

1 you, where did you get that information?

2 A. I believe from the San Jose officer.

3 Q. Okay. And you mentioned that you participated in
4 the investigation of the underlying matter with the
5 motorcycle crash that Detective Shearer testified to?

6 A. Yes.

7 Q. Did you -- were you at that scene?

8 A. Yes.

9 Q. And when you arrived, what did you see?

10 A. I saw a motorcycle down in the middle of the
11 roadway facing southeast direction. I saw a gold Toyota
12 Camry with front end damage. The motorcycle had pretty
13 severe front end damage. It was leaking fluids. There was
14 debris that was scattered across Soquel Drive from the
15 front of the automobile.

16 Q. Now, when you -- you viewed the motor vehicle as
17 it was after the crash?

18 A. Yes.

19 Q. Was there what would be considered a debris field
20 that from motorcycle?

21 A. That's fair to say, yes.

22 Q. Did you --

23 MR. HINGLE: I would object to that as lack of
24 foundation. Outside the expert. He hasn't been tendered
25 as an actual reconstruction expert.

26 THE COURT: Sustained.

1 Q. BY MR. BYERS: Did you look at the license plate
2 number of the motorcycle?

3 A. I did.

4 Q. Did you do any investigation as to the registered
5 owner of the motorcycle?

6 A. The dispatcher conducted a records check with DMV
7 on that motorcycle.

8 Q. And who was the registered owner?

9 A. Mr. Cesar Villagrana.

10 Q. And do you know Mr. Villagrana, have you had
11 contact with him?

12 A. Yes.

13 Q. Okay. He's here in court today?

14 A. Yes.

15 Q. Can you point him out and identify an article of
16 clothing he's wearing?

17 A. The gentleman at the defense counsel wearing the
18 red and white flannel.

19 THE COURT: Identifying the Defendant.

20 Q. BY MR. BYERS: Did you speak with an Officer Tang
21 Wae from the California Highway Patrol at the scene?

22 A. Yes.

23 Q. Did you talk to him about any items of evidence?

24 A. Yes.

25 Q. Tell us about that.

26 A. He had the firearm that was found.

1 Q. Did you ask him where he had obtained the firearm?
2 A. He said he obtained it from Detective Harris.
3 Q. Did you ask him or did he tell you if the firearm
4 was loaded when he obtained it from Detective Harris?
5 A. He said the firearm was loathed.
6 Q. Okay. Did he provide you the firearm?
7 A. Yes, he did.
8 Q. Did you inspect it?
9 A. Yes, I did.
10 Q. Did you -- was it loaded when he hand it to you?
11 A. No, it was not.
12 Q. The firearm I believe that is People's Exhibit 1
13 or 2, is that still up there?
14 THE CLERK: Here you go.
15 Q. BY MR. BYERS: Do you recognize that firearm
16 depicted in that exhibit?
17 A. Yes.
18 Q. What exhibit is that, for the record?
19 A. One.
20 Q. Okay. And when you were handed that firearm, it
21 was not loaded?
22 A. Correct.
23 Q. Now, that's a semi-automatic firearm?
24 A. Yes.
25 Q. Is that loaded by the magazine, or individual
26 bullets put in some sort of cylinder?

1 A. By a magazine.
2 Q. Did you view the magazine?
3 A. Yes.
4 Q. Were there individual bullets in the magazine when
5 you looked at it?
6 A. Yes, there was.
7 Q. Did you inspect the bullets?
8 A. Yes, I did.
9 Q. Did they appear to be capable of firing in a
10 firearm?
11 A. Yes, they were.
12 Q. Okay. Did you talk with a Jim McKinley?
13 A. Yes, I did.
14 Q. Who is Jim McKinley?
15 A. He was a security guard that was working by
16 Rite-Aid at the time of the crash.
17 Q. And did you ask Mr. McKinley if he was a witness
18 to the crash?
19 A. I don't recall if I asked him if he was a witness
20 to the crash itself.
21 Q. Did you ask him about his observations related to
22 the crash?
23 A. Yes.
24 Q. What did he tell you in that regard?
25 A. That while he was working out by the Rite-Aid he
26 heard the cash, so he responded to that location, found

1 there was a motorcycle accident, found a subject lying on
2 the ground appearing to be injured. He tried to hold that
3 person steady. And a person walked up with a firearm
4 trying to give it to the security guard. Mr. McKinley told
5 that person he was not going to take that firearm and told
6 him to hand it to one of the deputies that were arriving on
7 scene.

8 Q. Did you see Mr. Villagrana at the scene?

9 A. I did not see Mr. Villagrana at the scene.

10 Q. Now, were you able -- I think it's People's
11 Exhibit 4. Is that the vest that you were talking about
12 earlier?

13 A. It is.

14 Q. Okay. Now, you were telling us already that you
15 found that vest at the scene?

16 A. Yes.

17 Q. Okay. And what did you -- what were you told
18 about that vest, where it came from? Or were you told
19 anything about it?

20 A. I was not told anything about the vest.

21 Q. Was a records check performed on the firearm given
22 to you by the CHP officer?

23 A. Yes.

24 Q. And what was the results of that records check?

25 MR. HINGLE: Objection. Multiple hearsay. Lack
26 of foundation as to where the records came from.

1 THE COURT: Sustained.

2 Q. BY MR. BYERS: Did you -- were you able to
3 determine the serial number of the firearm that was handed
4 to you by the CHP officer?

5 A. Yes.

6 Q. Did you know it offhand or -- do you know the
7 serial number?

8 A. I believe it's SML34817.

9 Q. Okay. Was there a letter designation at the end
10 of those numbers?

11 A. Not that I recall.

12 Q. Did you enumerate the serial number in your police
13 report that you prepared?

14 A. Yes, the serial number is in my police report.

15 Q. Since you can't recall now, would looking at your
16 police report refresh your recollection as to what the
17 serial number was?

18 A. Yes, it would.

19 MR. BYERS: With the Court's permission?

20 THE COURT: Sure.

21 Q. BY MR. BYERS: Do you now remember what the serial
22 number of the firearm was?

23 A. Yes. SML34817 and with a D at the end.

24 Q. Do you know the type?

25 A. It was a Taurus.

26 Q. What caliber?

1 A. A .40.

2 MR. BYERS: Your honor, If I could have marked as
3 People's next in order, it's a certified firearms history
4 from the California Department of Justice related to
5 firearm -- a Taurus .40 caliber firearm serial number
6 SML34817D. And reviewing the records it will indicate that
7 the first entry is entered as evidence in this sheriff's
8 department case.

9 (People's Exhibit 5 marked for identification.)

10 THE COURT: First entry is an investigation in
11 this case. There's no history for a registered owner?

12 MR. BYERS: Correct. So according to the records
13 there is no registered owner of this firearm.

14 Q. Detective, as you were at the scene, did you see
15 anyone else around the scene that you recognized as being
16 associated with the Hells Angels gang?

17 A. I did.

18 Q. Who was that?

19 A. Christopher Heck.

20 Q. How are you familiar with that individual?

21 A. He's a member of the Santa Cruz Chapter of the
22 Hells Angels.

23 Q. Did you find it significant that you observed him
24 around the scene?

25 A. Yes.

26 Q. Why's that?

1 A. Because Mr. Villagrana gets in an accident and he
2 responds. It shows that Mr. Villagrana is not in bad
3 standing with the club, in my opinion.

4 Q. Okay. Did you participate in the execution of a
5 search warrant at Mr. Villagrana's home?

6 A. I did.

7 Q. And when was that search executed?

8 A. April 6th.

9 Q. And did you search Mr. Villagrana's room?

10 A. I did.

11 Q. How was it determined that it was Mr. Villagrana's
12 room?

13 A. It is the front left room of the house, so to
14 speak. There was a wallet inside the room that had
15 Mr. Villagrana's driver's license in there. There was a
16 Kaiser insurance card with Mr. Villagrana's name on it.
17 There was a bottle of pills, medication pills with
18 Mr. Villagrana's name on it. Some paperwork, and
19 Mr. Villagrana actually told us also that it was his
20 bedroom.

21 Q. Did you then locate anything significant in
22 Mr. Villagrana's bedroom to help you determine if he is an
23 active participant in the Hells Angels gang?

24 A. I did.

25 Q. What was that?

26 A. We can start with, I would say, probably no less

1 than 40 shirts that were all related to the Hells Angels,
2 hat related to the Hells Angels, I'll call them beanies or
3 toboggans I relate to the Hells Angels. Envelopes full of
4 stickers, I would say probably no less than 50 stickers
5 related to the Hells Angels. Patches related to the Hells
6 Angels. Fifteen or so articles of jewelry, rings relating
7 to the Hells Angels. Poster on the wall from Monterey 2010
8 toy run that was signed by members of the Hells Angels. A
9 big red banner on his wall that was framed that said Hells
10 Angels San Jose. A Filthy Few banner that was also hanging
11 on the wall. Motorcycle parts related to the indicia
12 related to the Hells Angels. A second motorcycle in the
13 garage with stickers relating to the Hells Angels.
14 Stickers within the house, on the tool box that relate to
15 the Hells Angels. A roster of phone numbers for different
16 chapters for the Hells Angels, including members.

17 MR. BYERS: Your Honor, may I have something
18 marked as People's Exhibit 6?

19 THE COURT: Yes.

20 (People's Exhibit 6 marked for identification.)

21 Q. BY MR. BYERS: Detective, you listed quite a few
22 things that you saw at Mr. Villagrana's house and his room
23 that had the Hells Angels insignia on it. I'm going to
24 show you what's been marked as People's 6.

25 Do you recognize what that is?

26 A. I do.

1 Q. And what is that?

2 A. That is the Hells Angels San Jose banner that I

3 described being in the bedroom.

4 Q. Okay. And you mentioned something about the

5 Filthy Few San Jose. What is that?

6 A. Filthy Few is the term used by the Hells Angels

7 regarding someone that's committed an act of violence for

8 the gang.

9 Q. So executing a search warrant in Mr. Villagrana's

10 home and locating numerous items of Hells Angels indicia,

11 did that help you determine if Mr. Villagrana is an active

12 participant in the gang?

13 A. Yes.

14 Q. Did you see any photographs at that location?

15 A. Yes.

16 Q. And were any of them significant to you?

17 A. Yes. I do remember a photograph of Mr. Villagrana

18 wearing his -- well, on the front the Hells Angels cut and

19 he's sitting with, I believe, the president of the Oakland

20 chapter and another member wearing the Hells Angels attire.

21 Q. Did you review San Jose Police Department report

22 case number 10 dash 309 dash 0952?

23 A. I did.

24 MR. HINGLE: Objection hearsay. And leading.

25 THE COURT: Overruled.

26 Q. BY MR. BYERS: And in reviewing, was there a date

1 related to those events depicted in that police report?

2 A. I couldn't tell you a date just off the top of my
3 head.

4 Q. Would reviewing your report refresh your
5 recollection as to the date?

6 A. Yes.

7 MR. BYERS: With the Court's permission?

8 THE COURT: Sure.

9 THE WITNESS: November 15th, 2010.

10 Q. BY MR. BYERS: Okay. And in reviewing that
11 report, were there information contained in there to help
12 you determine if Mr. Villagrana is an active participant in
13 the Hells Angels gang?

14 A. Yes.

15 Q. What was significant about that?

16 A. He was wearing a Hells Angels cut that we've been
17 describing with a full Hells Angels death head, California
18 on the back. His motorcycle, which is also the one from
19 the motorcycle accident on Soquel Drive, had three stickers
20 on the -- I believe the officer said the crank case cover
21 that related to the Hells Angels. And Mr. Villagrana told
22 the officer he was a member of the Hells Angels.

23 Q. Did you -- one final report. Did you review
24 Gilroy Police Department report 07 dash 5839 for events
25 that occurred on November 18, 2007?

26 MR. HINGLE: Objection. Leading.

1 THE COURT: Sustained. I mean, overruled.

2 THE WITNESS: Yes.

3 Q. BY MR. BYERS: Okay. And did you find that parts
4 of that report significant in determining Mr. Villagrana's
5 association with the Hells Angels?

6 A. Yes.

7 Q. Tell us about that.

8 A. There was a fight at a bar in Gilroy and
9 Mr. Villagrana was wearing -- at that time in 2007 he was
10 wearing a prospect, his cut, lower rocker California,
11 Prospect San Jose on the front with patches.

12 Q. Did the report indicate if Mr. Villagrana was with
13 anyone at the time?

14 A. Yes, he was.

15 Q. And was that person identified?

16 A. Yes, he was.

17 Q. Was there something significant about that
18 individual?

19 A. That person was wearing a Hells Angels support
20 T-shirt.

21 Q. Going back to the underlying case on March 10th,
22 2011, is that area in Soquel and Soquel Drive -- I'm sorry,
23 the area in Aptos and Soquel Drive is that an
24 unincorporated area of the town?

25 A. Yes.

26 Q. And is it unlawful to discharge a firearm in that

1 area?

2 A. Yes, it is.

3 Q. Do you have an opinion as to if -- on March 10th,
4 2011, if Mr. Villagrana was an active participant in the
5 Hells angels gang?

6 MR. HINGLE: I'm going to object to the use of the
7 term as irrelevant, as used to term Hells Angels gang.

8 THE COURT: Sustained. You can rephrase.

9 Q. BY MR. BYERS: Do you have an opinion as to if
10 Mr. Villagrana on March 10th, 2011, was an active
11 participant with the Hells Angels?

