED AT 621 WEST WASHINGTON STREET. COPIES WERE ALSO
FILED WITH THE RECORDS AND IDENTIFICATION BUREAU OF THE PHOENIX POLICE
DEPARTMENT.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3961495

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 073

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

74

REPORT DATE: 20101021 TIME: 1007

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: TRAVIS MONSON

6938 UNIT: 43A

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 6938

ON 10052010 AT APPROXIMATELY 1200 HOURS, I RESPONDED TO 303 EAST SOUTH MOUNTAIN AVENUE REFERENCE AN OFFICER INVOLVED SHOOTING.

ONCE I ARRIVED AT THAT LOCATION, I OBSERVED NUMEROUS PHOENIX POLICE VEHICLES AND OFFICERS THERE. I SOON REALIZED THAT I WAS NOT NEEDED AND LEFT THE SCENE AFTER ONLY A FEW MINUTES OF BEING THERE.

I DID NOT HAVE ANY TYPE OF INVOLVEMENT WITH THE SCENE OR ANYTHING ELSE AT THIS INCIDENT.

NOTHING FURTHER.

PAGE A2229/6938/11022010/2208/86/VW 72147
DICTATED ON 10212010/1007/2

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A2229 DR FINALIZED BY : A2229

END OF REPORT

DR NO: 2010 01413133 074

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

75

REPORT DATE: 20101103 TIME: 1445

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): VERNON PENDERGAST

7589 UNIT: 43A

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: 7589

ON 100510, AT APPROXIMATELY 1200 HOURS, I RESPONDED TO THE AREA OF 303 EAST SOUTH MOUNTAIN DRIVE REGARDING AN OFFICER INVOLVED SHOOTING.

UPON ARRIVAL, I WAS TOLD BY AN UNIDENTIFIED SUPERVISOR THAT THE SCENE WAS CODE 4 AND IF NOT DIRECTLY INVOLVED THAT I COULD LEAVE THE SCENE. AT THIS POINT I RETURNED TO SERVICE IN MY POLICE VEHICLE AS I WAS NOT DIRECTLY INVOLVED IN THE INCIDENT.

PAGE A5072/7589/110310/1449/81/VW 72291
DICTTED ON 102210/1346/2

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : A5072

DR FINALIZED BY : A5072

END OF REPORT

DR NO: 2010 01413133 075

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

76

REPORT DATE: 20101104 TIME: 0624

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER(S): KYLE MUELLER

A4352 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A4352

ORIGINATING DR: 201001413133 051

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: KYLE MUELLER (A4352)

THE WEIGHT OF THE OC CANISTER (ITEM #3955112-0006B) WAS 55.59 GRAMS AS RECEIVED. THE WEIGHT OF AN UNUSED CANISTER OF SIMILAR MAKE AND MODEL (ITEM #3956635-0001) WAS 71.34 GRAMS AS RECEIVED. THIS INDICATES THAT APPROXIMATELY 15.75 GRAMS (OR 1/3 OF THE PURPORTED 1.6 OUNCES NET WEIGHT) WAS DISPENSED FROM THE OC CANISTER ITEM #3955112-0006B.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 076

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

77

REPORT DATE: 20101104 TIME: 0624

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KYLE MUELLER

A4352 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A4352

ORIGINATING DR: 201001413133 051

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: KYLE MUELLER (A4352)

VISUAL EXAMINATION OF THE TEAR ON THE EXTERIOR OF THE RIGHT SHOE (ITEM # 3955112-0005) REVEALED THE PRESENCE OF MISCELLANEOUS FIBERS, HAIRS, AND PLANT DEBRIS. THE PRESENCE OF THIS DEBRIS IS NOT CONSISTENT WITH A NEWLY CREATED TEAR.

THE UNDAMAGED LEFT SHOE (ITEM #3955112-0004) WAS EXAMINED AS A CONTROL SAMPLE.

NO FIBERS WERE FOUND ON THE RIGHT OR LEFT PEDALS OF THE BICYCLE (ITEM #395594-0005).

