

# POLICE REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 (408) 277-4261

- INJURY
- BOOKING
- CITE & RELEASE

CASE NO. **09-130-0526**

ROUTING N#	OSSD INDEX / CLETS CHECK N#	UCR CODE	BEAT # <b>R-5</b>	TYPE OF FORCE: <input type="checkbox"/> HANDS/FEET <input checked="" type="checkbox"/> KNIFE/CUTTING INST. <input type="checkbox"/> FIREARM <input type="checkbox"/> OTHER
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REPORT TYPE <b>ASSAULT W/A DEADLY WEAPON/DEATH INVESTIGATION</b>			
LOCATION OF EVENT - PREMISES TYPE <b>961 BRANBURY WY. - RESIDENCE</b>	ON OR FROM <b>5/10/09</b>	DATE <b>1133</b>	DAY <b>SUN.</b>
	TO <b>1</b>		
	REPORTED <b>5/10/09</b>	<b>1133</b>	<b>SUN.</b>

OSSD	"V" = VICTIM	"R" = REPORTING PARTY	"W" = WITNESS	"O" = OTHER
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NDR CMU ATTNY CORONER FIRE JPD PROPERTY GUN FLDR	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>V ;</b>	<input type="checkbox"/> STATE OF CA	RACE <b>A</b>	DOB <b>M</b>	AGE	HT <b>5-6</b>	WT <b>155</b>
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CASE MGT	BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
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ASSAULT ATTORNEY DOM. VIO. BURGLARY FIRE FRAUD HOMICIDE INTELL JUVENILE CA MP NCI RECORDS ROBBERY SAIU SBNE TIU VCU VICE BOMB SQD CLG CLT GC NC NF NM	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE	INJURY	SART	BLOOD	URINE	PHOTOGRAPH
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LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE	DOB	AGE	HT	WT
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ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
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BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN
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VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
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VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
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R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #	ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE
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VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> RELEASED AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED						
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PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT						
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<input type="checkbox"/> JCR	ITEM#	QTY	BRAND	MODEL	DESCRIPTION OF PROPERTY	SERIAL NO.	VALUE
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input checked="" type="checkbox"/>							

ORIGINAL

<input type="checkbox"/>	GANG	ITEM	QTY	MAKE OR MFG.	MODEL	CALIBER/GAUGE	TYPE	ACTION	SERIAL NO.	VALUE
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<input checked="" type="checkbox"/>	PHOTOS SCENE	<input type="checkbox"/> STOLEN BICYCLE	BOYS MTN GIRLS ROAD	MODEL	BRAND	COLOR	LICENSE #	FRAME #	SPEED	VALUE
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<input type="checkbox"/>	LATENT PRINTS	The VICTIM/REPORTING PARTY contacted the police department to report the THEFT/LOSS/DAMAGE of the listed property. This occurred AT/NEAR/FROM the victim's VEHICLE/RESIDENCE/BUSINESS/SCHOOL. <input type="checkbox"/> This report is made primarily for insurance purposes.								
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VICTIM WAS (Check all that apply)	POINT OF ENTRY	LOCATION	METHOD OF ENTRY	VANDALISM
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OFFICER'S NAME <b>VEGA</b>	ID NUMBER <b>3916</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>1st/WTF</b>	SUPERVISOR REVIEW <b>RU</b>	ID NUMBER <b>2583</b>	DATE <b>5/11/09</b>	PG <b>1</b> OF <b>2</b>
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# SUPD SUPPLEMENTAL REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. 09-130-0526 Page 1 OF 1

REPORT TYPE <input checked="" type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL 245 (PC)/ DEATH INVESTIGATION	VICTIM LAST, First, Mid.
SUSPECT LAST, FIRST, M.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

## SYNOPSIS:

On 5/10/09 at approximately 1133 hours the crime of assault with a deadly weapon occurred at 961 Branbury Way. The suspect stabbed the victim with a knife. The victim was transported to an area hospital where he was treated. Officers made contact with the suspect and ordered him to drop the weapon. The suspect did not comply with the officers commands and lethal force was used. See supplemental reports for statements and additional information.

ORIGINAL

OFFICER'S NAME/BADGE  
R.VEGA #3916

DAYS OFF/SHIFT  
WTF/1st

SUPERVISOR

*[Signature]* 2287 5/10/09 *[Signature]*  
②

# SUPP REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. 09-130-0526 Page 1 OF 2

REPORT TYPE <input checked="" type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.	
DEATH INVESTIGATION		
SUSPECT LAST, FIRST, M.	SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL# VALUE

## NARRATIVE:

On 5/10/09 at approximately 1134 hours I was in full police uniform, driving in a marked patrol vehicle. At this time I was dispatched to 961 Branbury Way, in San Jose, to investigate a disturbance involving a weapon. Dispatched updated that there was a man with a knife who stabbed someone. I responded to the scene code 3, using my lights and siren. While was en route, I heard an officer update over the air that he was could see the suspect with the knife, in the backyard. At approximately 1141 hours I arrived on scene and parked my patrol vehicle on the south side of the residence, on Commodore Drive.

Once I exited my patrol vehicle, I approached the south side of the backyard fence and I heard the voices of what I believed to be police officers in the backyard shout multiple times, "Drop the knife." I then heard multiple "popping" sounds that sounded like gun shots. Again I heard, what I believed to be police officers shout, "Drop the knife." I entered the backyard through the side gate and observed the suspect, who was an Asian male, lying chest down on his left side. I observed the suspect still holding the knife in one of his hands. Officers ordered the suspect to let go of the knife.

I observed an officer pick up a shovel from the back yard and used the shovel to dislodge the knife from the suspects grip. I then observed officers place handcuffs on the suspect and take him into custody. I stood on the sidewalk, just outside of the backyard fence, and secured the side gate, while officers preformed first aid on the suspect. Moments later I was contacted by an Asian male who identified himself as \_\_\_\_\_ and gave me the following tape recorded statement:

## STATEMENT OF \_\_\_\_\_

told me he was at the Berryessa Flea Market in San Jose and received a phone call from, his brother, \_\_\_\_\_ girlfriend, \_\_\_\_\_ told him that his other brother, Daniel Pham was out of control and had a knife in his hands. \_\_\_\_\_ told \_\_\_\_\_ that she needed him to come home and help her. \_\_\_\_\_ told me he was unaware if his brother Daniel had assaulted anyone with the knife.

\_\_\_\_\_ told me his brother Daniel, was a drug addict in the past, but believed Daniel had been drug free for a couple of years. \_\_\_\_\_ told me Daniel hallucinates from time to time and becomes delusional. \_\_\_\_\_ told me Daniel has been paranoid in the past and thinks people are going to rape him. \_\_\_\_\_ did not know if Daniel's mental condition has been diagnosed by a Mental Health professional. \_\_\_\_\_ told me when he arrived home he did not hear or see anyone being assaulted. \_\_\_\_\_ did not know, nor could he give me any details of the status, of his brother \_\_\_\_\_ also did not know, nor could he give me any details, of the status of his brother Daniel, when he was

OFFICER'S NAME/BADGE  
R.VEGA #3916

DAYS OFF/SHIFT  
WTF/1st

SUPERVISOR

ORIGINAL

*[Signature]* 2583 5/10/09 (3)

REPORT TYPE <input checked="" type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
DEATH INVESTIGATION	
SUSPECT LAST, FIRST, M.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

contacted by police officers. told me when he arrived home, he did see police officers and police vehicles near his house. At approximately 1242 hours, I transported to the Witness Center.

### PHYSICAL EVIDENCE:

I was relieved of my duties at the witness center and instructed by Sgt. Gracie (#) to respond to Regional Medical Center, to photograph the victim, injuries and to collect his clothing. Upon arrival, I took 55 digital photos of the victim's injuries. I collected the victim's pajama pants, which had spots of dried blood, on the front of the pants. A blood tech responded to RMC and obtained a blood sample from the victim. I collected the victim's blood sample, the victim's pajama pants and turned the evidence over to Crime Scene Officer Warren (#3784), at the Crime Scene Unit. I gave Officer Warren the digital memory card containing the photos of the victim's injuries. Officer Warren uploaded the photos into the SJPD photo data base. audio recorded interview was uploaded into the SJPD database.

### VICTIM INJURIES:

The victim sustained lacerations to the front of his right shoulder, to the right side of his throat/neck, to his right ring finger, and to his left pinky finger. All of the above mentioned lacerations were medically stitched by staff at RMC. The victim also sustained minor lacerations to the left side of his neck, to the back of his neck and to his right index finger. The above mentioned lacerations did not require stitches.

ORIGINAL

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL <b>245 (PC) / DEATH INVESTIGATION</b>	<b>SJPD</b> <b>ADDITIONAL PARTIES</b>	CASE NO. <b>09-130-0526</b>
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"V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>R2</b>	<input type="checkbox"/> STATE OF CA	RACE <b>A</b>	M <input checked="" type="radio"/>	F <input type="radio"/>	DOB	AGE	HT <b>5-2</b>	WT <b>120</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER: <input type="checkbox"/>					
ADDRESS		CITY/STATE		ZIP		PHONE		DL NUMBER	STATE <b>CA</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP		PHONE		SSN <b>- UNKNOWN -</b>	

"V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>0</b>	<input type="checkbox"/> STATE OF CA	RACE <b>A</b>	M <input checked="" type="radio"/>	F <input type="radio"/>	DOB	AGE	HT <b>5-8</b>	WT <b>200</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER: <input type="checkbox"/>					
ADDRESS		CITY/STATE		ZIP		PHONE		DL NUMBER	STATE <b>CA</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP		PHONE <b>CELL</b>		SSN <b>UNKNOWN</b>	

"V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>R1</b>	<input type="checkbox"/> STATE OF CA	RACE <b>S</b>	M <input checked="" type="radio"/>	F <input type="radio"/>	DOB	AGE	HT <b>6-2</b>	WT <b>165</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER: <input type="checkbox"/>					
ADDRESS		CITY/STATE		ZIP		PHONE		DL NUMBER	STATE <b>CA</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SELF EMPLOYED</b>		CITY/STATE		ZIP		PHONE		SSN <b>- REFUSED -</b>	

"V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>S PHAM, DANIEL SON (DXL690)</b>	<input type="checkbox"/> STATE OF CA	RACE <b>A</b>	M <input checked="" type="radio"/>	F <input type="radio"/>	DOB <b>1/16/82</b>	AGE <b>27</b>	HT <b>5-7</b>	WT <b>135</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER: <b>BLK/BRN</b>					
ADDRESS <b>961 BRANBURY WY. SAN JOSE CA 95133</b>		CITY/STATE		ZIP		PHONE		DL NUMBER	STATE <b>CA</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP		PHONE		SSN	

"V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE	M	F	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER: <input type="checkbox"/>					
ADDRESS		CITY/STATE		ZIP		PHONE		DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP		PHONE		SSN	

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN		STATE
VICTIM #	R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED								
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN		STATE
VICTIM #	R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED								

OFFICER'S NAME <b>VEGA</b>	ID NUMBER <b>3916</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>1st/WTF</b>	SUPERVISOR REVIEW <b>SK</b>	ID NUMBER <b>2393</b>	DATE <b>5/10/09</b>	PG <b>3</b> OF
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ORIGINAL

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REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL		<b>SJPD ADDITIONAL PARTIES</b>			CASE NO: <u>03-130-0526</u>					
<b>DEATH INVESTIGATION</b>										
"V" = VICTIM		"B" = REPORTING PARTY			"W" = WITNESS		"O" = OTHER			
V	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA				RACE	<input checked="" type="radio"/> M <input type="radio"/> F	DOB	AGE	HT	WT
					INTERPRETER NEEDED:	<input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE				
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE										
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH										
V	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA				RACE	<input type="radio"/> M <input type="radio"/> F	DOB	AGE	HT	WT
					INTERPRETER NEEDED:	<input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE				
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE										
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH										
V	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA				RACE	<input type="radio"/> M <input type="radio"/> F	DOB	AGE	HT	WT
					INTERPRETER NEEDED:	<input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE				
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE										
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH										
V	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA				RACE	<input type="radio"/> M <input type="radio"/> F	DOB	AGE	HT	WT
					INTERPRETER NEEDED:	<input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE				
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE										
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH										
V	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA				RACE	<input type="radio"/> M <input type="radio"/> F	DOB	AGE	HT	WT
					INTERPRETER NEEDED:	<input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE				
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE										
ADDRESS			CITY/STATE	ZIP	PHONE		DL NUMBER		STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS			CITY/STATE	ZIP	PHONE		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH										
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH										
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN			STATE	
VICTIM #	R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____			ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE			
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED										
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN			STATE	
VICTIM #	R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____			ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE			
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED										
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	PG <u>1</u> OF <u>3</u>			
<u>SANCHEZ</u>	<u>3650</u>	<u>5/10/09</u>	<u>1/WTF</u>							

ORIGINAL

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SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
09-130-0526

Page 2 of 3

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.	
<b>Death Investigation</b>	SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

**Narrative:** On 05/10/09, at approximately 1147 hours, I responded to the area of 961 Branbury Way to assist in an investigation of a reported stabbing. On arrival, I was flagged down by two citizens who were in the front yard of \_\_\_\_\_ and who told me that the person who had been stabbed was sitting in the front yard of that home. I advised dispatch that EMS was needed at that location and made contact with the stabbing victim, whom I subsequently identified as \_\_\_\_\_. He gave the following initial account of the incident.

**Statement of Victim \_\_\_\_\_:** (V) \_\_\_\_\_ stated that he was sitting at his computer in the living room when his brother came up behind him and cut him. He added that his brother has used crack for years and that he sometimes acts crazy. He said that he did his best to fight his brother off and that he yelled at his girlfriend, who was also in the house, to stay in their bedroom and lock the door. He said that he tried to get out of the house, but that the deadbolt on the front door was locked, and he added that he thought that this was strange since the family never locks the deadbolt. He said that he thought that his brother had locked the front door to try to trap him and his girlfriend inside the house.

At about this time, EMS arrived and began treating Victim \_\_\_\_\_, injuries. I began taking pictures of Victim \_\_\_\_\_ and the location at which I found him. After he was transported to the hospital by AMR, I took additional photos of his injuries. I resumed my interview of him at the hospital. I used my digital audio recorder to record his statements.

**Physical Evidence:** I booked a memory card with 37 photos on it at Central Supply at the end of my shift. I gave my digital recorder to Detective Barg so that he could make a CD of Victim \_\_\_\_\_ statements. A blood tech responded to RMC and drew a blood sample from Victim \_\_\_\_\_. I turned the sample over to Ofcr Vega, who had been asked to turn it over to Sgt. Gracie at the Crime Scene Unit.

**Following is a summary of Victim \_\_\_\_\_ statements at the hospital:** (V) \_\_\_\_\_ stated that his brother, Daniel, had been using crack for about ten years. In that time, the family had called the police department several times to help resolve problems with Daniel and that Daniel had been taken to the hospital several times because of his behavior. He said that the family had been trying to help Daniel, but that he continued to smoke crack. (V) \_\_\_\_\_ stated that his brother often acts paranoid, behaves unpredictably, and can be scary because of violent behavior. This morning, (V) \_\_\_\_\_ got up and went out to the back yard and saw that his brother was smoking in the back yard. Daniel didn't say anything to (V) \_\_\_\_\_ but (V) \_\_\_\_\_ noted that Daniel was smiling and added that it seemed like the only time Daniel smiled was when he was high. (V) \_\_\_\_\_ went back into the house and began using the computer in the living room. After using it for a few minutes, his brother snuck up behind him, grabbed him across his forehead and pulled his head back and then cut him across the neck. (V) \_\_\_\_\_ fought him off and fought with him in the living room. At the same time, he began yelling for his girlfriend to lock herself in the bedroom. When (V) \_\_\_\_\_ tried to get out of the house, he noticed that both locks, including the deadbolt were locked. He thought that his brother must have locked the deadbolt, since that particular lock was never used, and that his brother must have been trying to lock everyone in the house. Daniel pulled (V) \_\_\_\_\_ away from the door and continued to fight with (V) \_\_\_\_\_

OFFICER'S NAME/BADGE  
D. Sanchez #3650

DAYS OFF/SHIFT  
WTF/Swing

SUPERVISOR  
ORIGINAL

# SUPD SLIP REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
09-130-0526

Page 3 of 3

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>Death Investigation</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

Eventually, (V) was able to escape the house and get to a neighbors house telling them what happened. He then returned home, and armed himself with a metal bar. Fearing for his girlfriend's safety, but also fearing that he was too tired to successfully fight off his brother, he began banging on the fence of the back yard trying to get his brother's attention. He also told his brother that he needed to put down the knife since the police were on the way. When the police arrived, (V) returned to the front yard of his neighbor's house, where I found him.

(V) stated that his brother could act paranoid and unpredictable with his family when he was high on crack. He also stated that he had no idea what Daniel might have been capable of today, that it seemed like he could have done anything. He added that, in the past, Daniel had vandalized the family's home, but had not actually hurt any family members. (V) also stated that, although he did not think his brother really wanted to kill him, since he was family, (V) was concerned about the well-being of (V) girlfriend.

**Physical Injuries:** Victim was treated for cuts on his neck, back of his head, shoulder and hands. None were life-threatening. The following injuries required stitches: gash to right side of neck, gash to right shoulder, ring finger on right hand and pinky finger on left hand. He was treated at RMC ER and released.

After he was released, I transported (V) to the Witness Center. Detective Barg subsequently interviewed him.

ORIGINAL

OFFICER'S NAME/BADGE  
D. Sanchez #3650

DAYS OFF/SHIFT  
WTF/Swing

SUPERVISOR

8

1 SUPPLEMENTAL:

2

3 NARRATIVE: ON 05-10-09 AT APPROX 1133 HOURS, I WAS ON PATROL IN FULL UNIFORM  
 4 AND DRIVING A MARKED PATROL VEHICLE IN MY ASSIGNED DISTRICT (ROBERT). I WAS  
 5 DISPATCHED TO A DISTURBANCE CALL INVOLVING WEAPONS, AT THE LOCATION OF

6

7

8 I RESPONDED CODE THREE USING MY EMERGENCY LIGHTS AND SIREN, AND WHEN I  
 9 ARRIVED ON SCENE TO THE TARGET HOUSE, THREE OTHER PATROL UNITS HAD ALREADY ARRIVED.  
 10 PRIOR TO ARRIVING ON SCENE, I WAS UPDATED THAT AN OFFICER HAD VISUAL OF THE  
 11 SUSPECT IN THE BACKYARD OF THE HOUSE. AS I EXITED MY PATROL VEHICLE FROM IN FRONT  
 12 OF \_\_\_\_\_ AND APPROACHED THE BACK FENCE OF THE TARGET HOUSE, 961

13 BRANBURY WY, I COULD NOT SEE THE SUSPECT BUT HEARD CLEARLY, "DROP THE KNIFE!"  
 14 REPEATED OVER SEVERAL TIMES BY AN OFFICER. AS I APPROACHED CLOSER TO THE BACKYARD  
 15 FENCE, I STILL COULD NOT SEE THE SUSPECT NOR THE OFFICER GIVING THE VERBAL COMMANDS.  
 16 I THEN HEARD THE SOUND OF THE TASER BEING DEPLOYED, AND THE OFFICER AGAIN GIVING  
 17 VERBAL COMMANDS TO "DROP THE KNIFE."

18

19 JUST AS I APPROACHED THE BACKYARD FENCE, ATTEMPTING TO ASSIST THE OTHER PATROL  
 20 UNITS, I OBSERVED BARBWIRE ON TOP OF THE ENTIRE BACK FENCE. AT THIS POINT I WAS TRYING  
 21 TO NAVIGATE MY WAY AROUND THE SIDE FENCE AND INTO THE BACKYARD TO WHERE THE  
 22 OTHER UNITS WERE AT. I STILL HAD NO VISUAL OF THE SUSPECT NOR THE OFFICERS, BUT  
 23 COULD STILL HEAR THE OFFICERS YELLING NOW, "DROP THE KNIFE." I THEN HEARD MULTIPLE  
 24 GUN SHOTS FIRED.

25

26 I FINALLY MADE ENTRANCE TO THE BACKYARD BY OPENING THE SIDE GATE, AND OBSERVED  
 27 THE SUSPECT LYING CHEST FIRST ON THE GROUND STILL HOLDING WHAT APPEARED TO BE A  
 28 KNIFE WITH BLOOD ON IT IN HIS RIGHT HAND. THE KNIFE WAS EXTRACTED FROM THE SUSPECT'S  
 29 GRIP BY OFFICER BANISTER # 3387 USING A SHOVEL WHICH WAS FOUND IN THE BACK PATIO AREA  
 30 OF THE BACKYARD. →

1 AS OFFICERS ADMINISTERED CPR TO THE SUSPECT, I STOOD GROUND AT THE SOUTH WEST  
 2 CORNER OF THE HOUSE PROVIDING SECURITY TO THE OFFICERS FROM UNKNOWN SUBJECT'S  
 3 THAT MIGHT BE COMING OUT OF THE HOUSE, DUE TO THE FACT THE HOUSE WAS NOT SECURE.  
 4

5 AFTER THE HOUSE WAS SECURE I WAS GIVEN THE ORDER TO PHOTOGRAPH THE GENERAL  
 6 AREA PER SGT. CARABARIU #2383.  
 7

8 **PHYSICAL EVIDENCE:** AT THE SCENE I TOOK 96 PHOTOGRAPHS STARTING WITH  
 9 THE EXTERIOR OF THE HOUSE LEADING TO THE BACKYARD. THE PHOTOGRAPH SHOWS THE  
 10 INJURIES TO THE SUSPECT, ALONG WITH THE BLOODY KNIFE IN THE DIRT/BUSHES AREA.  
 11 PHOTOGRAPHS OF BLOOD DROPPINGS WERE ALSO TAKEN ON THE CHAIR WHICH WAS SEEN  
 12 IN THE BACKYARD. BLOOD DROPPINGS WERE ALSO LOCATED INSIDE THE RESIDENCE OF  
 13 961 BRANDURY WY. THROUGHOUT THE DINING ROOM, HALLWAY AND LIVING ROOM AREA. THE  
 14 BLOOD DROPPING WERE PHOTOGRAPHED ALONG WITH THE BLOOD DROPPING INSIDE THE GARAGE WHICH  
 15 LEAD TO THE NEIGHBORS HOUSE AT \_\_\_\_\_; PHOTOGRAPHS WERE TAKEN  
 16 OF THE HOUSE AND BLOOD DROPPINGS ON THE OUTSIDE STEPS, CARD BOARD BOX AND THE  
 17 FRONT ENTRANCE INTO \_\_\_\_\_  
 18

19 THE DIGITAL FILM CARD WAS BOOKED INTO CENTRAL SUPPLY AS EVIDENCE.  
 20

21 **NARRATIVE CONTINUED:** AFTER PHOTOGRAPHS WERE TAKEN I ASSISTED BY SECURING THE  
 22 OUTSIDE PERIMETER AT THE LOCATION OF COMMODORE DR @ CAPE COLONY DR.  
 23

24 I WAS RELIEVED OF MY DUTIES ON PERIMETER BY SWING SHIFT UNITS.  
 25  
 26  
 27

28 **END OF REPORT**  
 29

ORIGINAL



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

On 5-10-2009 at approx 1150 hrs I assisted on a dispatched incident at 961 Branbury in San Jose. Upon arrival, my supervisor Sgt Carabarin directed me to go to the house and locate a female RP/victim inside. I found all front and garage doors locked and no answer to repeated loud knocking and identification as San Jose Police. I entered the back yard and found the rear sliding door unlocked. Inside the house I found blood spatters and broken objects in the hall way leading to the bedroom areas. I continuously called out until I heard a female voice answer. The female, identified as witness [redacted], opened her door. I [redacted] told me she didn't think anybody else was in the house but she did not know. I found 3 other bedrooms, two with the doors locked. I checked the unlocked room and then knocked and announced myself at the others. Based on proximity from the scene of the shooting, blood spatters, and type of incident I felt fear for the safety of other potential victims in the house. I forced the last two doors by kicking them open. I found no other victims.

I spoke with witness [redacted] and she told me the following:

**Statement of witness** [redacted] lived at [redacted] with her B/F [redacted]. The house was owned by [redacted] parents. [redacted] 2 brothers, Daniel and [redacted], also lived in the house. On 5-10-09 at approx 1130 hrs, [redacted] had just woke up and was in the bathroom when she heard her B/F say "what are you doing?" to an unknown other person in a strained, concerned tone. [redacted] voice was coming from inside the house. [redacted] believed that [redacted] was speaking to his brother Daniel. Moments later, [redacted] told [redacted] to lock herself in their bedroom and call police. [redacted] went from the bathroom to their bedroom and called 911 from her cell phone. [redacted] heard loud "thumping" and glass breaking as if a physical struggle was occurring. [redacted] heard the front door open and slam shut and then quiet steps in the hallway outside her bedroom. Moments after that, [redacted] heard people running around in the backyard. Even though [redacted] bedroom window faces the side yard, she did not look out. [redacted] was confused and in fear for her safety. [redacted] heard two male voices, speaking loudly and in English, yelling "Put the knife down," and repeating several times. [redacted] heard approximately 5 gunshots. [redacted] looked out her window and saw Daniel Pham laying on the ground 5-10 feet from her window while two officers knelt over him performing CPR. "One officer was doing compressions and the other was doing the breathing."

[redacted] in shock and fear, remained in her bedroom until she heard me at her door. [redacted] told me that Daniel appeared mentally unstable and she believed he used illegal drugs. [redacted] did not know Daniel to be violent, and Daniel had never threatened [redacted] often told [redacted] to lock their bedroom door because Daniel would steal their money. [redacted] told me that the family kept long sharp knives locked up in the parents' bedroom, but she did not know why.

I took [redacted] to SJPDP witness center and performed a digitally taped interview with her. Officer Kindorf #4027 downloaded the recording to the SJPDP database at my request. I remained at the witness center for processing of witnesses.

ORIGINAL

# SUPD POLICE REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>Death Investigation</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE)	
ITEM# QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

On 5-10-09 I was the on-duty patrol watch commander for the day shift. At approx. 1141 hrs I was advised by communications that patrol officers were responding to an assault with a deadly weapon incident at 691 Branbury Way. I began monitoring the radio channel and began driving towards the location. I heard the officers on scene advised that the suspect was refusing to drop the knife. A short time later I heard the officers on scene advised that shots had been fired and requested medical aid at the scene. While enroute to the location I asked via radio if there were any outstanding suspects and for the number of injured persons. The on scene supervisor, Sergeant Dominguez, advised that there were no outstanding suspects and that there was the initial victim who had been stabbed and the individual who had been shot.

When I arrived at the scene I contacted Sergeant Dominguez #3314 the outer perimeter supervisor and obtained a brief update as to what occurred. I then contacted the initial scene supervisor Sergeant Carabarin #2383 and obtained additional information. Sergeant Carabarin advised that two officers had discharged their service weapons at the suspect who had advanced towards them and refused to drop his knife.

I then advised communications to continue to respond additional officers to the scene and contact Sergeant Dominguez for assignment. I ensured that the witness center at PAB was opened and staffed by a supervisor.

I contacted Officers Blackerby #3999 and Jeffrey #3926 the two officers that discharged their weapons. For public safety purposes I asked the officers if they recalled how many shots they fired and what direction they fired towards so that we could check the area down range for any damage or injuries to additional parties. The officers could not recall the number of shots they fired but did indicate the direction that they fired and the background that they had when they discharged their weapons.

I directed Sergeant Dominguez to assign officers to conduct a canvass of the neighborhood including houses across the street and behind 691 Branbury Way. I was advised that there were no additional victims or immediate property damage located during the canvass.

I ensured that Officers Blackerby and Jeffrey were transported to PAB by a supervisor, Sergeant Munk #2932. I directed witness Officers Banister #3387 and Grogan #3972 to report to PAB to be interviewed by investigators.

I remained on scene and ensured that there were sufficient resources at the scene. I remained on scene until 1616 hrs.

END OF REPORT

ORIGINAL

OFFICER'S NAME/BADGE  
Lt. TANAKA #2368

DAYS OFF/SHIFT  
TFS

SUPERVISOR

(2)



# SUPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
09-130-0526

Page 1 OF 1

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL Death Investigation	VICTIM LAST, First, Mid. STATE OF CALIFORNIA
SUSPECT LAST, FIRST, M.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

## NARRATIVE:

On May 10, 2009 I was assigned to unit "5K10" as a uniformed patrol Sergeant in the downtown area. At approximately 1134 hours I was notified by the Channel 5 dispatcher that Officer Blackerby #3999 (51K6) and Officer Jeffrey #3926 (57K1) were being priority dispatched to a weapons disturbance call in District Robert. I directed that the officers respond using their emergency lights and sirens (Code 3) due to the serious nature of the call, the threat to life and the distance that the officers need to travel to arrive expeditiously. Shortly thereafter, I was asked by Officer Grogan #3972 (51K3) about responding as a "less-lethal" unit and I authorized that Officer Grogan also respond Code 3 for the aforementioned reasons. As is policy, I confirmed that all units would be changing to Channel 1 and coordinating their response on that channel.

I then began reviewing the assigned event P091300526 and a cross-referenced event P091300525. I then began monitoring radio traffic on Channel 1, to determine the need for my response. At approximately 1140 hours, I anticipated such need and utilizing my lights and sirens (Code 3) I drove to the scene to assist Sergeant Carabarin #2383.

While enroute I heard officers broadcast that the suspect was not complying with their demands and that shots had been fired. I arrived onscene at approximately 1145 hours and began establishing an inner and outer perimeter. I maintained scene security, coordinated with Sgt. Carabarin, and coordinated canvas units with Sgt Anderson #3459.

Lt Tanaka and Captain Edwards arrived onscene and were advised of the actions taken thus far.

At approximately 1530 hours, I was contacted by Sgt. Barretto #3585 (6A10) and we began our debrief/exchange.

At approximately 1600 hours, Sgt Barretto assumed control of the outer perimeter.

-----END OF REPORT-----

ORIGINAL

OFFICER'S NAME/BADGE  
Sgt. C Dominguez #3314

DAYS OFF/SHIFT  
WTF/1<sup>st</sup>

SUPERVISOR

14

**SUPD**  
**SUPPLEMENTAL REPORT**SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261**09-130-0526**

/AP/

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
Death Investigation	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

Narrative:

On 5/10/2009, at approximately 1200 hours, I responded to the area of Commodore Drive and Branbury Way to assist with a death investigation. Upon my arrival, I contacted Sgt. Dominguez #3314 who requested that I run canvass teams to contact residences surrounding the crime scene.

I had the following Officers contact residences surrounding the crime scene:

- Officer Sadsad #4069 contact residences along the north side of Commodore Drive east of the crime scene and along Seabee Place.
- Officer Zarate #3165 contact residences along the north and south sides of Commodore Drive west of the crime scene and along Seabee Place.
- Officer Sirmons #3304 contacted residences along Commodore Drive east of the crime scene.
- Officer Buhay #3645 and Officer De Oliveira #4061 contacted residences along the north and south sides of Commodore Drive west of the crime scene and along Seabee Place.
- Officer Yeung #3140 contacted residence along the west side of Branbury Way north of the crime scene.
- Officer Kimber #3612 contact residences along the north and south sides of Commodore Drive west of the crime scene and along Seabee Place.
- Officer Neumann #3225 contacted residences along the west side of Branbury Way north of the crime scene.
- Officer Roberts #4079 and Officer Truong #4086 contacted residences along the east side of Branbury Way north of the crime scene.