12 A. Yes.

13 Q. And how did -- what is your opinion?

14 A. That he was.

15 Q. Do you also have an opinion as if Mr. Villagrana
16 was a member of the Hells Angels on that date?

17 A. Yes, he was.

18 MR. BYERS: I have no further questions.

19 THE COURT: You want to ask if he has an opinion
20 as to whether the Hells Angels were a criminal street gang
21 on that date?

22 MR. BYERS: I'm sorry, sir?

23 THE COURT: You want to ask if he has an opinion
24 as to whether the Hells Angels were a criminal street gang
25 on that date?

26 MR. BYERS: Yes.

1 Q. Do you have an opinion if the Hells Angels were a
2 criminal street gang on March 10th, 2011?

3 A. Yes, they are. Or they were.

4 MR. BYERS: All right. Thank you. I have no
5 further questions.

6 THE COURT: Mr. Hingle.

7 CROSS-EXAMINATION

8 BY MR. HINGLE:

9 Q. As to that last answer, your opinion of the Hells
10 Angels were a California criminal street gang as defined by
11 the statute, are you referring to the Hells Angels world
12 wide, State of California, or what area are you referring
13 to the Hells Angels as an answer to that question?

14 A. Well, when -- 186.22 is a law in the State of
15 California, so therefore what we're discussing, in my
16 opinion, right now is the State of California.

17 Q. So in answer to that question, then, you were only
18 referring to Hells Angel members in the State of California
19 being members of a California criminal street gang,
20 correct?

21 A. What I'm trying to say is since we are in the
22 State of California we are discussing 186.22 as it applies
23 to what a criminal street gangs is. And my opinion is
24 based on the letter of that law for the State of
25 California.

26 Q. I appreciate that. My question to you is, from

1 what geographic area are you drawing individuals from the
2 Hells Angels street gang -- Hells Angels street gang in
3 your words, to come to that opinion?

4 A. California. And I have reviewed and observed
5 cases outside of California.

6 Q. Let's break this down.

7 A. Okay.

8 Q. Are you or are you not using cases outside of
9 California to determine whether or not the Hells Angels
10 motorcycle club is a California criminal street gang
11 pursuant to the 186.22 statutes?

12 A. Yes, I have reviewed cases outside of California.

13 Q. And you're using those cases in forming your
14 opinions that my client is an active member of California
15 criminal street gang?

16 A. I think it's fair to say I have reviewed cases,
17 but California -- there's plenty of cases in California
18 that are fine for me creating an opinion on whether the
19 Hells Angels are a criminal street gang under 186.22 in the
20 State of California, yes.

21 Q. I appreciate that, but you didn't answer my
22 question.

23 Are you or are you not considering cases from
24 outside of California in coming to the opinion that the
25 Hells Angels are a California criminal street gang?

26 MR. BYERS: Objection. Asked and answered.

1 THE COURT: Overruled.

2 THE WITNESS: So your question is have I -- am I
3 familiar with cases outside of the State of California and
4 do I use those cases outside the State of California to
5 base my opinion on whether the Hells Angels are a crime
6 under 186.22?

7 Q. BY MR. HINGLE: That was two questions. The last
8 two I asked you, but yes.

9 A. Yes.

10 THE COURT: I'm sorry. Two questions. Correct.

11 MR. HINGLE: Okay.

12 THE COURT: And the answer, I guess, is yes.

13 Q. BY MR. HINGLE: So, then, if you're using cases
14 out of California, how far are you going? By that I mean,
15 are you going out of the state of -- I mean are you going
16 outside the continental United States? Are you going to
17 other countries? Because you've already established that
18 your opinion is based on cases outside of the State of
19 California. Now I want to know if you're going outside of
20 the country?

21 MR. BYERS: Objection. Misstates the testimony.

22 THE COURT: Improper discovery. Let's move on.

23 Q. BY MR. HINGLE: How many Hells Angels chapters are
24 within the State of California?

25 A. I would say approximately 20.

26 Q. And approximately how many members are Hells

1 Angels members in the State of California? By members I'm
2 using the term as defined by the Hells Angels.

3 A. I do not know the exact number.

4 Q. Do you know whether or not there is a Hells Angel
5 subset within Santa Clara County?

6 A. Are you asking if there's a chapter within Santa
7 Clara County?

8 Q. That's another way of putting it, yes.

9 A. There's the San Jose chapter.

10 Q. Is there a chapter in Santa Cruz County?

11 A. There is.

12 Q. And are these also referred to as charters in
13 addition to chapters?

14 A. They are.

15 Q. And are you familiar with the use of why they are
16 referred to as charters?

17 A. No, I do not know exactly why they are called
18 charters.

19 Q. Are you aware that the Hell Angle motorcycle club
20 is incorporated? Yes or no.

21 A. Yes.

22 Q. Are you aware that the death head that you -- may
23 I approach to see an exhibit, Your Honor?

24 Are you aware that the -- may I have freedom to
25 approach the witness?

26 THE COURT: Sure.

1 Q. BY MR. HINGLE: Are you aware that the death head
2 which is pictured in Exhibit 4, and of course on the wall
3 in Exhibit 6, are you aware that that image is trademarked?

4 MR. BYERS: Objection. Relevance.

5 MR. HINGLE: Your Honor, I think it has a lot of
6 relevance. It has to do with whether or not this
7 organization is a California criminal street gang if
8 they're incorporated and they trademark their things and
9 they have attorneys that pursue them.

10 MR. BYERS: None of them including being a
11 California street gang.

12 MR. HINGLE: It certainly goes against his opinion
13 and its ability to cross-examine him on the basis of his
14 opinions as to whether or not he still thinks corporations
15 and structures of that sort actually are California
16 criminal street gangs, and that's where I'm trying to get
17 to.

18 THE COURT: The fact that people have attorneys
19 doesn't make them non-criminal. The fact that they are
20 organized and use trademark laws and other laws to their
21 benefit does not make them non-criminal. You can ask the
22 question, but it has about as much bearing as if asking if
23 the patches themselves are made in China. But go ahead.

24 Q. BY MR. HINGLE: Do you know whether or not that
25 death head is trademarked?

26 A. Yes.

1 Q. Do you know whether or not they enforce that
2 trademark with attorneys?

3 A. I do know that they have outlaw suits, yes.

4 Q. And you're also aware that they've sued other
5 entities for the use of the word -- words Hells Angels or
6 the use of their logos or designs, correct?

7 A. I have some basic knowledge that they have done
8 that, yes. I couldn't give you exact cases, no.

9 Q. Do you know how many -- how many members are in
10 the Santa Cruz County charter?

11 A. I believe approximately 12.

12 Q. Does Mr. Villagrana belong to the Santa Cruz
13 charter?

14 A. No.

15 Q. What charter does he belong to?

16 A. From the information I have he belongs to the San
17 Jose charter.

18 Q. And what is the source of that information that he
19 belongs to the San Jose charter?

20 A. Well, on the front of his patch has his charter
21 information, Hells Angels San Jose on the front of his cut
22 that was taken off the crime scene -- not the crime scene,
23 the accident scene.

24 Q. Okay. Are you aware how many members there are in
25 the San Jose chapter or charter of Hells Angels?

26 A. I would believe approximately 15.

1 Q. Now, as to -- as to Mr. Penna, San Mateo case you
2 spoke about?

3 A. Yes.

4 Q. You're not stating that he's a member of a Hells
5 Angels motorcycle club, correct?

6 A. That's an area that I'm trying -- excuse me. I'm
7 stating he is a member for the purpose of 186.22.

8 Q. I appreciate that, but that's not what I asked
9 you, sir. My question is, is he a member of the Hells
10 Angels motorcycle club pursuant to what you understand the
11 regulations of the Hells Angels motorcycle club?

12 MR. BYERS: Objection. Relevance.

13 THE COURT: Overruled.

14 Was he identified as a prospect?

15 THE WITNESS: Under the Hells Angels motorcycle
16 club he would be considered a prospect, yes.

17 Q. BY MR. HINGLE: And isn't it true -- do you have
18 any knowledge as to whether or not the Hells Angles meet
19 regularly on any day of the week? Regular meetings?

20 A. Yes. Once a week.

21 Q. And what day of the week is that usually?

22 A. I don't know what day of the week it is.

23 Q. Is it your testimony that you don't know what day
24 of the week the San Jose charter has weekly meetings?

25 A. I do not know the day of the week the San Jose
26 charter has meetings, no.

1 Q. That would be the same as the Santa Cruz charter?

2 A. I do not know the day of the week, no.

3 Q. Do you have any inner knowledge of what occurs at
4 these weekly meetings, either the San Jose or the Santa
5 Cruz charter?

6 A. I've never been to a meeting, no.

7 Q. Have you ever gotten any information from anyone
8 as to what goes on inside those meetings?

9 A. Just speaking with other experts.

10 Q. And have they told you whether or not prospects
11 are allowed inside to discuss activities, or whether or not
12 they stay outside of these meetings?

13 A. My understanding is prospects are not allowed
14 inside.

15 Q. Just so we're clear, your understanding is that,
16 per the Hells Angels rules prospects are not allowed inside
17 the weekly meetings, and is your testimony that Joseph
18 Penna was a prospect -- I'm sorry, Sean Penna was a
19 prospect at the time of the 12/31/2009 crime, correct?

20 A. Yes.

21 Q. So as a prospect he would not have been able to
22 participate in the club as a full member, correct?

23 A. According to the club, yes.

24 Q. Now, you don't have any types of degrees in
25 behavioral science, correct?

26 A. That's correct.

1 Q. And have you ever studied any type of behavioral
2 science in relation to your work as a gang detective?

3 A. No.

4 Q. Now, you circled these -- you had a circle --

5 You listed the primary activities of the Hells
6 Angels as murder, drug sales, illegal firearms, and illegal
7 possession. Do you recall that testimony?

8 A. I do.

9 Q. Now, I'm going to ask you specifically about a San
10 Jose charter of the Hells Angels motorcycle club.

11 A. Okay.

12 Q. I'm in essence limiting your prior testimony down
13 to a geographical area.

14 A. Okay.

15 Q. What is your opinion of the primary activities of
16 the San Jose charter of the Hells Angels motorcycle club?

17 A. I'm sorry? What's my opinion?

18 Q. What is your opinion as to what the primary
19 activities are of the San Jose charter of the Hells Angels
20 motorcycle club?

21 A. Crimes under 186.22, from possession of firearms
22 which we are discussing in this case.

23 Q. Anything besides specifically -- noting firearms,
24 are there any other of the enumerated crimes specifically
25 that you can point to as the primary activities of the San
26 Jose charter of the Hells Angels motorcycle club?

1 A. Yes. I believe there's a member who has a case
2 against him for possession of a stolen firearm.

3 Q. Pardon me?

4 A. Possession of a stolen firearm.

5 Q. Anything besides illegal firearms and stolen
6 firearms?

7 A. Mr. Villagrana's assault with a deadly weapon in
8 Gilroy. That's Santa Cruz -- excuse me. I'm sorry.
9 That's also what we discussed here.

10 Q. Okay. Let's talk about that real quick. Isn't it
11 true that no charges were ever filed against Mr. Villagrana
12 is that case?

13 A. Yes.

14 Q. Okay. So you're using a police report in which
15 Mr. Villagrana was not even charged with a crime as a basis
16 of your opinion about him, correct?

17 A. Yes. I did not review the police report to make a
18 determination if he was guilty of a crime. I reviewed a
19 police report to try to form an opinion on his membership
20 of the Hells Angels.

21 Q. Let's talk about the most recent activity you
22 spoke about. You were asked a question as to whether or
23 not the San Jose incident of 6/25/11 was in your reports.
24 Do you recall that question?

25 A. No. I'm sorry? What was that question again?

26 Q. Do you recall the prior question from the

1 prosecutor whether or not your reports referenced the
2 6/25/11 San Jose report involving Mr. Villagrana?

3 A. Whether my opinion document on Mr. Villagrana?

4 Q. Yes.

5 A. It does not contain that report.

6 Q. Okay. I just wanted to make that clear.

7 A. Yes.

8 Q. And as to that report you spoke to a member of the
9 intelligence unit, you didn't speak to the authors of that
10 report, correct?

11 A. Correct.

12 Q. And you don't know whether or not that intelligent
13 officer actually saw Mr. Villagrana wearing the cut, or the
14 vest on that date, isn't that true?

15 A. That's correct.

16 Q. So just so we're clear, the intelligence officer
17 never gave you any indication that she was present at the
18 scene on 6/25; is that correct?

19 A. That would be correct.

20 Q. So the source of your knowledge was speaking to an
21 officer who wasn't present on the scene but had presumably
22 read a report?

23 A. Correct.

24 Q. And as to the prior incident, did you speak to who
25 authored the report as to the Gilroy incident where
26 Mr. Villagrana was not charged with a crime?

1 A. I'm sorry. There was like, I believe, seven
2 reports authored on that case.

3 No, I did not speak to those officers directly
4 about that case.

5 Q. Did you speak to any of the officers that authored
6 any of the reports concerning the Gilroy case that you
7 spoke of regarding Mr. Villagrana?

8 A. Not regarding that case, no.

9 Q. So then your basis of knowledge of the Gilroy
10 matter is from speaking to officers other than those that
11 actually wrote the reports investigating the crime,
12 correct?

13 A. No, I'm not saying that.

14 Q. What are you saying, then, if you didn't speak to
15 people who wrote the reports?

16 A. I'll make it clear. I did not speak to the
17 officers that had written those reports about those
18 reports. I did not speak to another officer about those
19 reports.