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 077

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

78

REPORT DATE: 20101105 TIME: 1451

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KATHLEEN STOLLER

A4093 UNIT: C23

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

***** NARRATIVE *****

SERIAL NUMBER: A4093

ORIGINATING DR: 201001413133 026

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: KATHLEEN STOLLER (A4093)

REFER TO LSB REPORT #201001413133-0018 FOR RESPONSE TO REQUEST SUPPLEMENT #26.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 078

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133

79

REPORT DATE: 20101105 TIME: 1451

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KATHLEEN STOLLER

A4093 UNIT: C23

PREMISES: MOBILE HOME

OCCUPIED: YES

OFFENSE INVOLVED: BIAS - NONE (NO BIAS)

RELATED REPORT(S): 0000 01413133A 0000 01413133B 0000

***** NARRATIVE *****

SERIAL NUMBER: A4093

ORIGINATING DR: 201001413133 024

THE FOLLOWING IS A SUMMARY OF THE LABORATORY EXAMINATION RESULTS.
CONTACT THE LABORATORY BUREAU FOR THE OFFICIAL REPORT.

ANALYST: KATHLEEN STOLLER (A4093)

THIS REPORT IS IN RESPONSE TO PACE SUPPLEMENTS 24, 26, 33 AND 53.

HUMAN DNA WAS ISOLATED FROM THE FACE AND OUTER FORWARD EDGE OF TASER X00-1 67980 (3954614-0001.01), THE SIDES AND FACE OF CARTRIDGE T08-2004512 (3954614-0003.01), THE FACE AND FORWARD EDGE OF TASER X00-065180 (3954614-0004.01), THE BOTTOM PART OF TASER X00-065180 JUST UNDER LIGHT (3954614-0005.01), THE TOP STRAP AND BODY OF TASER X00-065180 (3954614-0006.01), THE FACE AND SIDES OF CARTRIDGE T07-1380575 (3954614-0007.01), THE RIGHT FINGERNAIL S (3955064-0003.02A), THE LEFT FINGERNAILS (3955064-0003.03A), THE UTILITY BELT JUST TO THE RIGHT OF THE GUN HOLSTER AND LEFT OF THE MAGAZINE HOLDER (3955112-0006.02), THE OUTSIDE HOLSTER SWABS (3955112-0006.03), THE INSIDE HOLSTER SWABS (3955112-0006.04), THE INSIDE BARREL OF THE HANDGUN (3955112-0008.02), THE END OF THE MUZZLE OF THE HANDGUN (3955112-0008.03), THE SWABS FROM THE SLIDE AND FRAME OF THE HANDGUN (3955112-0008.04), THE SWABS FROM THE NORMAL CONTACT AREAS OF THE HANDGUN (3955112-0008.05), THE SWABS FROM THE BIKE SEAT (3955594-0022.01) AND THE SWABS FROM THE TOP MIDDLE BAR OF THE BIKE (3955594-0023.01). THE DNA WAS CHARACTERIZED USING THE POLYMERASE CHAIN REACTION (PCR) AT THE IDENTIFILER PLUS LOCI (AMELOGENIN, D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, VWA, TPOX, D18S51, D5S818 AND FGA).

HUMAN DNA WAS ISOLATED FROM THE BLOOD SAMPLE FROM DANIEL RODRIGUEZ (3955064-0004.01) AND THE BUCCAL SWABS FROM RICHARD CHRISMAN (3954292-0001.01) AN

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Continued.

SUPPLEMENT

PAGE NUMBER: 2

DR NUMBER: 2010 01413133

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D SERGIO VIRGILLO (3955880-0001.01). THE DNA WAS CHARACTERIZED USING THE POLYMERASE CHAIN REACTION (PCR) AT THE IDENTIFILER PLUS LOCI (AMELOGENIN, D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, VWA, TPOX, D18S51, D5S818 AND FGA) AND THE YFILER LOCI (DYS456, DYS389I, DYS390, DYS389II, DYS458, DYS19, DYS385 A/B, DYS393, DYS391, DYS439, DYS635, DYS392, Y GATA H4, DYS437, DYS438 AND DYS448).