Refer to these Officers' supplemental reports for further details.

Sgt. Dominguez took over my canvassing responsibilities at 1325 hours. I was reassigned to standby with Officer Blackberby #3999 at the Homicide Unit. I stood by with Officer Blackberby until 1730 hours when I was relieved by Sgt. Garcia #3270.

End of shift.

**ORIGINAL**OFFICER'S NAME/BADGE  
SGT. B. ANDERSON #3459DAYS OFF/SHIFT  
MTW/Day Shift

SUPERVISOR

15

# SUPD SUPPLEMENTAL REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE	<input type="checkbox"/> NARRATIVE	<input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.			SUSPECT ADDRESS	CITY/ZIP
ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.		SERIAL # VALUE

On 5/10/2009, I was on duty, in full uniform, driving a marked police vehicle and assigned as the dayshift district supervisor to district Tom. At approximately 1300 hours I was dispatched to assist on a weapons disturbance call in district Robert.

Upon my arrival at Branbury and Commodore, I was directed by Captain V. Edwards to transport Officers Blackerby #3999, Jeffrey #3926 and Grogan #3972 to the third floor of the police administration building (PAB).

Once we arrived at PAB, at approximately 1330 hours, Sgt. Johal #3259 was assigned to stand by with Officers Blackerby and Jeffrey in Room #313. I was assigned to stand by with Officers Grogan and Banister #3387 in Room #314.

During the period of time I spent with the officers, there was no discussion of event #09-130-0526.

I was relieved of duty at approximately 2038 hours by Sgt. Allan #3696. At that time, Officer Bannister was still waiting to be interviewed, Officer Grogan had been released.

ORIGINAL

OFFICER'S NAME/BADGE  
Munk #2932

DAYS OFF/SHIFT  
WTF Days

SUPERVISOR

16

REPORT TYPE	<input type="checkbox"/> NARRATIVE	<input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.	
Officer involved shooting (death investigation)				
SUSPECT LAST, First, Mid.		SUSPECT ADDRESS		CITY/ZIP
ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.		SERIAL # VALUE

Narrative:

On 05/10/09 at approximately 1330 hours I assisted in the Officer involved shooting incident(death investigation). I was directed to accompany Officer Blackerby #3999 and Officer Jeffrey #3926 at the Police Administration Building, room 313. At no time either of the Officers discussed any details of the investigation with each other. A short time later, Sgt. Anderson #3459 arrived and assumed the supervision of Officer Blackerby #3999. I remained with Officer Jeffrey #3926 until his attorney arrived. As Officer Jeffrey #3926 discussed the matter with his attorney, I was relieved by Sgt. Dwyer #3551.

ORIGINAL

# SUPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.

**09-130-0526**

REPORT TYPE  NARRATIVE  SUPPLEMENTAL

VICTIM LAST, First, Mid.

## Death Investigation

SUSPECT LAST, First, Mid.

SUSPECT ADDRESS

CITY/ZIP

ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE
-------	------	--	----------	-------

1 **Narrative:**

2

3 On 05-10-09 at approximately 1330hrs, I was assigned as a Night Detective assisting in a death  
4 investigation. I made contact with witnesses and , while they were in the  
5 witness center. I reviewed their statements made to patrol officers and they were transported back  
6 to their residences. I then obtained a search warrant for the residence of 961 Branbury Way, San  
7 Jose, Santa Clara County. The search warrant was signed by the Honorable Kenneth Shapero.  
8 Signed copies were given to Sgt. Gracie of the Crime Scene Unit.

9

10

11 End of report

ORIGINAL

OFFICER'S NAME/BADGE

Sgt. M. Dziuba #2838

DAYS OFF/SHIFT

TFS/Night Detectives

SUPERVISOR

PAGE

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# SJPD POLICE REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.

09-130-0526

REPORT TYPE	<input type="checkbox"/> NARRATIVE	<input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
			Ofc. Jeffrey #3926/Ofc. Blackerby #3999
SUSPECT LAST, First, Mid.	Pham, Daniel Son		SUSPECT ADDRESS CITY/ZIP
			961 Branbury Way
ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

- 1 Narrative: On May 10, 2009, I was assigned to the Internal Affairs Unit. I was notified of the above  
2 Officer Involved Shooting incident. I responded to the crime scene and checked in with the log  
3 officer. Lieutenant Esquivel #2546, the Commander of Internal Affairs also responded to the scene  
4 and checked in with the log officer.  
5  
6 Lieutenant Esquivel and I were assigned to monitor the Officer Involved Shooting investigation. We  
7 made contact with Sergeant David Tindall #3240 of the Homicide Unit. We were briefed at the  
8 scene and made contact with Shivaun Nurre, the Acting Independent Police Auditor outside the  
9 cordoned area. We gave a brief summary of the incident to Shivaun Nurre. We then left the scene  
10 and responded to the Homicide Unit to continue monitoring the investigation.

ORIGINAL

OFFICER'S NAME/BADGE  
D. Gutierrez #3359

DAYS OFF/SHIFT  
SSM / Days  
05/10/09

SUPERVISOR  
PAGE of

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REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD ADDITIONAL PARTIES</b>	CASE NO. <b>091300526</b>
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<input checked="" type="checkbox"/> VICTIM	<input type="checkbox"/> REPORTING PARTY	<input type="checkbox"/> WITNESS	<input type="checkbox"/> OTHER
--	--	----------------------------------	--------------------------------

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W PENA ALCIBIADES, JR. (SJFD #504)</b>	STATE OF CA	RACE <b>H</b>	DOB <b>(M)</b>	AGE <b>56</b>	HT <b>145</b>	WT <b>145</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
<b>SJFD STATION #34 1634 LAS PLUMAS AV. SAN JOSE CA</b>					

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W BENAVIDES, RUBEN G. (SJFD #347)</b>	STATE OF CA	RACE <b>H</b>	DOB <b>(M)</b>	AGE <b>59</b>	HT <b>200</b>	WT <b>200</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE <b>CA</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
<b>SJFD STATION #34 1634 LAS PLUMAS AV SAN JOSE CA</b>					

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W SILVA, JEFFRY (SJFD #455)</b>	STATE OF CA	RACE <b>W</b>	DOB <b>(M)</b>	AGE <b>51</b>	HT <b>165</b>	WT <b>165</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE <b>CA</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
<b>SJFD STATION #34 1634 LAS PLUMAS AV SAN JOSE CA</b>					

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	STATE OF CA	RACE <b>M</b>	DOB <b>F</b>	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	STATE OF CA	RACE <b>M</b>	DOB <b>F</b>	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				

ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
----------------	------	------	-------	-----------	-------	-------------	-------

R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____	ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE
--	---------	------------	-----	-------------------

VICTIM VEHICLE WAS:  STOLEN  IMPOUNDED  STORED  LEFT AT SCENE  HELD F/PRINTS  PRINTED

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
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R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____	ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE
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VICTIM VEHICLE WAS:  STOLEN  IMPOUNDED  STORED  LEFT AT SCENE  HELD F/PRINTS  PRINTED

OFFICER'S NAME <b>G. WHARTON</b>	ID NUMBER <b>4141</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>1/MTW</b>	SUPERVISOR (REVIEW) <b>901 [Signature]</b>	ID NUMBER <b>2305</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF _____
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ORIGINAL

20



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>	
VICTIM LAST, First, Mid. <b>SEE FORM 2</b>	
SUSPECT LAST, First, Mid. <b>SEE FORM 2</b>	SUSPECT ADDRESS CITY/ZIP <b>SEE FORM 2</b>
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

**SUPPLEMENTAL NARRATIVE:**

On 5-10-09 at approximately 1200 hours I was working patrol wearing full uniform and driving a marked patrol vehicle when I was dispatched to assist with a death investigation in the area of Commodore Way and Brainbury Way in San Jose. Upon arrival I was assigned by Sgt. Dominguez #3314 to interview a group of firefighters inside the inner perimeter from SJFD Station #34. After signing-in with the scene log officer, Ofc. Valdes #4138, I contacted I contacted a uniformed San Jose Firefighter whom I identified as Alcibiades Pena Jr. He gave me the following statement:

**STATEMENT OF SJFD FIREFIGHTER A. PENA #504:**

Pena said he is a Firefighter assigned to Station #34, Truck 2. He responded to the report of a stabbing on Brainbury Way. Truck 2 staged on Jackson St. until advised that the scene was secure. Truck 2 entered the scene and parked on the north curb of Commodore west of Brainbury. A police officer with black shorts pointed them through an open gate into the backyard of the residence of the corner of Brainbury/Commodore. Pena saw one police officer performing mouth-to-mask rescue breathing and a second police officer performing chest compressions on an Asian male. One of the officers advised him that the male had suffered multiple gunshot wounds and did not have a pulse. Pena saw that the Asian male had a slash wound to his neck approximately 3" long and 1" wide. Pena did not see any weapons. He assumed that the slash wound on the Asian male was self-inflicted.

Pena did not know how the Asian male was shot. None of the police officers on scene made any statements regarding the incident.

The medic with Truck 2, Barry Arata, was unable to detect a pulse and pronounced death after 1-2 minutes. At that point Pena and the other firefighters gathered their gear and walked around the corner northbound on Brainbury to treat a stabbing victim. Pena said the stabbing victim had a slash wound from 'ear-to-ear' and 'defensive wounds' on his hands. The stabbing victim did not say what happened to him, he only complained of difficulty breathing. The stabbing victim was stabilized and transported by AMR. When Pena returned to Truck the inner perimeter tape had them blocked.

After I completed my interview of Pena I contacted a second uniformed San Jose Firefighter whom I identified as Ruben G. Benavides. He gave me the following statement:

**STATEMENT OF SJFD ENGINEER RUBEN G. BENAVIDES #347:**

Benavides said he is an Engineer assigned to Station #34, Truck 2. The Truck was staging on Jackson north of Maybury when they heard a report of "shot's fired" on their scanner. Some time later when the Truck arrived on-scene an unknown police officer directed him through a wood gate

OFFICER'S NAME/BADGE <b>WHARTON#4141</b>	DAYS OFF/SHIFT <b>1/MTW</b>	DATE <b>5-10-09</b>	SUPERVISOR <i>[Signature]</i>	DATE <b>5/10/09</b>	PAGE <b>21</b>	OF
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**ORIGINAL**

(21)

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE  NARRATIVE  SUPPLEMENTAL  
**DEATH INVESTIGATION**

VICTIM LAST, First, Mid.  
**SEE FORM 2**

SUSPECT LAST, First, Mid.  
**SEE FORM 2**

SUSPECT ADDRESS CITY/ZIP  
**SEE FORM 2**

ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE
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into a backyard near the corner of Commodore Way and Brainbury Way. Two police officers were performing CPR on an Asian male. The Asian male also had a trauma dressing on his chest. One of the police officers pulled back the trauma dressing and Benavides saw several "puncture wounds." Benavides saw a laceration on the Asian male's neck that "ran from jaw line to jaw line." The medic on scene began to work on the Asian male but pronounced him deceased after a minute. Benavides said he saw no weapons. None of the officers told him what happened. He did not know how the Asian male was hurt. Benavides then walked around to assist in treating the stabbing victim. The stabbing victim had a large, but mostly superficial laceration on his neck and right shoulder. There was blood on the stabbing victim's hands. Neither the victim nor any of the police officers explained how the victim was stabbed or by whom. The stabbing victim complained of difficulty breathing. Once he was stabilized the stabbing victim was transported by AMR.

After completing my interview with Benavides I contacted a third uniformed San Jose Firefighter whom I identified as Jeffrey Silva. He gave me the following statement:

### STATEMENT OF SJFD ENGINEER/MEDIC JEFFREY SILVA #455:

Silva said he is an Engineer/Medic Assigned to Station #34, Light Unit #2. Silva said he was the second medic on scene and was told by his Captain to treat the stabbing victim. The stabbing victim had a laceration to his neck and another one on his right shoulder. The stabbing victim also had several wounds on his hands. The stabbing victim did not say anything about what had happened to him. The police officers were asking the stabbing victim questions but Silva concentrated on medical treatment and did not hear what was being said.

Silva did not see the Asian male who had been shot and did not know anything about what happened to either patient.

ORIGINAL

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL		<b>SJPD ADDITIONAL PARTIES</b>			CASE NO. <b>09-130-0526</b>		
"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER	
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W MARTINEZ, OSCAR</b>		STATE OF CA		RACE <b>H</b>	DOB <b>F</b>	AGE <b>5'9"</b> WT <b>165</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE	DL NUMBER	STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SAN JOSE FIRE DEPT. TRUCK 2B</b>		CITY/STATE		ZIP	PHONE	SSN	
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W BARRY ARATA</b>		STATE OF CA		RACE <b>W</b>	DOB <b>F</b>	AGE <b>5'9"</b> WT <b>170</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE	DL NUMBER	STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>SAN JOSE FIRE DEPT. TRUCK 2B</b>		CITY/STATE		ZIP	PHONE	SSN	
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>	DOB <b>F</b>	AGE <b>HT</b> WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>	DOB <b>F</b>	AGE <b>HT</b> WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>	DOB <b>F</b>	AGE <b>HT</b> WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE	SSN	
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
OFFICER'S NAME <b>M. ST. JOHN</b>	ID NUMBER <b>4131</b>	DATE <b>05/10/09</b>	SHIFT/DAYS OFF <b>1/MTW</b>	SUPERVISOR REVIEW <b>[Signature]</b>	ID NUMBER <b>2383</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>1</b>

ORIGINAL

23

1 NARRATIVE: ON 05/10/09 AT APPROX. 1220 HRS, SGT. DOMINGUEZ  
 2 # 3314, ASSIGNED OFC. WHARTON # 4141 AND I TO OBTAIN WITNESS  
 3 STATEMENTS OF THE FIREFIGHTERS THAT WERE ON SCENE.

5 I MADE CONTACT WITH FIREFIGHTER BARRY ARATA # 739, OF  
 6 TRUCK 2B SJFD. HE GAVE ME THE FOLLOWING STATEMENT:

8 STATEMENT OF WITNESS BARRY ARATA (FIREFIGHTER # 739):

10 WITNESS ARATA STATED HIS TRUCK WAS THE FIRST TO  
 11 ARRIVE ON SCENE FOR THE FIRE. UPON HIS ARRIVAL, WITNESS  
 12 ARATA AND HIS PARTNER, WITNESS OSCAR MARTINEZ, STAGED  
 13 THEIR FIRETRUCK UNTIL THE SCENE WAS SECURE. ONCE  
 14 THEY WERE ALLOWED TO ENTER THE SCENE, WITNESS ARATA  
 15 AND WITNESS MARTINEZ WENT TO THE BACKYARD AREA WHERE  
 16 THE SUSPECT WAS AT. WITNESS ARATA STATED THAT HE  
 17 OBSERVED TWO OFFICERS PERFORMING CPR ON THE SUSPECT.  
 18 WITNESS ARATA TREATED THE SUSPECT AND TOOK OVER  
 19 CPR FROM THE OFFICERS. WITNESS ARATA PRONOUNCED DEATH  
 20 AT 1151 HRS.

22 I THEN MADE CONTACT WITH FIREFIGHTER OSCAR MARTINEZ #  
 23 103, OF SAN JOSE FIRE DEPT. TRUCK 2B. HE GAVE ME THE  
 24 FOLLOWING STATEMENT:

26 STATEMENT OF WITNESS OSCAR MARTINEZ (FIREFIGHTER # 103):

28 WITNESS MARTINEZ STATED HE INITIALLY WENT TO THE AID OF  
 29 THE STABBING VICTIM. HE AND THE OTHER FIREFIGHTERS TOOK OVER  
 30 MEDICAL RESPONSIBILITY FROM THE POLICE. WITNESS MARTINEZ

OFFICER'S NAME M. ST. JOHN	ID NUMBER 4131	DATE 05/10/09	SHIFT/DAYS OFF 1/MTW	SUPERVISOR REVIEW	ID NUMBER	DATE	PG 1 OF 2
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ORIGINAL

2A

1 STATEMENT OF WITNESS OSCAR MARTINEZ CONT'D:  
2 THEN RESPONDED TO THE OTHER SIDE OF THE HOUSE WHERE THE  
3 SUSPECT WAS BEING TREATED. WITNESS MARTINEZ STATED HE  
4 TOOK OVER CPR RESPONSIBILITY FROM OFC. BANNISTER #3389  
5 AND OFC. GROGEN #3979, WHO WERE PERFORMING CPR ON THE  
6 SUSPECT. THE SUSPECT WAS PRONOUNCED DEAD AT 1151 HRS.

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8 - END OF REPORT -  
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ORIGINAL

DEATH INVESTIGATION

1 NARRATIVE:

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ON 5-10-09 AT APPROXIMATELY 1144 HOURS, I WAS IN FULL UNIFORM DRIVING A MARKED PATROL VEHICLE, WHEN I RESPONDED TO A PERSON THAT WAS STABBED AT BRANBURY WAY.

I ARRIVED AT SCENE AND WAS ASSIGNED THE JOB OF SETTING AN INNER PERIMETER AROUND 961 BRANBURY WAY. WHILE I WAS SETTING THE INNER PERIMETER A SAN JOSE FIRE DEPARTMENT MEMBER FROM TRUCK #2 TOLD ME HE SAW A BULLET CASING ON THE SIDEWALK NEXT TO SJFD TRUCK #2.

I TIED THE PERIMETER TAPE TO THE STOP SIGN POST AT THE CORNER OF BRANBURY WAY AND COMMODORE DRIVE. I THEN LOCATED ONE SHELL CASING ON THE NORTH SIDEWALK OF COMMODORE DRIVE NEXT TO SJFD TRUCK #2. TRUCK #2 WAS PARKED NEXT TO 961 BRANBURY ON THE COMMODORE DRIVE SIDE.

I MARKED THE CASING WITH A ROLL OF FLAGGING. I THEN STOOD BY THE MARKED CASING UNTIL I WAS RELEASED BY THE CRIME SCENE UNIT.

I CHECKED SJFD'S TRUCK #2 AND LIGHT UNIT #2'S TIRE FOR ADDITIONAL CASING AND EVIDENCE WHEN THEY LEFT THE SCENE. BOTH UNITS DID NOT HAVE ADDITIONAL EVIDENCE.

ORIGINAL

OFFICER'S NAME

J. MURRAY

ID NUMBER

41410

DATE

5/10/09

SHIFT/DAYS OFF

DAY/W, T, F

SUPERVISOR REVIEW

SUI

ID NUMBER

2383

DATE

5/10/09

PG 1 OF 2

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD CONTINUATION</b>	CASE NO: <b>09-130-0526</b>
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1 WHEN THE CRIME SCENE UNIT ARRIVED AT SCENE,  
2 I ASSISTED THEM IN THEIR EQUIPMENT SET UP.

4 I WAS THEN RELEASED FROM MY ASSIGNMENT AND  
5 WENT BACK INTO SERVICE.

7 END OF REPORT.

ORIGINAL

OFFICER'S NAME <b>J. MURRAY</b>	ID NUMBER <b>4140</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>DAY/W,TH,F</b>	SUPERVISOR REVIEW <b>[Signature]</b>	ID NUMBER <b>2585</b>	DATE <b>5/10/09</b>	PAGE <b>2</b> OF <b>2</b>
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REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL		<b>SJPD ADDITIONAL PARTIES</b>			CASE NO. 09. 130- 0526		
"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS		"O" = OTHER	
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA		RACE	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		S	F		602	165	
ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:					
BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN							
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA		RACE	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		W	F		506	195	
ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:					
BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN							
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA		RACE	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		M					
ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:					
BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN							
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA		RACE	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		M					
ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:					
BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN							
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA		RACE	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		M					
ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:					
BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN							
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA		RACE	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		M					
ADDRESS CITY/STATE ZIP PHONE DL NUMBER STATE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:					
BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE SSN							
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	PG 1 OF 1
HARZELL	3966	5/10/09	1 shift	ST	7385	5/10/09	

ORIGINAL

28

DEATH INVESTIGATION

1 NARRATIVE:

2

3 ON 5/10/09 AT APPROXIMATELY 1159 HRS I WAS WORKING IN

4 FULL POLICE BECKLE UNIFORM, AND WAS DISPATCHED TO EVENT #0526

5 (BRANDBURY WY) I ARRIVED AT APPROXIMATELY 1223 HRS.

6 I WAS TASKED WITH STANDING BY WITH TWO WITNESSES

7 ( [REDACTED] AND [REDACTED] ) LOCATED AT BRANDBURY.

8 I MADE CONTACT WITH BOTH WITNESSES. THEY REFUSED TO GO

9 TO WITNESS CENTER BUT WOULD GIVE FULL STATEMENTS AT RESIDENCE

10

11 AT APPROXIMATELY 1400 HRS, DET. CHECKE REQUESTED FOR ME

12 TO TAKE TAP RECORDED STATEMENTS FROM BOTH WITNESSES.

13 THE FOLLOWING ARE THEIR STATEMENTS.

14

15 STATEMENT (W) [REDACTED] FOR FULL DETAIL REFERENCE DEPTAL RECORDED

16 STATEMENT DOWNLOADED. BELOW IS A SUMMARY

17

18 [REDACTED] SAID HE DOES SIDE JOBS FOR THE OWNER OF 1 BRANDBURY

19 ( [REDACTED] ) THEY WERE ABOUT TO GO TO STORE WHEN THEY FOUND

20 NEIGHBOR FROM 961 BRANDBURY BLEEDING IN THEIR FRONT YARD.

21 THE NEIGHBOR SAID HIS BROTHER WAS HIGH AND STABBED HIM.

22 HE SAID HE WAS AFRAID HIS BROTHER WAS GOING TO HURT HIS

23 GIRLFRIEND. HE SAID HIS GIRLFRIEND WAS STILL INSIDE THE

24 RESIDENCE. [REDACTED] CALLED 911 AND BROUGHT THE BLEEDING

25 NEIGHBOR INSIDE. THE NEIGHBOR THEN LEFT, AND WENT BACK TO

26 HIS RESIDENCE. THE POLICE ARRIVED. HE SAW TWO OR THREE OFFICERS

27 GO TO THE NEIGHBORS HOUSE. HE SAW ONE OFFICER DRAW HIS

28 GUN AND POINT IT OVER THE BACK YARD FENCE ON THE FAR

29 SIDE (SOUTH SIDE) OF PROPERTY. HE HEARD AN OFFICER YELL "DROP

30 THE GUN" THREE. THE OFFICER THEN WENT AROUND THE CORNER

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	PG 1 OF 2
HARWELL	3666	5/10/09	1 [REDACTED]	SGT. [REDACTED]	3696	5/10/09	

1 of the house. He then heard four gun shots.

4 Statement (W) : For full detail reference digital recorded  
5 statement downloaded below is a summary.

7 and went about to leave residence. They  
8 opened the front door and saw neighbor bleeding from  
9 neck. Neighbor said his brother stabbed him. They brought  
10 him inside and called police. Neighbor said he was afraid  
11 his brother was going to hurt his girlfriend (still inside  
12 house). Neighbor went back to his residence. and  
13 followed him. They stopped at property line.

14 Said neighbor tried to get back into the house his  
15 girlfriend was in. The police arrived. He could see  
16 one officer on a rock near corner of back yard fence  
17 on the commadore side of property. He heard the officer  
18 say "Drop the (weapon or knife)". He then saw the  
19 officer disappear around to the south side of the  
20 residence. He then heard a "pop" and then four gunshots.

ORIGINAL

OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	PG <u>2</u> OF <u>2</u>
Harwell	3166	5/10/09	1 MTDW	Sgt. [Signature]	3696	5/10/09	





SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
<b>Death Investigation</b>	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

**Narrative:**

On 05/10/2009, at approximately 1203 hours, I responded to a request for assistance on a stabbing investigation at Branbury Way in San Jose. At approximately 1212 hours, I arrived at the scene. I was assigned to canvass the area of Shellback Place to locate any witnesses.

At [redacted] I spoke to Witness [redacted] and Witness [redacted].  
Witness [redacted] and Witness [redacted]  
were interviewed separately.

**Statement Of Witness**

Since Witness [redacted] was [redacted] years old at the time of the interview, I asked Witness [redacted] basic questions to determine his maturity level and [redacted] level of understanding. I asked Witness [redacted] if he knew the different between rights or wrong. Witness [redacted] told me, "Yes". Witness [redacted] told me he knew stealing from another person was wrong. I asked Witness [redacted] if he knew the different between lying to the police and telling the truth. Witness [redacted] told me, "Yes". Witness [redacted] told me he always has to tell the truth to the police as taught by his parents. When I pointed to my police uniform bike shirt that was black, I told Witness [redacted] that my uniform shirt was black. I asked Witness [redacted] if I was telling the truth or I was lying. Witness [redacted] said I was telling the truth. When I pointed to my police uniform bike shirt and told him the uniform shirt was red, Witness [redacted] told me I was lying to him about the color of my shirt. I believed that Witness [redacted] has enough maturity and level of understanding at the time of the interview.

On 05/10/09, Witness [redacted] was playing with his brother (Witness [redacted]) in the backyard of their residence. Witness [redacted] and his brother were near the rear sliding glass door in the backyard. Witness [redacted] heard an argument [redacted] near the two stories brown house ([redacted], San Jose). It was a short argument and Witness [redacted] only heard one person's voice. A short time after, Witness [redacted] heard someone yelled, "Put the gun down". Witness [redacted] heard four gun shots after the yell.

**Statement Of Witness**

Since [redacted] was [redacted] years old at the time of the interview, I asked Witness [redacted] basic questions to determine his maturity level and his level of understanding. I asked Witness [redacted] if he knew the different between rights or wrong. Witness [redacted] told me, "Yes". Witness [redacted] told me he knew stealing from another person was wrong. I asked Witness [redacted] if he knew the different between lying to the police and telling the truth. Witness [redacted] told me, "Yes". Witness [redacted] told me he always has to tell the truth to the police. When I pointed to my police uniform bike shirt that was black, I told Witness [redacted] that my

OFFICER'S NAME/BADGE  
T. Truong #4086

DAYS OFF/SHIFT  
TWH/Days

SUPERVISOR

ORIGINAL

Handwritten notes: 2387 54/0-09 (27) 0056



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE  NARRATIVE  SUPPLEMENTAL

VICTIM LAST, First, Mid.

**Death Investigation**

SUSPECT LAST, First, Mid.

SUSPECT ADDRESS CITY/ZIP

ITEM#	QNTY	PROPERTY (and/or NARRATIVE)	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE
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uniform shirt was black. I asked Witness if I was telling the truth or I was lying. Witness said I was telling the truth. When I pointed to my police uniform bike shirt and told him the uniform shirt was red, Witness told me I was lying to him about the color of my shirt. I believed that Witness has enough maturity and level of understanding at the time of the interview.

On 05/10/09, Witness was playing with his brother (Witness ) in the backyard of their residence. Witness and Witness were near the rear sliding glass door in the backyard. Witness heard an argument near the two stories brown house ( , San Jose) and the house to the left of it. It was a short argument and Witness heard two people voices. A short time after, Witness heard someone yelled, "Put \_\_\_\_\_ down". Witness did not remember if he heard "Put the gun down" or "Put the knife down". Witness heard 3-5 gun shots after the yell. Witness ran to the edge of the porch and saw a male with bald head running from the house to the left of the brown house. Witness saw the male with bald head ran towards Witness could see over his backyard fence because it was broken on the top edge of the fence.

There were no one home for residence who lives at in San Jose.

At approximately 1400 hours, Detective Sergeant Davis #3250 asked me to translate O1 statement and O2 statement. I am a certified Vietnamese translator by the City of San Jose and by the County of Santa Clara. All statements from O1 and O2 were translated from Vietnamese to English and from English to Vietnamese.

Statement Of Other #1

On 05/10/09, in the morning, (his son) drove O1 and his wife ) to the Flea Market located on Berryessa Road in San Jose. O1 received a telephone call from told O1 that the police was at the house and had shot his son, Daniel Pham. O1 walked home and spoke to a police officer at the perimeter. O1 called his son, O2 on his cell phone. O1 asked O2 to go to the San Jose Regional Medical Center to locate both brothers who were supposed to be hospitalized. O2 was unable to locate his two brothers at the hospital.

O1 did not want to sign the Consent To Search form to allow San Jose Police to enter his residence to take pictures and collect evidences.

ORIGINAL

OFFICER'S NAME/BADGE  
T. Truong #4086

DAYS OFF/SHIFT  
TWH/Days

SUPERVISOR  
84 2387 5/10/09 (33)

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>Death Investigation</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

O1 was not at his home when the incident occurred. O1 told me, Daniel Pham, and lives at the residence. often slept at the residence. O1 told me, Daniel Pham, and were at the residence when the incident occurred.

### Statement Of Other #2

On 05/10/09, at approximately 1148 hours, O2 was at his work. O1 called O2 and told him the two brothers ( and Daniel Pham) were fighting at the residence. O2 called his wife ( ) to pick him up. picked up O2 and drove him to the Flea Market located on Berrvessa Road. O2 dropped off at the Flea Market so she could work for O1 at their family clothing shop. O2 was supposed to pick up O1 to drive him home. O1 had already walked to his house. At approximately 1230 hours, O1 called O2 via cell phone and asked him to locate his two brothers ( and Daniel Pham) at the San Jose Regional Hospital. O2 went to the hospital to locate his two bothers. O2 was unable to locate his two brothers at the hospital. O2 drove back to O1 residence.

### Evidence:

I voice recorded O1 statement and O2 statement during the interview. I uploaded the voice recording to the San Jose Police Department Voice Recording Database.

ORIGINAL

OFFICER'S NAME/BADGE  
T. Truong #4086

DAYS OFF/SHIFT  
TWH/Days

SUPERVISOR

34

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD ADDITIONAL PARTIES</b>	CASE NO. <b>09-130-0526</b>
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"V" = VICTIM	"R" = REPORTING PARTY	"W" = WITNESS	"O" = OTHER
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W</b>	<input type="checkbox"/> STATE OF CA	RACE <b>W</b>	DOB <b>M</b>
		AGE	HT <b>5-6</b>
		WT <b>185</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:	
ADDRESS	CITY/STATE	ZIP	PHONE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP
		PHONE	DL NUMBER
		SSN	STATE <b>CA</b>

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE
		HT	WT	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE					
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE
		HT	WT	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE					
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE
		HT	WT	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE					
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE
		HT	WT	INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE					
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							

OFFICER'S NAME <b>KINDORF</b>	ID NUMBER <b>4027</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>1/MTW</b>	SUPERVISOR REVIEW 	IO NUMBER <b>3358</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>2</b>
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ORIGINAL

35

# SUPPLEMENTAL REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>Death Investigation</b>	VICTIM LAST, First, Mid. See Form 2
SUSPECT LAST, First, Mid. <b>See Form 2</b>	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

## NARRATIVE:

On 05/10/2009, at approximately 1147 hours, I arrived at \_\_\_\_\_ in San Jose. I contacted \_\_\_\_\_ who was standing outside of \_\_\_\_\_. He provided me with the following initial statement.