20 Q. Okay. Did you just read the reports yourself?

21 A. Absolutely.

22 Q. Okay. So your sole source of that incident is
23 based on the reading of the reports and that's it?

24 A. Absolutely.

25 Q. Going back real quick to the 6/25 matter. You
26 said that you believed Mr. Villagrana was cited?

1 A. 6/25?

2 Q. 6/25 in San Jose. 6/25/11, this year.

3 A. Oh, yes. Yes. I'm sorry. I lost track of the

4 case. Yes.

5 Q. Have you actually run a criminal history to see

6 whether or not it shows he was arrested?

7 MR. BYERS: Objection. Relevance.

8 THE COURT: Overruled.

9 THE WITNESS: No, I did not run Mr. Villagrana's

10 criminal history on that case.

11 Q. BY MR. HINGLE: Isn't it true that Mr. Villagrana

12 was not arrested, in fact, he was released from the scene?

13 A. Yes.

14 Q. And if he was released from the scene, then what

15 would he have been arrested for?

16 A. That was a citation.

17 THE COURT: It means it was either a misdemeanor

18 or an infraction.

19 MR. HINGLE: Okay.

20 Q. Now, you've testified that you had contact with

21 Mr. Villagrana. My question to you is when?

22 A. During the search warrant.

23 Q. Prior to that you did not have any personal

24 contact with him; is that correct?

25 A. No.

26 Q. No, it's not correct?

1 A. I'm sorry. No, I have no contact with
2 Mr. Villagrana until the search warrant.

3 Q. Okay. Going back real quick to Mr. Penna.
4 Indicating in your testimony as to your belief that he was
5 a member of California criminal street gang that one of the
6 basis for that testimony was that his name showed up in
7 West Coast minutes. Do you recall that testimony? Do you
8 recall --

9 A. I don't believe I spoke that Mr. Penna's name came
10 up in West Coast minutes.

11 Q. Okay.

12 THE COURT: Maybe it's in his report, but I don't
13 recall hearing that either.

14 Q. BY MR. HINGLE: To your knowledge, Mr. -- you
15 don't have any knowledge of Mr. Penna's name appearing in
16 the West Coast minutes, correct?

17 A. No, I do not. I could get the information, but,
18 no, I do not know personally myself.

19 Q. I take it you've seen some West Coast minutes in
20 preparation for today's hearing at some point in the past?

21 A. I have seen them, yes.

22 Q. Okay. Let me ask you, do they specifically break
23 down the activities of the different charters?

24 A. They do.

25 Q. Okay. Have you ever seen any notations in any
26 West Coast minutes that the San Jose charter of the Hells

1 Angels motorcycle club was planning, participating in or
2 committing any of the enumerated crimes?

3 A. I have only seen one West Coast minute, to be
4 clear, and that West Coast minute did not speak of the San
5 Jose chapter participating in any of the enumerated crimes
6 of 186.

7 Q. Did it speak of any Hells Angel members
8 participating in any of the enumerated crimes within Santa
9 Cruz County?

10 A. No.

11 Q. You also stated that you previously spoke to the
12 Hells Angels members. Other than Mr. Villagrana, who you
13 said you spoke to at the search warrant of his house, who
14 else have you spoke to?

15 A. I served a search warrant for Mr. Bettencourt.
16 He's now facing charges. I spoke to Mr. Bettencourt. He
17 was a member of the Santa Cruz chapter of the Hells Angels.

18 Q. I'm intricately familiar with Mr. Bettencourt's
19 cases as I represented him. And there were two search
20 warrants on his house. Did you participate on both of the
21 search warrants?

22 A. I did.

23 Q. And did you speak to him on both occasion?

24 A. No. Only on the first one.

25 Q. And other than Mr. Bettencourt and Mr. Villagrana,
26 are there any other members you've spoke with?

1 A. I spoke to Mr. Macias. I've spoken to Mr. Torres.
2 Q. They are in the Santa Cruz chapters, correct?
3 A. Correct.
4 Q. And just so we're clear, Mr. Bettencourt is from
5 the Santa Cruz chapter, as well, correct?
6 A. Correct.
7 Q. Besides those gentlemen you just mentioned from
8 the Santa Cruz chapter, and Mr. Villagrana, any other Hells
9 Angels that you've spoken with?
10 A. Not the ones other than the ones it mentioned that
11 I can recall at this time.
12 Q. Have you ever been present when any other officer
13 spoke to any other Hells Angels members?
14 A. Yes.
15 Q. Other than those ones you listed right there?
16 A. Yes.
17 Q. Okay. What specifically were any of those members
18 from the San Jose charter?
19 A. Not that I can recall, no.
20 Q. Okay. Were they from the San Cruz charter but not
21 yet named by you, if you recall?
22 A. Yes.
23 Q. Was that location within Santa Cruz County?
24 A. Yes. It was in Santa Cruz County.
25 Q. In any of those conversations, did any of them
26 have any discussions with you about the primary activities,

1 being murder, drug sales, illegal firearms, or anything --
2 any other enumerated crimes?

3 A. No.

4 Q. Okay. Just so we're clear, then, you never had a
5 Hells Angel member say our primary purpose are the
6 commission of these crimes which are enumerated?

7 A. That's correct.

8 Q. Within Santa Cruz County in the last -- within a
9 five year period prior to the arrest of Mr. Villagrana in
10 this case, can you name any Hells Angel that was convicted
11 in Santa Cruz County of an enumerated crime? Yes or no.

12 MR. BYERS: Objection. Relevance.

13 THE COURT: Overruled.

14 THE WITNESS: In the last five years?

15 Q. BY MR. HINGLE: Yes.

16 A. No.

17 Q. Within -- I'm not going to go to every charter
18 with this. I'm just going to go over San Jose for the next
19 one.

20 Within the last five years of the arrest of
21 Mr. Villagrana, are you aware of any San Jose charter
22 members being convicted of any felonies?

23 A. Of any felonies?

24 Q. If it makes it easier I'll -- let me just say any
25 of the enumerated crime felonies?

26 A. No, not to my knowledge.

1 Q. Okay. Just one other -- well, that's okay.

2 Now, as to this Scott Sutton case in Ventura
3 County, isn't it true that --

4 THE COURT: Before we get into that, Counsel, it's
5 three o'clock. We'll take a 15 minute break. Be back at
6 3:15.

7 (Recess taken.)

8 THE COURT: Let's continue, Mr. Hingle.

9 Q. BY MR. HINGLE: Mr. -- I'm sorry.

10 Deputy, do you have any facts upon which you can
11 state that the Defendant knows Mr. Penna, the gentleman
12 from San Mateo you spoke about?

13 A. Do I have any document that shows Mr. Villagrana
14 knows Mr. Penna?

15 Q. Yes.

16 A. I do not.

17 Q. Do you have anything undocumented, do you have any
18 knowledge that Mr. Villagrana knows Mr. Penna or
19 Mr. Penna's activities?

20 A. No.

21 Q. Same question except as to Mr. Sutton in
22 Ventura. Do you have any opinion as to whether or not
23 Mr. Villagrana knows of Mr. Sutton's activities in Ventura
24 as by you -- as testified here today by you?

25 A. No.

26 Q. Do you have any knowledge that Mr. Villagrana has

1 any relationship with the Ventura charter?

2 A. No.

3 Q. Do you have any knowledge as to whether or not
4 Mr. Villagrana has any relationship with the San Mateo
5 charter -- or strike that. The Daly City charter?

6 A. No.

7 Q. The San Mateo charter would fall under the Daly
8 City charter, correct?

9 A. Mr. Penna was wearing Daly City prospect on that
10 patch.

11 Q. And Mr. Sutton was wearing Ventura member indicia,
12 correct?

13 A. At the time he was stopped, correct.

14 Q. Neither one of those individuals was either
15 charged with a substantive gang crime or gang enhancement,
16 correct?

17 MR. BYERS: Objection. Relevance.

18 THE COURT: Overruled.

19 THE WITNESS: I don't believe either one there
20 actually was a filing for a 186.22.

21 Q. BY MR. HINGLE: In either case?

22 A. I'm sorry?

23 Q. I'll try to slow down, too.

24 Just so we're clear, to your knowledge neither
25 Mr. Penna or Mr. Sutton in cases you testified to were even
26 charged with the substantive crime or of being a California

1 criminal street gang member or the enhancement, correct?

2 A. That is correct.

3 Q. Can you point to one Hells Angels member within
4 the State of California that is convicted of either the
5 substantive offense or the enhancement to California
6 Criminal Street Gang Act within five years of
7 Mr. Villagrana's arrest in this case?

8 MR. BYERS: Object. Relevance.

9 THE COURT: Overruled.

10 THE WITNESS: Not in the last five years that I
11 can recall, no.

12 Q. BY MR. HINGLE: Just so I'm clear. You can't
13 point to one Hells Angel member in the State of California
14 that's ever been convicted of the charge in this case
15 within five years of Mr. Villagrana?

16 A. Convicted, no.

17 Q. Within the State of California outside of the five
18 year period, can you point to any case in which there has
19 been a Hells Angel member convicted of the substantive
20 crime as charged in this case? By that I mean a California
21 criminal street gang.

22 A. I believe there was one out of King County or
23 Fresno County, but I believe that is well past your five
24 years. And I don't have any actual knowledge, it's just
25 what I've heard.

26 Q. Notwithstanding that you can't point within the

1 last five years to one person in the State of California
2 that is a member of the Hells Angels motorcycle club that
3 has been convicted of substantive charge or enhancement,
4 it's still your opinion that the primary activities of the
5 Hells Angels motorcycle club is the commission of the
6 enumerated acts; is that correct?

7 A. Yes.

8 Q. But there doesn't seem to be any convictions to
9 back up that opinion; would that be correct?

10 MR. BYERS: Objection. That misstates the
11 testimony, Your Honor.

12 THE COURT: What you were saying is there's no
13 convictions to back up the conviction.

14 MR. HINGLE: I'm sorry. I'm sorry.

15 THE COURT: The conviction -- if that's his
16 opinion.

17 MR. HINGLE: Bad, bad question.

18 Q. BY MR. HINGLE: You stated that it's unlawful to
19 discharge a firearm in the unincorporated area of Santa
20 Cruz County in which this weapon was found. Do you
21 remember that testimony?

22 A. Where the accident occurred, correct.

23 Q. Where the accident occurred?

24 A. Correct.

25 Q. What statute prohibits that? Is there a county
26 ordinance?

1 A. I'm sorry?

2 THE COURT: There is one. I voted for it, but
3 it's not relevant to anything in this case.

4 MR. HINGLE: Thank you. Move on.

5 Q. Now, you testified that murder, drug sales, and
6 illegal firearms were the primary activities of the Hells
7 Angels motorcycle club. You cited a couple of cases, both
8 of which had firearms, Mr. Sutton and Mr. Penna.

9 A. Correct.

10 Q. My question to you is, can you cite any case in
11 which there were convictions of murder for any Hells Angle
12 members within five years of the arrest of Mr. Villagrana
13 in this case?

14 MR. BYERS: Objection. Relevance as to
15 conviction.

16 THE COURT: I'm sorry. Can you restate the
17 question again, please?

18 MR. HINGLE: Certainly.

19 Q. You said that murder is the primary -- one of the
20 primary activities of the Hells Angels. Within the last
21 five years what murders within the State of California can
22 you point to in which someone was either arrested for
23 murder, prosecuted for murder, or convicted for murder?

24 A. I believe in San Diego a member shot and killed a
25 Mongol. I don't remember the exact circumstance. But --
26 but I will be honest, I am not sure of the exact date. It

1 could very well be with that prior five years you're
2 discussing. So, yes.

3 Q. Other than that one case, were there any other
4 murders involving people being arrested, charged or
5 convicted that you know of?

6 A. Well, Mr. Delano, I believe, was charged with
7 murder. I'm not sure what county. Somewhere in the
8 Central Valley.

9 Q. You're not sure what county it was?

10 A. I'd have to guess. But I'm not sure exactly what
11 county it was.

12 Q. Okay. Drug sales. Can you point to any -- can
13 you point to any -- we've already talked about Santa Clara,
14 San Jose, Santa Cruz charters, so I'm excluding those
15 because we've asked those questions. Can you name any
16 other Hell Angles members within the last five years of the
17 arrest in this case that have been convicted for drug
18 sales?

19 A. Not in -- I'm sorry. I'm sorry.

20 What chapters are we discussing again? These
21 questions are getting kind of long. I'm sorry.

22 Q. I'm not talking about Santa Cruz or San Jose
23 charters. I'm talking about any other charters in the
24 State of California.

25 A. Okay.

26 Q. Can you point to me any cases in which any members

1 of any of those charters have been arrested, prosecuted or
2 convicted of a drug sale within five years of the date of
3 Mr. Villagrana's arrest?

4 A. No.

5 MR. HINGLE: Just a moment, Your Honor, if I may.

6 Q. Now, you stated that Santa Cruz County Task Force
7 has been in operation for almost a year, correct?

8 A. Correct.

9 Q. And you also stated that one of your jobs, duties
10 I should say, is identification of gangs and gang members,
11 correct?

12 A. Correct.

13 Q. Are there any internal files that the task force
14 keeps on Hells Angels members?

15 MR. BYERS: Objection. Calls for discovery.

16 THE COURT: Sustained.

17 Q. BY MR. HINGLE: Are there any internal files --
18 are there any internal files that you reviewed in coming up
19 with any of the opinions that you've opined today that come
20 solely within Santa Cruz County Task Force? Yes or no.