A MIXED IDENTIFILER PLUS DNA PROFILE WAS OBTAINED FROM THE FACE AND OUTER FORWARD EDGE OF TASER X00-167980. THE MAJOR COMPONENT OF THIS MIXED DNA PROFILE MATCHES DANIEL RODRIGUEZ AT THE INTERPRETABLE LOCI. THE APPROXIMATE INCIDENCE OF THIS MAJOR PROFILE IS 1 IN 26 TRILLION CAUCASIANS, 1 IN 920 BILLION AFRICAN AMERICANS AND 1 IN 20 TRILLION SOUTHWESTERN HISPANICS. THE STR LOCI D8S1179, D3S1358, D13S317, D2S1338 AND D19S433 WERE NOT USED IN THESE STATISTICAL CALCULATIONS. NO CONCLUSIONS WERE DRAWN AS TO THE SOURCE OF THE WEAKER ALLELES.

A POSSIBLE MIXED IDENTIFILER PLUS DNA PROFILE WAS OBTAINED FROM THE SIDES AND FACE OF CARTRIDGE T08-2004512. DANIEL RODRIGUEZ CANNOT BE EXCLUDED AS A MAJOR CONTRIBUTOR TO THIS DNA MIXTURE AT THE INTERPRETABLE LOCI. THE APPROXIMATE INCIDENCE OF THIS PROFILE IS 1 IN 11 TRILLION CAUCASIANS, 1 IN 6.8 TRILLION AFRICAN AMERICANS AND 1 IN 39 TRILLION SOUTHWESTERN HISPANICS. THE STR LOCI D21S11, TH01, D13S317 AND D2S1338 WERE NOT USED IN THESE STATISTICAL CALCULATIONS. NO CONCLUSIONS WERE DRAWN AS TO THE SOURCE OF THE POSSIBLE WEAKER ALLELES.

MIXED IDENTIFILER PLUS DNA PROFILES WERE OBTAINED FROM THE FACE AND FORWARD EDGE OF TASER X00-065180, THE BOTTOM PART OF TASER SWABS X00-065180 JUST UNDER LIGHT, THE TOP STRAP AND BODY OF TASER X00-065180, THE UTILITY BELT JUST TO THE RIGHT OF THE GUN HOLSTER AND LEFT OF THE MAGAZINE HOLDER, THE OUTSIDE HOLSTER SWABS, THE INSIDE HOLSTER SWABS, THE SWABS FROM THE SLIDE AND FRAME OF THE HANDGUN AND THE SWABS FROM THE NORMAL CONTACT AREAS OF THE HANDGUN. RICHARD CHRISMAN CANNOT BE EXCLUDED AS A MAJOR CONTRIBUTOR TO THESE MIXED DNA PROFILES AT THE INTERPRETABLE LOCI. NO CONCLUSIONS WERE DRAWN AS TO THE SOURCE OF THE WEAKER ALLELES.

A MIXED IDENTIFILER PLUS DNA PROFILE FROM AT LEAST TWO SOURCES, WITH A POSSIBLE INSIGNIFICANT THIRD SOURCE, WAS OBTAINED FROM THE FACE AND SIDES OF CARTRIDGE T07-1380575. ASSUMING ONLY TWO SOURCES IN THE MAJOR COMPONENT, THIS PROFILE IS CONSISTENT WITH THE COMBINED DNA PROFILES FROM RICHARD CHRISMAN AND DANIEL RODRIGUEZ.

I HAVE THEREFORE CONSIDERED TWO POSSIBILITIES:

THE DNA IS A MIXTURE OF RICHARD CHRISMAN AND DANIEL RODRIGUEZ.

THE DNA IS A MIXTURE OF RICHARD CHRISMAN AND AN UNIDENTIFIED SOURCE

THE MIXED DNA PROFILE FROM THE FACE AND SIDES OF CARTRIDGE T07-1380575 IN THE CAUCASIAN POPULATION IS 70 QUADRILLION TIMES MORE LIKELY TO BE OBTAINED IF IT IS A MIXTURE OF RICHARD CHRISMAN AND DANIEL RODRIGUEZ THAN IF IT IS A MIXTURE OF RICHARD CHRISMAN AND AN UNIDENTIFIED SOURCE. FOR THE AFRICAN AMERICAN POPULATION THE NUMBER IS 4.0 QUADRILLION AND FOR THE SOUTHWESTERN HISPANIC POPULATION IT IS 39 QUADRILLION.