## STATEMENT OF WITNESS

\_\_\_\_\_ stated that he was inside of his house in his living room/kitchen area when he heard "4-5 rapid gunshots". He thought that someone had set off some firecrackers because that happened a lot. \_\_\_\_\_ was getting ready to go to the store to get his wife something for mother's day. He exited his house through his garage to get to his car that was parked in the driveway. While he was walking to his car he saw police vehicles to the south end of the street. \_\_\_\_\_ then saw an Asian male sitting on the ground, bleeding from his neck at his neighbor's house. His neighbor was also outside, but did not know the names of his neighbor or the Asian male. I asked, \_\_\_\_\_ if he had heard any yelling or screaming and if he did what he heard. \_\_\_\_\_ did not hear anything else but the gunshots.

I transported \_\_\_\_\_ to the Witness Center. The following is a summary of the recorded statement I obtained from \_\_\_\_\_

## SUMMARY OF RECORDED STATEMENT OF \_\_\_\_\_ :

\_\_\_\_\_ stated that he was inside of his house when he heard "5 gunshots" or what sounded to be gunshots. He did not take them seriously because he had heard similar sounds from firecrackers regularly in the neighborhood. \_\_\_\_\_ walked out of his house into his garage to get to his car to go to the store. He saw several police cars at the corner of Branbury and Commodores. \_\_\_\_\_ then saw his neighbor and he asked him what was going on. His neighbor pointed to the ground where an Asian male was sitting. \_\_\_\_\_ said he was bleeding from his neck.

I uploaded the statement to Digital Crime Scene.

I transported \_\_\_\_\_ back to the scene.

**END OF REPORT**

ORIGINAL

OFFICER'S NAME/BADGE  
Kindorf #4027

DAYS OFF/SI#  
MTW/1

REVISOR  
3358 5/10/09 2092  
(26)

REPORT TYPE <b>SUPPLEMENTAL</b>	<b>SJPD ADDITIONAL PARTIES</b>	CASE NO. <b>09-130-0526</b>
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"V" = VICTIM      "R" = REPORTING PARTY      "W" = WITNESS      "O" = OTHER

<b>W</b>	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____	<input type="checkbox"/> STATE OF CA	RACE <b>A</b>	M <b>Ⓜ</b>	DOB	AGE <b>53</b>	HT <b>150</b>	WT <b>150</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____						
ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		DL NUMBER _____	STATE <b>CA</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		SSN _____	

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____						
ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		DL NUMBER _____	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		SSN _____	

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____						
ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		DL NUMBER _____	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		SSN _____	

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____						
ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		DL NUMBER _____	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		SSN _____	

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____	<input type="checkbox"/> STATE OF CA	RACE	M F	DOB	AGE	HT	WT	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER: _____						
ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		DL NUMBER _____	STATE
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____			CITY/STATE _____		ZIP _____	PHONE _____		SSN _____	

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM # _____							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____			ADDRESS _____		CITY/STATE _____	ZIP _____	DAMAGE TO VEHICLE _____
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM # _____							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____			ADDRESS _____		CITY/STATE _____	ZIP _____	DAMAGE TO VEHICLE _____
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							

OFFICER'S NAME <b>SIRMONS</b>	ID NUMBER <b>3304</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>TWTH</b>	SUPERVISOR REVIEW <b>SN</b>	ID NUMBER <b>2393</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>3</b>
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ORIGINAL

37

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.

09-130-0526

Page 2 of 3

REPORT TYPE Death Investigation	<input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid. See FM #2
SUSPECT LAST, First, Mid. See FM #2	SUSPECT ADDRESS CITY/ZIP See Fm #2	
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

**Narrative:** On 5-10-09, at approximately 1143 hrs., I was dispatched to the area of Branbury Way for a weapons disturbance. Upon arrival I was directed by Sgt Anderson, #3459, to conduct a neighborhood canvass on Commodore Dr., from Branbury Way to Jackson Ave. I conducted the canvass with the following results:

I made contact with witness [redacted] and she stated she was in her bedroom, which faces [redacted] from the victim's house. She said she heard 8 to 10 "pops", which sounded like Chinese firecrackers. She said she looked out her bedroom and saw several police vehicles on Commodore Dr., and could see the tops of people's heads in the victim's backyard. She said she then assumed that what she heard was gun fire. She also observed the victim standing outside, to the right of the victim's house, and he appeared to be bleeding from his head and neck area. She then told her mom to look outside, and observed more and more police vehicles coming into the area.

After talking with witness [redacted] I made contact with her mother, [redacted]. Party [redacted] said she was inside her house during the incident and did not see the shooting or hear it.

I made contact with resident [redacted] and he said he was in his upstairs bedroom and heard, what sounded like 7 gun shots. He said he then looked outside and saw several police vehicles on Commodore Dr. He said he did not hear anyone yelling and did not see the actual shooting, only heard the shots.

I made contact with resident [redacted] and she said she was outside in her backyard and heard what sounded like firecrackers going off. She said she was not sure how many and did not think anything of it, until she saw the police vehicles on Commodore Dr. I also contacted her husband, [redacted], who was also at the residence, and he said he was inside and did not hear or see anything.

I made contact with resident [redacted] and she stated she was in her residence during the incident and did not see or hear anything. I also talked with [redacted], and she did not see or hear anything.

OFFICER'S NAME/BADGE  
T. SIRMONS, #3304

DAYS OFF/SHIFT  
TWT/DAYS

SUPERVISOR  
S. CARABARIN, #2383

ORIGINAL

5/10/09  
(38)



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>	Page 3 of 3
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REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>Death Investigation</b>	VICTIM LAST, First, Mid. <b>See FM #2</b>
SUSPECT LAST, First, Mid. <b>See FM #2</b>	SUSPECT ADDRESS CITY/ZIP <b>See Fm #2</b>
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

I made contact with resident  
hear anything during the incident.

and she did not see or

I made contact with resident  
see or hear anything during the incident.

and he said he did not

After conducting my canvass I made contact with day detective Sgt. Davis, #3250, and briefed him on the persons contacted and their statements. He advised me to contact witness and request her to accompany me to the police department for a further interview.

I made contact with witness and requested her to accompany me to the police department and she complied. I then transported her to the witness center. Upon arrival at the witness center I completed a yellow interview sheet and obtained a Polaroid photo of her. I was then directed by homicide detectives to conduct a recorded interview with her. Witness made the following recorded interview statement:

**Statement of Witness**

Witness said she was in her bedroom, which is located the victim's house on Branbury. She said she heard several "pops", which sounded like Chinese firecrackers. She said she heard approximately 8 to 10 pops. She then looked outside her bedroom window and saw several police vehicles on Commodore Dr., and assumed what she heard was gun shots. She said she then observed the tops of people's heads in the rear yard of the victim's house and assumed it was the police. She also then observed the victim standing outside, in the neighbor's front yard, which is to the right of the victim's house. She said the victim had blood on his head and neck area. She then observed more police vehicles and officers coming into the area and yelled for her mother. I asked her if she heard the police yelling or anyone yelling prior to the shots and she said she did not hear anything. She said she heard some yelling after the shots but could not understand what was being said and believes it was the police yelling. Witness said her mother then grabbed a first aid kit and started walking over to where the victim was, but turned away when the firemen started attending to him.

After talking with the witness I downloaded her statement to the department's digital crime scene data base. I then briefed homicide detectives and was advised to transport the witness back to the scene and complete a statement.

I transported the witness back to her residence and completed a FM #3.

End of report.

OFFICER'S NAME/BADGE <b>T. SIRMONS, #3304</b>	DAYS OFF/SHIFT <b>TWT/DAYS</b>	SUPERVISOR <b>S. CARABARIN, #2383</b>	<i>5/10/09</i> <b>ORIGINAL</b> (39)
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REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD ADDITIONAL PARTIES</b>	CASE NO: <b>09 130 0526</b>
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V = VICTIM	R = REPORTING PARTY	W = WITNESS	O = OTHER
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LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA	RACE <b>W</b>	M <b>F</b>	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE			
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA	RACE	M <b>F</b>	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE			
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA	RACE	M <b>F</b>	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE			
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA	RACE	M <b>F</b>	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE			
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA	RACE	M <b>F</b>	DOB	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE			
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
VICTIM VEHICLE VICTIM #	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____			ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE VICTIM #	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____			ADDRESS	CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							

OFFICER'S NAME <b>VERNON</b>	ID NUMBER <b>3606</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>DAYS/WTF</b>	SUPERVISOR REVIEW <b>SN</b>	ID NUMBER <b>2583</b>	DATE	PG <b>1</b> OF <b>2</b>
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ORIGINAL

40

1 NARRATIVE: ON 5-10-09, AT 1143 HOURS, I WAS DISPATCHED TO THE AREA OF  
 2 BRANBURY WAY IN SAN JOSE TO ASSIST ON A WEAPONS  
 3 DISTURBANCE INCIDENT.

4 I ARRIVED ON SCENE AT 1149 HOURS AND MADE CONTACT  
 5 WITH SGT. DOMINGUEZ # 3314. SGT. DOMINGUEZ ASSIGNED ME TO AN OUTER  
 6 PERIMETER POSITION. I PROVIDED SCENE SECURITY AT COMMODORE DR. AND  
 7 CAPE COLONY DR.

8 WHILE PROVIDING SCENE SECURITY, I WAS APPROACHED BY  
 9 A FEMALE (IDENTIFIED AS OTHER). SHE ASKED ME IF EVERYTHING  
 10 WAS "OK" BECAUSE SHE HEARD GUN SHOTS IN THE AREA. I OBTAINED  
 11 THE FOLLOWING STATEMENT FROM \_\_\_\_\_:

13 STATEMENT OF OTHER \_\_\_\_\_: SHE WAS SITTING IN HER BACKYARD  
 14 (LOCATED AT \_\_\_\_\_)

15 WHEN SHE HEARD SIRENS IN THE AREA. SHE THEN HEARD ABOUT 5 TO 6  
 16 GUN SHOTS. SHE RAN TO HER FRONT YARD AND LOOKED DOWN THE  
 17 STREET.

18 SHE SAID IT LOOKED LIKE SOMEONE (POSSIBLY AN OFFICER) WAS  
 19 PULLING SOMEONE OUT OF THE BUSHES. SHE DID NOT KNOW EXACTLY WHAT  
 20 WAS HAPPENING BECAUSE SHE WAS DOWN THE STREET. SHE THEN OBSERVED  
 21 MORE POLICE OFFICERS RUNNING TOWARDS THE AREA.

22 SHE SAID OTHER POLICE OFFICERS ARRIVED AND STARTED  
 23 BLOCKING OFF THE STREET. SHE HAD NOTHING FURTHER TO ADD.

25 I WAS RELIEVED BY OFC. SNELGROVE # 4002 AT 1540 HOURS.

28 END OF REPORT

ORIGINAL

REPORT TYPE <b>DEATH INVESTIGATION</b>	<input checked="" type="checkbox"/> SUPPLEMENTAL	<b>SJPD ADDITIONAL PARTIES</b>		CASE NO. <b>09-130-0526</b>	
V = VICTIM		RP = REPORTING PARTY		W = WITNESS	
O = OTHER		STATE OF CA		RACE <b>B</b>	M <input checked="" type="checkbox"/>
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		DOB		AGE	HT <b>5-9</b>
		DOB		WT <b>190</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER:	
ADDRESS		CITY/STATE		ZIP	PHONE
		DL NUMBER		STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE
		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>B</b>	M <input checked="" type="checkbox"/>
		DOB		AGE	HT <b>5-3</b>
		DOB		WT <b>125</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER:	
ADDRESS		CITY/STATE		ZIP	PHONE
		DL NUMBER		STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE
		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>A</b>	M <input checked="" type="checkbox"/>
		DOB		AGE	HT <b>5-10</b>
		DOB		WT <b>215</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER:	
ADDRESS		CITY/STATE		ZIP	PHONE
		DL NUMBER		STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE
		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>A</b>	M <input checked="" type="checkbox"/>
		DOB		AGE	HT <b>5-9</b>
		DOB		WT <b>190</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER:	
ADDRESS		CITY/STATE		ZIP	PHONE
		DL NUMBER		STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE
		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>O</b>	M <input checked="" type="checkbox"/>
		DOB		AGE	HT <b>5-7</b>
		DOB		WT <b>130</b>	
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE		OTHER:	
ADDRESS		CITY/STATE		ZIP	PHONE
		DL NUMBER		STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	PHONE
		SSN			
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR
VICTIM #					
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP
					DAMAGE TO VEHICLE
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED					
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR
VICTIM #					
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP
					DAMAGE TO VEHICLE
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED					
OFFICER'S NAME <b>DEOLIVETRA</b>	ID NUMBER <b>4061</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>1/MTW</b>	SUPERVISOR REVIEW <b>SIR</b>	ID NUMBER <b>2297</b>
				DATE <b>5/10/09</b>	PG <b>1</b> OF <b>4</b>

ORIGINAL

(42)

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD ADDITIONAL PARTIES</b>		CASE NO. <b>09-130-0526</b>	
<input type="checkbox"/> VICTIM		<input type="checkbox"/> REPORTING PARTY		<input type="checkbox"/> WITNESS
<input type="checkbox"/> OTHER		RACE <b>A</b>		DOB <b>F</b>
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W</b>		STATE OF CA		AGE <b>5-3</b>
HT <b>140</b>		WT <b>140</b>		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE
CITY/STATE		ZIP		DL NUMBER <b>UNANGUN</b>
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		SSN <b>UNANGUN</b>
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>
DOB <b>F</b>		AGE		HT
WT		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE
CITY/STATE		ZIP		DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>
DOB <b>F</b>		AGE		HT
WT		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE
CITY/STATE		ZIP		DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>
DOB <b>F</b>		AGE		HT
WT		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE
CITY/STATE		ZIP		DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>
DOB <b>F</b>		AGE		HT
WT		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE
CITY/STATE		ZIP		DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		STATE OF CA		RACE <b>M</b>
DOB <b>F</b>		AGE		HT
WT		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		ADDRESS		PHONE
CITY/STATE		ZIP		DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
VICTIM VEHICLE		YEAR	MAKE	MODEL
VICTIM #		BODY TYPE	COLOR	LICENSE/VIN
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		STATE
CITY/STATE		ZIP		DAMAGE TO VEHICLE
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED				
VICTIM VEHICLE		YEAR	MAKE	MODEL
VICTIM #		BODY TYPE	COLOR	LICENSE/VIN
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		STATE
CITY/STATE		ZIP		DAMAGE TO VEHICLE
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED				
OFFICER'S NAME <b>DELVEGA</b>	ID NUMBER <b>9061</b>	DATE <b>5/14/09</b>	SHIFT/DAYS OFF <b>1/ATW</b>	SUPERVISOR REVIEW <b>SU</b>
ID NUMBER <b>2307</b>	DATE <b>5/14/09</b>	PG <b>2</b> OF <b>4</b>		

ORIGINAL

43



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <b>Death Investigation</b>	<input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid. Refer to F-2
SUSPECT LAST, First, Mid. Refer to F-2	SUSPECT ADDRESS Refer to F-2	CITY/ZIP SJ/CA
ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.
		SERIAL # VALUE

Narrative:

On 5/10/09, at approximately 1201 hours, while wearing a full uniform and driving a marked patrol vehicle, I was dispatched to assist in an ongoing death investigation in the area of Branbury Way and Commodore Drive, San Jose CA. Upon arriving on scene at approximately 1220 hours, I reported to the command post and was directed by Sgt. Anderson #3459 to canvass the an assigned area. All individuals inside the contacted residences were indentified on the SJPDR Additional Parties Form 200-2A. Based upon field interviews, I discovered the following:

- o Witness was inside of her kitchen, which is located on the north side of her residence, when she heard sirens outside of her residence. Witness then heard a "Pop...pop...pop" – she described them as "4 to 5 gunshots." Witness then stayed in her kitchen until police later knocked on her door. Witness stated that she only heard the sirens then gunshots, no voices or other sounds.
- o Witness was walking upstairs from his family room when he heard 3 noises "that sounded like gunshots." Witness then walked up to a nearby window that faces southbound and saw a "bunch" of police cars "with lights on." Witness could not see the residence where they were going. Witness stated that prior to the gunshots, he didn't hear anybody yelling or significant noises.
- o No answer at front door / No cars in driveway
- o Witness was the only one present in house over the past several hours. Upon contacting Witness, he stated that he was in the shower earlier and had not known of any event that had occurred. Witness stated that he didn't hear any sirens or loud "pop" noises.
- o No answer at front door / No cars in driveway
- o Prior to contacting Witness, he stated that had been sleeping for the past several hours until I knocked on the door and woke him up. Witness stated that while he

OFFICER'S NAME/BADGE  
DeOliveira #4061

DAYS OFF/SHIFT  
1/MTW

SUPERVISOR

*[Handwritten Signature]* 5/10/09 Page 3 of 4  
(AA)



SAN JOSE POLICE DEPARTMENT  
 201 W. Mission Street  
 San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <b>Death Investigation</b>	<input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid. Refer to F-2
SUSPECT LAST, First, Mid. Refer to F-2	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SUSPECT ADDRESS CITY/ZIP Refer to F-2 SJ/CA
ITEM# QNTY	SERIAL #	VALUE

was sleeping he thought sirens may have woken him up for a brief moment, but he quickly returned back to sleep.

- o I contacted the resident of \_\_\_\_\_ She was an elderly Asian women who did not speak English. I tried to communicate with her, but she showed little interest in talking to me due to a language barrier.
- o Witness \_\_\_\_\_ stated that prior to me contacting her, she was making lunch and watching TV. Witness \_\_\_\_\_ stated that her TV was really loud over the past hour and that she hadn't heard or seen anything unusual. Witness \_\_\_\_\_ stated that she hadn't heard any sirens, yelling, or "pops" over the course of the past several hours.

**Cape Colony Drive:**

- o For sale sign on residence / No answer at front door / No cars in driveway
- o Witness \_\_\_\_\_ stated that the past several hours he has been watching TV in his family room which is located on the west side of his residence. Witness \_\_\_\_\_ stated that his volume was loud and that hadn't heard or seen anything out of the usual for the past several hours. Witness \_\_\_\_\_ was unaware of any events that had taken place near or down the street from his residence.

**-End of Report-**

ORIGINAL

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input checked="" type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
DEATH INVESTIGATION	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP 961 BRANBURY WAY SAN JOSE 95110
PROPERTY (and/or NARRATIVE)	
ITEM# QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

### NARRATIVE:

On 5-10-09 I responded to a disturbance call that involved a suspect with a weapon located at Branbury Way in San Jose. I arrived on scene at approximately 1158 hours and I was assigned to talk to a witness. I spoke with \_\_\_\_\_ ) who was visiting \_\_\_\_\_ at Branbury Way. He provided me with the following statement.

### STATEMENT OF WITNESS

The witness said he had been sleeping and woke up to the sound of six or seven gunshots. He said that he then went outside to see what happened and saw the police in the area.

After speaking with the witness I was assigned to secure the crime scene where the suspect's body was located. The location was in the back yard on the south side of house at 961 Branbury Way. The back yard had a gate that was next to Commodore Drive. Only police personnel were allowed access to the crime scene. No items were tampered with at the crime scene.

ORIGINAL

OFFICER'S NAME/BADGE  
**B. RODRIGUEZ #4125**

DAYS OFF/SHIFT  
**DAY/TWT**

SUPERVISOR  
*[Signature]* 5/10/09 PG 1 of 3  
(46)

REPORT TYPE <b>DEATH INVESTIGATION</b>		<b>SJPD ADDITIONAL PARTIES</b>		CASE NO. <b>09-130-0526</b>	
"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS	
<b>W</b>	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA			RACE <b>W</b>	DOB <b>0-1</b>
				HT <b>190</b>	WT <b>190</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA			RACE <b>M</b>	DOB
				HT <b>F</b>	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA			RACE <b>M</b>	DOB
				HT <b>F</b>	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA			RACE <b>M</b>	DOB
				HT <b>F</b>	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA			RACE <b>M</b>	DOB
				HT <b>F</b>	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <input type="checkbox"/> STATE OF CA			RACE <b>M</b>	DOB
				HT <b>F</b>	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE			INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR
VICTIM #					
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP
					DAMAGE TO VEHICLE
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED					
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR
VICTIM #					
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP
					DAMAGE TO VEHICLE
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED					
OFFICER'S NAME <b>RODRIGUEZ</b>	ID NUMBER <b>4125</b>	DATE <b>5-10-09</b>	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER
				DATE	PG <b>2</b> OF <b>2</b>

ORIGINAL

47





SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	VICTIM LAST, First, Mid. <b>SEE FORM 2</b>
SUSPECT LAST, First, Mid. <b>SEE FORM 2</b>	SUSPECT ADDRESS CITY/ZIP <b>SEE FORM 2</b>
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

**NARRATIVE:** On 05-10-09, I was working as a police officer in full police uniform and in marked police vehicle. At about 1200 hours I was assigned to assist on a Death Investigation in the area of Commodore Drive and Branbury Way in San Jose. I arrived and I was assigned as a canvass officer initially on the north side of Commodore Drive west of Branbury Way and then houses on Seabee Place.

**NOTE:** During the canvass I contacted Witnesses \_\_\_\_\_ and her mother \_\_\_\_\_ at \_\_\_\_\_. They heard what they believed were gunshots while they were at their home. Their statements are detailed later in this report.

Below is a summary of the canvass I conducted.

\_\_\_\_\_ There was a vehicle in the driveway (\_\_\_\_\_) I/O knocked on the door and rang the doorbell for about 3-5 minutes. No one answered the door and the curtains were drawn.

\_\_\_\_\_ There were no vehicles in the driveway and no one answered the door. There was a dog barking inside the home, but it didn't appear that anyone was home.

\_\_\_\_\_ I made contact with \_\_\_\_\_. His phone number was \_\_\_\_\_ told me that his wife \_\_\_\_\_ lives with him and she was not home between 1100 hours and all the way up to the time of his interview. \_\_\_\_\_ said his two children and his nephew (listed below) live at the house and they were home between 1100 and 1200 hours.

\_\_\_\_\_ told me he was not home at 1100 hours. He said he arrived home at about 1145 hours and he saw many police cars and he saw orange colored tape blocking the street on Commodore Drive. He said he did not hear any loud noises and he didn't see any disturbances in the area.

I made contact with \_\_\_\_\_. He said his phone number was \_\_\_\_\_. \_\_\_\_\_ said he was home with his two younger cousins and he lives at \_\_\_\_\_ with his uncle's family. \_\_\_\_\_ said he left the home at about 1045 hours and he returned home at about 1115 hours. He said he did not hear or see any disturbance, loud yelling or loud noises at anytime prior to my contact with him. He confirmed that he didn't hear any gunshots.

I made contact with \_\_\_\_\_ ) and his daughter \_\_\_\_\_. They said they were home all day prior to my contact. \_\_\_\_\_ said he didn't hear or see any disturbance near his home and he didn't hear any loud noises. \_\_\_\_\_ said she didn't hear or see any disturbances near her home and she didn't hear any loud noises.

OFFICER'S NAME/BADGE  
**G. Buhay #3645**

DAYS OFF/SHIFT  
**WTF / 1ST**

SUPERVISOR  
*[Signature]*  
**ORIGINAL** 5/10/09 1213 (49)

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>	
VICTIM LAST, First, Mid. <b>SEE FORM 2</b>	
SUSPECT LAST, First, Mid. <b>SEE FORM 2</b>	SUSPECT ADDRESS CITY/ZIP <b>SEE FORM 2</b>
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

I contacted \_\_\_\_\_ She told me her cellular phone number was \_\_\_\_\_ i left her home this morning at about 0850 hours. She said she arrived home with her brother \_\_\_\_\_ ) and her sister-in-law \_\_\_\_\_ ) at about 1100 hours. She said her brother and sister-in-law were at her home until about 1230 hours.

\_\_\_\_\_ i said they didn't hear any yelling, disturbance or any other loud noises while they were at home. She said she was not aware of any disturbance in the area of Commodore Drive and Branbury Way. \_\_\_\_\_ i said there was no one else home at the time.

\_\_\_\_\_ I contacted Witnesses \_\_\_\_\_ and \_\_\_\_\_ at their home. Below is a summary of their statements. Contact information for both witnesses is listed on the additional party's page attached to this report.

**STATEMENT OF WITNESS**  
\_\_\_\_\_ told me that she was at home with her daughter at about 1130 hours. She said her husband \_\_\_\_\_ lives there, but was not home at the time. She said they were in the living room of their home and their windows were open. \_\_\_\_\_ said she heard a police vehicle driving quickly on her street from Cape Jessup. She said it stopped in front of her home, made a U-turn and then drove off of her street.

\_\_\_\_\_ said she heard about 6 gunshots, about 30 seconds after the police vehicle left her street. \_\_\_\_\_ said the gunshots were rapid, one after another and she did not here any pauses between gunshots. She told me that she didn't here any disturbances or loud yelling from her location.

**STATEMENT OF WITNESS**  
\_\_\_\_\_ told me that she was hanging out with her mother in the front room of their house. She said she heard the police car on her street and it left her street quickly. She said she heard about 6 gunshots about 30 seconds later, and she believed it came from the area of Commodore Drive and N. Jackson Avenue. \_\_\_\_\_ said she was not aware of any disturbance or other incident prior to hearing the gunshots.

## END OF SUMMARY

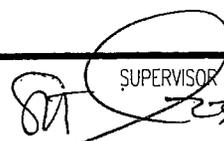
After completing my contact at \_\_\_\_\_ Seabee Place, my canvass assignment was completed.

## END OF REPORT

ORIGINAL

OFFICER'S NAME/BADGE  
**G. Buhay #3645**

DAYS OFF/SHIFT  
**WTF / 1ST**

SUPERVISOR  
  
 2382 5/10/07 3/3  
 (50)

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD ADDITIONAL PARTIES</b>	CASE NO. <b>09-130-0526</b>
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"V" = VICTIM      "R" = REPORTING PARTY      "W" = WITNESS      "O" = OTHER

<b>W<sub>1</sub></b>	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____	RACE <b>0</b>	M <b>F</b>	DOB _____	AGE _____	HT _____	WT _____
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE					
ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		DL NUMBER _____		STATE _____	
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		SSN _____			

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

<b>W<sub>2</sub></b>	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____	RACE <b>F</b>	M <b>F</b>	DOB _____	AGE _____	HT _____	WT _____
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE					
ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		DL NUMBER _____		STATE _____	
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		SSN _____			

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____	RACE	M <b>F</b>	DOB _____	AGE _____	HT _____	WT _____
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE					
ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		DL NUMBER _____		STATE _____	
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		SSN _____			

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____	RACE	M <b>F</b>	DOB _____	AGE _____	HT _____	WT _____
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE					
ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		DL NUMBER _____		STATE _____	
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		SSN _____			

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

	LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____	RACE	M <b>F</b>	DOB _____	AGE _____	HT _____	WT _____
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE					
ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		DL NUMBER _____		STATE _____	
BUSINESS NAME/SCHOOL NAME AND ADDRESS _____ CITY/STATE _____ ZIP _____		PHONE _____		SSN _____			

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM # _____							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____		ADDRESS _____		CITY/STATE _____		ZIP _____	
DAMAGE TO VEHICLE _____							
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM # _____							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____		ADDRESS _____		CITY/STATE _____		ZIP _____	
DAMAGE TO VEHICLE _____							
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							

OFFICER'S NAME <b>V. SANDS</b>	ID NUMBER <b>4069</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>1/WTF</b>	SUPERVISOR REVIEW <b>[Signature]</b>	ID NUMBER <b>2283</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>3</b>
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ORIGINAL

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# SUPPLEMENTAL REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.	
Death Investigation		
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	
	SERIAL #	VALUE

## SUPPLEMENTAL:

On 5/10/09 at approximately 1148 hours I responded to a suspicious person with a weapon call at Branbury Way. I arrived in the area of Branbury Way and Commodore Drive to assist with the investigation. I canvassed the area for any witnesses regarding the incident.

I canvassed the residences on Commodore Drive, between Branbury Way and Jackson Avenue. I made contact with a resident at \_\_\_\_\_ . She identified herself as \_\_\_\_\_, and gave me the following statement:

### STATEMENT OF WITNESS (W1) \_\_\_\_\_ :

Witness \_\_\_\_\_ stated she was inside her residence when she heard approximately 4-5 consecutive "shots" coming from outside. The witness then went outside to see what was going on. The witness saw a police officer standing near the southwest corner of Branbury Way and Commodore Drive, pointing his gun toward the residence of \_\_\_\_\_ Branbury Way. The witness, located approximately \_\_\_\_\_ houses north of the incident, could not see anything, and could not hear anything following the "shots". The witness could not hear any commands given from that distance.

I continued to canvas the residences on Commodore Drive, north of Branbury Way. Nothing was seen or heard in the following residences:

\_\_\_\_\_ : A male at the residence, identified as \_\_\_\_\_ stated he just got up from bed and did not hear or see anything.

\_\_\_\_\_ : A male and two females inside the residence stated they did not hear or see anything.

- \_\_\_\_\_ : No answer at the door
- \_\_\_\_\_ : No answer at the door
- \_\_\_\_\_ : No answer at the door

A female at the residence stated she left to run errands at the Target Store, and did not hear or see anything. A male at the residence stated he left the residence and when he returned, he saw the police had blocked off the street near Commodore Drive and Branbury Way.

I made contact with a resident at \_\_\_\_\_ . He identified himself as \_\_\_\_\_ and gave me the following statement:

**ORIGINAL**

OFFICER'S NAME/BADGE  
**V. Sadsad #4069**

DAYS OFF/SHIFT  
**WTF/1**

SUPERVISOR  
*[Signature]* 2583 5/10/09 2 OF 3

**SLIP REPORT**SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>Death Investigation</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

**STATEMENT OF WITNESS (W2)**

Witness stated he was inside his bedroom when he heard approximately 6 consecutive "shots": At first, the witness thought the noise came from fireworks setting off, but then heard police sirens nearby. The witness never went outside of the residence to see what happened.

I continued to canvas the residences on Seabee Place. There was no answer at the following residences:

No answer at the door  
No answer at the door  
No answer at the door

I made contact with a male resident at \_\_\_\_\_ who stated he had just returned home and did not hear or see anything. He then asked the other residents inside who also stated they did not hear or see anything.

I made contact with a male resident at \_\_\_\_\_ who stated he was outside on his front yard and did not see or hear anything. His son stated he was upstairs in his bedroom when he heard "a faint popping noise".

Refer to the investigative report (Form-2) for further details.