21 A. You said like field interview cards and contact
22 reports? They're common record. I mean, there are
23 counties and other agency's police reports.

24 Q. There's no internal -- there's no internal book or
25 wall or photo where you've got listed all the Hells Angels
26 members from all the various charters, correct?

1 A. I don't have a book with Hells Angels members, no.
2 Q. There's no records you keep on Hells Angel members
3 within the Santa Cruz County Task Force, correct?
4 MR. BYERS: Objection. Calls for discovery.
5 THE COURT: Sustained.
6 Q. BY MR. HINGLE: Now, of the Hells Angel members
7 that you've spoken to personally, they've all admitted that
8 they were members of the Hells Angels motorcycle club,
9 correct?
10 A. Yes. I believe all that I've asked have admitted.
11 Q. No one's ever denied -- no member that you asked
12 whether or not he was, in fact, a member ever denied being
13 a member, correct?
14 A. Correct.
15 Q. Other than Mr. Bettencourt's case and
16 Mr. Villagrana's case, what other Hells Angels cases have
17 you participated on?
18 A. Case involving Randy Healy. He's a member of the
19 Santa Cruz chapter of the Hells Angels.
20 Q. Was that for one of the enumerated crimes under
21 the act?
22 A. Yes. Possession of a controlled substance for
23 sales.
24 Q. That case is still ongoing, correct?
25 A. Correct.
26 Q. Besides those three cases, Mr. Bettencourt, that

1159

78

1 gentleman, and Mr. Villagrana, are there any others?

2 A. No.

3 Q. Comparing that to, say, Norteno cases?

4 A. Okay.

5 Q. You participated in a lot more Norteno cases than
6 you would, say, Hells Angels cases? Would that be correct?

7 A. That would be fair to say.

8 Q. Same thing with Sureno cases within Santa Cruz
9 County?

10 A. Yes, that would be fair to say.

11 Q. Are you aware of whether or not there's a formal
12 membership application that's filled out by people who want
13 to become members of the Hells Angels motorcycle club?

14 A. I'm not aware of that, no.

15 Q. Do you know whether or not Mr. Villagrana has any
16 prior convictions for anything?

17 A. I'm not looking at his criminal -- I know he did
18 have a prior felony conviction. I do remember that from
19 the case involving a firearm.

20 Q. Other than the San Jose gang intelligence officer
21 you spoke of, Officer Walosy?

22 A. Ski. I can't pronounce her name. Sorry.

23 Q. Are there any other officers that you can
24 specifically name that you've spoken with in coming to the
25 opinions that you've expressed here today regarding
26 Mr. Villagrana?

1 A. Officer Croucher who did the truck stop on
2 Mr. Villagrana that we discussed.

3 Q. In San Jose?

4 A. Correct.

5 Sergeant Darias from the L.A. Police Department
6 who's part of the task force that served the search warrant
7 for us for Mr. Villagrana. Officer Lindsey from the
8 Ventura Police Department that has the knowledge of the
9 cases of Sutton and other members of the Ventura Hells
10 Angels. Mr. Jorge Blanco from WSIN. Western States
11 Intelligence Network. So it's W-S-I-N.

12 I've spoken to him on many occasions and received
13 training and worked with him on cases.

14 MR. HINGLE: Thank you very much, Officer. That's
15 all of my questions.

16 THE COURT: Mr. Byers?

17 MR. BYERS: Thank you, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. BYERS:

20 Q. Detective, we had talked during your testimony, or
21 you talked during your testimony a little bit about
22 prospect and member as it relates to the Hells Angels own
23 consideration?

24 A. Uh-huh.

25 Q. In essence, my understanding of your testimony was
26 according to the Hells Angels you can be a member or a

1 prospect or nothing; is that correct?

2 A. Correct. They have their own definitions of who
3 everyone is.

4 Q. Do you share their definitional concept of what a
5 member of the Hells Angels is?

6 A. No.

7 Q. Tell us what is, in your opinion, the difference
8 between a prospect and a member and what a member of the
9 Hells Angels is?

10 A. Well, I think as we have already discussed a
11 member can have use of the death head insignia, and that
12 they go to church, while the prospects are not allowed to
13 go into the church. But the idea -- excuse me, the status
14 of a prospect, this is a person who is sponsored by a
15 member, who's overseen by a member, who is voted on for his
16 membership, is voted on by the membership. Actually, a
17 unanimous vote by the chapter. This is a person who if
18 doesn't meet certain criteria -- not certain criteria,
19 there's not lids, but a certain performance, I would say,
20 then they are actually not allowed to become members.

21 These prospects, I have seen and I have been told
22 from people who have seen West Coast chart mems (phonetic),
23 and the one I have seen, that prospects -- there's new
24 prospects this chapter as this guy is prospect for that
25 chapter. So these people are identified and given status
26 within the Hells Angels club, so therefore I do carry the

1 opinion that they are members for a 186 standpoint.

2 Q. Thank you.

3 And you mentioned there was 20 different charters
4 or chapters in California?

5 A. Correct.

6 Q. Roughly.

7 And what -- members or associates of those
8 charters also consider themselves to be members of the
9 Hells Angels as a whole?

10 A. Yes.

11 Q. Are the charters, the 20 different or so charts in
12 California, are they connected in the same activities as
13 the Hells Angels as a whole?

14 A. Yes.

15 Q. Were they -- do you consider members or -- well,
16 members of the charters to be members of the Hells Angels
17 as a whole?

18 A. Yes.

19 MR. BYERS: Thank you. I have no further
20 questions.

21 RECROSS-EXAMINATION

22 BY MR. HINGLE:

23 Q. Deputy, what did you mean when you stated that you
24 believe members of the individual Hells Angels charters are
25 also members of the Hells Angels as a whole?

26 A. It's an organization. So, yes, if you're a member

1 of the San Jose chapter or the Santa Cruz chapter, you are
2 still a membership under the Hells Angels as a whole. As
3 you referred to, they're a corporation.

4 Q. Would it be -- would it be an accurate description
5 that the Hells Angels as a whole is an umbrella group and
6 every charter would be a subset of that main umbrella? The
7 Hells Angels are a big group, correct?

8 A. It's a world wide organization.

9 Q. Okay. World wide organization composing of a lot
10 of different charters, correct?

11 A. Correct.

12 Q. You testified as your opinions as to the Hells
13 Angels within the State of California as to whether or not
14 they are a California criminal street gang, correct?

15 A. That is correct.

16 Q. Is it your opinion, then, that every single member
17 of every single charter within the State of California is
18 also a member of a California criminal street gang?

19 A. Sir, are you asking me if all the members of the
20 Hells Angels are a member of a criminal street gang?

21 Q. All the members of every single charter in the
22 State of California, whether they are all members of a
23 California criminal street gang in your opinion?

24 A. Yes.

25 Q. Is it your opinion that all the members actively
26 participate with each other in the enumerated activities,

1 even though they come from separate charters?

2 A. Are you -- I'm sorry. Can you define "with each
3 other"?

4 Q. Sure. Okay. Let's use better terminology.

5 Is it your -- is it your opinion that every Hells
6 Angels member of every single charter within California
7 willfully promotes, furthers or assists any other Hells
8 Angels member within the state in their felonious criminal
9 conduct?

10 MR. BYERS: Object. Relevance and vague.

11 THE COURT: Overruled. Just testing his expert
12 opinion.

13 THE WITNESS: It is my opinion that members of the
14 Hells Angels are members of a criminal street gang.

15 Q. BY MR. HINGLE: I appreciate that. So is it your
16 opinion that every single member of every single charter
17 willfully promotes, furthers and assists all the other
18 members in the felonious conduct?

19 A. Yes.

20 Q. And is it your opinion that every single member of
21 every single charter has knowledge that the other members
22 are engaged in the pattern of criminal gang active?

23 A. Not direct knowledge that that person is, that
24 person is, that person is, no.

25 Q. So it would be fair to say that someone from San
26 Jose may not know the activities of individual members in

1 Ventura, correct?

2 A. That would be fair so say, yes.

3 Q. And people in Santa Cruz County may not know the
4 individual actions of Ventura members, correct?

5 A. That could be fair to say, yes.

6 MR. HINGLE: Thank you. No further questions.

7 MR. BYERS: Just real quick question, Your Honor.

8 FURTHER REDIRECT EXAMINATION

9 MR. BYERS:

10 Q. When you say they may not know, are you speaking
11 of their knowledge of specific activities or knowledge of
12 the criminal nature of the organization?

13 A. I'm talking about specific activities. I might
14 not know that, you know, John Doe does this exact crime.

15 Q. Would individual members of each individual
16 charter have knowledge of the criminal nature of the
17 organization?

18 A. Yes, I do believe they would.

19 MR. BYERS: Thank you. I have no further
20 questions.

21 THE COURT: All right. Thank you Deputy Simpson.
22 You're excused.

23 MR. BYERS: Your Honor, People move People's
24 Exhibits into evidence. I'm not sure if I got higher than
25 5.

26 THE CLERK: Six.

1 MR. BYERS: One through 6.

2 THE COURT: Any objections?

3 MR. HINGLE: I have no objection except to one.

4 If I may look, Your Honor?

5 THE COURT: Which?

6 MR. HINGLE: Well, actually, as to all the
7 photographs I. Would object to all of them because they
8 have not been identified as being representations of
9 likenesses of the scene at the time they were taken.
10 There's been no testimony from the officer as to that.

11 As to the rap sheet purported from San Mateo
12 County on Mr. Penna, I would -- I would object to that
13 because that is not a certified court document. It's not a
14 certified copy of a conviction. And it's -- the basis of
15 that has not been shown to the Court so that the underlying
16 reliability of it can be established for its use.

17 Submitted.

18 THE COURT: You're correct that it's not a
19 certified court document. It's only certified by the
20 sheriff as being something out of their own records. I
21 have no certified court documents with regard to
22 Mr. Sutton's conviction in Ventura County.

23 I'll sustain the objection to Exhibit 3.

24 MR. BYERS: Your Honor, I could as to the rap
25 sheet. It's a governmental record. Pursuant to the Penal
26 Code that information is required by law to be entered into

1 as evidence, or not as evidence, in a database and required
2 to be kept in a database pursuant to convictions in courts.
3 There's a case that I could recite in the office which I
4 could retrieve which talks about which requirements under
5 the Government Code and Penal Code require that that
6 information be accurately reported --

7 THE COURT: That gets you around the hearsay
8 objection, but doesn't make it possible for me to take
9 notice of the truth of the things in there. Whereas a
10 certified conviction record I could actually assume that
11 he's convicted.

12 MR. BYERS: Your Honor, it's a governmental
13 record.

14 THE COURT: It doesn't matter. I'm not going to
15 find -- I'm going to find Mr. Penna is not a member of the
16 Hells Angels and you can't use it as a predicate offense in
17 any event.

18 The other documents are all admitted. Everything
19 but 3.

20 Any other witnesses?

21 MR. BYERS: Just if I could ask the Court if I
22 could have leave for five minutes I can bring the case that
23 cites of that certified rap sheet is admissible for the
24 truth of what's contained inside of it. I think even if
25 the Court was make -- it could still make its indicated
26 ruling Mr. Penna is not a member and allow in the rap sheet

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Joey Orduna Hastings

Clerk of the Court

Transaction # 3366076

EXHIBIT 12

PART 3

EXHIBIT 12
PART 3

1169

1 under the governmental records exception hearsay
2 prohibition. And there's a case right on point sitting in
3 my office. I can get it in five minutes and bring it down
4 here.

5 THE COURT: You don't know the cite?

6 MR. BYERS: I do not, unfortunately. But I have
7 entered in rap sheet -- certified rap sheets in this very
8 Court numerous occasions prior under the Governmental
9 records exception. Because in essence people are tasked
10 and required to report such information, and that is a
11 certified document that is a certified government record
12 exception to the hearsay requirement. And the Court can
13 still rule the way its indicated that it doesn't believe
14 that Mr. Penna is a member and allow that in as evidence.

15 MR. HINGLE: Your Honor, for it to come under the
16 certified governmental records exception they would have to
17 prove that not only was there a duty for the body to
18 perform the act, but the act was performed in a timely
19 manner, from the -- the writing has to have been written
20 within a timely manner from the time the event happened and
21 conviction.

22 They have no evidence that they can present before
23 you as to how long it was entered into the date after that
24 conviction even if it wasn't correct. And I think there's
25 a distinguish whether or not you can use a certified
26 printout from the a sheriff's office from one county versus

1 another county.

2 MR. BYERS: That is from this County. It's a
3 governmental record. Under the law people are required to
4 report, such as your clerk, to report information to the
5 California Department of Justice to, again, establish as a
6 governmental record pulled out of the database by the
7 sheriff's department and certified as accurate.

8 THE COURT: That's fine. I'm actually going to
9 admit it. It is a document that we rely on all the time.
10 Although I know there's right now a major controversy going
11 on over reliability generally of these DOJ records because
12 there's often records of arrests and no matching
13 convictions. But this does actually state that Mr. Penna
14 was convicted of a gun offense under 12025. I would say
15 that many of the problems with the gang aspect of this
16 case.

17 Do you have any other witnesses?

18 MR. BYERS: People rest.

19 THE COURT: Any witnesses for the defense?

20 MR. HINGLE: No.

21 THE COURT: All the exhibits are admitted.

22 (People's Exhibit 1 through 6 received into
23 evidence.)