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THE IDENTIFILER PLUS DNA PROFILE FROM THE RIGHT FINGERNAILS, THE LEFT FINGERNAILS, THE SWABS FROM THE BIKE SEAT AND THE SWABS FROM THE TOP MIDDLE BAR OF THE BIKE MATCHES THE DNA PROFILE FROM DANIEL RODRIGUEZ AT ALL 16 LOCI

PARTIAL MIXED IDENTIFILER PLUS DNA RESULTS WERE OBTAINED FROM THE END OF THE MUZZLE OF THE HANDGUN. DUE TO THE NATURE OF THESE RESULTS, NO CONCLUSIONS WERE DRAWN.

NO DNA RESULTS WERE OBTAINED FROM THE INSIDE BARREL OF THE HANDGUN.

THE DNA PROFILES FROM DANIEL RODRIGUEZ AND RICHARD CHRISMAN WILL BE SEARCHED AGAINST THE DNA PROFILES IN THE COMBINED DNA INDEX SYSTEM (CODIS) AND ANY MATCHES WILL BE REPORTED.

A DNA PROFILE WAS OBTAINED FROM SERGIO VIRGILLO. 1 BILLION = 1,000,000,000; 1 TRILLION = 1,000,000,000,000; 1 QUADRILLION = 1,000,000,000,000,000

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES:

DR ENTERED BY : DRLIM

DR FINALIZED BY : DRLIM

END OF REPORT

DR NO: 2010 01413133 079

** PUBLIC **

PHOENIX POLICE DEPARTMENT REPORT

** RECORD **

SUPPLEMENT

PAGE NUMBER: 1

DR NUMBER: 2010 01413133 80

REPORT DATE: 20101108 TIME: 1220

TYPE OF REPORT: POLICE SHOOTING

OFFENSE: 901G

LOCATION: 000303 E SOUTH MOUNTAIN AVENUE 51
CASA DE FRANCISCO MHP

BEAT: 0425 GRID: IC28

DATE/TIME OF OCCURRENCE: TUE 100510 1237

REPORTING OFFICER[S]: KENNETH PORTER

6290 UNIT: C34

OFFENSE INVOLVED: BIAS - NONE(NO BIAS)

*** PROPERTY/EVIDENCE ***

RECOVERY LOCATION: 001801 W JEFFERSON ST

DATE: 110810 SEARCH WARRANT INVOLVED:

0001 PKG 000 CODE:EI V 01

ITEM: *MISC BRAND: MODEL: COLOR:

SIZE: QUANTITY: 0001 SERIAL/ACCT/ID:

DESCRIPTION: CERTIFIED COPY OF OWNERSHIP OF THE TRAILER WHERE
THIS INCIDENT OCCURRED.

**** NARRATIVE ****

SERIAL NUMBER: 6290

DET. PORTER #6290

HOMICIDE UNIT

CASE AGENT

THIS SUPPLEMENT GENERATED TO IMPOUND CERTIFIED DOCUMENTS PROVIDED BY THE ARIZONA DEPARTMENT OF MOTOR VEHICLES INDICATING DANIEL FRANK RODRIGUEZ TO BE THE OWNER OF THE 1979 "SIERRA" MOBILE HOME, VEHICLE IDENTIFICATION NUMBER AZ260951; THE LOCATION OF THIS INCIDENT.

THE DOCUMENTS WERE IMPOUNDED AT 621 WEST WASHINGTON STREET.

VICTIM RECEIVED RIGHTS INFORMATION: NO

MAIL-IN SUPPLEMENT:

INVOICES: 3963143

DR ENTERED BY : 6290 DR FINALIZED BY : 6290

END OF REPORT

DR NO: 2010 01413133 080