**ORIGINAL**OFFICER'S NAME/BADGE  
**V. Sadsad #4069**DAYS OFF/SHIFT  
**WTF/1**SUPERVISOR  
*Sgt [Signature] 2385 5/10/09*

PG 3 OF 3

(53)

1 SUPPLEMENTAL

2 ON 5/10/09, AT APPROX. 1202 HOURS, I WAS DISPATCHED TO 1 BRANBURY WAY TO ASSIST  
 3 OFFICERS WITH A DEATH INVESTIGATION. AT THE SCENE, SGT DOMINGUEZ (#3314)  
 4 ASSIGNED ME TO CANVASS THE FOLLOWING LOCATIONS:

5  
 6 - \_\_\_\_\_, AT APPROX. 1327 HOURS;

7  
 8 CAME HOME AT APPROX. 1300 HOURS, DID NOT SEE OR HEAR ANYTHING.

9  
 10 - \_\_\_\_\_, AT APPROX. 1325 HOURS:

11 NO ANSWER AT DOOR.

12  
 13 - \_\_\_\_\_, APPROX 1309 HOURS:

14  
 15 SHE WAS HOME BUT DID NOT SEE OR HEAR ANYTHING.

16 \_\_\_\_\_ DAUGHTER OF \_\_\_\_\_

17 SHE WAS IN THE FAMILY ROOM, ON THE FIRST FLOOR, BACK OF THE HOUSE, NEAR THE BACK YARD,  
 18 WATCHING TV AND HEARD 5-7 POPS LIKE "FIRECRACKERS" AND ONE PERSON SCREAM.  
 19 KITCHEN SLIDING DOOR WAS OPEN AT THAT TIME. SHE DID NOT HEAR OR SEE ANYTHING,  
 20 BEFORE OR AFTER THOSE SOUNDS.

21  
 22 - \_\_\_\_\_, AT APPROX. 1418 HOURS:

23 1  
 24 SHE WAS HOME ALL DAY, BUT DID NOT SEE OR HEAR ANYTHING.

25  
 26 - \_\_\_\_\_, AT APPROX. 1416 HOURS:

27  
 28 HE WAS HOME ALL DAY, BUT DID NOT SEE OR HEAR ANYTHING.

29  
 30 SHE JUST GOT HOME, DID NOT SEE OR HEAR ANYTHING.

ORIGINAL

1	—	, AT APPROX. 1414 HOURS:
2		NO ANSWER AT DOOR.
3		
4	—	, AT APPROX. 1410 HOURS:
5		NO ANSWER AT DOOR.
6		
7		
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28		
29		ORIGINAL
30		

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD</b> <b>ADDITIONAL PARTIES</b>	CASE NO. <b>09-130-0626</b>
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<input checked="" type="checkbox"/> "V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____ RACE: <b>A</b> <input checked="" type="checkbox"/> M <input type="checkbox"/> F DOB: _____ AGE: _____ HT: <b>5-10</b> WT: <b>175</b> INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ DL NUMBER: <b>NONE</b> STATE: _____ BUSINESS NAME/SCHOOL NAME AND ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ SSN: _____
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<input checked="" type="checkbox"/> "V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____ RACE: <b>W</b> <input checked="" type="checkbox"/> M <input type="checkbox"/> F DOB: _____ AGE: _____ HT: _____ WT: _____ INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ DL NUMBER: <b>WNP</b> STATE: _____ BUSINESS NAME/SCHOOL NAME AND ADDRESS: <b>WNP</b> CITY/STATE _____ ZIP _____ PHONE: <b>WNP</b> SSN: <b>WNP</b>
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<input type="checkbox"/> "V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____ RACE: _____ <input type="checkbox"/> M <input type="checkbox"/> F DOB: _____ AGE: _____ HT: _____ WT: _____ INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ DL NUMBER: _____ STATE: _____ BUSINESS NAME/SCHOOL NAME AND ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ SSN: _____
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<input type="checkbox"/> "V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____ RACE: _____ <input type="checkbox"/> M <input type="checkbox"/> F DOB: _____ AGE: _____ HT: _____ WT: _____ INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ DL NUMBER: _____ STATE: _____ BUSINESS NAME/SCHOOL NAME AND ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ SSN: _____
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<input type="checkbox"/> "V" = VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) _____ <input type="checkbox"/> STATE OF CA _____ RACE: _____ <input type="checkbox"/> M <input type="checkbox"/> F DOB: _____ AGE: _____ HT: _____ WT: _____ INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: _____ <input type="checkbox"/> VIETNAMESE	VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ DL NUMBER: _____ STATE: _____ BUSINESS NAME/SCHOOL NAME AND ADDRESS: _____ CITY/STATE _____ ZIP _____ PHONE _____ SSN: _____
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VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM # _____							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____				ADDRESS		CITY/STATE	ZIP
DAMAGE TO VEHICLE							
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM # _____							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____				ADDRESS		CITY/STATE	ZIP
DAMAGE TO VEHICLE							
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							

OFFICER'S NAME <b>ROBERTS</b>	ID NUMBER <b>4079</b>	DATE <b>5/10/09</b>	SHIFT/DAYS OFF <b>1 / ONT</b>	SUPERVISOR REVIEW <b>[Signature]</b>	ID NUMBER <b>2785</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>2</b>
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ORIGINAL

56

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL <b>Death Investigation</b>	VICTIM LAST, First, Mid. <b>See Form 2</b>
SUSPECT LAST, First, Mid. <b>See Form 2</b>	SUSPECT ADDRESS CITY/ZIP <b>See Form 2</b>
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL# VALUE	

### Narrative:

On 5/10/09 at approximately 1205 hours, I arrived in the area of Branbury Way to assist fellow Officers with a person who had been stabbed investigation. I was assigned to canvass the area of Shellback Place. I made contact with . He told me the following:

### Statement of Witness \_\_\_\_\_ !:

He said that he went into his garage from inside the house at approximately 1145 hours; He said that he heard at least six shots from what sounded like a gun. He said that about ten minuets later he heard sirens that sounded a long way away. He said that he didn't see anything and that he only heard the noise that sounded like gunshots or firecrackers. He said that in the past every time he walks past the house on the corner he smells some kind of skunky smell. He said that he didn't see or hear anything else.

I continued to canvass the area. The houses from \_\_\_\_\_ no one answered the door. I made contact with \_\_\_\_\_ He told me the following:

### Statement of Witness \_\_\_\_\_

He said that at approximately 1200 hours, he heard approximately 5 to 6 gunshots. He said that he didn't think too much about it because there are always firecrackers or what sounds like gunshots in the area. He said that he didn't see or hear anything else.

ORIGINAL

OFFICER'S NAME/BADGE  
**Roberts/4079**

DAYS OFF/SHIFT  
TWT/DAYS

SUPERVISOR  
*[Signature]* 5/10/09 2/2 (57)

DEATH INVESTIGATION

CANVASS OF

- 1 \_\_\_\_\_ 1319 HRS
- 2 \_\_\_\_\_ EZ
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_
- 5 - OUT TO FLEAMARKET SINCE 10:30 AM, HAS NOT HEARD ANYTHING UNUSUAL
- 6 \_\_\_\_\_
- 7 \_\_\_\_\_ 1328 HRS
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_
- 11 - HAS BEEN RUNNING ERRANDS ALL DAY, HAS NOT HEARD ANYTHING
- 12 ALL DAY.
- 13 \_\_\_\_\_
- 14 \_\_\_\_\_ 1336 HRS
- 15 \_\_\_\_\_ F
- 16 \_\_\_\_\_
- 17 \_\_\_\_\_
- 18 - HAS BEEN INSIDE HIS HOUSE ALL DAY WITH WIFE AND CHILDREN, NO ONE
- 19 IN RESIDENCE HEARD ANYTHING OUT OF THE ORDINARY
- 20 \_\_\_\_\_
- 21 \_\_\_\_\_ 1345 HRS
- 22 NO ANSWER AT DOOR
- 23 \_\_\_\_\_
- 24 ON 05/10/09, I WAS ASSIGNED TO CANVASS THE NEIGHBORHOOD
- 25 FOR POSSIBLE WITNESSES TO THE ABOVE INCIDENT. AS PER 5K10,
- 26 C. DOMINGUEZ #3314, I CANVASSED SEABEE PLACE WITH OFC. NYEIN
- 27 #4130. I THEN CANVASSED CAPE COLONY DR.
- 28 \_\_\_\_\_
- 29 \_\_\_\_\_
- 30 \_\_\_\_\_

ORIGINAL

CANVASS

- 1
- 2
- 3
- 4
- 5 - WITNESS WERE AT HOME, HEARD SIRENS AND THEN HEARD WHAT
- 6 SOUNDED LIKE 7-10 GUN SHOTS. DID NOT SEE ANYTHING.
- 7
- 8
- 9
- 10
- 11 - WITNESS WAS AT HOME, HEARD "LOUD BANG LIKE FIRECRACKER"
- 12 LOOKED OUT FRONT WINDOW AND SAW POLICE IN AREA OF
- 13 BRANBURY.
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30

ORIGINAL

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL		<b>SJPD ADDITIONAL PARTIES</b>		CASE NO. <b>09-130-0526</b>	
DEATH INVESTIGATION					
"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS	
"O" = OTHER					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M
W				O	F
				DOB	AGE
					302
				HT	WT
					190
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE				INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE	
ADDRESS		CITY/STATE		PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M
W				O	F
				DOB	AGE
					505
				HT	WT
					160
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE				INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE	
ADDRESS		CITY/STATE		PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M
W				O	F
				DOB	AGE
					501
				HT	WT
					120
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE				INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE	
ADDRESS		CITY/STATE		PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M
W				A	F
				DOB	AGE
					501
				HT	WT
					150
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE				INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE	
ADDRESS		CITY/STATE		PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M
W				A	F
				DOB	AGE
					409
				HT	WT
					120
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE				INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE	
ADDRESS		CITY/STATE		PHONE	DL NUMBER
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		PHONE	SSN
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH					
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR
VICTIM #					
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED					
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR
VICTIM #					
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED					
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER
Kimber	3612	5-10-09	1/TFS	Sus	2507
		DATE			PG
		5/10/09			1 OF 4

ORIGINAL

(60)

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL		SJPD ADDITIONAL PARTIES		CASE NO. 09-130-0526			
V = VICTIM		R = REPORTING PARTY		W = WITNESS			
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	DOB		
W				H	MM/DD		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED:		AGE	HT		
ADDRESS		CITY/STATE		ZIP	WT		
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	502		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH		PHONE		DL NUMBER	170		
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	DOB		
W				H	MM/DD		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED:		AGE	HT		
ADDRESS		CITY/STATE		ZIP	WT		
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	602		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH		PHONE		DL NUMBER	180		
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	DOB		
W				A	MM/DD		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED:		AGE	HT		
ADDRESS		CITY/STATE		ZIP	WT		
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	504		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH		PHONE		DL NUMBER	150		
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	DOB		
W				S	MM/DD		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED:		AGE	HT		
ADDRESS		CITY/STATE		ZIP	WT		
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	506		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH		PHONE		DL NUMBER	140		
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	DOB		
W				S	MM/DD		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED:		AGE	HT		
ADDRESS		CITY/STATE		ZIP	WT		
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE		ZIP	511		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH		PHONE		DL NUMBER	170		
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	PG
Kim Ber	3602	5-10-09	1/TFS	SA	2583	5/10/09	2 OF 4

ORIGINAL (61)

REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL		<b>SJPD</b>		CASE NO.			
<b>DEATH INVESTIGATION</b>		<b>ADDITIONAL PARTIES</b>		<b>09-130-0526</b>			
"V" = VICTIM		"R" = REPORTING PARTY		"W" = WITNESS			
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M		
W /				O	F		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		DOB		AGE	HT		
				-	4'11		
ADDRESS		CITY/STATE	ZIP	WT			
		SAN JOSE	95133	115			
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M		
W /				A	F		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		DOB		AGE	HT		
ADDRESS		CITY/STATE	ZIP	WT			
		SAN JOSE / CA	95133				
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M		
					F		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		DOB		AGE	HT		
ADDRESS		CITY/STATE	ZIP	WT			
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M		
					F		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		DOB		AGE	HT		
ADDRESS		CITY/STATE	ZIP	WT			
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS)		<input type="checkbox"/> STATE OF CA		RACE	M		
					F		
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		DOB		AGE	HT		
ADDRESS		CITY/STATE	ZIP	WT			
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE	DL NUMBER		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM #							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
OFFICER'S NAME	ID NUMBER	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NUMBER	DATE	PG 3 OF 4
Kimber	3612	5-10-09	1 / TFS	See [Signature]	2585	5/10/09	

ORIGINAL

(62)



REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL <b>DEATH INVESTIGATION</b>	<b>SJPD ADDITIONAL PARTIES</b>	CASE NO <b>09-130-0526</b>
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VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>0</b>	STATE OF CA <input type="checkbox"/>	RACE <b>A</b>	DOB <b>F</b>	AGE <b>1</b>	HT <b>57"</b>	WT <b>150</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>0</b>	STATE OF CA <input type="checkbox"/>	RACE <b>W</b>	DOB <b>F</b>	AGE <b>55</b>	HT <b>55"</b>	WT <b>120</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>0</b>	STATE OF CA <input type="checkbox"/>	RACE <b>A</b>	DOB <b>F</b>	AGE <b>56</b>	HT <b>56"</b>	WT <b>180</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>0</b>	STATE OF CA <input type="checkbox"/>	RACE <b>A</b>	DOB <b>F</b>	AGE <b>57</b>	HT <b>57"</b>	WT <b>130</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE <b>CA</b>	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH						
VICTIM LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>0</b>	STATE OF CA <input type="checkbox"/>	RACE <b>M</b>	DOB <b>F</b>	AGE	HT	WT
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> OTHER: <input type="checkbox"/> VIETNAMESE				
ADDRESS	CITY/STATE	ZIP	PHONE	DL NUMBER	STATE	
BUSINESS NAME/SCHOOL NAME AND ADDRESS	CITY/STATE	ZIP	PHONE	SSN		

VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE	COLOR	LICENSE/VIN	STATE
VICTIM							
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM # _____		ADDRESS		CITY/STATE	ZIP	DAMAGE TO VEHICLE	
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED							

OFFICER'S NAME <b>YEUNG</b>	ID NUMBER <b>3140</b>	DATE <b>05-10-09</b>	SHIFT/DAYS OFF <b>PAYS WTF</b>	SUPERVISOR REVIEW <b>SOT</b>	ID NUMBER <b>3314</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>2</b>
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ORIGINAL

64

REPORT TYPE  SUPPLEMENTAL  
DEATH INVESTIGATION

SJPD  
CONTINUATION

CASE NO.  
09-130-0526

1 SUPPLEMENTAL: ON SUNDAY, 05-10-09 AT APPROXIMATELY 1159 HRS, I WAS DISPATCHED  
2 TO THE AREA OF BRANBURY AND COMMODORE DR TO ASSIST IN AN  
3 OFFICER INVOLVED SHOOTING. WHEN I ARRIVED ON SCENE, I WAS ASSIGNED TO  
4 CANVASS THE WEST SIDE OF BRANBURY STREET, NORTH OF THE CRIME SCENE TO  
5 ENSIGN WAY. I PARTNERED UP WITH OFC. NEUMANN ON THE CANVASS. I MADE  
6 CONTACT AT THE FOLLOWING ADDRESS WITH THE FOLLOWING RESULTS:  
7

8 - : NO ANSWER

10 - : I CONTACTED PARTY HE HAS BEEN INSIDE  
11 HIS HOME ALL MORNING AND HASN'T HEARD OR SEEN ANYTHING. HE IS THE ONLY  
12 ONE HOME RIGHT NOW.

13 - : NO ANSWER

15 - : PARTY AND HER HUSBAND I HAD JUST GOTTEN HOME FROM CHURCH  
16 AT ABOUT 1230 HRS. SHE CAME HOME AND SAW ALL THE POLICE CARS DOWN  
17 THE STREET BUT DIDN'T KNOW WHAT WAS GOING ON.

19 - : PARTY HAS BEEN HOME ALL MORNING AND  
20 WAS SITTING IN THE GARAGE WITH THE GARAGE DOOR OPEN. SHE SAW 2 POLICE  
21 CARS TRAVEL SOUTH ON BRANBURY WITH LIGHTS AND SIREN, SHE THEN SAW  
22 2 MORE POLICE CARS FOLLOW THE FIRST TWO. SHORTLY AFTER THAT, SHE HEARD  
23 ABOUT 4 SHOTS, ONE RIGHT AFTER ANOTHER. SHE THINKS IT WAS 4. SHE  
24 DIDN'T GO DOWN THE STREET TO SEE ANYTHING.

26 - : NO ANSWER

28 - : PARTY HAS BEEN HOME ALL MORNING AND DIDN'T  
29 SEE OR HEAR ANYTHING. HE JUST KNOWS THAT VIETNAMESE PEOPLE LIVE IN  
30 THE HOUSE ON THE CORNER OF BRANBURY AND COMMODORE.

OFFICER'S NAME YEUNG	ID NUMBER 3140	DATE 0510-09	SHIFT/DAYS OFF DAYS WTF	SUPERVISOR REVIEW 	ID NUMBER 3314	DATE 5/10/09	PG 2 OF 2
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1 NARRATIVE: ON 5-10-09, AT APPROXIMATELY 1159 HRS, I RESPONDED TO  
 2 A SHOTS FIRED CALL AT \_\_\_\_\_ WY, SAN JOSE.  
 3 SGT. ANDERSON #3459 DIRECTED MYSELF AND OFC. YEUNG #3140  
 4 TO CONDUCT A CANVASS FOR WITNESSES ON THE WEST SIDE OF BRANBURY WY  
 5 NORTH OF THE CRIME SCENE. THE HOUSE NORTH OF THE CRIME SCENE  
 6 WAS \_\_\_\_\_ WY. THE FOLLOWING IS THE RESULTS OF MY  
 7 CANVASS:

9 \_\_\_\_\_: THERE WAS NO ANSWER AT THE RESIDENCE.  
 10 A \_\_\_\_\_ 4-DR, LIC# \_\_\_\_\_  
 11 WAS PARKED IN THE DRIVEWAY.

13 I CONTACTED \_\_\_\_\_, \_\_\_\_\_,  
 14 CDL # \_\_\_\_\_ (C)  
 15 (W) HE WORKED FOR THE \_\_\_\_\_  
 16 HE DIDN'T SEE OR HEAR ANYTHING.

17 I CONTACTED HIS WIFE, \_\_\_\_\_, CDL # \_\_\_\_\_  
 18 (C) SHE DIDN'T SEE OR HEAR ANYTHING.  
 19 NO ONE ELSE WAS PRESENT IN THE HOME AND NO ONE ELSE  
 20 LIVED THERE.

22 I CONTACTED \_\_\_\_\_,  
 23 CDL # \_\_\_\_\_ (C) (H):  
 24 HE LEFT HIS HOUSE THIS MORNING AT 0945 TO GO TO BRUNCH WITH  
 25 HIS FAMILY, WHEN HE RETURNED, HE SAW ALL THE POLICE CARS  
 26 DOWN THE STREET.

27 I CONTACTED \_\_\_\_\_, CDL # \_\_\_\_\_  
 28 (C) HE LEFT THIS MORNING TO GO TO BRUNCH AT THE  
 29 MARIE CALLODOR'S RESTAURANT IN MILPITAS ON CALAVITAS BLVD. (CONT.)

1 (CONT.): THE OTHER 3 FAMILY MEMBERS WHO  
2 RESIDED AT THIS ADDRESS WERE:  
3 [REDACTED] MRS; [REDACTED] MRS; AND  
4 [REDACTED] MRS. ALL 3 WENT TO BRUNCH AT  
5 0945 HRS. AND WERENT HOME AT THE TIME OF  
6 THE CANVASS. WAS SLEEPING. THERE WERE NO OTHER RESIDENTS.

8 I CONTACTED RESIDENT [REDACTED]  
9 CDL # [REDACTED] (C) HE DIDN'T  
10 SEE OR HEAR ANYTHING, HE SAID THE HOUSE WINDOWS WERE OPEN.

11 I CONTACTED [REDACTED] CDL # [REDACTED] (C)  
12 SHE HEARD SIRENS OUTSIDE.

13 I CONTACTED [REDACTED] (C) SHE  
14 DIDN'T SEE OR HEAR ANYTHING, SHE WAS LISTENING TO MUSIC  
15 IN HER ROOM. THERE WERE NO OTHER RESIDENTS.

17 NO ANSWER AT THE RESIDENCE.

19 NO ANSWER AT THE RESIDENCE. THE FOLLOWING  
20 VEHICLES WERE IN THE DRIVEWAY:

- 21 ① [REDACTED] LIC # [REDACTED]
- 22 ② [REDACTED] 4-DR, LIC # [REDACTED]

24 END OF REPORT.

ORIGINAL

1 NARRATIVE:

2 ON 5-10-09 AT APPROXIMATELY 1143 HOURS I RESPONDED TO ASSIST IN

3 A STABBING INCIDENT AT \_\_\_\_\_ WY IN SAN JOSE. I ARRIVED ON

4 SCENE AT APPROXIMATELY 1153 HOURS AND PARKED MY PATROL VEHICLE ON COMMODORE

5 DR EAST OF LAPE COLONY DR. I WAS ASSIGNED TO ASSIST THE LOG OFFICER.

6 FOLLOWING THAT I WAS ASSIGNED TO SCENE SECURITY ON THE INNER PERIMETER

7 IN FRONT OF \_\_\_\_\_ I SET UP CRIME SCENE TAPE ON THE WESTERN AND

8 SOUTHERN PERIMETER. I REMAINED AT MY POST UNTIL APPROXIMATELY 1600 WHEN I

9 WAS RELIEVED BY OFFICER SAGAW #4022

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ORIGINAL

1 **NARRATIVE:**

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3 ON 05-10-09 AT APPROXIMATELY 1142 HOURS I RESPONDED CODE 3  
 4 (FLASHING-LIGHTS AND SIRENS) IN MARKED PATROL VEHICLE #1511 AND  
 5 IN FULL POLICE UNIFORM TO ASSIST OFFICERS ON A PERSON STABBED  
 6 CALL AT [REDACTED] IN SAN JOSE, CA. I ARRIVED ON  
 7 SCENE AT APPROXIMATELY 1144 HOURS AND MET SGT. DOMINGUEZ #3314,  
 8 WHO INSTRUCTED ME TO SHUT DOWN COMMODORE DR. EAST OF  
 9 BRANBURY WY. I USED PATROL VEHICLE #1511, CONES, AND CRIME  
 10 SCENE TAPE TO CLOSE COMMODORE DR IN FRONT OF [REDACTED] =  
 11 DR. AT APPROXIMATELY 1600 HOURS I WAS RELIEVED BY  
 12 OFC. BRONTE #4043.

ORIGINAL

OFFICER'S NAME <b>M. CRISTOL</b>	ID NUMBER <b>3963</b>	DATE <b>05-10-09</b>	SHIFT/DAYS OFF <b>1 M-W</b>	SUPERVISOR REVIEW 	ID NUMBER <b>2819</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>1</b>
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1 NARRATIVE: ON 05/10/09 AT APPROXIMATELY 1202 HOURS, I RESPONDED TO COMMODORE DRIVE  
 2 AND BRANBURY WAY IN SAN JOSE TO BE ASSIGNED TO A PERIMETER SPOT ON A  
 3 DEATH INVESTIGATION CASE. ON ARRIVAL SERGEANT S. CARABARIN #2383  
 4 ASSIGNED ME AN INNER PERIMETER ASSIGNMENT WITHIN THE CRIME SCENE.  
 5 MY ASSIGNMENT WAS TO NOT ALLOW ANY PERSONS IN OR OUT OF  
 6 WAY. AT APPROXIMATELY 1605 HOURS, I WAS RELIEVED BY OFFICER  
 7 S. CARLSON #3853.

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ORIGINAL

# SUPD SUPPLEMENTAL REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.	09-130-0526	1/1
REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid. See Form-2	
SUSPECT LAST, First, Mid. See Form-2	SUSPECT ADDRESS See Form-2	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

### Narrative:

On 5-10-09 at approximately 1142 hours I responded to a disturbance involving a weapon in the area of \_\_\_\_\_, Way. I arrived on scene in full uniform and in a marked patrol car at approximately 1148 hours. Upon my arrival I was instructed to secure a perimeter position at the intersection of Branbury Way and Shellback Place. I remained at the perimeter position until I was relieved by Ofc. Weger #3942 at approximately 1604 hours.

ORIGINAL

OFFICER'S NAME/BADGE  
Burke #3949

DAYS OFF/SHIFT  
1 / Tue-Thu

SUPERVISOR  
SM [Signature] 5/10/09  
(71)

REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL	<b>SJPD CONTINUATION</b>	CASE NO. 09 130 0526
DEATH INVESTIGATION		

1	<u>SUPPLEMENTAL:</u>
2	
3	ON 05-10-09 I ASSISTED ON CASE # 09 130 0526.
4	
5	I ASSUMED A PERIMETER POSITION ON THE NORTHERN SIDE AT BRANBURY WAY AND SHEWBACK
6	PLACE. I WAS RELEASED FROM THE SCENE AT 1529 HOURS BY SGT. CARABARIN # 2383
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29	ORIGINAL
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OFFICER'S NAME BRACKET	ID NUMBER 4109	DATE 5-10-09	SHIFT/DAYS OFF 1 / T W TH	SUPERVISOR/REVIEW [Signature]	ID NUMBER 2383	DATE 5-9-09	PG 1 OF 1
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# SUPPLEMENTAL REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
09-130-0526

1 of 1

REPORT TYPE	NARRATIVE	SUPPLEMENTAL <input checked="" type="checkbox"/>	VICTIM LAST, First, Mid. See Form 2
SUSPECT LAST, First, Mid. <b>See Form 2</b>			SUSPECT ADDRESS See Form 2
PROPERTY (and/or NARRATIVE)			CITY/ZIP
ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

## SUPPLEMENTAL:

On 5-10-09 at approximately 1228 hours, I responded to the area of Commodore and Branbury regarding a death investigation. Sgt. Dominguez #3314 assigned me to a perimeter position on After the resident vacated the house, no one entered or exited the residence from the front door or the garage.

At approximately 1549 hours, Sgt. Dominguez released me from the scene.

**END OF REPORT**

OFFICER'S NAME/BADGE  
Riche #4139

DAYS OFF/SHIFT  
WTF/1

SUPERVISOR

ORIGINAL

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REPORT TYPE <input checked="" type="checkbox"/> SUPPLEMENTAL	<b>SJPD</b> <b>ADDITIONAL PARTIES</b>		CASE NO. <b>09-130-0526</b>	
"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W</b>		STATE OF CA		RACE <b>H</b>
				DOB <b>F</b>
				AGE <b>58</b>
				HT <b>190</b>
				WT <b>190</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE
DL NUMBER		STATE <b>A</b>		
SSN		<b>5</b>		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W</b>		STATE OF CA		RACE <b>W</b>
				DOB <b>F</b>
				AGE <b>51</b>
				HT <b>510</b>
				WT <b>170</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE
BUSINESS NAME/SCHOOL NAME AND ADDRESS		CITY/STATE	ZIP	PHONE
DL NUMBER		STATE <b>CA</b>		
SSN		<b>C</b>		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W</b>		STATE OF CA		RACE <b>A</b>
				DOB <b>F</b>
				AGE <b>59</b>
				HT <b>180</b>
				WT <b>180</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>NONE</b>		CITY/STATE	ZIP	PHONE
DL NUMBER		STATE <b>A</b>		
SSN		<b>7</b>		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W</b>		STATE OF CA		RACE <b>A</b>
				DOB <b>F</b>
				AGE <b>3</b>
				HT <b>52</b>
				WT <b>105</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>NONE</b>		CITY/STATE	ZIP	PHONE
DL NUMBER		STATE <b>A</b>		
SSN		<b>4</b>		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) <b>W</b>		STATE OF CA		RACE <b>A</b>
				DOB <b>F</b>
				AGE <b>1</b>
				HT <b>53</b>
				WT <b>120</b>
VICTIM ADVISED: <input type="checkbox"/> SEXUAL ASSAULT <input type="checkbox"/> VIC/WIT ASSIST. <input type="checkbox"/> DOMESTIC VIOLENCE		INTERPRETER NEEDED: <input type="checkbox"/> SPANISH <input type="checkbox"/> VIETNAMESE <input type="checkbox"/> OTHER:		
ADDRESS		CITY/STATE	ZIP	PHONE
BUSINESS NAME/SCHOOL NAME AND ADDRESS <b>NONE</b>		CITY/STATE	ZIP	PHONE
DL NUMBER		STATE <b>CA</b>		
SSN		<b>1</b>		
VICTIM INFORMATION: <input type="checkbox"/> NON DISCLOSURE (WHERE APPLICABLE) <input type="checkbox"/> INJURY <input type="checkbox"/> SART <input type="checkbox"/> BLOOD <input type="checkbox"/> URINE <input type="checkbox"/> PHOTOGRAPH				
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE
VICTIM #				
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS	CITY/STATE	ZIP
DAMAGE TO VEHICLE				
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED				
VICTIM VEHICLE	YEAR	MAKE	MODEL	BODY TYPE
VICTIM #				
R/O'S NAME (LAST, FIRST, MIDDLE) <input type="checkbox"/> SAME AS VICTIM #		ADDRESS	CITY/STATE	ZIP
DAMAGE TO VEHICLE				
VICTIM VEHICLE WAS: <input type="checkbox"/> STOLEN <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> STORED <input type="checkbox"/> LEFT AT SCENE <input type="checkbox"/> HELD F/PRINTS <input type="checkbox"/> PRINTED				
OFFICER'S NAME <b>ZARATE</b>	ID NUMBER <b>3165</b>	DATE <b>5-10-09</b>	SHIFT/DAYS OFF <b>1 TFS</b>	SUPERVISOR REVIEW 
ID NUMBER <b>2894</b>	DATE <b>5/10/09</b>	PG <b>1</b> OF <b>2</b>		

ORIGINAL  
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# SUPD POLICE REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
<b>Death Investigation</b>	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE)	
ITEM# QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

1 **Narrative:** On 5/10/09 at approximately hours, I responded to the area of / . 1  
2 arrived at the scene and was assigned with Ofcr Kimber #3612 to canvass the neighborhood for  
3 witnesses. I contacted neighbors in the area. See additional parties page for witness contact  
4 information. The following is a synopsis of their statements:

5  
6 • I contacted resident who stated he was not home last  
7 night and he spent the night somewhere else. He arrived home at 1245 hours, and saw the  
8 police vehicles in the area. He didn't see or hear anything. He was not home during the time of  
9 the incident.

10  
11 • I contacted who stated he left the house this morning at  
12 0930 hours and arrived back home at 1300 hours. He was not home at the time of the incident  
13 and did not see or hear anything.

14  
15 • I contacted who stated he has been home all morning with his  
16 wife inside the house. He did not see or hear anything unusual. (wife) also  
17 stated that they were home all morning and did not see anything.

18  
19 • I contacted who stated that she left the house with her  
20 children at 1020 hours to go to church. When they left the house there was no police activity on  
21 the street at that time. She did not see or hear anything unusual. She returned at 1300 hours  
22 and saw the police units. She was not home at the time of the incident.

23  
24 • e – No answer at the door. No vehicles in the driveway.