24 THE COURT: Argument.

25 MR. BYERS: Your Honor, in this case, and I would
26 imagine that you'd like me to focus specifically on the

1 gang evidence, at least the existence of the criminal
2 street gang. That evidence was testified to by the expert.
3 He talked about a global organization, the Hells Angels,
4 which primary activities were ones that he opined -- were
5 the ones enumerated; they have three or more members, a
6 common name or identifying sign or symbol. All the
7 elements were testified to by the expert. And as we are
8 looking at here is a probable cause hearing. This is a
9 very minimal standard. In essence, if you have some
10 evidence to support the elements of the crime that's
11 presented here, then the Court should issue a holding
12 order. Clearly a preliminary hearing is not meant to spend
13 hours and hours and hours proving beyond a reasonable doubt
14 what is and isn't to be true. The only requirement here is
15 probable cause. So certainly --

16 THE COURT: The only purpose of a preliminary
17 hearing that I've been able to figure out is it's filter
18 for getting rid of bad cases. It has no other real
19 purpose.

20 MR. BYERS: I think, in essence, a bad case would
21 be one that the People did not present some evidence as to
22 each element of the crime. In this case, I think the
23 Court's projecting its opinion of the case. But the People
24 have presented evidence to each element of the crime, which
25 requires a holding order. And that's why I was here,
26 that's why we're here, is to present evidence to show there

1 is some evidence to suggest probable cause as to each
2 element of the case. And the People through its two
3 witnesses establish probable cause to establish that the
4 Hells Angels is a criminal street gang under the 186.22(a)
5 and that Mr. Villagrana is an active participant in that
6 gang, and that he committed the felony of possessing a
7 loaded unregistered firearm on our streets.

8 So while it may have the purpose of getting rid of
9 cases -- or weak cases, but that's -- it's not weak. It's
10 cases where elements of offense were not proven. And in
11 this case regardless of the Court's opinion of the case as
12 a whole, elements to each -- evidence as to each element
13 were presented and I ask the Court to issue a holding
14 order.

15 THE COURT: Mr. Hingle.

16 MR. HINGLE: Your Honor, this case, there should
17 not be a holding on Count 1, because there is failure on
18 two counts by the People. There's been insufficient
19 evidence of primary activities of the gang. While the
20 officer testified that initial primary act, murder, drug
21 sales, illegal firearms of the Hells Angels, and that was
22 as a group as a whole in the State of California. When we
23 asked him what he can point to within the last five years,
24 murders, none. Drug sales, one. And two cases with
25 firearms for members from Ventura, and none of which
26 occurred anywhere close to Santa Cruz County.

1 As to the second portion of it, the insufficiency
2 of the evidence required for the predicate acts, I think
3 the officer's testimony while he tries his might to say
4 that a prospect he considers him a member for the purposes
5 and that they can use that for a predicate act, but it was
6 very clear that prospects aren't allowed in meetings, they
7 sit outside of the weekly meetings, they clearly have a
8 different status as the Hell Angels member, as such how
9 could they be found to come within a group for which they
10 are still trying to become. That's the whole point of
11 being a prospect. They're trying to rise up to a member.
12 They're not there yet, so a conviction of a prospect cannot
13 be used to show anything of the membership of the group as
14 a whole. Maybe he's gonna make it. Maybe he's not. We
15 don't know that he didn't get kicked out of Daly City
16 because of the arrest in this case.

17 You can't use a prospect as a probable because
18 with that they've got insufficient priors other than to
19 show Mr. Sutton's gun. Mr. Sutton's gun we've not no
20 conviction information whatso. There's no certified prior
21 packets on either one of these individuals. And then when
22 you look at really the argument of the group as the whole
23 and then the charters, they want to paint it as a huge
24 organization. The case law is held that just painting
25 someone as a Norte without more, if you know they are a
26 subset, if you can't find enumerated offenses and primary

1 activities within this subset, then you really do not have
2 a gang crime with that subset.

3 Here we've got a specific subset. The San Jose
4 charter. Absolutely no enumerated offenses. No one within
5 the last five years even has got anything on the radar.

6 Okay. Let's look at territory in Santa Cruz. No
7 one from the San Jose charter has been arrested within
8 Santa Cruz within the last five years. The two cases that
9 he did cite is one for drug sales and one for possession of
10 a firearm.

11 If the People were going to try to argue that the
12 current case could be used as a predicate, which the law
13 does allow them to do, my argument is this, I don't
14 think -- I think there is stuff to talk about on two -- on
15 Count 2, but you have to be able to prove that the
16 possession of the gun was with the intent to further
17 activities of the group in order for that to be used as a
18 prior in this case.

19 What we've got is the gun, and the testimony was
20 Mr. Villagrana was lying on the ground, wasn't even seen by
21 the officer who testified, the second officer. The weapon
22 was supposedly found by a civilian and turned over to
23 another police officer in the location. The weapon is not
24 registered under the Department of Justice. There is
25 nothing to show that Mr. Villagrana had exclusive
26 possession of that weapon. There's nothing to show that

1 Mr. Villagrana had constructive possession of that weapon.
2 And under the law, the People have to be able to prove one
3 or the other. There's no evidence that Mr. Villagrana was
4 even conscious on the ground, Your Honor. No one said he
5 was conscious. How can someone if there's not any proof
6 that he was conscious on the ground be said to have
7 possessed something, either constructively or personally?
8 And the answer is, I think, as a matter of law you can't.
9 What we've got is a motorcycle on the ground. We've got a
10 gun found, we've got a gun found next to it, and
11 Mr. Villagrana has already left the scene and being
12 treated. I don't think that's enough to hold on 2, but
13 certainly not enough for 1. And even if you find a holding
14 on 2, that's not sufficient to use that act as a predicate
15 to find holding on 1.

16 And I submit.

17 MR. BYERS: Briefly, Your Honor. You heard
18 evidence -- well, as to the primary activities, firearms
19 possession can be a primary activity. We have evidence of
20 that right now. Also evidence in the prior cases. You
21 heard evidence of Penna and of Sutton and the Defendant.
22 Counsel is certainly correct, he could be a predicate
23 offender.

24 I think by looking at the photograph where the gun
25 was at where all that property from Mr. Villagrana's
26 motorcycle landed, I think it's pretty clear that he

1 possessed it. I don't know if that's an issue.

2 THE COURT: Actually, the only evidence is that
3 it's so unlikely that a gun would be lying all by itself in
4 a public street. But that's really all you have, actually.

5 MR. BYERS: Right. And when a witness that came
6 to the accident picked up the gun and walked to where a
7 person was giving aid to Mr. Villagrana, that would seem to
8 indicate that it was there right after the accident. I
9 think the picture really suggested that.

10 THE COURT: After the accident. The question is
11 was it there before the accident. We really don't know.

12 MR. BYERS: And the probable cause sense I think
13 it's probable that a gun was not just laying in the middle
14 of --

15 THE COURT: That's what I'm saying. All you got
16 is the unlikely event that a gun is just going to appear on
17 a public street by itself. But actually you have nothing
18 more than that.

19 MR. BYERS: At this point presented to the Court,
20 sure.

21 I think I've presented, or at least argued
22 sufficient for the probable cause that the Court issue a
23 holding order on all charges.

24 THE COURT: I don't find there's sufficient
25 evidence to hold Mr. Villagrana with regard to Count 1 for
26 all the reasons cited by Mr. Hingle.

1 What you've got here -- your only evidence of gang
2 activity is -- you can't really use Mr. Penna's conviction
3 because I think your evidence is clear that he's a
4 prospect. The expert testified that he did actually have
5 to get voted in in order to participate in meetings of the
6 organization and actually know how the organization works.

7 Your testimony is that he was a prospect, and I
8 don't think given the way -- the reach that's being made
9 here to reach a gang crime in this case where your expert
10 can't identify any felonious active other than a gun
11 offense in Ventura County and a gun offense in Santa Cruz
12 County is sufficient enough to make out a pattern of gang
13 activity in this case where you have subsets. And you have
14 subsets where the testimony is that they actually voted in
15 their own members without control from outside the subset.

16 So I'm not going to hold him in regard to Count 1.

17 With regard to Count 2. Count 2, the original
18 pleading of violation 12025.1 doesn't apply, because it has
19 to be a gun on your person or in a vehicle. And I don't
20 think you can be within a motorcycle. You're outside the
21 motorcycle.

22 Count 3 is possession of an unregistered weapon.
23 I have a suspicion that, in fact, Mr. Villagrana was in
24 possession of the gun and it fell off his person when the
25 motorcycle went down. And I'll hold him with regard to
26 that charge.

1 Note that it's a wobbler. So it might not have
2 been a predicate offense in any event. Holding order with
3 regard to the amended complaint Count 3 which is charged as
4 a violation of 12031(a)(2)(f) which is having possession of
5 a firearm that's not registered with DOJ.

6 THE CLERK: So discharged on Counts 1 on 2?

7 THE COURT: Yes.

8 THE CLERK: And do you want the exhibits returned?

9 THE COURT: You want your exhibits back? Any
10 objections to that?

11 MR. BYERS: Yes, sir.

12 MR. HINGLE: No.

13 As to Count 3, may I make a motion at this point?

14 THE COURT: Sure.

15 MR. HINGLE: I would move to reduce Count 3 to a
16 misdemeanor at this time pursuant to Penal Code 17.

17 THE COURT: That's granted.

18 You want to be heard before I grant the motion?

19 MR. BYERS: I guess I could object for the record
20 and notice that the Court --

21 THE COURT: You gave me no information -- I mean,
22 we live in a world with Justice Scalia and the Supreme
23 Court thinks everybody should have as many guns as they
24 want no matter what any government entity thinks. So
25 Mr. Villagrana has got a gun, and you haven't told me that
26 he has any criminal record. All you have that he wears

1 Hells Angels stuff which he couldn't wear unless he's a
2 member, and I accept that. But there's no evidence in this
3 case of him ever committing a felony, or engaging in
4 misconduct. The only times he's been arrested, apparently,
5 he wasn't cited with anything.

6 He was cited, but not convicted of a felony.

7 MR. BYERS: Your Honor, he was convicted in 1995
8 of a misdemeanor petty theft, and resisting -- I'm sorry, a
9 415, and 2010 a 415. So he's been involve in acts of the
10 threat of violence. But --

11 THE COURT: That just means that he hangs out at
12 Joe's Bar in Boulder Creek.

13 MR. BYERS: Those numerous different elements
14 which the Court should consider before reducing to a
15 misdemeanor, one of which is this man was --

16 THE COURT: The main one is the weight of the
17 evidence, which in this case mostly sides with
18 Mr. Villagrana and the fact that, although, you know, I
19 would like to think that the Hells Angels are a criminal
20 street gang, which is my own generic belief, I don't have
21 sufficient evidence to support that in this case. And
22 Mr. Villagrana does not have a significant criminal record.
23 And he had a gun, which apparently all Americans are
24 allowed to have as many as they want, except that his
25 wasn't registered.

26 MR. BYERS: It was loaded and unregistered on our

1 streets. And if -- that in and of itself should not
2 require -- or request -- for the Court to grant the
3 request. There are numerous different factors, and frankly
4 the Court doesn't have all the information here before it.
5 Mr. Hingle can certainly present the Court with all that
6 information and --

7 THE COURT: All right. I'll leave it to some
8 other judge to make the 17(b) determination. I'll just
9 hold him for the felony. Somebody else can decide based on
10 more evidence whether it's appropriate to reduce it.

11 MR. HINGLE: May I be heard on that, Your Honor?

12 I think the Court's in the best position after
13 hearing all the evidence in this case, and there's nothing
14 further that the People can present in their argument as to
15 why this case should not be reduced to a misdemeanor.

16 THE COURT: At a trial probably have him plead
17 out. At a trial learn a lot more about Mr. Villagrana and
18 the entire transcript will be available to any other judge
19 who wants to look at it and make their own determination.
20 So I'll hold as to Count 3.

21 I assume the plea to Count 3 is not guilty?

22 MR. HINGLE: Yes.

23 THE COURT: You waive further arraignment and
24 reading of the amended complaint order recitation of rights
25 with regard to that count?

26 MR. HINGLE: Is this as to setting it for trial,

1 Your Honor?

2 THE COURT: No. This is in regards to him being
3 arraigned on the amended Count 3 that Mr. Byers added this
4 afternoon.

5 MR. HINGLE: At this point in time I don't think
6 I'm going to do my client's rights, and an objection is an
7 uncertainty, Your Honor.

8 THE COURT: Okay. So we're sending it back to --
9 where did this come from?

10 THE CLERK: Seven.

11 THE COURT: It's going back to Department 7 for
12 arraignment on the information in two weeks which would be
13 August 3rd at 8:30.

14 THE CLERK: 8:15.

15 THE COURT: 8:15.

16 THE CLERK: And he remains on the bail bond?

17 THE COURT: Remains on the bail bond.

18 MR. HINGLE: Thank you, Your Honor.

19 MR. BYERS: Thank you, Your Honor.

20 THE COURT: And time is still waived?

21 MR. HINGLE: Time remains waived, Your Honor.

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REPORTER'S CERTIFICATE

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J241481
SAN MATEO CJIS
ORGANIZATION: MC

IN THE SUPERIOR COURT SOUTHERN BRANCH
OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

07/05/11
14:17
PAGE 1

--- REGISTER OF ACTIONS ---

CASE NO. SC070882A STATUS: ADJUDICATED

PEOPLE V. PENNA, SEAN JOSEPH

501 PARK WY
SOUTH SAN FRAN, CA 94080

DATE OF BIRTH: 12/04/75

ATTORNEYS OF RECORD:

PROSECUTION: DABEL
DEFENSE: PAULA CANNY
(PRIVATELY RETAINED)

CHARGES, PLEAS AND DISPOSTIONS:

FILED DATE: 05/10/10

CNT	ALG			LATEST		CONV/DISP
NO.	NO.	CODE/SECTION	TYPE	PLEA	-----DISPOSITION-----	DATE
001	PC	12025(B) (5)	F	NG	DISM - NEGOT PLEA	02/17/11
002	PC	12031(A) (2) (E)	F	NOL	PLED NOLO CONTENDERE	02/17/11
003	PC	12020(A) (1)	F	NG	DISM - NEGOT PLEA	02/17/11

1184

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 2

CASE SYNOPSIS:

04/26/10 HELD TO ANSWER IN SUPERIOR COURT NORTHERN BRANCH
CUSTODY STATUS: ON BAIL.

05/12/10 HEARING HELD IN DEPT. 18, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. SUSAN ETEZADI, JUDGE.
NATURE OF PROCEEDINGS: FELONY ARRAIGNMENT.

09/13/10 HEARING HELD IN DEPT. 13, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. LISA A NOVAK/JUDGE FOILES, JUDGE.
NATURE OF PROCEEDINGS: PRE-TRIAL CONFERENCE.
AND MOTION TO CONTINUE TRIAL

09/24/10 HEARING HELD IN DEPT. 24, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. STEPHEN M HALL, JUDGE.
NATURE OF PROCEEDINGS: PITCHESS MOTION.

12/10/10 HEARING HELD IN DEPT. 24, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. STEPHEN M HALL, JUDGE.
NATURE OF PROCEEDINGS: PITCHESS MOTION.
AND PITCHESS MOTION

12/27/10 HEARING HELD IN DEPT. 13, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. LISA A NOVAK/JUDGE DAVIS, JUDGE.
NATURE OF PROCEEDINGS: PRE-TRIAL CONFERENCE.

01/26/11 HEARING HELD IN DEPT. 3, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. BETH LABSON FREEMAN, JUDGE.
NATURE OF PROCEEDINGS: PC 1538.5 MOTION.

01/26/11 HEARING HELD IN DEPT. 20, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. JONATHAN E KARESH, JUDGE.
NATURE OF PROCEEDINGS: PC 1538.5 MOTION.

02/17/11 HEARING HELD IN DEPT. 13, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. LISA A NOVAK, JUDGE.
NATURE OF PROCEEDINGS: DISPOSITION.

04/01/11 HEARING HELD IN DEPT. 6, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. CLIFFORD V CRETAN, JUDGE.
NATURE OF PROCEEDINGS: PROBATION VIOLATION ARRAIGNMENT.
BAIL: \$0.00.

04/21/11 HEARING HELD IN DEPT. 13, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. LISA A NOVAK, JUDGE.
NATURE OF PROCEEDINGS: TO SET PROBATION VIOLATION HEARING.
BAIL: \$0.00.

05/25/11 HEARING HELD IN DEPT. 13, SUPERIOR COURT - HALL OF JUSTICE &
BEFORE HON. LISA A NOVAK, JUDGE.
NATURE OF PROCEEDINGS: TO SET PROBATION VIOLATION CONFERENCE.
BAIL: \$0.00.

05/25/11 HEARING SET ON 07/08/11 AT 08:45 A.M. IN SUPERIOR COURT - HALL OF
JUSTICE & RECORDS, DEPT. CR, FOR: TO SET PROBATION VIOLATION
CONFERENCE.

06/24/11 HEARING SET ON 07/14/11 AT 10:00 A.M. IN SUPERIOR COURT - HALL OF
JUSTICE & RECORDS, DEPT. CR, FOR: MOTION TO WITHDRAW PLEA..
CURRENT BAIL: \$0.00

1185

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 3

RECORD OF CASE EVENTS:

05/10/10 08:00 INFORMATION FILED.
COMPLAINT FILED.
NO TRANSCRIPTS AT TIME OF FILING
DEPUTY DA DABEL DESIGNATED AS PROSECUTING ATTORNEY OF
RECORD.
BAIL BOND NO. 555052045-0 IN THE AMOUNT OF \$50,000.00
FILED. AGENT/AGENCY: ZIG ZAG/BANKERS.
09:00 REPORTER'S TRANSCRIPT RE PRELIMINARY HEARING FILED.

05/12/10 08:30 ** HEARING HELD ON 05/12/10 AT 8:30 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 18. HON. SUSAN ETEZADI,
JUDGE, PRESIDING. CLERK: ANDREA DALEY. REPORTER: WENDY
CONDE. CLERK2: TIA TIAPULA. DEPUTY D.A. DONNELLAN.
DEFENSE COUNSEL PRESENT: RANDOLPH DAAR.
FELONY ARRAIGNMENT
DEFENDANT PRESENT.
RANDOLPH DAAR RETAINED AS ATTORNEY OF RECORD.
DEFENDANT WAS ARRAIGNED; THROUGH COUNSEL WAS HANDED A
COPY OF THE INFORMATION, WAIVED ITS READING, AND WAIVED
ADVICE AS TO RIGHTS.
DEFENDANT, THROUGH COUNSEL, WAS HANDED A COPY OF THE
PRELIMINARY HEARING TRANSCRIPT.
DEFENDANT ENTERED A PLEA OF NOT GUILTY TO ALL COUNTS.
DEFENDANT DENIED ALL SPECIAL ALLEGATIONS, PRIORS AND/OR
OVERT ACTS AS ALLEGED IN THE INFORMATION.
TIME WAIVED FOR TRIAL BY DEFENDANT.
PRE-TRIAL CONFERENCE SET 09/13/2010 AT 1:30 P.M. IN
SCRWC COURT, D- CR.
JURY TRIAL SET ON 10/12/2010 AT 8:30 A.M. IN SCRWC
COURT, D- CR.
DEFENDANT REMAINS ON BAIL.
DEFENDANT ORDERED TO RETURN.
ENTERED ON CJIS BY TIA TIAPULA DATE 05/12/2010.
14:00 FINGERPRINT FORM FILED.

08/20/10 08:00 NOTICE OF MOTION AND MOTION TO PRODUCE DOCUMENTS FOR
INSPECTION AND COPYING; SUPPORTING DECLARATION AND
POINTS AND AUTHORITIES FILED.
MATTER IS SET ON 09/24/2010 AT 9:00 A.M. IN SCRWC COURT,
D- MC FOR PITCHESS MOTION.

08/23/10 09:11 CASE SHIFTED FROM HEARING ON 10/12/2010 AT 8:30 A.M. IN
DEPARTMENT CR OF SUPERIOR COURT - HALL OF JUSTICE &
RECORDS TO HEARING ON 10/12/2010 AT 8:45 A.M. IN
DEPARTMENT CR OF SUPERIOR COURT - HALL OF JUSTICE &
RECORDS.

09/01/10 08:00 NOTICE OF MOTION AND MOTION TO CONTINUE PRETRIAL
CONFERENCE AND JURY TRIAL FILED.

1186

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 4

RECORD OF CASE EVENTS:

09/01/10 - CONTINUED

MATTER IS SET ON 09/13/2010 AT 1:30 P.M. IN SCRWC COURT,
D- CR FOR MOTION TO CONTINUE TRIAL.

09/02/10 09:00 THE PEOPLE'S NON OPPOSITION TO THE DEFENSE MOTION TO
CONTINUE THE JURY TRIAL (PC1050) FILED.

09/13/10 09:00 CITY OF SOUTH SAN FRANCISCO'S POINTS AND AUTHORITIES IN
OPPOSITION TO DISCOVERY AND AN ORDER FOR DISCOVERY
FILED.

13:30 ** HEARING HELD ON 09/13/10 AT 1:30 P.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 13. HON. LISA A
NOVAK/JUDGE FOILES, JUDGE, PRESIDING. CLERK: FRANCOISE
ESPINOZA. REPORTER: STACY GASKILL. CLERK2: ANDREA DALEY.
DEPUTY D.A. DABEL. DEFENSE COUNSEL PRESENT: TOMASSINI
FOR DAAR.
PRE TRIAL CONFERENCE
MOTION TO CONTINUE TRIAL
DEFENDANT PRESENT.
PRE-TRIAL CONFERENCE NOT HELD.
VACATE JURY TRIAL THAT WAS SET ON 10/12/2010 AT 8:45
A.M. AND RESET TO 02/22/2011 AT 8:45 A.M. IN SCRWC
COURT, D- CR.
PRE-TRIAL CONFERENCE SET 12/27/2010 AT 1:30 P.M. IN
SCRWC COURT, D- CR.
977 WAIVER FILED.
DEFENDANT ORDERED TO RETURN.
ENTERED ON CJIS BY A DALEY DATE 09/13/2010.

09/24/10 09:00 ** HEARING HELD ON 09/24/10 AT 9:00 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 24. HON. STEPHEN M HALL,
JUDGE, PRESIDING. CLERK: LESLIE WISE. REPORTER: VERONICA
CALABRESE. CLERK2: NONE. DEPUTY D.A. SEAN DABEL.
DEFENSE COUNSEL PRESENT: RANDOLPH DAAR.
PITCHESS MOTION
DEFENDANT NOT PRESENT.
DEFENSE COUNSEL RANDOLF DAAR IS NOT PRESENT.
SSF CITY ATTORNEY MATTHEW LAVRINET IS PRESENT.
0905: CASE PASSED FOR THE ARRIVAL OF DEFENSE COUNSEL.
0930: CASE RECALLED. DEFENSE COUNSEL DAAR HAS NOT
ARRIVED. NO NOTIFICATION GIVEN FOR HIS NON APPEARANCE.
DEFENSE MOTION TO PRODUCE DOCUMENTS FOR INSPECTION
(PITCHESS) IS ORDERED OFF CALENDAR.
DEFENSE COUNSEL MAY RE-FILE AND RE-NOTICE IF NECESSARY.
PREVIOUS DATES REMAIN AS SET.
DEFENDANT REMAINS ON BAIL.
ENTERED ON CJIS BY LESLIE WISE DATE 09/24/2010.

11/18/10 08:00 NOTICE OF MOTION AND MOTION TO PRODUCE DOCUMENTS FOR
INSPECTION AND COPYING; SUPPORTING DECLARATION AND
POINTS AND AUTHORITIES FILED.

4187

210

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 5

RECORD OF CASE EVENTS:

11/18/10 - CONTINUED

MATTER IS SET ON 12/10/2010 AT 9:00 A.M. IN SCRWC COURT,
D- MC FOR PITCHESS MOTION.

11/30/10 09:00 CITY OF SOUTH SAN FRANCISCO'S POINTS AND AUTHORITIES IN
OPPOSITION TO DISCOVERY AND AN ORDER FOR DISCOVERY
FILED.

12/06/10 08:00 DEFENDSE REPLY TO CITY OF SOUTH SAN FRANCISCO'S
OPPOSITION TO DISCOVERY AND AN ORDER FOR DISCOVERY
(PITCHESS MOTION) FILED.

12/10/10 09:00 ** HEARING HELD ON 12/10/10 AT 9:00 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 22. HON. BARBARA J
MALLACH, JUDGE, PRESIDING. CLERK: SUSAN BUCHANAN.
REPORTER: CARRIE SEARS. CLERK2: NONE. DEPUTY D.A. JULIA
HICKMAN. DEFENSE COUNSEL PRESENT: A. TOMASSINI FOR R.
DARR.

PITCHESS MOTION

9:54 A.M. : COURT CONVENED. COUNSEL PRESENT.

DEFENDANT NOT PRESENT 977 WAIVER ON FILE.

MATTHEW LAVRINETS, COUNSEL FOR SOUTH SAN FRANCISCO

POLICE DEPARTMENT PRESENT.

ANNE MARIE TOMASSINI MADE A SPECIAL APPEARANCE ON BEHALF
OF MATTHEW LAVRINETS.

THE COURT FINDS GOOD TO HAVE AN IN CAMERA HEARING AS TO
SERGEANT GIL AND OFFICER REED FOR COMPLAINTS FOR
DISHONESTY AND FABRICATION OF POLICE REPORTS OVER THE
LAST FIVE YEARS.

DEFENDANT'S MOTION PITCHESS MOTION IS GRANTED.

IN CAMERA HEARING IS HELD IN CHAMBERS WITH MATTHEW
LAVRINETS AND COMMANDER J. AZZOPARDI

10:42 A.M. : COURT RECONVENED. ABOVE NOTED COUNSEL
PRESENT.

AFTER THE IN CAMERA HEARING THE COURT RULES AS FOLLOWS:

NO DISCOVERABLE MATERIAL WAS FOUND AS TO DISHONESTY OR
FABRICATION OF POLICE REPORTS FOR EITHER OFFICER.

THE COURT ORDERS THAT THE TRANSCRIPT OF THE IN CAMERA
HEARING BE SEALED PENDING FURTHER COURT ORDER.

PREVIOUS DATES REMAIN AS SET.

DEFENDANT REMAINS ON BAIL.

DEFENDANT ORDERED TO RETURN.

10:42 A.M. : COURT ADJOURNED.

ENTERED ON CJIS BY S.BUCHANAN DATE 12/10/2010.