25  
26 • – No answer at the door. the driveway (plate

ORIGINAL



# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.	09-130-0526
VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE)	
ITEM# QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

## SUPPLEMENTAL:

On 05-10-09 at 2309 hours, I responded to \_\_\_\_\_ to assist with a crime scene perimeter. I arrived at 2316 hours. I relieved Sgt. Barreto #3585 and took an outer perimeter location on Commodore Drive and Cape Colony Drive west of the crime scene. At approximately 0700 hours, we were advised to break down the perimeter. I assisted in cleaning up the crime scene tape and then went off duty.

ORIGINAL

OFFICER'S NAME/BADGE  
C. Solis #4122

DAYS OFF/S-  
MTW / 3

REVISOR

*Sgt. Barreto # 2580*

# SJPD POLICE REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.

09-130-0526

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL PC 245 & Officer Involved Shooting	VICTIM LAST, First, Mid. Refer to Form 2
SUSPECT LAST, First, Mid. Refer to Form 2	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

## SUPPLEMENTAL:

On 05/10/09 at approximately 1547 hours, I arrived at Commodore Dr and Branbury Wy to assist officers at the scene of an officer involved shooting. I met with Sgt Barreto #3585 and he instructed me to take over crime scene log duties from Officer Valdes #4138. At approximately 1550 hours, I relieved Officer Valdes at the edge of the inner perimeter. I maintained the crime scene log from a position at Commodore Dr and Branbury Wy. My patrol car was parked in the middle of the roadway along the crime scene tape for the inner perimeter. I logged in and logged out every department member, civilian (who was granted access), and Coroner's Office member who entered and exited the scene while I was there.

At approximately 2230 hours, Officer Collins #4110 relieved me as crime scene log officer and I departed the scene.

-END OF REPORT-

ORIGINAL

OFFICER'S NAME/BADGE  
Fregger #3878

DAYS OFF/SHIFT  
WTF/2

SUPERVISOR  
L. Gannon # 364

**POLICE REPORT**

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid. See Form 2
SUSPECT LAST, First, Mid. <b>See Form 2</b>	SUSPECT ADDRESS CITY/ZIP See Form 2
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

SUMMARY:

On 5-10-09 at approximately 2225 hours, I responded to \_\_\_\_\_ in San Jose to assist in an officer involved incident. Upon arrival I was assigned to relieve Officer Fregger #3878 as the crime scene log officer. At which time, I took control of log responsibilities.

At approximately 0456 hours, Sgt. Starkey relieved me of log responsibility until my return to the crime scene at approximately 0508 hours. At which time, I retook control of log responsibilities until the perimeter was secured at approximately 0700 hours.

The log was forwarded to the Homicide Unit at the end of my shift.

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ORIGINAL

OFFICER'S NAME/BADGE  
**D. COLLINS #4110**

PROP.115 QUALIFIED? YES

Sgt. *[Signature]* 3300

(19)



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110

CASE NO.  
09-130-0576

REPORT TYPE PC 245 / OFFICER INVOLVED SHOOTING	LOCATION: COMMADORE DR / COLONY
LOG OFFICER: VALDES 4138	LOG OFFICER RELIEVED BY: FREGGER 3878
START: 5-10-09 1154	END: 1550
DATE: 5/10/09	TIME: 1550

### Crime Scene / Critical Incident Log

Name/Badge # PRINT	Initial	Reason for Entry / Assignment	Date / Time Arrive Scene	Date / Time Depart Scene	
AMR UNIT		MEDICS AMR 632 #63087713	5/10	1205 5/10	
BLACKBEE BLACKBERRY 3999		↑		1234 5/10	
JEFFREY 3029				1234 5/10	
CARABARCH 2383				1544 5/10	
ONKOWEN 3972				WITNESS OFFICER	
HAYWARD 3497		TO MIT CENTER		1244 5/10	
BANISTER 3387					
COOK 3896		← INTERIOR →			
TAPAKA 2368			1200	1608 5/10	
MULLINAY 4140		EVIDENCE		1457 5/10	
BURKE 3949		PERIMETER		1605 5/10	
RODRIGUEZ 4125	4125	STATEMENTS			
SAN JOSE PD T2		PARAMEDICS		1305 5/10	
KINDORF 4027		TRANSPORT WITNESS/ STATEMENTS		1238 5/10	
ZARATE 3165					
SERMOUS 3304					
SANCHEZ					
EDWARDS 1918				1208	

OFFICER'S NAME/BADGE

VALDES 4138

FORM 200-9 Rev. 5/04

DAYS OFF/SHIFT

M-W/1

SUPERVISOR

ORIGINAL

(90) PG 1



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110

CASE NO.  
09-130-0526

REPORT TYPE PC 245 / OFFICER INVOLVED SHOOTING	LOCATION: COMMODORE / BRADBURY
LOG OFFICER: VAUGHN 4138	LOG OFFICER RELIEVED BY: FREGGER 3878
START: 5-10-09 1154	END: 1550 DATE: 5/10/09 TIME: 1550

### Crime Scene / Critical Incident Log

Name/Badge # PRINT	Initial	Reason for Entry / Assignment	Date / Time Arrive Scene	Date / Time Depart Scene
BAZA 4037		PERIMETER	1200 5/10	1600 5/10
VEGA 3916		STATEMENTS	1200	
VERWON 3606		PERIMETER	1200	
ST. JOHN 4131		STATEMENTS FOR FILE	1224	1235 5/10
WHARTON 4141		↓	1224	1324 5/10
CHECIE 3664		CONTACT MAIN	1231	1451 5/10
RICHA 4139		PER. SEC	1237	1506 5/10
ROMEREAZ 4085		PER. SEC	1237	1605 5/10
HARWELL 3966		STATEMENTS	1200	1500 5/10
DAVIS 3250		DAY DIC.	1246	1451 5/10
FRIESTER 3874		CRIME SCENE	1259	1630 5/10
CANTERBURY 3359		IA	1259	1447 5/10
HOOPER, M. #3452		CRIME SCENE	1300	0700 5/10
WILEY 2102		<del>CRIME SCENE</del>	1304	1426
STAD LUZ		PARAMEDICS	1200	1305 5/10
DECEMA 2244		ADMIN	1310	1404 5/10
FEDALL 3240		NONPULSE	1314	1424 5/10
CUNNINGHAM AG		DA OFFICE	1531	1404 5/10

OFFICER'S NAME/BADGE

VAUGHN 4138

DAYS OFF/SHIFT

M-W / 1

SUPERVISOR

ORIGINAL



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110

CASE NO. 09-130-0526

LOCATION: COMMODORE / BRADBURY

LOG OFFICER RELIEVED BY: FREGGER 3878 DATE: 5/10/09 TIME: 1550

REPORT TYPE: PC 245 / OFFICER INVOLVED SHOOTING

LOG OFFICER: VALY EC. 4138 START: 5-10-09 1154 END: 1550

Crime Scene / Critical Incident Log

Name/Badge # PRINT	Initial	Reason for Entry / Assignment	Date / Time Arrive Scene	Date / Time Depart Scene
BARK 3440		HOMICIDE	1333 5/10	1423 5/10
TRUONG 4084		INTERPRET	1338	1458 5/10
ESQUIVEL 2546		IA	1402	1447 5/10
WARDEN 3742		CRIME SCENE	1434	0113 5/10
BARRETO 3585		ADMIT	1534	0257 5/10
FREGGER 3878	1A	LOG OFFICER	1550 5/10	2230 5/10
CARLSON 3853	SC	INNER PER. SECURITY	1550 5/10	1933 5/10
FORRESTER 3876		CRIME SCENE	1642 5/10	0700 5/10
PHILLIP PHAM 4127/03		961 BRANBURY RESIDENT, RETRIEVED CAR FROM STREET	1843 5/10	1843 5/10
GROGAN 3972		RETRIEVED PATROL CAR	1900 5/10	1900 5/10
LYDIA VENTURA		2004 SHELLBACK PL RESIDENT COMING HOME	1929 5/10	1930 5/10
BRONTE 4643		PED. ESCORT	1929 5/10	1930 5/10
SNEELGROVE 4002		PERIMETER	2015 5/10	2316 5/10
SAGAN 4022		PERIMETER	2015 5/10	2245 5/10
CARLSON 3853		RETURNING PATROL CAR TO PAB	2024 5/10	2026 5/10
GRACIE 2661		CRIME SCENE SGT	2125 5/10	2249 5/10
ALBRECHT		CORONER'S OFFICE	2210 5/10	
JOHNSON		CORONER	2223 5/10	2307 5/10

ORIGIN/

OFFICER'S NAME/BADGE  
VALY EC 4138  
FORM 200-9 Rev. 5/04

DAYS OFF/SHIFT  
m-w / 1

SUPERVISOR



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110

CASE NO.

09-130-0576

REPORT TYPE

PC 245 OFF INVOLVED SHOOTING

LOCATION:

COMMODORE @ BRANBURY

LOG OFFICER:

FREELER 3878

START: 5-10-09 1550

END: 5-10-09 2230

LOG OFFICER RELIEVED BY:

COWINS

DATE: 5-10-09 TIME: 2230

Crime Scene / Critical Incident Log

Name/Badge # PRINT	Initial	Reason for Entry / Assignment	Date / Time Arrive Scene	Date / Time Depart Scene
DEAN, E.		CORONER	2225 5/10	2308 5/10
COWINS, 4110	DC	FIRE LOG OFF.	2227 5/10	0456 5-10
MACATANGAY, 4142	PM	FIV4 PERIMETER	2230 5/10	0700 5-10
ROSE 3800		FISI PERIMETER	2225 5/10	0145 5/10
CARLSON	YC	PERIMETER	2103 5/10	2237 5/10
LAM (RP/UNIT)		RETRIEVE VEHICLE	2223 5/10	2225
- ON PREV. PAGE				
STARKEY 3098		ADMIN	2249 5-10	0700 5/10
CRESENTI 2326		CENTRAL SUPERVISOR	2325 5-10	2332 5-10
SOLIS 4122		OUTER PER. SEC	2310 5-10	0226 5-10
GRACE 2161		CRIME SCENE SGT	0000 5-10	0125 5-10
ROSE 3800		FISI PERIMETER	0151 5-10	0700 5/10
SOLIS 4112		OUTER PERIM.	0242 5-10	0700 5/10
COWINS 4110	DC	LOG OFFICER	0508 5-10	0700 5/10
DOMINGUEZ 3314		ADMIN SGT	0651 5-10	0700 5/10

ORIGIN

OFFICER'S NAME/BADGE

COWINS 4110

DAYS OFF/SHIFT

MTW/3

SUPERVISOR

SGT DM 3300

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>	
REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. Pham, Daniel, Son	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

Narrative: On 5-10-2009 at about 1140 hrs, I arrived at /y for a reported disturbance weapons / stabbing investigation. I was in full SJPD bicycle uniform driving a marked patrol car. I initially stopped at the corner of Branbury Wy / Commodore. As I got out of my vehicle, I could hear an officer say that he saw a person with a knife in the backyard (unknown officer's name). He was pointing to the corner house (later determined to be 961 Branbury Wy), which faces Branbury, but has a side yard that comes out to Commodore. I got back in my patrol car and drove west on Commodore to set up a rear perimeter at the back (B/C) corner of the target house.

I exited my patrol car again. From the side fence, I could see the head of an officer at the front fence looking over into the yard. He yelled "drop the knife" multiple times at someone over the fence. I looked into the yard in the direction the officer was yelling. I saw an adult Asian male in the yard (later identified as Daniel Pham). I moved closer to the side fence to get a better view of the person with the knife. I noticed he was pacing back and forth on the walkway beside the house. I could see that he had a large butcher styled knife in his right hand. I notice that an officer about 10 to 15 feet to my right climbed over the side fence into the backyard. I started to climb the side fence, but stopped when I noticed it was lined with some type of barbed wire. I noticed the shorter officer in the back yard also started yelling "drop the knife." I heard what sounded like one tazer shot , then another tazer shot from a slightly different direction.

I looked toward the Asian male with the knife, expecting to see him drop. He did not drop / look affected by any tazer deployment. About this time, I definitely noticed that the Asian male was walking directly at one of the officers. The male was holding the knife about waist high, slightly out front of his body with the blade extended forward. At the angle I was at, behind the officer, the Asian male had advanced to within 7 to 8 feet of the officer. I was watching the Asian male so closely, that I am not sure where the second officer was standing. I heard multiple gunshots and the Asian male fell forward and down out of my sight. I could hear someone yell out "drop the knife" several more times after he fell out of sight. I ran to a side gate at the back of the property and broke it open. I ran in and noticed 2 officers were still pointing their weapons at the Asian male. I looked beyond them at the Asian male. He was laying chest down with his head tilted to the right. His eyes were open and he still had the large butcher knife in his right hand just to the right side of his head.

I called out to assisting officers to look for a long handled garden tool in the yard. Someone handed me a shovel. I approached the Asian male and used the shovel blade to knock the butcher knife out of his hand. After I knocked it out of his hand, I used the shovel to fling the knife further away, towards the side fence. Once the blade was away from the Asian male, I started to handcuff him. I noticed blood on his left hand. As I lifted his left hand to cuff it, it seemed to actively bleed near the wrist. I finished handcuffing him. I rolled him over to assess his injuries. He had a prominent wide open, deep, horizontal wound across his upper neck. I called out to assisting officers to bring a trauma bandage. I pulled his shirt up above his chest. I noticed 5 to 7 apparent gunshot wounds across his chest. I felt for a carotid pulse and did not feel one. His chest was not rising and falling. I started CPR with a chest compression. On the first compression, the Asian male gasped. I stopped to reassess him. I again could not find a pulse, but he was opening and closing his mouth like he was taking shallow gasps of air. An assisting officer with trauma bandages arrived and gave me a trauma bandage. I applied it to his neck injury, which seemed to be bleeding the most. The

OFFICER'S NAME/BADGE

OFC. BANISTER #3387

DAYS O F/SHIFT

TWT/1

SUPERVISOR

5/10/2009

ORIGINAL

*[Handwritten Signature]* 2932  
(9A)

# SJFD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.	09-130-0526
REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. Pham, Daniel, Son	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE)	
ITEM# QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

assisting officer put a trauma bandage on the Asian male's chest wounds. We reassessed him; he had stopped his shallow gasping for air and his chest was not rising. The assisting officer advised that he also could not find a pulse. The assisting officer started CPR. I took over chest compressions for him until SJFD arrived and relieved us. I stayed with SJFD as scene security until they pronounced that the Asian male was dead 1151 hrs. on their machine, 1155 hrs on my watch. I remained with the body to secure the scene until relieved. Sgt. Carrabarin arrived and was updated. I advised Sgt. Carrabarin that the residence had not been checked and secured yet.

Once an inner perimeter was established I exited the primary scene. SJFD hadn't left the roadway yet. The SJFD fire captain asked me if I had the deceased name for his paperwork. I didn't have it at the time. I learned Ofc. Hayward was inside the residence trying to identify the deceased. I found Ofc. Hayward inside the house and learned the deceased name was Daniel Son Pham 1-16-1982. I gave that information to the SJFD fire captain for his paper work. I then went and found Sgt Carrabarin and advised him I was a witness officer. I waited at the outer perimeter until I was directed by command staff to respond to PAB room 314 to document my involvement on a supplemental report. At PAB, I prepared this report on the provided computer and thumb drive. I remained at PAB to assist detectives with any verbal accounts of my involvement at the original scene.

FINAL

OFFICER'S NAME/BADGE: OFC. BANISTER #3387  
DAYS OFF/SHIFT: TW T/1 5/10/2009  
SUPERVISOR: [Signature] #2932

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE	<input type="checkbox"/> NARRATIVE	<input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS		CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.		SERIAL # VALUE

1 **Narrative:** On 04/10/09 at approximately 1133 hours, an assault with a deadly weapon occurred at  
2 At approximately 1351 hours, I arrived at RMC to obtain status on the  
3 the victim. I spoke with Dr. who told me injuries were non-life  
4 threatening. He suffered a laceration across the front of the neck, the right shoulder and multiple  
5 superficial lacerations to the back of the neck. The victim was going to be clear for hospital release  
6 after the completion of stitches.

7  
8 I arrived at PAB and assisted with witness coordination and interviews. The below is a synopsis of  
9 the recorded interviews, which have been copied and placed into the case file.

10  
11  
12

13 **HM:** (408) Cell: (408)  
14 **SSN:**  
15 **CDL:**

16  
17 lives at with his parents and brothers, Daniel and  
18 girlfriend also lives in the house. They have lived at this residence for approximately 5-6  
19 years. Today, at approximately 0750 hours, left the house to go to the Berreyssa Flea  
20 Market to help his mother. She is a vendor at the flea market.

21  
22 At approximately 1200 hours, girlfriend called him "Scared" asking him to come home.  
23 said that Daniel was out of control. left immediately and arrived at home about 10  
24 minutes later. When he arrived police officers were at his home. did not witness any  
25 incidents at the house.

26  
27 said that Daniel has had a drug problem for the past ten years. He believed he used "Crank"  
28 as he found a pipe in the house and he knew the kind of pipe he found was used for  
29 methamphetamine. also said his parents found marijuana in the house that belonged to  
30 Daniel. never witnessed Daniel using drugs, but knew Daniel's friends all used drugs. Also  
31 some of their mutual friends told him that Daniel was using. The family installed barb wire on the  
32 fences so that Daniel's friends could no longer come to the house in the middle of the night and sell  
33 him drugs.

34  
35 In 2007 the family called the police on two separate occasions because Daniel was violent,  
36 delusional and paranoid (SJPD #07-173-0214 & #07-314-1228). Daniel would become violent, talk  
37 to himself and yell. knew these characteristics to be associated to his brother when he was  
38 using drugs. During these episodes Daniel would hallucinate that people wanted to rape him.  
39 described Daniel's violence as "Yelling really loud" and knowing if family members got close to him  
40 that he might hit them. was not aware of any incident of physical assault or any incident that

OFFICER'S NAME/BADGE  
**Det. Talus #3764**

DAYS OFF/SHIFT  
**TFS/HOMICIDE**  
**05/10/09**

SUPERVISOR  
**PAGE 1 of 2**

**ORIGINAL**

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# SUPD SUPPLEMENTAL REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.

**09-130-0526**

REPORT TYPE	<input type="checkbox"/> NARRATIVE	<input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.			SUSPECT ADDRESS	CITY/ZIP
ITEM#	QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.		SERIAL # VALUE

- 4 Daniel used weapons to threaten anyone. further described Daniel's actions as, "Out of  
2 control and losing his mind." It was common in the house for everyone to lock their bedroom doors  
3 as Daniel stole money any chance he had to buy drugs. said even if the doors were locked  
4 Daniel became very good at breaking into the rooms to steal money.  
5  
6 said Daniel had mental problems. In the past Daniel took medication for an unknown  
7 psychological illness, but he was uncertain if Daniel was formally diagnosed with anything.  
8 said when Daniel was taken by police he was taken to the hospital for psychological evaluation. He  
9 also thought in one of the cases Daniel went to jail. Approximately one year ago Daniel was in a  
10 rehab program for his drug use. would drive him to the class and pick him up. All he  
11 remembered was the class ran about one hour weekly and Daniel attended for a few months.  
12 was unsure if the program was completed.  
13  
14  
15 **Officer J. Cook #3886**  
16 Refer to Officer Cook's Form 3 for further.

OFFICER'S NAME/BADGE  
**Det. Talus #3764**

DAYS OFF/SHIFT  
**TFS/HOMICIDE**  
**05/10/09**

SUPERVISOR  
**PAGE 2 of 2**

**ORIGINAL** (01)

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault w/a Deadly Weapon/Officer Involved Shooting</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
PROPERTY (and/or NARRATIVE)		
ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

1 **Supplemental Narrative:** On 05/10/09 at approximately 1205hrs, I was working as a  
2 Detective Sergeant for the Homicide Unit. I was contacted by Acting Commander Sergeant  
3 Mike Brown in regards to an assault with a deadly weapon. I was told that officers had  
4 contacted that suspect of the assault and that deadly force had been used. I responded to  
5 961 Branbury Way (R5). I arrived on scene at 1309hrs.

6  
7 I learned that Lieutenant Tanaka #2368 was the scene commander. I also learned that  
8 Sergeants Dominguez #3314, Carabarin #2383, and Anderson #3459 were in charge of the  
9 scene, security, and the location of witnesses. I met with my partner Detective John Barg  
10 #3640 and was briefed by Detective Sergeant Ken Davis #3250 and Detective Liz Checke  
11 #3664.

12  
13 I learned that officers had responded to the report of a family  
14 disturbance where someone had been assaulted. I learned that officers had responded to  
15 the scene and had made contact with the suspect of the assault. I learned that the suspect in  
16 the assault was brandishing a large knife and refused to drop it after repeated orders. The  
17 suspect then charged at officers and lethal force was used.

18  
19 I was told that several witnesses had been transported to the San Jose Police Department. I  
20 was also told that the victim of the assault had been transported to Regional Medical Center  
21 with slash and stab wounds. The suspect in this case remained on scene and was  
22 pronounced dead by San Jose Firefighter Arata #739 at 1151hrs.

23  
24 I learned that there were two officers that had discharged their firearms. Officers Jeffrey  
25 #3926 and Blackerby #3999 were transported to the San Jose Police Department. Witness  
26 Officers Bannister #3387 and Grogan #3972 also responded to the Police Department.

27  
28 I responded to the Police Department.

29  
30 A search warrant was obtained for the residence, 961 Branbury Way. The scene was  
31 processed by Crime Scene Investigators Hoopes and Forrester.

32  
33  
34 **END OF REPORT**

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ORIGINAL

88

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.

**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
<b>Officer Involved Shooting</b>	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

On Sunday 05/10/2009 I was called back to work for the investigation of an Officer Involved Shooting (OIS). I responded to the Police Administration Building to process the involved officers. I was told by Sgt. Brown # 2419 that two officers were involved in the shooting; Brian Jeffery #3926 and Matthew Blackerby #3999.

At 1330 hours I contacted Officer Blackerby. He was in full uniform and immediately recognizable as a police officer. Blackerby had two cuts on his left elbow. He had soreness to his right thumb. He had snagged the left thigh of his uniform pants. I photographed Blackerby. Blackerby carries a Glock model 22 .40 caliber pistol. He said he thought he fired the pistol 4 times in a north east direction with the house as a background. I collected his gun belt and secured it in the Technical Evidence Room (TER). Blackerby's gun belt had the Glock Pistol in the holster. The taser holster on his gun belt was empty. Blackerby told me his taser was at the scene. Blackerby carries a second weapon. It is a Smith and Wesson model 340sc .38 caliber. I inspected the gun, it had not been fired. Officer Blackerby's uniform pants were collected as evidence.

Blackerby said he loads his pistol magazines with 14 rounds routinely. When I inspected the magazine in his weapon 8 rounds were in it. Blackerby appears to have fired his pistol 6 times.

I unloaded all the police gear from Blackerbys' patrol car and secured it in the TER. The gear from his car was returned to him by Lt. Goede on 05/11/09.

At 1400 hours I contacted Officer Jeffery. He was in full uniform and immediately recognizable as a police officer. Jeffery had two small puncture injuries on his right hand. He thought the injuries were from wire on a fence at the scene. I photographed Officer Jeffery. Jeffery carries a Sig Saur P226 9mm pistol. He thought he had fired 4 or 5 times in the backyard of the house. He was firing on the south side of the house in a north east direction. I collected Jefferies' gun belt and secured it in the TER. The holster had a Sig Saur P226 9mm in the holster. The police radio was on channel one and was retained by the officer. Jeffery carries a second weapon. It is a Smith and Wesson model 642 .38 caliber. I inspected the gun, it had not been fired.

Jeffery said he loads his pistol magazines with 15 rounds routinely. When I inspected the magazine in his weapon it had 7 rounds in it. Jeffery appears to have fired his pistol 8 times.

At 1455 hours I photographed Officer Grogan #3972. All photos that I took on this case were downloaded into Dataworks.

Sgt Dziuba #2838 gave me the search warrant for Bradbury Way. I delivered it to Officer Forrester at 2125 hours. For details of the crime scene see report by Forrester.

# SJPD SLIP REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE <input type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL <b>Officer Involved Shooting</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

On 5/11/09 I attended and photographed the autopsy of Daniel Pham. Investigators Forrester and Hoopes also attended. See report by Forrester for details of the autopsy.

On 5/14/09 I downloaded the recorded memory of E/I #18, the taser recovered at Bradbury Way. The taser use reports were given to Investigator Tindall in homicide. A copy of the reports was retained in the crime scene case folder.

OFFICER'S NAME/BADGE  
Sgt. S. Gracie #2661

DAYS OFF/SHIFT

SUPERVISOR

**ORIGINAL**

90

X26 Taser DownLoaded data for Serial# X00-026660, Model# X26.  
Report Printed: 05/14/09 15:28:32 Generated: 05/14/09 15:27:43  
Data Date Range: 05/01/2009 - 05/14/2009  
Data Downloaded by Steve Gracie, Dept: Crime, Rank: Sgt.

RECORDED FIRING DATA

Seq	GMT Time	Local Time	Duration [Secs]	Te [D]
0001	05/10/09 17:30:30	05/10/09 10:30:30	4	27

Total Fire Records Count: 1

RECORDED X26 TIME CHANGES

Seq	GMT Time	Local Time	Change Type
0002	05/14/09 21:15:05	05/14/09 14:15:05	FROM
0003	05/14/09 21:26:28	05/14/09 14:26:28	TO

Total Time Records Count: 2

End of Report. Report generated: 05/14/09 15:27:43 local time.

<b>POLICE REPORT</b>		SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
REPORT TYPE <b>Assault w/a Deadly Weapon/Officer Involved Shooting</b>		VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.		SUSPECT ADDRESS	CITY/ZIP
ITEM#	QNTY	PROPERTY (and/or NARRATIVE)	
		ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1. **Supplemental Narrative:** On 05/10/09 at approximately 1735hrs, I was working as a  
2 Detective Sergeant for the Homicide Unit. I responded to 961 Branbury Way on the report of  
3 an assault with a deadly weapon. Police had arrived on scene and were confronted by a  
4 male who was wielding a large knife. Officers discharged their firearms. The male was  
5 pronounced dead at 1151hrs. Several witnesses were located. was  
6 found inside the residence locked in a bedroom. She was transported to the Police  
7 Department.

8  
9 The following is a synopsis of interview. The interview was conducted in the Homicide  
10 Unit Room #2 with Detective Barg #3650. The interview was digitally video and audio  
11 recorded without Lam's knowledge.

12  
13 **Interview of** : stated that she met in September 2008  
14 and moved into the house at / in January, 2009. stated that she is the  
15 girlfriend of stated that ; parents, brother , Daniel, and  
16 and she live at the address. stated that Daniel also goes by the name "Son."

17  
18 stated that "Everywhere he goes, he needs supervision." stated that they needed  
19 to watch him at home and supervise him while outside. stated that when she was home  
20 and Daniel was home, she was told to lock herself in her room. stated that she did not  
21 know the real reason for this and did not ask. stated that Daniel would not talk to  
22 anyone. If you asked him a question he won't answer you. stated that she does not  
23 have interaction with Daniel. did not know if Daniel was taking any medication and did  
24 not believe that he had any type of mental disability. did not know if Daniel used any  
25 alcohol or drugs. stated that Daniel and used to be close but it did not appear that  
26 they were anymore.

27  
28 stated she had never seen and Daniel fighting. i stated that Daniel used to  
29 walk back and forth in the hallway and they would tell him to stop. stated that Daniel  
30 does not work. stated that the family wanted to get Daniel into something that would  
31 occupy his time. They discussed community based programs and considered on with  
32 children. stated that Daniel like children. stated that the family decided not to do  
33 this because they did not know how stable Daniel would be around children.

34  
35 stated that she did not know if Daniel had friends. She stated that he was not very  
36 social and would not interact with anyone including family. stated that Daniel's father  
37 was the only one that Daniel would talk to. stated that she had never seen Daniel using  
38 drugs or alcohol. She stated that she had never seen Daniel be violent or threaten anyone  
39 before.

40  
41 stated that she woke up late this morning and woke up around 1110hrs. i stated that

OFFICER'S NAME/BADGE <b>Sgt. D. Tindall #3240</b>	DAYS OFF/SHIFT SSM/Homicide	DATE 05/13/09	SUPERVISOR	PAGE NO. Page 1 of 2
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**ORIGINAL** (31)

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault w/a Deadly Weapon/Officer Involved Shooting</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
PROPERTY (and/or NARRATIVE)		
ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

1 her boyfriend, went out of the bedroom and was gone for approximately fifteen  
2 minutes. stated that she left her room and went to the bathroom to brush her teeth.  
3 heard stating "what are you doing." "Stop it." heard struggling noises and  
4 glass breaking. told her in Vietnamese to lock her door and to call 911. went from  
5 the bathroom to the bedroom to get her phone.

6  
7 heard someone walking up and down the hallway. She recognized the footsteps as  
8 Daniel's. stated that Daniel had a distinct heavy footstep. She also heard the front door  
9 slam. did not make any noise to draw attention to her. was yelling at her  
10 from the outside to stay inside the room and keep the door locked. heard saying  
11 put the knife down, do you hear that, the sirens are coming. did not look outside the  
12 window. stated several minutes later, she heard two male voices stating "Drop the  
13 knife," "drop the knife." estimated that both voices said it approximately 4-5 times.  
14 believed they were police officers because their voices were loud and strong. She heard two  
15 distinct voices that were overlapping. She then heard gunshots.

16  
17 stated that she peeked outside the window and she saw that Daniel was down.  
18 stated that she saw two police officers doing CPR. She also stated that Daniel had a towel  
19 over his neck. She could not describe the officers. stated that Fire and Paramedic  
20 personnel arrived.

21  
22 stated that she stayed inside the locked room until she was contact by police.  
23 opened the door and was removed by officers.

24  
25 stated that she was scared and paranoid to be around Daniel. stated that everyone  
26 in the house locks there doors because of Daniel. could not remember if Daniel had a  
27 lock on his room. was asked about the barbed wire that was on the fence line in the  
28 backyard. had told that it was for theft because they lived on a corner house.

29  
30 The interview was concluded at this time.