** HEARING HELD ON 12/10/10 AT 9:00 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 24. HON. STEPHEN M HALL,
JUDGE, PRESIDING. CLERK: LESLIE WISE. REPORTER: SONIA
KOLOKOURIS. CLERK2: NONE. DEPUTY D.A. JULIA HICKMAN.
DEFENSE COUNSEL PRESENT: RANDOLPH DAAR.
PITCHESS MOTION

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 6

RECORD OF CASE EVENTS:

12/10/10 - CONTINUED

ANNE MARIE TOMASSINI MADE A SPECIAL APPEARANCE ON BEHALF
OF RANDOLF DARR.
DEFENDANT NOT PRESENT 977 WAIVER ON FILE.
SSF CITY ATTORNEY MATTHEW LAVRINETS IS PRESENT.
CASE ASSIGNED TO DEPT 22, JUDGE BARBARA MALLACH,
COURTROOM 8A FOR HEARING ON PITCHESS MOTION
DEFENDANT REMAINS ON BAIL.
ENTERED ON CJIS BY LESLIE WISE DATE 12/10/2010.

12/27/10 13:30 ** HEARING HELD ON 12/27/10 AT 1:30 P.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 13. HON. LISA A
NOVAK/JUDGE DAVIS, JUDGE, PRESIDING. CLERK: ANDREA DALEY
. REPORTER: STACY GASKILL. CLERK2: FRANCOISE ESPINOZA.
DEPUTY D.A. PITT/CLIPPER. DEFENSE COUNSEL PRESENT:
RANDOLPH DAAR.
PRE TRIAL CONFERENCE
DEFENDANT PRESENT.
PRE-TRIAL CONFERENCE HELD.
JURY TRIAL CONFIRMED.
DEFENDANT REMAINS IN CUSTODY.
DEFENDANT ORDERED TO RETURN.
ENTERED ON CJIS BY FESPINOZA DATE 12/27/2010.

01/11/11 09:00 PC 1538.5 MOTION FILED.
MATTER IS SET ON 01/26/2011 AT 9:00 A.M. IN SCRWC COURT,
D- MC FOR PC 1538.5 MOTION.

01/20/11 09:00 PEOPLE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS
EVIDENCE PURSUANT TO PENAL CODE 1538.5 FILED.

01/26/11 09:00 ** HEARING HELD ON 01/26/11 AT 9:00 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 3. HON. BETH LABSON
FREEMAN, JUDGE, PRESIDING. CLERK: SEAN KANE. REPORTER:
CHRIS PEREZ. CLERK2: NONE. DEPUTY D.A. SEAN DABEL.
DEFENSE COUNSEL PRESENT: RANDOLPH DAAR.
MOTION TO SUPPRESS EVIDENCE PC 1538.5
DEPUTY DA SEAN DABEL PRESENT.
DEFENSE COUNSEL RANDOLPH DAAR PRESENT.
DEFENDANT NOT PRESENT.
COURT IS INFORMED BY DEFENSE COUNSEL THAT DEFENDANT IS
RUNNING LATE BUT SHOULD ARRIVE WITHIN 15 MINUTES.
COURT ASSIGNS MATTER TO DEPT. 20/JUDGE KARESH IN
COURTROOM 8C FOR HEARING ON MOTION TO SUPPRESS EVIDENCE.
MATTER CONTINUED TO 01/26/2011 AT 10:00 A.M. IN SCRWC
COURT, D- 20 FOR PC 1538.5 MOTION.
ENTERED ON CJIS BY SKANE DATE 01/26/2011.

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 7

RECORD OF CASE EVENTS:

01/26/11 - CONTINUED

10:00 ** HEARING HELD ON 01/26/11 AT 10:00 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 20. HON. JONATHAN E
KARESH, JUDGE, PRESIDING. CLERK: LYNN FELISE. REPORTER:
JOAN M WOODS. CLERK2: NONE. DEPUTY D.A. BAUMGARDNER
W/DABEL. DEFENSE COUNSEL PRESENT: RANDOLPH DAAR.
MOTION TO SUPPRESS EVIDENCE PC 1538.5
DEFENDANT PRESENT.
DANNY GIL PRESENT.
COUNSEL STIPULATE COUNSEL STIPULATE THAT THERE WAS NO
ARREST OR SEARCH WARRANT PRIOR TO THE SEARCH
10:43 A.M. : DANNY GIL, CALLED BY PEOPLE WAS SWORN AND
TESTIFIED UNDER DIRECT EXAMINATION.
THE EXHIBITS LISTED BELOW WERE INTRODUCED AND MARKED FOR
IDENTIFICATION ON BEHALF OF THE: PEOPLE.
EXHIBIT 1 - LARGE MAP
10:47 A.M. : WITNESS TESTIFIED UNDER CROSS EXAMINATION.
11:09 A.M. : WITNESS TESTIFIED UNDER RE-DIRECT
EXAMINATION.
11:10 A.M. : WITNESS EXCUSED.
THE EXHIBITS LISTED BELOW WERE PREVIOUSLY MARKED FOR
IDENTIFICATION ON BEHALF OF THE PEOPLE AND ARE NOW
ADMITTED:
EXHIBIT 1 - LARGE MAP
11:11 A.M. : SEAN PENNA, CALLED BY DEFENSE WAS SWORN AND
TESTIFIED UNDER DIRECT EXAMINATION.
11:14 A.M. : WITNESS TESTIFIED UNDER RE-CROSS
EXAMINATION.
THE EXHIBITS LISTED BELOW WERE INTRODUCED AND MARKED FOR
IDENTIFICATION ON BEHALF OF THE: PEOPLE.
EXHIBIT 4 - PICTURE OF MOTORCYCLE
11:14 A.M. : WITNESS EXCUSED.
11:15 A.M. : DEFENSE REST.
ARGUMENT PRESENTED BY COUNSEL. MATTER SUBMITTED.
SEE COPY OF EXHIBIT LIST ATTACHED AND MADE A PART
HEREOF.
DEFENSE MOTION TO SUPPRESS DENIED.
JURY TRIAL CONFIRMED.
DEFENDANT REMAINS ON BAIL.
PREVIOUS DATES REMAIN AS SET.
DEFENDANT ORDERED TO RETURN.
ENTERED ON CJIS BY LYNN FELISE DATE 01/26/2011.

02/16/11 08:00 MATTER IS SET ON 02/17/2011 AT 8:45 A.M. IN SCRWC COURT,
D- CR FOR DISPOSITION.
CASE CALENDARED AT THE REQUEST OF DDA SEAN DABEL
ENTERED ON CJIS BY SLIND DATE 02/16/2011.

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 8

RECORD OF CASE EVENTS:

02/17/11 08:45 ** HEARING HELD ON 02/17/11 AT 8:45 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 13. HON. LISA A NOVAK,
JUDGE, PRESIDING. CLERK: FRANCOISE ESPINOZA. REPORTER:
STACY GASKILL. CLERK2: ANDREA DALEY. DEPUTY D.A.
FITZGERALD. DEFENSE COUNSEL PRESENT: RANDOLPH DAAR.
DISPOSITION
DEFENDANT PRESENT.
JURY TRIAL DATE OF 02/22/2011 AT 8:45 A.M. VACATED.
DECLARATION RE PLEA/CHANGE OF PLEA; FINDING AND ORDER
SIGNED IN OPEN COURT.
DEFENDANT ADVISED OF LEGAL AND CONSTITUTIONAL RIGHTS,
MAXIMUM PENALTIES AND CONSEQUENCES OF THE PLEA(S)/
ADMISSIONS.
DEFENDANT ADVISED OF PERIOD OF PAROLE PURSUANT TO PC
1170C.
DEFENDANT ADVISED OF PROVISIONS OF 1016.5 PC
(DEPORTATION).
DEFENDANT ENTERED A PLEA OF NOLO CONTENDERE TO COUNT 2,
VIOLATION OF PC 12031(A)(2)(E), A FELONY.
COURT ACCEPTS THE PLEA(S).
COURT FINDS DEFENDANT GUILTY TO THE CHARGE(S) TO WHICH
DEFENDANT PLED NO CONTEST.
THE COURT FINDS DEFENDANT MADE A KNOWING AND INTELLIGENT
WAIVER OF LEGAL AND CONSTITUTIONAL RIGHTS AND THAT THE
PLEA(S) WAS FREELY AND VOLUNTARILY ENTERED.
COURT FINDS A FACTUAL BASIS FOR THE PLEA(S).
DEFENDANT WAIVED STATUTORY TIME AND REFERRAL TO
PROBATION DEPARTMENT AND REQUESTED IMMEDIATE SENTENCING.
DEFENDANT WAIVED FORMAL ARRAIGNMENT FOR JUDGMENT.
TIME WAIVED FOR SENTENCING.
DEFENDANT STATED THERE IS NO LEGAL CAUSE WHY SENTENCE
SHOULD NOT NOW BE PRONOUNCED.
ALL REMAINING COUNTS DISMISSED. REASON: NEGOTIATED PLEA.
ALL REMAINING SPECIAL ALLEGATIONS; PRIORS AND/OR OVERT
ACTS ARE STRICKEN. REASON: NEGOTIATED PLEA.
THE COURT MAKES THE FOLLOWING FINDINGS AND/OR ORDERS:
IMPOSITION OF SENTENCE IS SUSPENDED.
DEFENDANT IS ADMITTED TO SUPERVISED PROBATION FOR A
PERIOD OF 3 YEAR(S), 0 MONTH(S) UPON THE FOLLOWING TERMS
AND CONDITIONS:
DEFENDANT IS ORDERED TO PAY A \$200.00 PROBATION
REVOCATION FINE PURSUANT TO SECTION 1202.44 OF THE PENAL
CODE, STAYED PENDING SUCCESSFUL COMPLETION OF PROBATION.
DEFENDANT TO PAY A SUPERVISED PROBATION FEE IN THE
AMOUNT OF \$75.00 PER MONTH, PURSUANT TO 1203.1B, PAYABLE
THROUGH THE PROBATION DEPARTMENT. THIS IS NOT A
CONDITION OF PROBATION.

1191

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 9

RECORD OF CASE EVENTS:

02/17/11 - CONTINUED

DEFENDANT SHALL PAY A \$200.00 RESTITUTION FUND FINE AS
MANDATED BY PENAL CODE SECTION 1202.4 PLUS 10 % OR \$0.00
COLLECTION FEE.
CRIMINAL CONVICTION ASSESSMENT OF \$30.00 ORDERED TO BE
PAID.
COURT SECURITY SURCHARGE FEE OF \$40.00 ORDERED PAID.
PAYMENTS TO BE MADE TO PROBATION DEPARTMENT.
DEFENDANT SHALL SERVE A TOTAL OF 60 DAY(S), 0 MONTH(S),
0 YEAR(S) IN THE COUNTY JAIL.
CREDIT FOR 1 ACTUAL DAYS SERVED, PLUS 0 DAYS GOOD
TIME/WORK TIME PLUS 0 PROGRAM TIME FOR A TOTAL OF 1.
DEFENDANT IS ELIGIBLE FOR DAY FOR DAY CREDITS PURSUANT
TO PC 4019
SENTENCE TO BE SERVED CONSECUTIVE TO TIME NOW BEING
SERVED IN/ON ANY OTHER CASE.
EXECUTION OF SENTENCE STAYED TO 04/02/2011 AT 10:00 A.M.
. DEFENDANT ORDERED TO REPORT TO JAIL ON SUCH DAY AND
TIME.
DEFENDANT IS RECOMMENDED TO THE SHERIFF'S ALTERNATIVE
SENTENCING BUREAU.
DEFENDANT IS TO REPORT TO THE SAN MATEO COUNTY SHERIFF'S
OFFICE PRIOR TO THE SURRENDER DATE TO SIGN UP FOR THE
SHERIFF'S ALTERNATIVE SENTENCING BUREAU PROGRAM.
CONDITIONS OF PROBATION (IN ADDITION TO THE USUAL
CONDITIONS RE: SUPERVISION, EMPLOYMENT, OBEDIENCE OF
LAWS, REMAINING IN STATE AND KEEPING PROBATION OFFICER
ADVISED OF WHEREABOUTS):
DEFENDANT SHALL SUBMIT TO SEARCH AND SEIZURE OF HIS/HER
PERSON, PLACE OF RESIDENCE OR AREA UNDER HIS/HER
CONTROL, OR VEHICLE, BY ANY PROBATION OFFICER OR PEACE
OFFICER, DURING THE DAY OR NIGHT, WITH OR WITHOUT
HIS/HER CONSENT, WITH OR WITHOUT A SEARCH WARRANT, AND
WITHOUT REGARD TO PROBABLE CAUSE.
DEFENDANT SHALL SEEK AND MAINTAIN TREATMENT, COUNSELING,
OR THERAPY AS DIRECTED BY THE PROBATION OFFICER.
DEFENDANT SHALL SEEK AND MAINTAIN FULL-TIME EMPLOYMENT
AND PARTICIPATION IN A VOCATIONAL OR EDUCATIONAL PROGRAM
AS DIRECTED BY THE PROBATION OFFICER.
DEFENDANT SHALL NOT OWN OR POSSESS DANGEROUS OR DEADLY
WEAPONS AND/OR FIREARMS.
OR AMMUNITION.
WEAPON IS ORDERED ABATED PURSUANT TO PC 12028.
SMITH AND WESSON REVOLVER
DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.
REPORT TO PROBATION DEPARTMENT TODAY.
GENETIC MARKER TESTING PURSUANT TO PC 296 IS ORDERED.
ALL ORIGINAL SENTENCE ELEMENTS FOR THIS PROCEEDINGS
ENTERED.
ENTERED ON CJIS BY A DALEY DATE 02/17/2011.