31  
32  
33 **END OF REPORT**

34  
35  
36  
37  
38  
39  
40  
41

**ORIGINAL**

(92)

<b>POLICE REPORT</b>		SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 (408) 277-4261	CASE NO. <b>09-130-0526</b>
REPORT TYPE Refer to Form-2	<input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM(S) LAST, First, Mid. Refer to Form-2	
SUSPECT(S) LAST, First, Mid. Refer to Form-2		SUSPECT ADDRESS Refer to Form-2	CITY / STATE / ZIP
PROPERTY (and/or NARRATIVE)			
ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1 **Narrative:** On 5-10-09, at approximately 1133 hours, I was working in full uniform in a marked patrol  
2 vehicle. San Jose Police Dispatch broadcast event 09-130-0526. Dispatch initiated the broadcast of the  
3 event with a tone to signify that the event was a priority event due to its nature. Dispatch informed Ofc.  
4 Blackerby #3999 and Ofc. Jeffrey #3926 that they were to respond to a report of a stabbing at  
5 Branbury Way, in San Jose.  
6  
7 I was working an unassociated case at the time both officers were dispatched. I heard several details from  
8 their event that lead me to believe that I needed to respond. Sgt. Dominguez #3314 authorized both units to  
9 respond to the scene with their emergency lights and sirens. I observed Ofc. Jeffrey traveling E/B on Santa  
10 Clara with his emergency lights and siren responding to the scene.  
11  
12 At approximately 1135 hours, I advised Sgt. Dominguez that I carried a less than lethal weapon and  
13 requested to be attached to the event. I then inquired from Sgt. Dominguez code of response to the scene.  
14 Sgt. Dominguez authorized me to respond to the scene with my emergency lights and siren. I responded to  
15 the scene from the area of Santa Clara St. and 26<sup>th</sup> Street. I changed radio channels from 5 to 1 to receive  
16 immediate updates from dispatch.  
17  
18 At approximately 1140 hours, I heard officers arriving to the scene. I then heard Ofc. Jeffrey activate his  
19 radio and heard Ofc. Blackerby in the background yelling "put the knife down." Ofc. Jeffrey informed  
20 dispatch that the subject was not dropping the knife. I knew immediately by the tone in Ofc. Jeffrey's voice  
21 the situation was escalating rapidly.  
22  
23 At approximately 1142 hours, I heard Ofc. Jeffrey updated dispatch that shots had been fired.  
24  
25 At approximately 1143 hours, I arrived on scene and exited my patrol vehicle. I was immediately flagged  
26 down by a pedestrian standing in front of the residence adjacent to 961 Branbury Way. I activated the radio  
27 and requested the area in which I needed to respond. I then opened the truck of my patrol vehicle and  
28 removed a less than lethal weapon known as a stunbag. I loaded (4) stunbag rounds into the weapon and  
29 chambered a round.  
30  
31 I ran around to the side of [redacted] and entered through an open gate. Both Ofc. Jeffrey and Ofc.  
32 Blackerby were standing between me and the suspect on the ground. The suspect was lying on his back  
33 with a laceration across his neck and blood across his chest. Ofc. Banister #3387 was standing on the  
34 other side of the individual wearing gloves.  
35  
36 I asked Ofc. Blackerby if he still needed the stunbag, he said, "No." I then asked him to hold the stunbag  
37 while I retrieved my trauma kit. Ofc. Blackerby said "Drop it... I will watch it." I then ran to my patrol vehicle  
38 and retrieved my department issued trauma kit. I ran back to the suspect's location and opened my trauma  
39 kit.  
40  
41 I conducted an immediate airway, breathing and circulation assessment of the suspect. The laceration to  
42 the suspect's neck was approximately 2-3 inches in length. The laceration appeared deep enough to  
43 penetrate into the suspect's esophagus. I removed a gauze pad from the kit and placed it over the  
44 suspect's neck. Ofc. Banister held the gauze in place.  
45

ORIGINAL

<b>POLICE REPORT</b>		SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 (408) 277-4261	CASE NO. <b>09-130-0526</b>
REPORT TYPE Refer to Form-2	<input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM(S) LAST, First, Mid. Refer to Form-2	
SUSPECT(S) LAST, First, Mid. Refer to Form-2		SUSPECT ADDRESS	CITY / STATE / ZIP
PROPERTY (and/or NARRATIVE)		Refer to Form-2	
ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1 Ofc. Banister checked the suspect for a pulse and informed me that he could not find one. I then lifted up  
2 the suspect's shirt and observed several puncture wounds across the suspect's chest. Based on my training  
3 and experience, I believed that several of the punctures were sucking chest wounds. These types of  
4 wounds are required to be partially sealed so that air can pass without collapsing the lung. My department  
5 issued kit was only supplied with one sealed pad to provide the function of immediately sealing a puncture  
6 of this nature.  
7  
8 I handed the sealed pad to Ofc. Jeffery, so that he could open the package. I then removed the pocket  
9 mask from my kit. Ofc. Jeffery opened the sealed pad and I placed it onto one of the larger chest wounds. I  
10 then removed and opened a large gauze pad and placed it across the suspect's chest. I placed my hands  
11 on the suspect's face and executed the head tilt chin lift method to open the suspect's airway. I placed the  
12 pocket mask on the suspect's mouth and gave him three rescue breaths. The suspect's chest moved  
13 minimally. I repositioned the head again and gave three more rescue breaths. The chest moved minimally  
14 again. I then placed my right hand onto the suspect's chest and began chest compressions while holding  
15 the pocket mask with my left hand.  
16  
17 Ofc. Banister told me that he would take care of the chest compressions. Ofc. Banister then began chest  
18 compressions counting out loud each one. After the fifth chest compression I gave two breaths. Ofc.  
19 Banister told me that he could feel air entering into the suspect's chest.  
20  
21 After approximately 1-2 minutes, I turned my head to officers behind me and said "We need fire here now!"  
22 I saw another officer at the scene and told him to grab a camera and start photos. The officer retrieved his  
23 camera and returned to my location. I briefly removed the gauze across the suspect's chest, so that it could  
24 be photographed.  
25  
26 San Jose Fire Department arrived to my location and one of the firefighters informed me that I could stop  
27 administering CPR. I informed the firefighters of the injuries that the suspect had sustained. I then assisted  
28 the firefighters in cutting away the suspect's clothing. Once the suspect's chest was exposed they placed  
29 pads on his chest to monitor the suspect's heart rhythms. It appeared that the device was not reading any  
30 heart rhythms from the suspect.  
31  
32 At approximately 1151 hours, firefighter badge #739 informed me that the suspect was deceased. I  
33 informed dispatch of the update, stepped away from the suspect and left my trauma kit next to him.  
34  
35 Sgt. Carabarin #2383 informed me that he had secured my less than lethal weapon into his patrol vehicle. I  
36 obtained it and secured it in my patrol vehicle. I then returned to Sgt. Carabarin for assignment. Sgt.  
37 Carabarin directed me to remain by the suspect until I was relieved.  
38  
39 I was relieved and transported to San Jose Police Department.  
40  
41 END OF REPORT.

ORIGINAL

OFFICER'S NAME / BADGE  
A. Grogan #3972

DAYS OFF/ SHIFT  
TWT/ 1st

SUPERVISOR

(94)



SAN JOSE POLICE DEPARTMENT  
 201 W. Mission Street  
 San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>	
VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL# VALUE	

**Narrative:** On 5/10/09 at approximately 1133hrs, I was working as a patrol officer in District King in a fully marked patrol vehicle and in full police uniform. I was equipped with my duty belt which, included a baton, Taser, handcuffs, Glock 22 pistol, and two magazines. I qualified with my pistol approximately one month ago. I have attended and successfully completed a course on the operation of my taser.

At approximately 1133hrs, I was priority dispatched to \_\_\_\_\_ for a family disturbance involving a weapon. The reporting party told dispatch his brother attacked him with a knife. I responded Code 3 from the area of 26<sup>th</sup> St and Julian St.

While on NB 101, I found myself directly behind Ofc. Jeffery #3926. I remained behind Ofc. Jeffery until we arrived on scene at approximately 1140hrs. \_\_\_\_\_ is a single family residence. Ofc. Jeffery parked his patrol vehicle directly in front of the address. I parked directly behind Ofc. Jeffery. I observed Ofc. Jeffery exit his vehicle. As I exited my vehicle, we were flagged down by a AMA standing in front of the address. He was bleeding from his neck from an apparent laceration. He pointed to the fence on the south side of the property, and excitedly said, "He's in the backyard".

Ofc. Jeffery and I looked over a sturdy wood-slatted fence that is adjacent to the front door of the residence. As I looked over the fence, I saw an AMA standing at the rear of the house approximately 50' away from our location. I observed blood smeared over his upper torso, neck and possibly on his face. The AMA was holding a knife with a 12" rectangular blade in his right hand. The knife also had blood on it. Ofc. Jeffery yelled to the subject to, "Drop the knife". The subject appeared to be emotionless and stared directly at us. He continued to hold the knife. I yelled drop, "Drop the knife and lay on the ground." The subject did not obey our orders and remained standing with the knife in hand while staring at us. We yelled several more times to drop the knife and to get on the ground. The subject continued to disobey our orders.

Ofc. Jeffery looked at me and told me he was going to climb over the fence. For his safety, I told him that I would walk along the southern fence line of the property in order to close the distance with the subject and be in position to subdue him with a taser shot. I told him I would do this prior to him climbing over the fence. It was my understanding that Ofc. Jeffery would maintain visual contact with the subject. As I was walking westbound along the fence line to the area where I last saw the subject standing, I heard Ofc. Jeffery shout, "Stop, Stop right there!" I immediately looked over the fence and saw Ofc. Jeffery still located in the same position on the outside of the fence. I also observed the subject advance directly toward Ofc. Jeffery's position, with the knife in his right hand. The subject was holding the knife at chest level and was quickly moving toward Ofc. Jeffery. I unholstered my taser and pointed it over the fence. I yelled to the subject, "Stop, stop right there or I'll tase you." The subject stopped and looked at me in surprise. He still had the strange, emotionless expression on his face that I observed upon our first contact with him. He then looked at my taser aimed at him and held the knife in the same position.

# SUPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>	
VICTIM LAST, First, Mid.	
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM# QNTY ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE	

The subject stared at me for approximately two seconds. He then turned back to the direction of Ofc. Jeffery and began advancing towards Ofc. Jeffrey's position in a fast manner. He was still holding the knife in the same position. Throughout this entire period, Ofc. Jeffrey continued to yell at the subject to stop. Within the first or second step that the subject took toward Ofc. Jeffrey, I deployed my taser because I feared for Ofc. Jeffrey's safety.

The taser had no effect on the subject and he appeared confused. I realized that neither probes hit the subject. He looked directly at me then, reached down and pulled one of the taser wires away from him. He maintaining his emotionless stare while he did so.

At the same time of my taser deployment, Ofc. Jeffrey began climbing over the fence. The subject looked at Ofc. Jeffrey and raised the knife to chest level. The subject quickly advanced toward Ofc. Jeffrey. Ofc. Jeffrey was only halfway over the fence and in no position to defend himself. I feared for Ofc. Jeffrey's safety and believed the subject would attack him with the knife as Ofc. Jeffrey was in a defenseless position. At this time the subject was approximately 20' away from Ofc. Jeffrey and closing the distance quickly. The subject now elevated the knife above his head.

At this time, I immediately threw my taser over the fence, jumped over the fence, and drew my duty weapon. Once I was over the fence, I observed Ofc. Jeffrey standing in the backyard. The subject was two or three feet away from Ofc. Jeffrey and holding the knife over his head. I believed the subject could kill Ofc. Jeffrey.

As the subject was within an arm's reach of Ofc. Jeffrey, Ofc. Jeffrey un-holstered his weapon and retreated backward towards me. He was approximately 10 feet away from me. As he was back - peddling from the subject, he pointed his weapon at the subject and continued to yell drop the knife. Ofc. Jeffrey made zig-zag type maneuvers in an attempt to get away from the subject. The subject then charged Ofc. Jeffrey and tracked his evasive movements. The subject did so while holding the knife over his head.

While Ofc. Jeffrey was back-peddling in my direction, I quickly positioned myself next to Ofc. Jeffrey's right side. The subject charged at Ofc. Jeffrey and I, while holding the knife over his head. I pointed my weapon at the suspect's chest and continued to yell drop the knife. Ofc. Jeffrey also had his weapon pointed at the subject and was yelling at the subject to drop the knife. Ofc. Jeffrey and I continued to back away from the subject. The fence was 3' to our rear. With the fence behind us, the subject was approximately 5 to 6' in front of us and still advancing. I believed the subject was going to kill one or both of us.

Fearing that the subject was trying to kill Ofc. Jeffrey or I, and with no reasonable means of escaping, I fired my weapon at the subject. I believed I fired my weapon four times. I later inspected my magazine, and believed that I had fired seven rounds. I also heard Ofc. Jeffrey fire his weapon. While Ofc. Jeffrey and I fired our weapons, we continued to back away from the subject.



SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>	
REPORT TYPE <input type="checkbox"/> NARRATIVE <input type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS                      CITY/ZIP
ITEM#    QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.                      SERIAL #    VALUE

I observed the subject slowing his charge and lowering the knife. At that point, I stopped firing my weapon. The subject was slowly walking toward us, and eventually fell to the ground. The subject was still holding the knife in his right hand. Ofc. Jeffrey continued to yell at the subject to drop the knife. The subject was positioned on his knees with his head on the ground. He held the knife in his right hand, with it pointed upward. The subject attempted to raise himself from the ground with the knife in his right hand, and then collapsed to the ground. The subject was unresponsive and remained in the same position.

Ofc. Jeffrey advised dispatch that shots had been fired. Ofc. Jeffrey and I continued to keep our weapons pointed at the subject because he refused to drop the knife. At this time, I observed Ofc. Bannister to my left. Ofc. Bannister yelled at the subject numerous times to drop the knife.

Ofc. Bannister located a shovel in the yard of the residence. Ofc. Banister used the shove to remove the knife from the subject's hand. The knife landed approximately between 2 to 3' southeast of the taser I dropped earlier. He then placed the subject in handcuffs and began CPR. Ofc. Grogan arrived and assisted Ofc. Banister with CPR.

Numerous other officers arrived at the scene. I feared that my taser would be mistakenly collected. To preserve the crime scene, I wrote the number "1" on a 3x5 card, folded it in half, and placed it next to my taser. I removed a second 3x5 card from my breast pocket. I placed a number "2" on the card, folded in half, and placed next to the suspect's knife.

I was told to leave the scene and wait in Lt. Tanaka's patrol vehicle. I was also told not to discuss the incident with any other officer. I observed Ofc. Jeffrey placed in Capt. Edwards vehicle. After approximately 15 minutes, Sgt. Munk transported us to the San Jose Police Department. While in the vehicle, Ofc. Jeffrey informed me I was bleeding from my left elbow.

At the police department, Sgt Gracie collected my duty belt that included my duty weapon. Sgt Gracie also collected my pants, which were damaged when I jumped over the fence. Finally, Sgt. Gracie photographed me and my injury.

End of Report

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 (408) 277-4261	CASE NO. <b>09-130-0526</b>	
	REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL Officer Involved Shooting	VICTIM(S) LAST, First, Mid. See Form-2	
SUSPECT(S) LAST, First, Mid. See Form-2	SUSPECT ADDRESS See Form-2	CITY / STATE / ZIP	
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE

1 **NARRATIVE:**

2

3 On 05-10-09 at approximately 1134 hours, I was in full uniform and driving a marked patrol vehicle in  
4 the area of E. Santa Clara Street and N. 24th Street in San Jose. I was assigned to patrol and  
5 working in District King (57K1). My shift had begun on 05-10-09 at 0600 hours. I had just completed  
6 a self initiated driving under the influence of an alcoholic beverage arrest and had just returned to  
7 service following the completion of that report.

8

9 I was priority dispatched to District Robert on the report of a disturbance call involving a weapon at a  
10 residence located at \_\_\_\_\_ in San Jose. Per the direction of Sergeant Dominguez, I  
11 responded "Code 3" to the residence.

12

13 Initial reports indicated that an Asian male adult was armed with a knife and was causing a physical  
14 disturbance at the residence. The Reporting Party updated that the Asian male adult was currently  
15 under the influence of narcotics and was also out of control. The Asian male adult was also reported  
16 to have stabbed another male during the physical disturbance. The last update provided prior to my  
17 arrival on scene was that the Asian male adult was last heard in the backyard of the residence.

18

19 On 05-10-09 at approximately 1141 hours, I arrived on scene at the residence located at \_\_\_\_\_  
20 \_\_\_\_\_ in San Jose. Upon arrival, I immediately observed two male adults frantically waving  
21 their arms in an attempt to gain my attention. While in my marked patrol vehicle, the two male adults  
22 pointed and verbally informed me that the physical disturbance was occurring next door. I positioned  
23 my marked patrol vehicle in front of the driveway and immediately exited my vehicle. Officer  
24 Blackerby #3999 arrived immediately behind me in his marked patrol vehicle.

25

26 As I exited my patrol vehicle, I observed an Asian male adult standing on the front lawn of the  
27 residence. The Asian male adult was holding a black cylindrical object that was approximately 12  
28 inches long. The Asian male adult was bleeding on his face, arms and hands. One of the two  
29 original neighbors, who were waving his arms, informed me that the Asian male adult holding the  
30 black cylindrical object was the Victim. I ordered the Asian male adult to drop the black cylindrical  
31 object, which he promptly did. The Asian male adult pointed to the backyard area of the residence  
32 and I heard an unknown person state, "He's in the backyard."

33

34 I approached a solid wooden fence (approximately 6 foot tall) that separated the residence from the  
35 front yard and the backyard. I located a large boulder next to the fence and stood on it to gain a  
36 visual of the backyard area. I was looking over the fence for a matter of seconds when I suddenly  
37 observed an Asian male adult walk out from behind the residence. I observed that the Asian male  
38 adult was bleeding from a large neck wound and he had a large amount of blood on his hands, arms  
39 and clothes. The Asian male adult was holding a large knife in his left hand while he was smoking a  
40 cigarette with his right hand. The knife was approximately 12 inches long with an 8 inch silver blade.  
41 I noticed that the knife was also covered in blood.

42

OFFICER'S NAME / BADGE  
Jeffrey 3926

DAYS OFF/ SHIFT  
D / TWT

SUPERVISOR

ORIGINAL

(98)

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 (408) 277-4261	CASE NO. <b>09-130-0526</b>	
	REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM(S) LAST, First, Mid. See Form-2	
Officer Involved Shooting	SUSPECT(S) LAST, First, Mid. See Form-2		SUSPECT ADDRESS CITY / STATE / ZIP See Form-2
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.		SERIAL # VALUE

1 Upon gaining a visual of the Asian male adult, I drew my San Jose city issued firearm (Sig Sauer  
2 P226, 9MM) and ordered him several times to drop the knife and to get on the ground. The Asian  
3 male adult responded by glaring at me as he continued to smoke his cigarette. I updated  
4 communications that I had a visual on the Asian male adult, that he was in possession of a knife and  
5 that he was refusing to put it down. At the same time, I requested via communications that San Jose  
6 Fire Department and American Medical Response respond for physical injuries that I had observed  
7 on the Asian male adult.

8  
9 Officer Blackerby #3999 arrived at my location. I informed Officer Blackerby #3999 that the Asian  
10 male adult was refusing to drop the knife. Officer Blackerby #3999 advised me that he would change  
11 his location to the south side fence line in an attempt to subdue the Asian male adult by tazing him.  
12 As Officer Blackerby #3999 changed his location, I pulled my body up onto the fence in an attempt to  
13 divert the attention of the Asian male adult. The Asian male adult glared at me, clenched his fist,  
14 clenched the knife and began to stride toward me to a fast pace. I lowered my feet back onto the  
15 boulder, pointed my firearm at him and continued to order him to stop, drop the knife and to get on  
16 the ground. The Asian male adult stopped, turned to his right and began to take steps away from  
17 me.

18  
19 As the Asian male adult began to walk away from me, I heard a taser discharge and I observed taser  
20 wires and probes traveling in the direction of the subject. I observed the taser wires and probes hit  
21 the Asian male adult. The Asian male adult stopped and bent forward at the waist as if he was being  
22 tazed. The Asian male adult suddenly stood back up and glared in the direction of Officer Blackerby  
23 #3999. I had no visual on the location of Officer Blackerby #3999 due to a large tree that was  
24 obstructing my view. I feared that Officer Blackerby #3999 had entered the backyard and was in  
25 danger of being attacked by the Asian male adult. I immediately jumped over the fence and landed  
26 in the backyard. Upon landing in the backyard, the Asian male adult looked in my direction and  
27 immediately began to stride toward me at a fast pace while holding the knife above his head in a  
28 slashing motion. Fearing for my life, I drew out my firearm that I had holstered prior to jumping over  
29 the fence. I ordered the Asian male adult several times to stop, drop the knife and to get on the  
30 ground.

31  
32 The Asian male adult ignored my commands and continued to stride toward me in a fast pace with  
33 the knife held above his head in a slashing motion. I believe, but I am not certain, that the Asian  
34 male adult was holding the knife in his left hand. As the Asian male adult approached me, I ran  
35 along the south side fence line toward the location of Officer Blackerby #3999 using a wheelbarrow  
36 and other objects as cover. I moved in this manner to avoid a crossfire situation with Officer  
37 Blackerby #3999.

38  
39 I arrived at Officer Blackerby's #3999 location in the backyard, I was approximately two feet to the left  
40 of him and we were both facing the Asian male adult. The Asian male adult continued to stride  
41 toward us both in a fast pace. Officer Blackerby #3999 and I both continually ordered the Asian male  
42 adult to stop, drop the knife and to get on the ground.

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 (408) 277-4261	CASE NO. <b>09-130-0526</b>	
	REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL Officer Involved Shooting	VICTIM(S) LAST, First, Mid. See Form-2	
SUSPECT(S) LAST, First, Mid. See Form-2	SUSPECT ADDRESS See Form-2	CITY / STATE / ZIP	
PROPERTY (and/or NARRATIVE)			
ITEM#	QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1.  
2. When the Asian male adult was within approximately eight feet of my firearm and continued to hold  
3 the knife above his head in a slashing motion; I discharged my firearm approximately 5 times at his  
4 chest. I did this in an attempt to stop the threat and to keep him from using his knife to stab myself or  
5 Officer Blackerby #3999. It was clear to me that the Asian male adult had already used the knife to  
6 stab another individual and appeared to have sliced his own throat with the knife. I was my belief  
7 and fear that the Asian male adult had no regard for human life and that he would stab myself or  
8 Officer Blackerby #3999 if he could close the distance that existed between us. I discharged my  
9 firearm in defense of my life and the life of Officer Blackerby #3999, and I do not believe I had any  
10 reasonable alternative to using my firearm at that very moment. I also heard Officer Blackerby #3999  
11 discharging his firearm at the same moment. I stopped discharging my firearm as the Asian male  
12 adult's forward motion ceased and he fell to his left and onto the ground.

13  
14 I updated communications that shots had been fired. I continued to point my firearm at the Asian  
15 male adult who was moving and appeared to be trying to stand up while still clenching the knife. I  
16 continually ordered the Asian male adult to drop the knife, but he did not. A short time later, the  
17 Asian male adult ceased moving, but he continued to still loosely hold the knife. Another officer who  
18 arrived on-scene used a shovel to move the knife way from the Asian male adult's hand and hand  
19 cuffed him.

20  
21 Moments later, the San Jose Fire Department and American Medical Response arrived on scene and  
22 provided medical care to the Asian male adult. Sergeant Munk transported me from the crime scene  
23 to the San Jose Police Department - Police Administration Building where I remained until completing  
24 this report.

25  
26 **ADDITIONAL INFORMATION:**  
27

28 While at the San Jose Police Department - Police Administration, I was segregated from other  
29 involved officers and witnesses and monitored by assigned San Jose Police Department sergeants.  
30 Sergeant Gracie of the San Jose Police Department Crime Scene Unit photographed me and took  
31 custody of my duty belt including my city issued firearm. Sergeant Gracie also inspected a back-up  
32 firearm (Smith-Wesson Airweight Model 642, .38) that I carry and returned it to me following the  
33 inspection.

34  
35 - END OF REPORT -

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault with a Deadly Weapon/OIS</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1 **Supplemental Narrative:** On May 10th, 2009, I was working as a Detective Sergeant for the  
2 Homicide Unit. I responded to 961 Branbury Way on the report of an assault with a deadly  
3 weapon. Police had arrived on scene and were confronted by a male who was wielding a  
4 large knife. Officers discharged their firearms. The male was pronounced dead at 1151hrs.  
5 Several witnesses were located. was transported to Regional Medical Center  
6 with non life threatening injuries. He then came to the San Jose Police Department for an  
7 interview. The following is a synopsis of interview.

8  
9 The interview was conducted at 1950hrs in the Homicide Unit Room #2 with Detective Barg  
10 #3640. The interview was digitally video and audio recorded without knowledge.

11  
12 **Interview of** stated that he is the brother of Daniel (Son) Pham. He  
13 stated that he lives at the residence at with his father, mother, girlfriend  
14 , brother , and his brother Daniel Pham. stated that they moved to  
15 San Jose from Vietnam in 1991. stated that both went to High School  
16 and that Daniel was a normal high school student.

17  
18 stated that he didn't know that Daniel was doing crack until it was too late and he was  
19 too far gone. He stated that would steal money from the family and use it to buy and  
20 smoke crack cocaine. stated that he began using crack cocaine three or four years  
21 ago. stated that Daniel would do crack everyday. stated that he had seen  
22 Daniel smoking crack out of a glass pipe. stated that he knew what crack was.

23  
24 described Daniel as having episodes. stated that when Daniel would have an  
25 episode, Daniel would go crazy. described these episodes as violent and believed  
26 they started after Daniel started using crack. believed that these episodes were a mix  
27 of both mental issues and crack use. stated that Daniel would say crazy things like  
28 people were out to get him. stated that Daniel would usually go to his room and lay  
29 down while holding a knife. On one occasion, grabbed Daniel's arm and wrestled a  
30 knife from him while family called police. stated that on this occasion, he did not want  
31 Daniel to get into an altercation with police because he believed that the police would shot  
32 him. stated that they had called police multiple times, but that the family had also  
33 resorted to tying Daniel up when he had episodes. stated that his father did not want  
34 to keep calling police and have Daniel get arrested each time. stated that Daniel's  
35 episodes could be daily, weekly, or monthly. You never knew when he was going to have  
36 one. stated that his parents did not know how to handle Daniel and just kept him  
37 happy by buying him cigarettes.

38  
39 stated that Daniel walks around and has no emotion and does not talk. stated  
40 that Daniel is being treated for mental problems at a community medical center off of Tully  
41 Road. did not know the doctors name. did not know what the names of the

OFFICER'S NAME/BADGE <b>Sgt. D. Tindall #3240</b>	DAYS OFF/SHIFT SSM/Homicide	DATE 05/27/09	SUPERVISOR	PAGE NO. Page 1 of 3
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ORIGINAL

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<b>POLICE REPORT</b>		SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261		CASE NO. <b>09-130-0526</b>	
REPORT TYPE <b>Assault with a Deadly Weapon/OIS</b>			VICTIM LAST, First, Mid.		
SUSPECT LAST, First, Mid.			SUSPECT ADDRESS		CITY/ZIP
ITEM#	QNTY	PROPERTY (and/or NARRATIVE)		SERIAL #	VALUE

1 mental issues that Daniel has. stated that his father would medicate Daniel but that he  
2 did not know what the medication was. He believed that Daniel would take the medication  
3 daily. also stated that he would take Daniel for acupuncture. stated that he and  
4 his parents know that Daniel has problems so they hide all of the knives especially the sharp  
5 ones. stated that the family had put locks on their doors. stated that this was so  
6 that Daniel could not steal from them, but also alluded to the fact that this was for their own  
7 safety.

8  
9 stated that on the day of the event, he got up and went out into the backyard to get  
10 some air. He stated that Daniel was outside smoking a cigarette and was smiling at  
11 stated that this was unusual because Daniel does not talk and does not show any  
12 emotion. reflected back to say that Daniel would get this smile whenever he smoked  
13 crack. stated that he did not see Daniel smoke any crack today but was not around  
14 him long enough to know if he had. stated that he sat down at the computer and the  
15 next thing he knew, Daniel had placed his hand on forehead, had pulled his head  
16 back and began to cut throat. stated that he grabbed the knife and began to  
17 wrestle with Daniel. stated that he received cuts to his neck, arms, and seven or eight  
18 cuts to his hands while defending himself. stated that he gets tired easy and knew that  
19 he could not keep fighting. stated that he yelled for his girlfriend to lock herself in her  
20 room and decided to flee the residence to call police. broke free of Daniel and ran to a  
21 neighbor.

22  
23 decided to run to the neighbor's house for help. He stated that he knew if he didn't get  
24 out of the house, he knew he was done. He then ran to the neighbor's house and told them  
25 to call 911 because his brother was "crazy on drugs".

26  
27 then went back to the garage and took the handle off of a car jack. stated that  
28 he grabbed the bar for protection against Daniel because he knew he had to go back into the  
29 house to get his girlfriend. stated that he was scared for safety and was worried  
30 that Daniel was unstable and that he might do something to her. stated that he did not  
31 know what Daniel was capable of. opened the main garage door using a coded  
32 keypad on the exterior. stated that he then forced entry into the house through the  
33 door that leads into the house from the garage. stated that when he did this, he could  
34 see his brother down the hallway, but that he could not make much more out because of his  
35 vision. stated that he did not go down the hallway and decided to go to the outside of  
36 the house to make contact with . stated that he then went outside and started  
37 yelling at Daniel to tell him to drop the knife. stated that he knew if police showed up  
38 and if Daniel came at them with the knife, that he would get shot. stated that he was  
39 banging on the wall of the house trying to get attention telling her to stay inside the  
40 room. He was also yelling at Daniel to drop the knife  
41

**ORIGINAL** Re 2 of 3 (102)

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault with a Deadly Weapon/OIS</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1        stated that police arrived and he made contact with them to the front of the house.  
2        stated that he was holding the metal pipe that he had retrieved from the garage and  
3 threw it to the ground.        stated that he told police that his brother was high on drugs and  
4 that he had a knife.        stated that he did not know if Daniel was actually high but said  
5 that his was the best excuse that he could come up with. He stated that he wanted to protect  
6 his brother from getting shot and thought that telling them that he was high and only armed  
7 with a knife was information that they should know.        stated that he began to feel faint  
8 and he went to the neighbor's house.        stated that he was almost passing out and the  
9 ambulance came. He stated that he did not hear the officers say anything to Daniel but saw  
10 one of them going over the fence. He stated that he then heard 4 gunshots.        was then  
11 transported to Regional Medical Center via ambulance for his injuries.

12  
13        believed that Daniel had an episode today.        believed this because he seemed  
14 anxious and agitated.        stated that when Daniel has episodes, he smokes a lot.  
15 stated that Daniel was smoking every five minutes today.        stated that the knife was one  
16 of two that were located in the kitchen. He stated that the family kept dull knives in the  
17 kitchen and hid sharp or pointy knives so that Daniel could not get to them. Daniel was asked  
18 why there was barbed wire on the inside of their exterior fence.        stated that they did  
19 this because Daniel's friends who were there to sell/smoke crack would jump the fence and  
20 go to Daniel's window.

21  
22 The interview was concluded at this time.

23  
24  
25  
26  
27  
28 **END OF REPORT**

29  
30  
31  
32  
33

**ORIGINAL** *Page 3 of 3*  
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<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault with a Deadly Weapon</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1 **Synopsis:** On 5/10/09 Sgt. D. Tindall and I interviewed Officer M. Blackerby # 3999 at the  
2 San Jose Police Department's Homicide Unit. The interview was conducted in interview  
3 room #2 and began at approximately 2155 hours. Also in attendance was attorney Terry  
4 Leoni. The interview was digitally audio and video recorded.

5  
6 **Narrative:** Blackerby was cooperative and spoke with us voluntarily. We asked him to relay  
7 to us the events surrounding the incident and he read to us from a prepared police report.  
8 Refer to Blackerby's report for details.

9  
10 After providing us with his account of the incident, we asked him how many times he ordered  
11 suspect PHAM to put down the knife. Blackerby told us that he ordered PHAM to drop the  
12 knife between ten and fifteen times.

13  
14 We asked Blackerby how many times Ofc. Jeffrey ordered suspect PHAM to drop the knife  
15 and Blackerby estimated twenty-five to thirty-five times.

16  
17 We asked Blackerby how the suspect responded to the commands and he told us that  
18 PHAM simply stared at him. Blackerby compared the suspect to a Rhinoceros "getting ready  
19 to charge."

20  
21 Blackerby then demonstrated for us how suspect PHAM held the knife when Ofc. Jeffrey was  
22 leaning over the fence. Blackerby used a writing pen as a prop and explained to us that  
23 PHAM held the knife straight out at chest level. Blackerby further explained that the suspect  
24 later raised the knife over his head and charged both Blackerby and Jeffrey.

25  
26 We showed Ofc. Blackerby several overhead photos of the crime scene and Blackerby  
27 marked his position, Jeffrey's position, and the position of the suspect on the photos.

28  
29 Blackerby told us that immediately prior to shooting the suspect he was scared for his life and  
30 the life of his partner (Ofc. Jeffrey). He explained that he climbed over the fence (and into  
31 the backyard) to protect Ofc. Jeffrey, who was straddling the fence and (in Blackerby's  
32 opinion) vulnerable. He said that initially, when the suspect charged Ofc. Jeffrey, Blackerby  
33 thought that Jeffrey was going to get attacked. Blackerby said that when he climbed over the  
34 fence to protect Jeffrey, and the suspect then turned on Blackerby, he thought that he was  
35 going to get attacked.

36  
37 The interview concluded at approximately 2220 hours.

38  
39 **END OF REPORT**

40  
41

OFFICER'S NAME/BADGE  
**J. Barg #3640**

DAYS OFF/SHIFT  
**SSM/Homicide**

DATE

SUPERVISOR

PAGE NO.

**ORIGINAL**

Page 1 of 1

(10A)

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault with a Deadly Weapon</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #. VALUE

1 **Synopsis:** On May 10<sup>th</sup> 2009 I responded to 961 Branbury Way to investigate an Assault  
2 with a Deadly Weapon incident that resulted in an Officer Involved Shooting. The suspect,  
3 DANIEL PHAM, attacked his brother with a knife and then turned the weapon  
4 on arriving officers Blackerby and Jeffrey. Blackerby and Jeffrey discharged their firearms at  
5 the suspect and the suspect died as a result of his injuries. The suspect was pronounced  
6 dead at 1151 hours. I conducted the investigation with my partner, Sgt. D. Tindall.

7  
8 **Narrative:** I arrived at the scene of the incident at approximately 1333 hours. Sgt. Tindall  
9 and I received a briefing from Detective Sgt. K. Davis and then crime scene officers Forrester  
10 and Hoopes escorted us into the crime scene. We entered the southern driveway (off of  
11 Commodore Way.) of 961 Branbury Way and stood on the concrete and viewed the side  
12 yard area where the shooting occurred.

13  
14 After viewing the crime scene we returned to the San Jose Police Department to interview  
15 witnesses.

16  
17  
18  
19  
20  
21

ORIGINAL

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault with a Deadly Weapon</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
PROPERTY (and/or NARRATIVE)		
ITEM# QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1 **Synopsis:** On 5/10/09 Sgt. D. Tindall and I interviewed Officer B. Jeffrey #3926 at the San  
2 Jose Police Department's Homicide Unit. The interview was conducted in interview room #2  
3 and began at approximately 2238 hours. Also in attendance was attorney Mike Rains. The  
4 interview was digitally audio and video recorded.

5  
6 **Narrative:** Jeffrey was cooperative and spoke with us voluntarily. We asked him to relay to  
7 us the events surrounding the incident and he read to us from a prepared police report.  
8 Refer to Jeffrey's report for details.

9  
10 After providing us with his account of the events surrounding the incident, we asked Jeffrey  
11 how many times he told suspect PHAM to drop the knife. Jeffrey estimated fifteen to twenty  
12 times. We asked Jeffrey how many times he remembered Blackerby telling the suspect to  
13 drop the knife and he recalled about the same number, fifteen to twenty times.

14  
15 We asked how suspect PHAM responded to the orders and Jeffrey told us that the suspect  
16 maintained a blank stare, held the knife, and clenched his fist. Jeffrey told us that he and  
17 Blackerby had no dialog with the suspect.

18  
19 Jeffrey demonstrated for us how PHAM was holding the knife (down by his side at first, and  
20 later up above his head in a slashing movement). Jeffrey told us that he clearly recognized  
21 the knife as a weapon and that PHAM was using it in a threatening manner.

22  
23 We showed Jeffrey several overhead photos of the scene of the incident and asked him to  
24 mark them with his location. He used a pen and marked his location, Blackerby's location,  
25 and the location of the suspect. He also marked the movements that the individuals made  
26 during the incident.

27  
28 We asked Jeffrey what he intended to do when he encountered the suspect and he told us  
29 that his goals were to gain visual of the suspect and ensure that he was not hurting anybody  
30 else. Jeffrey said that he was concerned that other potential victims may have been inside  
31 the residence.

32  
33 We asked Jeffrey to explain to us why he jumped the fence into the backyard and he told us  
34 because he thought that Blackerby was inside the fence line and was in harms way. He said  
35 that his view was blocked by a tree in the backyard and he said that after he saw the taser  
36 deployment he feared that Blackerby was in the yard with the suspect. He said that he saw  
37 that the taser was ineffective and feared that Blackerby was going to be attacked by the  
38 suspect, so he breached the fence to come to Blackerby's aid. Jeffrey said that once he was  
39 over the fence and the suspect had turned on him he was scared and in fear for his life.

40  
41 We concluded the interview by asking Jeffrey to explain his intentions when he arrived at the

**ORIGINAL**

10P2  
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<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault with a Deadly Weapon</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid.	SUSPECT ADDRESS	CITY/ZIP
PROPERTY (and/or NARRATIVE)		
ITEM# QNTY	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1 residence. Jeffrey said that he was there to investigate an assault with a deadly weapon  
2 case, identify the suspect, take the suspect into custody, and protect other potential victims.  
3  
4  
5  
6  
7  
8

OFFICER'S NAME/BADGE  
**J. Barg #3640**

DAYS OFF/SHIFT  
SSM/Homicide

DATE

SUPERVISOR

PAGE NO.

**ORIGINAL** 2 OF 2  
(107)

<b>POLICE REPORT</b>	SAN JOSE POLICE DEPARTMENT 201 W. Mission Street San Jose, CA 95110 277-4261	CASE NO. <b>09-130-0526</b>
	REPORT TYPE <b>Assault with a Deadly Weapon/ OIS</b>	VICTIM LAST, First, Mid.
SUSPECT LAST, First, Mid. Pham, Daniel Son	SUSPECT ADDRESS 961 Branbury Way	CITY/ZIP San Jose/95133
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

**NARRATIVE:** On 05-10-09 Sergeant Davis #3250 and I (Checke #3664) were working as Day Detectives assigned to the Homicide Unit. We responded to an Assault with a Deadly Weapon call at 961 Branbury Way (Xst of Commodore Dr). While enroot to the scene we learned that the suspects threat had been stopped using deadly force.

Upon arrival we coordinated with various patrol sergeants and officers to secure the scene, canvass the neighborhood, make on-call notifications, obtain related scene and incident information, and review witness observations.

While on-scene we were advised that the suspect's father was awaiting contact just outside the perimeter. Sergeant Davis #3250 met with [redacted] and attempted to gain consent to enter the residence at 961 Branbury Way. [redacted] refused consent and a search warrant was obtained for the residence.

End of Report

ORIGINAL

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# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE  NARRATIVE  SUPPLEMENTAL  
OFFICER INVOLVED SHOOTING

VICTIM LAST, First, Mid.  
Ofc. JEFFERY #3296 &  
Ofc. BLACKERBY #3999

SUSPECT LAST, First, Mid.  
**PHAM, Daniel**

SUSPECT ADDRESS CITY/STATE

ITEM#	QNTY	PROPERTY (and/or NARRATIVE)	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL #	VALUE
-------	------	-----------------------------	---	----------	-------

D.A. COPY

1 Sunday, May 10, 2009 1155 hours:

2 I was contacted at home by Sgt. S. GRACIE #2961 regarding a homicide that occurred in the area of  
3 Branbury Way and Commodore Drive in San Jose. Sgt. S. GRACIE advised me that an adult male stabbed  
4 his brother and then was shot after a confrontation with police. Sgt. S. GRACIE told me that the suspect  
5 had been pronounced dead on scene by paramedics at 1131 hours (SJFD Engine Company 2 and AMR rig  
6 #739). Sgt. S. GRACIE stated that the scene was located at 961 Branbury Way.

8 Sunday, May 10, 2009 1257 hours:

9 I arrived on scene and contacted Day Detective L. Checke #3664 for a briefing. I observed that the scene  
10 was being secured by police vehicles and orange barrier tape. Sgt. S. Carabarin #2383 and Sgt. Dominguez  
11 were in charge of scene security. I was advised that Sgt. Munk #2932 transported involved officers  
12 Blackerby #3999 and Jeffery #3926 to the police department for processing and interviewing. Sgt. Gracie  
13 responded to the police department to process the involved officers. Sgt. D. Tindall #3240 and Officer J.  
14 Barg #3640 arrived on scene and advised me they were the Homicide detectives assigned to this case.  
15 Investigator Cunningham from the Santa Clara County District Attorney's office and Sgt. B. Wiley #2102  
16 from the San Jose City Attorney's office were on scene. My partner Officer M. HOOPES #3457 responded  
17 to the scene with the main crime scene processing rig. I was advised by the homicide detectives to delay  
18 processing the residence of 961 Branbury Way until a search warrant was obtained.

20 Day Detective L. Checke told me that this event started when S-1 (PHAM, Daniel) got into an altercation  
21 with his brother ( ). During the altercation, Daniel stabbed ( ) who then ran to  
22 ( ) request help. I was told that the police responded and confronted Daniel who was armed  
23 with a knife. Daniel was tazered and subsequently shot after attempting to assault the responding officers.  
24 I was told that the officers fired approximately nine rounds in a northeast direction. I was told that about  
25 four 40 caliber rounds were fired from a Glock 22 (E/I #55) and four or five 9mm rounds were fired from a  
26 Sig Sauer P266 (E/I #56).

OFFICER'S NAME/BADGE  
FORRESTER #3876/HOOPES #3457

DAYS OFF/SHIFT  
DAYS- C.S.U.

ORIGINAL

SUPERVISOR [Signature]

CASE NO.	09-130-0526
VICTIM LAST, First, Mid.	Ofc. JEFFERY #3296 & Ofc. BLACKERBY #3999
SUSPECT LAST, First, Mid.	PHAM, Daniel
SUSPECT ADDRESS	CITY/ZIP
PROPERTY (and/or NARRATIVE)	ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.
SERIAL #	VALUE

REPORT TYPE  NARRATIVE  SUPPLEMENTAL  
OFFICER INVOLVED SHOOTING

SUSPECT LAST, First, Mid.  
PHAM, Daniel

ITEM# QNTY

1  
2

3 Scene:

4 The residence of 961 Branbury Way is located on the northwest corner of the intersection of Branbury Way  
5 and Commodore Drive. Branbury Way is a north and southbound roadway with one lane traveling in each  
6 direction. Commodore Drive is an east and westbound roadway with one lane traveling in each direction.  
7 The intersection is controlled by one stop sign that controls southbound traffic on Branbury Way. Single  
8 family residences line both sides of Branbury Way. Commodore Drive consists of single family residences  
9 along the north side of the roadway and an empty field along the south side of the roadway. The residence  
10 of 961 Branbury Way is a single level home with four bedrooms, three bathrooms and a two car garage.  
11 The front door to the residence faces east towards Branbury Way. The residence has a large backyard with  
12 numerous trees. The trees lined the south fence line and obstructed the view into the backyard.  
13 Approximately 80 percent of the residence is encompassed by a wooden fence. The fence height varies but  
14 it is about six feet tall. The fence was located on the north, south and west sides of the residence. There  
15 were also tall shrubs that were located on the outside (south side) of the fence. The inside of the fence was  
16 lined with barb wire. There was a small tool shed located in the northwest corner of the property. There  
17 was one vehicle located in the driveway of the residence. The vehicle was a silver Toyota Tundra pickup  
18 truck CA license

19  
20 We located multiple blood stains IFO 961 Branbury Way. These stains formed a trail that led from the  
21 garage of 961 Branbury Way to the front doorway of . A sampling of stains was taken  
22 from the trail (E/I #29, 29A-C, 30, 31 & 32). One 40 caliber shell casing (E/I #1) was located on the  
23 sidewalk to the south of 961 Branbury Way. The shell casing was in the general area of the shooting  
24 however, it was on the south side of the fence and the shooting was on the north side of the fence.

25  
26 2030 hours: Residence search @ 961 Branbury Way

SUPERVISOR  2896



# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.	09-130-0526
REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL	VICTIM LAST, First, Mid. Ofc. JEFFERY #3296 & Ofc. BLACKERBY #3999
OFFICER INVOLVED SHOOTING	SUSPECT ADDRESS CITY/ZIP
SUSPECT LAST, First, Mid. <i>PHAM, Daniel</i>	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

1 I was contacted by Sgt. Gracie and was advised that the search warrant for 961 Branbury had been signed.  
2 We entered the residence and Officer HOOPES took digital photos before we began our search. The  
3 residence of 961 Branbury Way is a single level home with four bedrooms, three bathrooms and a two car  
4 garage. There were numerous blood stains inside the residence. A sampling of stains was taken (E/I #33-  
5 35).

6  
7 Living room:

8 Upon entering the residence through the front door there is a short hallway. The living room is to the south.  
9 The living room is located at the far southeast corner of the residence. There were blood drops on the floor  
10 near the hallway door (E/I #34). The room consisted of a sofa, a table, an elliptical exercise machine,  
11 computer boxes, a lamp, speakers, plants, wall hanging artwork and a bookcase.

12  
13 Dining room:

14 The dining room is the first room north of the front door. The room consisted of a large dining table with  
15 chairs, shoes, wall hanging artwork, a fish tank, a computer tower and memory stick (E/I #40), a broken  
16 potted plant, clothing, a blood stained grey sweatshirt (E/I #36), and eyeglasses.

17  
18 Garage:

19 The garage is located north of the dining room. The garage is located at the far northeast corner of the  
20 residence. The garage contained a refrigerator, clothing, a bicycle, a desk, a wooden bar, office supplies,  
21 blood drops, a bed and storage shelves. The garage also contained a small bathroom. The bathroom  
22 consisted of a sink, a toilet, a shower and basic toiletry items. No items of evidence were taken from this  
23 location.

24  
25 Hallway:

 2896  
SUPERVISOR

OFFICER'S NAME/BADGE  
FORRESTER #3876/HOOPES #3457

DAYS OFF/SHIFT  
DAYS- C.S.U.

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>
VICTIM LAST, First, Mid. Ofc. JEFFERY #3296 & Ofc. BLACKERBY #3999
SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

REPORT TYPE  NARRATIVE  SUPPLEMENTAL  
OFFICER INVOLVED SHOOTING

SUSPECT LAST, First, Mid.  
**PHAM, Daniel**

1 The entrance hallway contained numerous pairs of shoes as well as numerous gravitational blood drops and  
2 smear stains (E/I #33 & 34). Along the south wall near the T in the hallway was a large C shaped blood  
3 stain (E/I #35). The hallway leads from the front door and travels down the south side of the residence  
4 connecting the bedrooms and bathrooms. There were various types of hanging artwork along the wall of  
5 the hallway.

6  
7 Hallway bathroom:

8 The hallway bathroom is located on the south side of the residence between the entrance hallway and the  
9 bedrooms. The bathroom consisted of a sink, toilet, shower/bathtub, towels, clothing, magazines and  
10 various cleaning supplies. No items of evidence were located in this room.

11  
12 Bedroom 1:

13 Traveling westbound down the hallway from the front door is bedroom one. The room consisted of a  
14 mattress and box spring lying on the floor, a closet, a grey safe (E/I #43), a nightstand, a desk, an office  
15 chair, two laptop computers (E/I #43A), a mirror, a TV, a VCR, various office supplies, and clothing.

16  
17 Bedroom 2:

18 Just west of bedroom one is bedroom number two. The room consisted of a futon, a closet, a grey safe (E/I  
19 #42), a nightstand, a desk, an office chair, a laptop computer with external drive (E/I #42A), a computer  
20 monitor, various office supplies, a dresser, a trash can, a mirror and clothing.

21  
22 Bedroom 3 (Pham, Daniel):

23 Just west of bedroom 2 was bedroom number three. The room consisted of a bed, a desk with two office  
24 chairs, a dresser, a heater, a stereo, a TV, a computer tower (E/I #41A), a CDL and indicia for PHAM (E/I  
25 #41), a monitor, a closet, clothing, and a wall mirror.

26

OFFICER'S NAME/BADGE  
FORRESTER #3876/HOOPES #3457

DAYS OFF/SHIFT  
DAYS- C.S.U.

SUPERVISOR

2576

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110. 277-4261

REPORT TYPE <input type="checkbox"/> NARRATIVE <input checked="" type="checkbox"/> SUPPLEMENTAL		CASE NO. <b>09-130-0526</b>
OFFICER INVOLVED SHOOTING		VICTIM LAST, First, Mid. Ofc. JEFFERY #3296 & Ofc. BLACKERBY #3999
SUSPECT LAST, First, Mid. <b>PHAM, Daniel</b>		SUSPECT ADDRESS CITY/ZIP
ITEM# QNTY	PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC.	SERIAL # VALUE

1 **Bedroom 4 (master):**

2 Across the hall from bedroom two is the master bedroom which will be referred to as bedroom number  
3 four. The room consisted of a bed, two night stands, clothing, a closet, a large white safe (E/I #44), a chair,  
4 a TV, a VCR, a dresser, a mirror, a small bathroom and numerous bottles of medication (E/I #44A). The  
5 bathroom consisted of a sink, a toilet, a shower, clothing and various cleaning supplies.

6

7 **Family room:**

8 The kitchen and family room were located on the northwest corner of the residence. The family room is  
9 located along the north and west wall of the residence. The family room consisted of a TV and  
10 entertainment center, a sofa, a small dining table, a hammock, family portraits, artwork, religious items, a  
11 fireplace, a small dog and numerous candles. No items of evidence were located in this room.

12

13 **Kitchen:**

14 The kitchen was located just south of the family room. The kitchen consisted of a sink, a stove, bar stools,  
15 cookware, a refrigerator, a microwave, a toaster oven, numerous kitchen knives and tea sets. No items of  
16 evidence were located in this room.

17

18 **Backyard:**

19 The backyard contained numerous small trees, shrubs, potted plants, trash cans, a weight bench, chairs, a  
20 dog house, a radio, a small shed and a table. The deceased (PHAM) was also located in the backyard.  
21 PHAM's body was located along the south fence line of the residence. PHAM was lying on his back and  
22 his hands were secured with handcuffs (E/I #54). PHAM's face and torso were covered in blood. There  
23 were multiple defects to PHAM's torso. There was various medical debris around PHAM. PHAM's head  
24 was pointing south and his feet were pointing north. PHAM was lying on top of his blue shirt (E/I #23), a  
25 broken lighter (E/I #47), a piece of cellophane plastic (E/I #23A), and broken lighter pieces (E/I #23B).  
26 PHAM's shirt was bloody and had been cut apart by the medical personnel who responded to the scene.

OFFICER'S NAME/BADGE  
FORRESTER #3876/HOOPES #3457

DAYS OFF/SHIFT  
DAYS- C.S.U.

SUPERVISOR  


# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO. <b>09-130-0526</b>
VICTIM LAST, First, Mid. Ofc. JEFFERY #3296 & Ofc. BLACKERBY #3999
SUSPECT ADDRESS CITY/ZIP
PROPERTY (and/or NARRATIVE) ITEM TYPE BRAND MODEL # SIZE COLOR MARKS ETC. SERIAL # VALUE

REPORT TYPE  NARRATIVE  SUPPLEMENTAL

OFFICER INVOLVED SHOOTING

SUSPECT LAST, First, Mid.  
**PHAM, Daniel**

1 There were various medical items on PHAM's body. PHAM was wearing black boxers (E/I #48) and  
 2 multicolored flip flop sandals (E/I #49). There was a tazer dart stuck in PHAM's boxers near his right  
 3 thigh (E/I #52). Next to PHAM was a Marlboro cigarette box (E/I #24), a bloody cigarette butt (E/I #25)  
 4 and an EKG printout (E/I #39). The backyard also contained four 40 caliber shell casings (E/I #3, 9, 10 &  
 5 11) and seven 9mm casings (E/I #2, 4, 5, 6, 7, 8 & 14). We also located one tazer (E/I #18), tazer parts  
 6 (E/I #12, 13, 16 & 17), two deformed projectiles (E/I #15 & 27), and two bloody knives (E/I #19 & 28).  
 7 Additionally, two blood swabs were taken from blood drops located in the backyard (E/I #20 & 21). The  
 8 following is the position of the PHAM's body in the backyard:

Head	13 feet south of the south wall of 961 Branbury Way and 28 feet 10 inches west of the east fence.
Stomach	11 feet 2 inches south of the south wall of 961 Branbury Way and 28 feet 4 inches west of the east fence.
Left shoulder (hand not visible)	12 feet 5 inches south of the south wall of 961 Branbury Way and 29 feet 2 inches west of the east fence.
Right hand	11 feet south of the south wall of 961 Branbury Way and 27 feet 7 inches west of the east fence.
Left foot	7 feet 10 inches south of the south wall of 961 Branbury Way and 29 feet 2 inches west of the east fence.
Right foot	8 feet 5 inches south of the south wall of 961 Branbury Way and 28 feet 6 inches west of the east fence.

11 Front yard:

12 The front yard contained shrubs, a driveway, a sidewalk and a fountain. The front yard also contained a  
 13 bloody metal bar (E/I #37) and a blood stain (E/I #38).

OFFICER'S NAME/BADGE  
FORRESTER #3876/HOOPES #3457

DAYS OFF/SHIFT  
DAYS- C.S.U.

SUPERVISOR  2896

# SJPD REPORT

SAN JOSE POLICE DEPARTMENT  
201 W. Mission Street  
San Jose, CA 95110 277-4261

CASE NO.  
**09-130-0526**

REPORT TYPE  NARRATIVE  SUPPLEMENTAL  
OFFICER INVOLVED SHOOTING

VICTIM LAST, First, Mid.  
Ofc. JEFFERY #3296 &  
Ofc. BLACKERBY #3999

SUSPECT LAST, First, Mid.  
**PHAM, Daniel**

SUSPECT ADDRESS CITY/ZIP

ITEM#	QNTY	PROPERTY (and/or NARRATIVE)	ITEM TYPE	BRAND	MODEL #	SIZE	COLOR	MARKS ETC.	SERIAL #	VALUE
-------	------	-----------------------------	-----------	-------	---------	------	-------	------------	----------	-------

2 In an attempt to locate all additional shell casings, we cleared the shrubs that were located on the south side  
3 of the fence that ran along the south side of 961 Branbury Way. After removing the shrubs we located two  
4 40 caliber shell casings (E/I #22 & 26).

5  
6  
7

8 2233 hours:

9 I contacted Coroners Investigator P. Albrecht who responded to the scene with the body removal team.  
10 Investigator Albrecht provided me with coroner's case number 09-01491. Investigator Albrecht  
11 photographed and documented PHAM's condition and position. PHAM's body was placed in a black  
12 nylon zipper bag and the zipper was closed. The zipper was sealed with a red plastic Coroner's seal with a  
13 white number stamped in the red plastic. The Coroner's seal number was #0061698. The sealed body bag  
14 was placed in the rear of the body removal team's vehicle.

15

16 2305 hours:

17 Investigator Albrecht and body removal team departed the scene.

18

19 Monday, May 11, 2009 0700 hours:

20 We completed processing the crime scene. We left a copy of the search warrant and the search warrant  
21 return inside the residence. All items of evidence collected were transported to the police station and  
22 placed into the TER at 0740 hours. Officer HOOPES uploaded the digital photographs into Data Works.

23

24

25 END OF REPORT

OFFICER'S NAME/BADGE  
FORRESTER #3876/HOOPES #3457

DAYS OFF/SHIFT  
DAYS- C.S.U.

  
2896  
SUPERVISOR

DIAGRAM #1

Case # 09-130-0526
Date / Time .04/10/09 / 1133 hrs
Location 961 Branbury Way
Victim: Ofc. Blackerby #3999, Ofc Jeffery #3926
Suspect: PHAM, Daniel
Drawn by: Forrester #3876

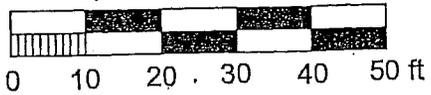
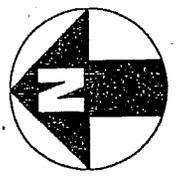
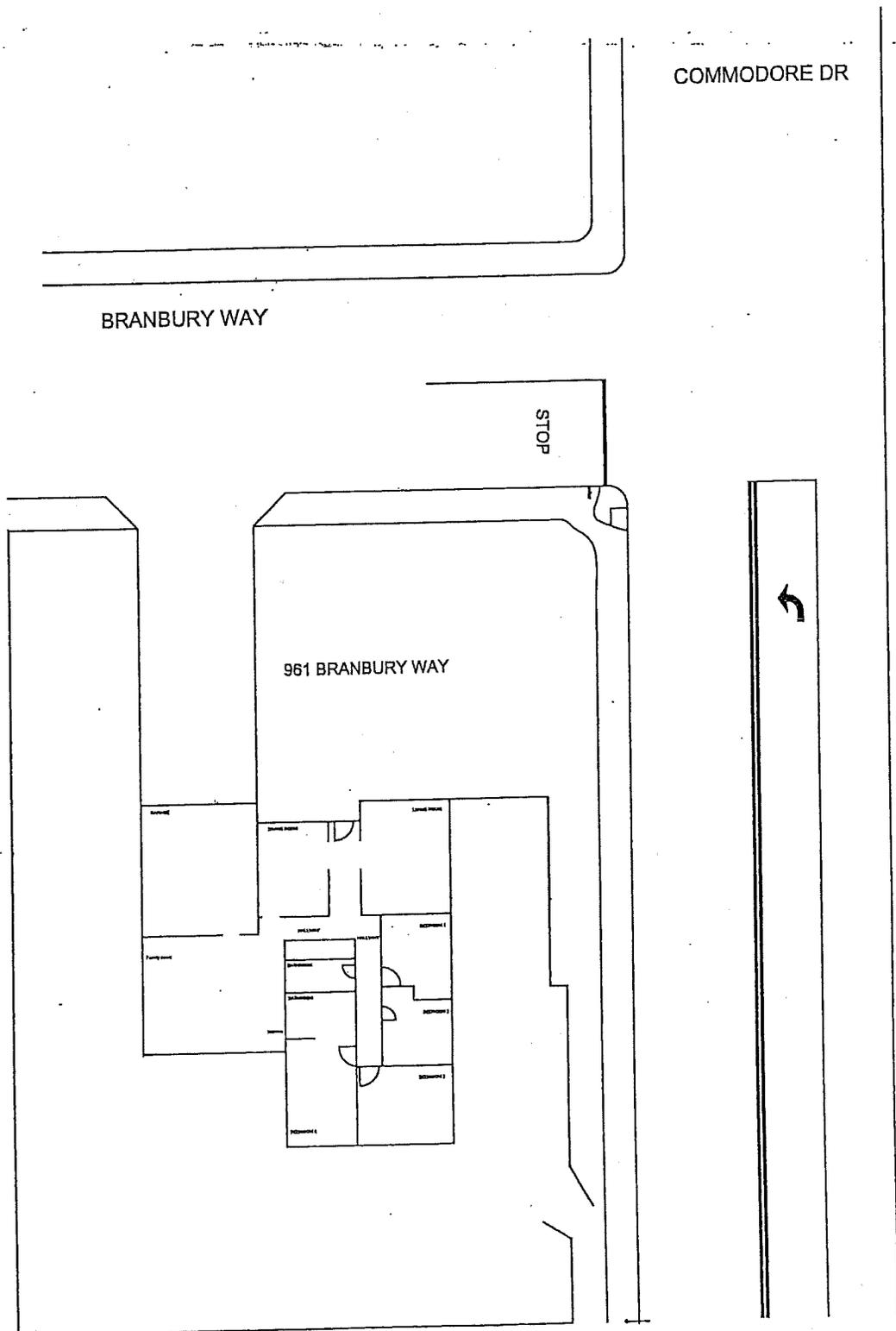
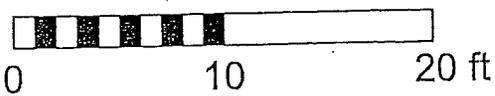
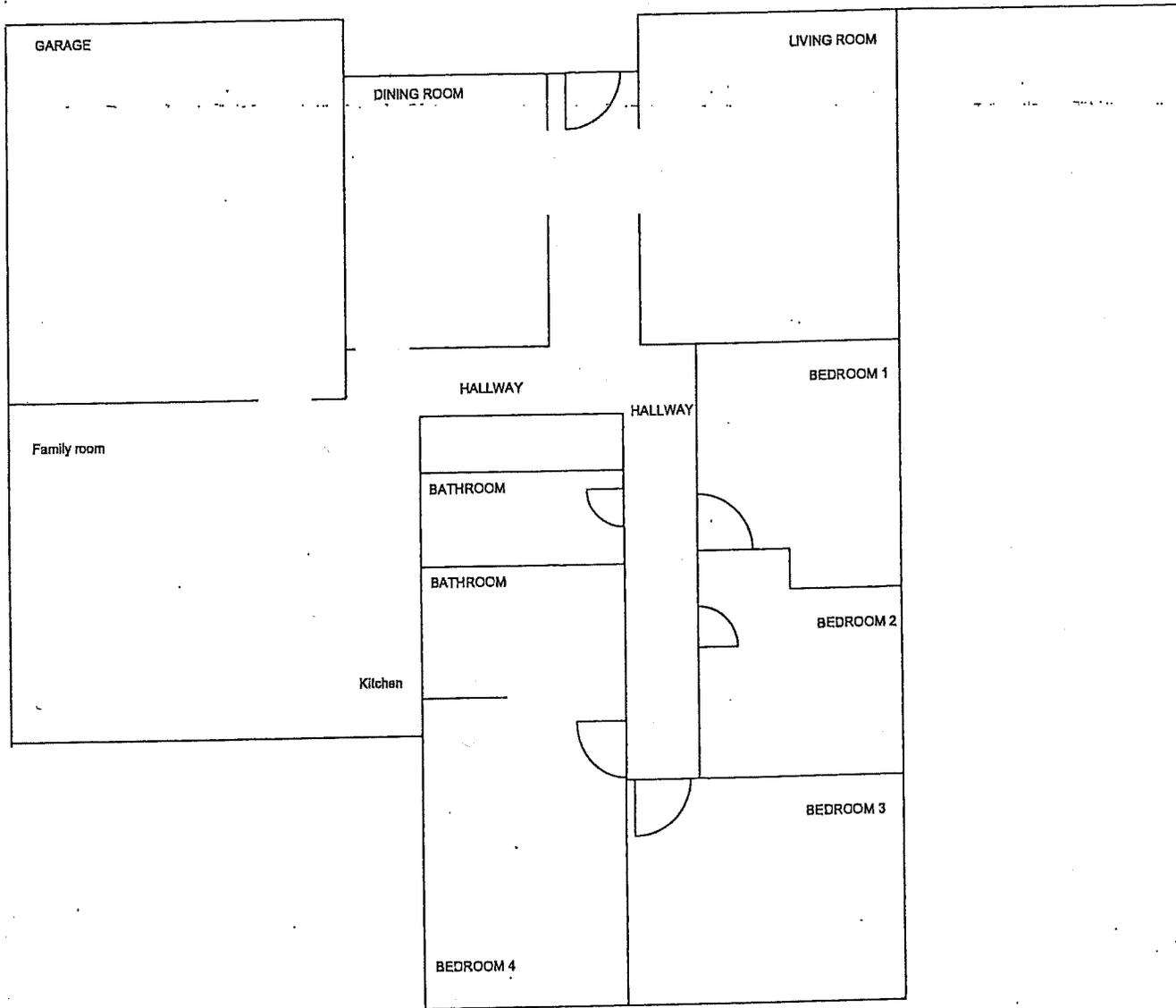


DIAGRAM #2



Case # 09-130-0526
Date / Time 04/10/09 / 1133 hrs
Location 961 Branbury Way
Victim: Ofc. Blackerby #3999, Ofc. Jeffery #3926
Suspect: Pham, Daniel
Drawn by: Forrester #3876

# 961 BRANBURY WAY



MEDICATION LIST

E/I # 09-130-0526

**BENZTROPINE/COGENTINE 2MG**

	Bottle Date	Prescription #	Actual Pills in Pill Bottle	Pills Prescribed	Doctor	Pharmacy
1	4/29/2009	RX 323387	30	30	Huynh	Valu-Rite
2	3/3/2009	RX 314624	40	40	Huynh	Valu-Rite
3	1/14/2009	RX 307691	35	35	Huynh	Valu-Rite
4	11/25/2008	RX 300310	35	35	Huynh	Valu-Rite
5	10/15/2008	RX 294454	50	50	Huynh	Valu-Rite
6	7/16/2008	RX 281947	44	45	Huynh	Valu-Rite
7	6/5/2008	RX 276061	30	30	Huynh	Valu-Rite
8	4/23/2008	RX 269619	35	35	Huynh	Valu-Rite
9	3/11/2008	RX 262767	70	70	Huynh	Valu-Rite
10	1/29/2008	RX 255843	60	60	Huynh	Valu-Rite
11	1/4/2008	RX 251940	60	60	Huynh	Valu-Rite
12	11/21/2007	RX D256693	26	60	Kahlon	VMC
13	10/1/2007	RX D250395	35	35	Huynh	VMC
14	7/31/2007	RX D243885	35	35	Huynh	VMC
15	6/27/2007	RX D240335	35	35	Huynh	VMC
16	5/22/2007	RX D236539	28	28	Huynh	VMC
17	9/20/2006	RX D208967	60	60	Huynh	VMC
18	8/11/2006	RX D204003	118	70	Huynh	VMC
19	7/7/2006	RX D199880	60	60	Huynh	VMC
20	4/28/2006	RX D190910	44 1/2	45	Huynh	VMC
21	2/23/2006	RX D182624	59	60	Huynh	VMC
22	1/12/2006	RX D177251	49	60	Huynh	VMC
23	12/15/2005	RX D174074	18	60	Huynh	VMC
24	11/9/2005	RX D169675	42	60	Huynh	VMC
25	10/6/2005	RX D165437	50	60	Huynh	VMC
26	9/2/2005	RX D161579	39	60	Huynh	VMC

SAVED ON TER DESKTOP

ABILIFY/ARIPRAZOLE 15 MG

27	4/29/2009	RX 323386	30 Sealed	30	Huynh	Value-Rite
28	3/3/2009	RX 314623	41	40	Huynh	Valu-Rite
29	1/14/2009	RX 307685	35	35	Huynh	Valu-Rite
30	11/25/2008	RX 300309	35	35	Huynh	Valu-Rite
31	10/15/2008	RX 294453	20	50	Huynh	Valu-Rite
32	10/15/2008	RX 294453	50 Sealed	50	Huynh	Valu-Rite
33	5/5/2008	RX 281946	15	15	Huynh	Valu-Rite
34	6/5/2008	RX 276060	21	30	Huynh	Valu-Rite
35	10/7/2007	RX D250394	35 (10mg)	35	Huynh	VMC
36	7/31/2007	RX D243884	30 (10mg)	35	Huynh	VMC
37	6/27/2007	RX D240334	6 (5mg)	35	Huynh	VMC
38	5/22/2007	RX D236358	28 (5mg)	28	Huynh	VMC
39	9/20/2006	RX D208966	5(10 mg) & 7 unknown	30	Huynh	VMC
40	8/11/2005	RX D158934	28	30	Huynh	VMC

RISPERDAL 2MG

41	3/11/2008	RX 262764	105	105	Huynh	Valu-Rite
42	1/29/2008	RX 255842	65	90	Huynh	Valu-Rite
43	1/4/2008	RX 251939	4	90	Huynh	Valu-Rite

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code

EL#	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
1	SHELL CASING HEADSTAMP: FEDERAL 40 S&W SILVER COLOR	SJPD	961 BRANBURY WAY 3' 1" NORTH OF NORTH CURBLINE OF COMMODORE DR 69' 2" WEST OF THE EAST CURBLINE OF BRANBURY WAY FORRESTER/HOOPES	FORRESTER/HOOPES FORRESTER/HOOPES	TER PROPERTY	5/11/2009 7:40 6/2/2009 17:00
CS			5/11/2009 7:40			
2	SHELL CASING HEADSTAMP: LUGER F-C 9MM BRASS	SJPD	961 BRANBURY WAY 16' 4" SOUTH OF SOUTH WALL-RESIDENCE 39' 3" WEST OF EAST FENCE LINE FORRESTER/HOOPES	FORRESTER/HOOPES	TER	5/11/2009 7:40
CS			5/11/2009 7:40			
3	SHELL CASING HEADSTAMP: FEDERAL 40 S&W SILVER COLOR	SJPD	961 BRANBURY WAY 19' 6" SOUTH OF SOUTH WALL-RESIDENCE 37' 10" WEST OF EAST FENCE LINE FORRESTER/HOOPES	FORRESTER/HOOPES	TER	5/11/2009 7:40
CS			5/11/2009 7:40			

RECEIVED FROM: Forrester 3876 / Hoopes 3457 RECEIVED BY: DATE: TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
4	SHELL CASING HEADSTAMP: LUGER F-C 9MM BRASS	SJPD	961 BRANBURY WAY 20' 0" SOUTH OF SOUTH WALL-RESIDENCE 37' 11" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						
5	SHELL CASING HEADSTAMP: LUGER F-C 9MM BRASS	SJPD	961 BRANBURY WAY 19' 1" SOUTH OF SOUTH WALL-RESIDENCE 37' 7" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						
6	SHELL CASING HEADSTAMP: LUGER F-C 9MM BRASS	SJPD	961 BRANBURY WAY 19' 9" SOUTH OF SOUTH WALL-RESIDENCE 36' 0" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						

RECEIVED FROM: Forrester 3876 / Hoopes 3457

RECEIVED BY:

DATE:

TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker	Code
		5/10/2009	PHAM, DANIEL		

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
7	SHELL CASING HEADSTAMP: LUGER F-C 9MM BRASS	SJPD	961 BRANBURY WAY 18' 8" SOUTH OF SOUTH WALL-RESIDENCE 34' 6" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40

CS

8	SHELL CASING HEADSTAMP: LUGER F-C 9MM BRASS	SJPD	961 BRANBURY WAY 15' 11" SOUTH OF SOUTH WALL-RESIDENCE 34' 4" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
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CS

9	SHELL CASING HEADSTAMP: FEDERAL 40 S&W SILVER COLOR	SJPD	961 BRANBURY WAY 12' 1" SOUTH OF SOUTH WALL-RESIDENCE 31' 9" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
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CS

RECEIVED FROM: Forrester 3876 / Hoopes 3457

RECEIVED BY:

DATE:

TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	PHAM, DANIEL	Locker
Lab		Time	Victim	-	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
10	SHELL CASING HEADSTAMP: FEDERAL 40 S&W SILVER COLOR	SJPD	961 BRANBURY WAY 19' 8" SOUTH OF SOUTH WALL-RESIDENCE 32' 11" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						
11	SHELL CASING HEADSTAMP: FEDERAL 40 S&W SILVER COLOR	SJPD	961 BRANBURY WAY 19' 11" SOUTH OF SOUTH WALL-RESIDENCE 31' 11" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						
12	TAZER BLAST DOOR	SJPD	961 BRANBURY WAY 18' 11" SOUTH OF SOUTH WALL-RESIDENCE 27' 11" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						

RECEIVED FROM: Forrester 3876 / Hoopes 3457

RECEIVED BY:

DATE:

TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code
		5/10/2009	PHAM, DANIEL	
		11:33	-	

E/I#	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
13	2 AFIDS S/N: H06-290135	SJPD	961 BRANBURY WAY 18' 2" SOUTH OF SOUTH WALL-RESIDENCE 34' 8" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						

14	SHELL CASING HEADSTAMP: LUGER F-C 9MM BRASS	SJPD	961 BRANBURY WAY 19' 4" SOUTH OF SOUTH WALL-RESIDENCE 36' 0" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						

15	SPENT PROJECTILE DEFORMED	SJPD	961 BRANBURY WAY 2' 5" SOUTH OF SOUTH WALL-RESIDENCE 0' 0" WEST OF EAST FENCE LINE 4' 2" UP FROM GROUND AT AN UPWARD ANGLE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						

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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
16	TAZER BLAST GATE DOOR	SJPD	961 BRANBURY WAY 13' 9" SOUTH OF SOUTH WALL-RESIDENCE 41' 9" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40

CS

17 TAZER DART WITH WIRE SECTION SJPD

7:40

CS

961 BRANBURY WAY  
13' 11"  
SOUTH OF SOUTH WALL-RESIDENCE  
41' 7"  
WEST OF EAST FENCE LINE  
FORRESTER/HOOPEES  
5/11/2009 7:40

5/11/2009

TER

FORRESTER/HOOPEES

18

TAZER  
S/N: H06-290135  
BATTERY POWER=80%  
DOWNLOADED AND PRINTOUT IS  
IN CASE FILE  
LASER ILLUMINATED AND LIGHT  
ENABLED

SJPD

961 BRANBURY WAY  
17' 6"  
SOUTH OF SOUTH WALL-RESIDENCE  
38' 3"  
WEST OF EAST FENCE LINE  
FORRESTER/HOOPEES  
5/11/2009 7:40

5/11/2009

TER

FORRESTER/HOOPEES

7:40

CS

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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number	09-130-0526			
Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
19	KNIFE BLOODY BRAND: KIWI MADE IN THAILAND 2 BRASS RIVETS WITH WOOD HANDLE OVERALL LENGTH: 11' 1/8" BLADE LENGTH: 6' 3/8" WIDTH: 1' 3/4" DESCRIBED AS "LARGE BLOODY KNIFE" IN SW RETURN	PHAM, DANIEL	961 BRANBURY WAY 20' 3" SOUTH OF SOUTH WALL-RESIDENCE 37' 9" WEST OF EAST FENCE LINE FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40

CS

20	BLOOD SWAB SAMPLE AND CONTROL FROM THE CHAIR ON SOUTH SIDEWALK OF 961 BRANBURY.	SJPD	961 BRANBURY WAY 1' 9" SOUTH OF SOUTH WALL-RESIDENCE 7' 4" WEST OF EAST FENCE LINE FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
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21	BLOOD SWAB SAMPLE AND CONTROL FROM THE SOUTH SIDEWALK OF 961 BRANBURY.	SJPD	961 BRANBURY WAY 2' 3" SOUTH OF SOUTH WALL-RESIDENCE 7' 7" WEST OF EAST FENCE LINE FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number		09-130-0526				
Crime	OIS	Date	Suspect	Locker		
Lab		Time	Victim	Code		
E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
22	SHELL CASING HEADSTAMP: FEDERAL 40 S&W SILVER COLOR	SJPD	961 BRANBURY WAY 21' 6" SOUTH OF SOUTH WALL-RESIDENCE 33' 0" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	PHAM, DANIEL	TER	5/11/2009 7:40
CS						
23	BLACK T-SHIRT BLOODY	PHAM, DANIEL	961 BRANBURY WAY 10' 9" SOUTH OF SOUTH WALL-RESIDENCE 28' 11" WEST OF EAST FENCE LINE FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS						
23 A	PIECE OF PLASTIC (CELLOPHANE)	UNKNOWN	961 BRANBURY WAY NEXT TO DANIEL PHAM FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40
23 B	BROKEN LIGHTER PIECES	UNKNOWN	961 BRANBURY WAY UNDER DANIEL PHAM FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	TER	5/11/2009 7:40

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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number	09-130-0526					
Crime	OIS	Date	Suspect	Locker		
Lab		Time	Victim	Code		
E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
24	MARLBORO CIGARETTE BOX	PHAM, Daniel	961 BRANBURY WAY	FORRESTER/HOOPES	TER	5/11/2009 7:40
CS			12' 6" SOUTH OF SOUTH WALL-RESIDENCE 29' 1" WEST OF EAST FENCE LINE FORRESTER/HOOPES 5/11/2009 7:40			
25	CIGARETTE BUTT BLOODY	UNKNOWN	961 BRANBURY WAY	FORRESTER/HOOPES	TER	5/11/2009 7:40
CS			12' 7" SOUTH OF SOUTH WALL-RESIDENCE 29' 2" WEST OF EAST FENCE LINE FORRESTER/HOOPES 5/11/2009 7:40			
26	SHELL CASING HEADSTAMP: FEDERAL 40 S&W SILVER COLOR	SJPD	961 BRANBURY WAY	FORRESTER/HOOPES	TER	5/11/2009 7:40
CS			24' 9" SOUTH OF SOUTH WALL-RESIDENCE 34' 10" WEST OF EAST FENCE LINE FORRESTER/HOOPES 5/11/2009 7:40			

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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code
27		5/10/2009	PHAM, DANIEL	
		11:33		

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
27	SPENT PROJECTILE	SJPD	961 BRANBURY WAY	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS			15' 0" SOUTH OF SOUTH WALL-RESIDENCE 4' 5" WEST OF EAST FENCE LINE FORRESTER/HOOPEES			

28	KNIFE BLOODY MADE IN THAILAND KOM-KOM BLADE LENGTH: 4.5" OVERALL: 8.5" WIDTH: 3/4" NON SERATED BLADE ROUND TIP (PRESUMPTIVE POSITIVE FOR BLOOD)	UNKNOWN	961 BRANBURY WAY 49' 0" NORTH OF SOUTH FENCE-RESIDENCE 9' 0" WEST OF WEST WALL-RESIDENCE FORRESTER/HOOPEES	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS			5/11/2009 7:40			

29	BLOODY CARBBOARD BOX LID	UNKNOWN	BRANBURY WAY FOUND OUTSIDE DOORWAY OF RESIDENCE-WAS INSIDE AT THE TIME OF THE INCIDENT FORRESTER/HOOPEES	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS			5/11/2009 7:40			

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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	PHAM, DANIEL	Locker
Lab		Time	Victim	-	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
29 A	BLOOD SWAB SAMPLE AND CONTROL FROM 967 BRANBURY (CARPET INSIDE DOORWAY).	SJPD	BRANBURY WAY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
29 B	BLOOD SWAB SAMPLE AND CONTROL FROM 967 BRANBURY (CARPET INSIDE DOORWAY).	SJPD	BRANBURY WAY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
29 C	BLOOD SWAB SAMPLE AND CONTROL FROM 2ND STEP IFO 967 BRANBURY WAY.	SJPD	BRANBURY WAY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
30	BLOOD SWAB SAMPLE AND CONTROL FROM SIDEWALK IFO 961 BRANBURY WAY.	SJPD	961 BRANBURY WAY 66' 0" NORTH OF SOUTH CURBLINE- COMMODORE DR 4' 6" WEST OF WEST CURBLINE- BRANBURY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40

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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
31	BLOOD SWAB SAMPLE AND CONTROL FROM SIDEWALK IFO 961 BRANBURY WAY (NEAR HEDGE).	SJPD	961 BRANBURY WAY 77' 9" NORTH OF SOUTH CURBLINE OF COMMODORE DR 4' 6" WEST OF WEST CURBLINE- BRANBURY WAY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
32	BLOOD SWAB SAMPLE AND CONTROL FROM THE DRIVEWAY OF 967 BRANBURY WAY.	SJPD	BRANBURY WAY 89' 5" NORTH OF SOUTH CURBLINE- COMMODORE DR 14' 6" WEST OF WEST CURBLINE- BRANBURY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
33	BLOOD SWAB SAMPLE AND CONTROL FROM THE HALLWAY FLOOR IFO ROOM 4.	SJPD	961 BRANBURY WAY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
34	BLOOD SWAB SAMPLE AND CONTROL FROM THE INTERIOR OF THE FRONT DOOR OF 961 BRANBURY WAY.	SJPD	961 BRANBURY WAY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40

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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	5/10/2009	Suspect	PHAM, DANIEL	Locker	
Lab		Time	11:33	Victim	-	Code	

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
35	BLOOD SWAB SAMPLE AND CONTROL FROM THE SOUTH WALL IN ENTRY WAY HALL. "C SHAPE" BLOODSTAIN PATTERN"	SJPD	961 BRANBURY WAY FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
36	GREY SWEATSHIRT BLOODY DEFECTS IN SWEATSHIRT BRAND:NIKE UNK SIZE	UNKNOWN	961 BRANBURY WAY IN DINING ROOM FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
37	BLACK METAL BAR SECTION OF HYDROLIC FLOOR JACK BLOODY 20 INCHES LONG	UNKNOWN	961 BRANBURY WAY 29' 0" NORTH OF NORTH CURBLINE- COMMODORE DR 40' 0" FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40

CS

CS

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DATE:

TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code
		5/10/2009	PHAM, DANIEL	
		11:33	-	

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
38	BLOOD SWAB SAMPLE AND CONTROL FROM THE ROCK IFO SOUTH GATE OF 961 BRANBURY WAY.	SJPD	961 BRANBURY WAY 21' 6" NORTH OF NORTH CURBLINE- COMMODORE DR 40' 0" WEST OF WEST CURBLINE-BRANBURY WAY FORRESTER/HOOPEES	FORRESTER/HOOPEES	TER	5/11/2009 7:40
39	EKG PRINT OUT FROM NEXT TO PHAM'S FEET.	SJPD	961 BRANBURY WAY IN THE BACKYARD FORRESTER/HOOPEES	FORRESTER/HOOPEES	TER	5/11/2009 7:40
40	E-MACHINE COMPUTER TOWER BLACK MEMORY STICK *****AUTHORIZED RTO	UNKNOWN	961 BRANBURY WAY DINING ROOM TABLE FORRESTER/HOOPEES	FORRESTER/HOOPEES FORRESTER/HOOPEES	TER RTO	5/11/2009 15:40 6/11/2009 16:00

RECEIVED FROM: Forrester 3876 / Hoopes 3457

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DATE:

TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
41	CDL AND INDICIA FOR DANIEL PHAM SD MEMORY STICK KEYCHAIN WITH ONE KEY ONE DONGLE-KENSINGTON B8175566	PHAM, DANIEL	961 BRANBURY WAY ROOM 3 CDL & INDICIA FROM THE TOP OF THE CHEST (S/E CORNER) KEY CHAIN WAS ATTACHED TO COMPUTER (CENTER OF ROOM ON THE FLOOR)	FORRESTER/HOOPEES	TER	5/11/2009 7:40
41 A	COMPUTER TOWER *****AUTHORIZED RTO	PHAM, DANIEL	961 BRANBURY WAY THE FLOOR OF BEDROOM 3 FORRESTER/HOOPEES	FORRESTER/HOOPEES FORRESTER/HOOPEES	TER RTO	5/11/2009 7:40 6/11/2009 16:00
42	GREY SAFE WITH TWO SAFE KEYS BRAND:SENTRY MODEL NUMBER:CSW3910 S/N: BD133361 COMBINATION: 72829 *****AUTHORIZED RTO	UNKNOWN	961 BRANBURY WAY ROOM 2 THE COMPUTER EQUIPMENT WAS ON A DESK THE SAFE WAS IN THE CLOSET FORRESTER/HOOPEES	FORRESTER/HOOPEES FORRESTER/HOOPEES	TER RTO	5/11/2009 7:40 6/11/2009 16:00

RECEIVED FROM: Forrester 3876 / Hoopes 3457      RECEIVED BY:      DATE:      TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	Suspect	Locker		
Lab		Time	Victim	Code		
E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time

42 A	SONY VAIO LAPTOP WITH POWER CORD MODEL:VGN-SZ440 S/N: 3000051 BLACK EXTERNAL HARD DRIVE WITH POWER CORD BRAND: ACOMDATA S/N: AC0811001471 BLACK 2 HARD DRIVES MAXTOR MODEL: 4D060H3 S/N: D308SP5E WESTERN DIGITAL S/N:CAMR3649296 MODEL: WD3200JB	UNKNOWN	961 BRANBURY WAY THE HARD DRIVES WERE IN THE LAUNDRY BASKET NEXT TO CLOSET. THE SONY WAS ON THE DESK. FORRESTER/HOOPES 5/11/2009 7:40	FORRESTER/HOOPES	TER	5/11/2009 7:40
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CS

43	ONE GREY SAFE BRAND: SENTRY MODEL:BA357844 COMBINATION:59003 ***AUTHORIZED RTO	UNKNOWN	961 BRANBURY WAY ROOM 1 ON THE FLOOR FORRESTER/HOOPES 5/10/2009 20:30	FORRESTER/HOOPES FORRESTER/HOOPES	TER RTO	5/11/2009 7:40 6/11/2009 16:00
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TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	5/10/2009	Suspect	PHAM, DANIEL	Locker
Lab		Time	11:33	Victim	-	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
43 A	HP LAPTOP WITH POWER CORD MODEL: PAVILION DV9000 S/N: CNF7277J83	UNKNOWN	961 BRANBURY WAY ROOM 1	FORRESTER/HOOPEES	TER	5/11/2009 7:40
	TOSHIBA LAPTOP WITH POWER CORD MODEL: SATELLITE PSLB8U-0V302L S/N: 39073763Q		FORRESTER/HOOPEES 5/11/2009 7:40	FORRESTER/HOOPEES	RTO	6/11/2009 16:00

SONY CYBERSHOT DIGITAL CAMERA  
MODEL: DSC-T300  
S/N: 619266  
CD COPY IN CASE FILE

SONY CYBERSHOT DIGITAL CAMERA IN CASE  
MODEL: DCS-P200  
S/N: 1158615  
CD COPY IN CASE FILE

WD HARD DRIVE WITH POWER CORD  
S/N: WCAU40743271  
MODEL: 0609A

\*\*\*\*\*AUTHORIZED RTO

44	LARGE, HEAVY WHITE SAFE COMBO: 95835	UNKNOWN	961 BRANBURY WAY INSIDE THE CLOSET OF ROOM 4	FORRESTER/HOOPEES	TER	5/11/2009 7:40
	***AUTHORIZED RTO		FORRESTER/HOOPEES 5/10/2009 20:30	FORRESTER/HOOPEES	RTO	6/11/2009 16:00

RECEIVED FROM: Forrester 3876 / Hoopes 3457

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Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	5/10/2009	Suspect	PHAM, DANIEL	Locker
Lab		Time	11:33	Victim	-	Code

EI#	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
44 A	MEDICATION FOR DANIEL PHAM	PHAM, DANIEL	961 BRANBURY WAY	FORRESTER/HOOPEES	TER	5/11/2009 7:40
CS			IN THE DRESSER FROM ROOM 4 FORRESTER/HOOPEES			
			5/11/2009 7:40			
45	SCENE VIDEO	SJPD	961 BRANBURY WAY	FORRESTER/HOOPEES	TER	5/11/2009 7:40
			FORRESTER/HOOPEES			
			5/10/2009 20:30			
46	BAGS.FROM HANDS BLOODY	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER	5/11/2009 7:40
			FORRESTER/HOOPEES			
			5/10/2009 20:30			
47	BROKEN LIGHTER BODY	UNKNOWN	961 BRANBURY WAY 12' 11" SOUTH OF SOUTH WALL- RESIDENCE 34' 1" WEST OF EAST FENCE	FORRESTER/HOOPEES	TER	5/11/2009 7:40
			FORRESTER/HOOPEES			
			5/10/2009 20:30			
48	BLACK BOXERS BLOODY BRAND:HATHAWAY SPORT	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER	5/11/2009 7:40
			FORRESTER/HOOPEES			
			5/10/2009 20:30			

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Crime	OIS	Date	5/10/2009	Suspect	PHAM, DANIEL	Locker
Lab		Time	11:33	Victim	-	Code

E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
49	BLACK AND BROWN SANDALS BRAND: FILAS MODEL: ADDA	PHAM, DANIEL	CORONER'S OFFICE FORRESTER/HOOPEES 5/11/2009 15:20	FORRESTER/HOOPEES	TER	5/11/2009 15:40

50 A	LEAD PROJECTILE FROM GLUTAL MUSCLE	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPEES 5/11/2009 15:20			

50 B	LEAD PROJECTILE FROM RIGHT KIDNEY	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPEES 5/11/2009 15:20			

50 C	LEAD PROJECTILE FROM BACK	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPEES 5/11/2009 15:20			

50 D	LEAD PROJECTILE FROM RIGHT KIDNEY	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPEES 5/11/2009 15:20			

RECEIVED FROM: Forrester 3876 / Hoopes 3457	RECEIVED BY:	DATE:	TIME:
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# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526					
Crime	OIS	Date	5/10/2009	Suspect	PHAM, DANIEL
Locker					
Lab		Time	11:33	Victim	-
				Code	

E/I#	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
50 E	LEAD PROJECTILE FROM BACK MUSCLE	SJPD	CORONER'S OFFICE	FORRESTER/HOOPES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPES 5/11/2009 15:20			
50 F	LEAD PROJECTILE FROM LEFT THIGH	SJPD	CORONER'S OFFICE	FORRESTER/HOOPES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPES 5/11/2009 15:20			
50 G	LEAD PROJECTILE FROM LEFT ARM	SJPD	CORONER'S OFFICE	FORRESTER/HOOPES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPES 5/11/2009 15:20			
50 H	LEAD PROJECTILE FROM BACK MUSCLE	SJPD	CORONER'S OFFICE	FORRESTER/HOOPES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPES 5/11/2009 15:20			
50 I	LEAD PROJECTILE FROM MUSCLE AT L-1 LEVEL	SJPD	CORONER'S OFFICE	FORRESTER/HOOPES	TER	5/11/2009 15:40
CS			FORRESTER/HOOPES 5/11/2009 15:20			

RECEIVED FROM: Forrester 3876 / Hoopes 3457      RECEIVED BY:      DATE:      TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526					
Crime	OIS	Date	Suspect	Locker	
Lab		Time	Victim	Code	
E/I #	Item Description	Owner	Location and Time Found	Officer's name	Status Date/Time
50 J	LEAD PROJECTILE FROM BODY AT L-3	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER 5/11/2009 15:40
CS			FORRESTER/HOOPEES 5/11/2009 15:20		
50 K	LEAD PROJECTILE FROM BACK	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER 5/11/2009 15:40
CS			FORRESTER/HOOPEES 5/11/2009 15:20		
51	ONE BLOOD CARD FROM PHAM	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER 5/11/2009 15:40
			FORRESTER/HOOPEES 5/11/2009 15:20		
52	ONE TAZER DART	SJPD	CORONER'S OFFICE	FORRESTER/HOOPEES	TER 5/11/2009 15:40
			FORRESTER/HOOPEES 5/11/2009 15:20		
53	TASER MODEL: X26 S/N: X00-321694 93% POWER LIGHT AND LASER ILLUMINATED	SJPD	SJPD HOMICIDE	FORRESTER/HOOPEES	TER 5/11/2009 15:40
			FORRESTER/HOOPEES 5/11/2009 15:20		

RECEIVED FROM: Forrester 3876 / Hoopes 3457      RECEIVED BY:      DATE:      TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526

Crime	OIS	Date	5/10/2009	Suspect	PHAM, DANIEL	Locker	
Lab		Time	11:33	Victim	-	Code	

EI #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
54	TWO PAIR OF BLOODY HANDCUFFS ONE SET OF PEERLESS MODEL:700 570438 ONE SET OF PEERLESS MODEL: 300 NUMBER 439525	SJPD	CORONER'S OFFICE  FORRESTER/HOOPES 5/11/2009 15:20	FORRESTER/HOOPES	TER	5/11/2009 15:40

55	SIG SAUER SEMI-AUTO PISTOL 9MM MODEL:P226 S/N:U602986 OGL:7 & 1/4" BBL:4 & 1/2" 3 MAGAZINES	SJPD	SJPD-HOMICIDE JEFFERY FORRESTER/HOOPES 5/11/2009 15:20	FORRESTER/HOOPES	TER	5/11/2009 15:40
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CS

56	GLOCK SEMI-AUTO PISTOL MODEL:22 S/N:KYU788 OGL:7 & 1/4" BBL:4 & 1/2" 3 MAGAZINES ONE STREAMLIGHT TLR-1 LIGHT S/N:102571	SJPD	SJPD HOMICIDE BLACKERBY FORRESTER/HOOPES 5/11/2009 15:20	FORRESTER/HOOPES	TER	5/11/2009 15:40
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CS

RECEIVED FROM: Forrester 3876 / Hoopes 3457

RECEIVED BY:

DATE:

TIME:

# San Jose Police Department Technical Evidence Log

Status as of Thursday, September 03, 2009

Case Number 09-130-0526				
Crime	OIS	Date	Suspect	Locker
Lab		Time	Victim	Code
		5/10/2009	PHAM, DANIEL	
		11:33	-	

E/A #	Item Description	Owner	Location and Time Found	Officer's name	Status	Date/Time
57	UNIFORM PANTS BRAND:ELBECO SIZE:32S BLUE WOOL	SJPS	SJPD HOMICIDE BLACKERBY FORRESTER/HOOPES 5/11/2009 15:20	FORRESTER/HOOPES	TER	5/11/2009 15:40

CS

58	PAJAMA BOTTOMS		RMC	WARREN	TER	5/10/2009 16:30
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CS

			VEGA			
			5/10/2009 14:45			

59	TWO BLOOD VILES BLOOD FROM	SJPD	RMC VEGA 5/10/2009 14:45	WARREN	TER	5/10/2009 16:30
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