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 10

RECORD OF CASE EVENTS:

02/17/11 - CONTINUED

09:00 BAIL BOND/RECEIPT NO. 555052045-0 EXONERATED.
14:00 COMMITMENT TO COUNTY JAIL FILED.

03/15/11 09:00 CONDITIONS OF PROBATION FILED

03/30/11 09:00 AFFIDAVIT OF PROBATION VIOLATION FILED. HEARING SET ON
04/01/2011 AT 8:45 A.M. IN SCRWC, D- CR.
RECOMMENDATION FROM PROBATION DEPARTMENT RECEIVED.

04/01/11 08:45 ** HEARING HELD ON 04/01/11 AT 8:45 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 6. HON. CLIFFORD V
CRETAN, JUDGE, PRESIDING. CLERK: GINA POTTER. REPORTER:
CHRISTINA HERNANDEZ. CLERK2: LESLIE SCHNEIDER. DEPUTY
D.A. HENRY. DEFENSE COUNSEL PRESENT: NONE.
ARRAIGNMENT ON VIOLATION OF PROBATION
DEFENDANT PRESENT IN CUSTODY.
DEFENDANT TO RETAIN COUNSEL.
MATTER CONTINUED TO 04/21/2011 AT 8:45 A.M. IN SCRWC
COURT, D- CR FOR TO SET PROBATION VIOLATION HEARING.
DEFENDANT ORDERED TO RETURN.
DEFENDANT REMAINS IN CUSTODY.
NO BAIL ALLOWED.
ENTERED ON CJIS BY L.SCHNEIDER DATE 04/01/2011.

04/21/11 08:45 ** HEARING HELD ON 04/21/11 AT 8:45 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 13. HON. LISA A NOVAK,
JUDGE, PRESIDING. CLERK: ANDREA DALEY. REPORTER: STACY
GASKILL. CLERK2: IRENE MAXWELL. DEPUTY D.A. CLIPPER.
DEFENSE COUNSEL PRESENT: GOODWIN FOR CANNY.
TO SET PROBATION VIOLATION HEARING
DEFENDANT PRESENT IN CUSTODY.
PAULA CANNY RETAINED AS ATTORNEY OF RECORD.
DEFENDANT WAS ARRAIGNED ON THE AFFIDAVIT OF PROBATION
VIOLATION, THROUGH COUNSEL WAS HANDED A COPY OF SAME,
WAIVED ITS READING AND ADVICE AS TO RIGHTS.
DEFENDANT DENIES ALLEGATION(S) OF AFFIDAVIT.
PROBATION IS REVOKED.
MATTER CONTINUED TO 05/25/2011 AT 8:45 A.M. IN SCRWC
COURT, D- CR FOR TO SET PROBATION VIOLATION CONFERENCE.
DEFENDANT ORDERED TO RETURN.
DEFENDANT REMAINS IN CUSTODY.
NO BAIL ALLOWED.
ENTERED ON CJIS BY IMAXWELL DATE 04/21/2011.

05/25/11 08:45 ** HEARING HELD ON 05/25/11 AT 8:45 A.M. IN SUPERIOR COURT
- HALL OF JUSTICE & RECORDS, D- 13. HON. LISA A NOVAK,
JUDGE, PRESIDING. CLERK: ANDREA DALEY. REPORTER: STACY
GASKILL. CLERK2: TIA TIAPULA. DEPUTY D.A. FITZGERALD.
DEFENSE COUNSEL PRESENT: PAULA CANNY.

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 11

RECORD OF CASE EVENTS:

05/25/11 - CONTINUED

TO SET PROBATION VIOLATION CONFERENCE
DEFENDANT PRESENT IN CUSTODY.
MATTER CONTINUED TO 07/08/2011 AT 8:45 A.M. IN SCRWC
COURT, D- CR FOR TO SET PROBATION VIOLATION CONFERENCE.
DEFENDANT ORDERED TO RETURN.
DEFENDANT REMAINS IN CUSTODY.
ENTERED ON CJIS BY TIA TIAPULA DATE 05/25/2011.

06/24/11 09:00

NOTICE OF MOTION AND MOTION TO WITHDRAW PLEA FILED.
MATTER IS SET ON 07/14/2011 AT 10:00 A.M. IN SCRWC
COURT, D- CR FOR MOTION TO WITHDRAW PLEA..

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 12

SENTENCE SUMMARY:

INCARCERATION: 60 DYS
JAIL: COUNTY JAIL
CTS: 1 DAYS + 0 G/W TIME. = 1 TOTAL DAYS

FINE:

BASIC FINE AMOUNT:	\$0.00
PENALTY/ASSESS:	0.00
A/R FEE:	0.00
NVRF AMT:	0.00
EDUCATION PROGRAM FEE:	0.00
MISC. FEES:	70.00
REST. FINE:	200.00
CTS AMOUNT:	(0.00)

TOTAL AMOUNT DUE: \$270.00

ACTION ON BAIL/BOND: EXONERATED

PROBATION: 3 YRS TYPE: SUPERVISED

STATUS: REVOKED

SENTENCE COMMENTS:

DEFENDANT STATED THERE IS NO LEGAL CAUSE WHY SENTENCE SHOULD NOT NOW BE PRONOUNCED.
IMPOSITION OF SENTENCE IS SUSPENDED.
DEFENDANT IS ADMITTED TO SUPERVISED PROBATION FOR A PERIOD OF 3 YEAR(S), 0 MONTH(S) UPON THE FOLLOWING TERMS AND CONDITIONS:
DEFENDANT IS ORDERED TO PAY A \$200.00 PROBATION REVOCATION FINE PURSUANT TO SECTION 1202.44 OF THE PENAL CODE, STAYED PENDING SUCCESSFUL COMPLETION OF PROBATION.
DEFENDANT TO PAY A SUPERVISED PROBATION FEE IN THE AMOUNT OF \$75.00 PER MONTH, PURSUANT TO 1203.1B, PAYABLE THROUGH THE PROBATION DEPARTMENT. THIS IS NOT A CONDITION OF PROBATION.
DEFENDANT SHALL PAY A \$200.00 RESTITUTION FUND FINE AS MANDATED BY PENAL CODE SECTION 1202.4 PLUS 10 % OR \$0.00 COLLECTION FEE.
PAYMENTS TO BE MADE TO PROBATION DEPARTMENT.
DEFENDANT SHALL SERVE A TOTAL OF 60 DAY(S), 0 MONTH(S), 0 YEAR(S) IN THE COUNTY JAIL.
CREDIT FOR 1 ACTUAL DAYS SERVED, PLUS 0 DAYS GOOD TIME/WORK TIME PLUS 0 PROGRAM TIME FOR A TOTAL OF 1.
SENTENCE TO BE SERVED CONSECUTIVE TO TIME NOW BEING SERVED IN/ON ANY OTHER CASE.
EXECUTION OF SENTENCE STAYED TO 04/02/2011 AT 10:00 A.M.
. DEFENDANT ORDERED TO REPORT TO JAIL ON SUCH DAY AND

1195

221

J241481
SAN MATEO CJIS
ORGANIZATION: MC

--- REGISTER OF ACTIONS ---
CASE NO. SC070882A

07/05/11
14:17
PAGE 13

SENTENCE SUMMARY:

SENTENCE COMMENTS:

TIME.

CONDITIONS OF PROBATION (IN ADDITION TO THE USUAL
CONDITIONS RE: SUPERVISION, EMPLOYMENT, OBEDIENCE OF
LAWS, REMAINING IN STATE AND KEEPING PROBATION OFFICER
ADVISED OF WHEREABOUTS):

DEFENDANT SHALL SUBMIT TO SEARCH AND SEIZURE OF HIS/HER
PERSON, PLACE OF RESIDENCE OR AREA UNDER HIS/HER
CONTROL, OR VEHICLE, BY ANY PROBATION OFFICER OR PEACE
OFFICER, DURING THE DAY OR NIGHT, WITH OR WITHOUT
HIS/HER CONSENT, WITH OR WITHOUT A SEARCH WARRANT, AND
WITHOUT REGARD TO PROBABLE CAUSE.

DEFENDANT SHALL SEEK AND MAINTAIN TREATMENT, COUNSELING,
OR THERAPY AS DIRECTED BY THE PROBATION OFFICER.

DEFENDANT SHALL SEEK AND MAINTAIN FULL-TIME EMPLOYMENT
AND PARTICIPATION IN A VOCATIONAL OR EDUCATIONAL PROGRAM
AS DIRECTED BY THE PROBATION OFFICER.

DEFENDANT SHALL NOT OWN OR POSSESS DANGEROUS OR DEADLY
WEAPONS AND/OR FIREARMS.

OR AMMUNITION.

WEAPON IS ORDERED ABATED PURSUANT TO PC 12028.

SMITH AND WESSON REVOLVER

DEFENDANT ACCEPTED TERMS AND CONDITIONS OF PROBATION.

ALL ORIGINAL SENTENCE ELEMENTS FOR THIS PROCEEDINGS
ENTERED.

PROBATION IS REVOKED.


END OF REGISTER OF ACTIONS

STATE OF CALIFORNIA }
COUNTY OF SAN MATEO }

I, John C. Fitton, the Clerk of the Superior Court of the above
entitled County, do hereby certify that the foregoing is a full, true
and correct copy of the original on file in my office, and that I have
carefully compared same with the original.
Witness my hand and seal of said Superior Court.

This 5th day of July 2011
Clerk of the Superior Court of California, County of San Mateo

By [Signature]
Deputy Clerk



SCCECC - Event/Audit Report

3/17/2011 - 3/17/2011

Event #: LSO110317019623 Type: ACCINJ Address: 7851 SOQUEL DR City: AP/LA SELVA Beat: 8-4
Answered (if 911): 3/17/2011 Created: 3/17/2011 Dispatched: 3/17/2011 Arrived: 3/17/2011 Dispatch to Onscene: 00:00:00 Zone: URBN
Caller Name: CHASE Caller Phone: 8316881962 Case: LSO110317002482 Dispo: J02 Prime Unit: 110
Location: CHASE Caller Addr: 7851 SOQUEL DR Dispo: ASSIST OUTSIDE AGENCY

SCCECC - Event/Audit Report

3/17/2011 - 3/17/2011

Date	Time	Dispatcher	Unit	Officer	Status	Onscene Address
03/17/11	17:47:56	SCHOROVSKY,SEAN	SOM4	SOM4	USDS	
03/17/11	17:49:47	SCHOROVSKY,SEAN	37	SHIAH,STEVE	USDS	
03/17/11	17:50:29	SCHOROVSKY,SEAN	110	SHEARER,CHRISTOPHER	USDS	
03/17/11	17:50:30	SCHOROVSKY,SEAN	110	SHEARER,CHRISTOPHER	USC3	
03/17/11	17:50:34	SCHOROVSKY,SEAN	24	ZUBE,TROY	USDS	
03/17/11	17:50:45	SCHOROVSKY,SEAN	37	SHIAH,STEVE	USIS	
03/17/11	17:50:53	SCHOROVSKY,SEAN	37	SHIAH,STEVE	USDS	
03/17/11	17:51:21	SCHOROVSKY,SEAN	28	BECKMAN,CHUCK	USDS	
03/17/11	17:52:02	SCHOROVSKY,SEAN	28	BECKMAN,CHUCK	USOS	CHASE
03/17/11	17:52:30	SCHOROVSKY,SEAN	24	ZUBE,TROY	USC3	
03/17/11	17:53:59	SCHOROVSKY,SEAN	24	ZUBE,TROY	USEN	
03/17/11	17:54:06	SCHOROVSKY,SEAN	24	ZUBE,TROY	USIA	
03/17/11	17:54:21	SCHOROVSKY,SEAN	SOM4	SOM4	FR	
03/17/11	17:54:39	SCHOROVSKY,SEAN	110	SHEARER,CHRISTOPHER	USC4	
03/17/11	17:54:49	SCHOROVSKY,SEAN	3D57		USOS	CHASE
03/17/11	17:57:22	SCHOROVSKY,SEAN	24	ZUBE,TROY	USOS	CHASE
03/17/11	18:03:00	SCHOROVSKY,SEAN	G104	GONZALES,ANTHONY	USDS	
03/17/11	18:03:00	SCHOROVSKY,SEAN	G103	SIMPSON,JEFFREY	USDS	
03/17/11	18:03:04	SCHOROVSKY,SEAN	G104	GONZALES,ANTHONY	USOS	CHASE
03/17/11	18:03:04	SCHOROVSKY,SEAN	G103	SIMPSON,JEFFREY	USOS	CHASE
03/17/11	18:03:28	SCHOROVSKY,SEAN	3D57		USIS	
03/17/11	18:03:28	SCHOROVSKY,SEAN	3D57		D	
03/17/11	18:08:05	SHIAH,STEVE	37	SHIAH,STEVE	USOS	CHASE
03/17/11	18:08:50	SCHOROVSKY,SEAN	24	ZUBE,TROY	USC4	
03/17/11	18:08:50	SCHOROVSKY,SEAN	G103	SIMPSON,JEFFREY	USC4	
03/17/11	18:08:50	SCHOROVSKY,SEAN	G104	GONZALES,ANTHONY	USC4	
03/17/11	18:08:51	SCHOROVSKY,SEAN	28	BECKMAN,CHUCK	USC4	
03/17/11	18:08:55	SCHOROVSKY,SEAN	37	SHIAH,STEVE	USC4	
03/17/11	18:28:35	SHIAH,STEVE	37	SHIAH,STEVE	USIS	
03/17/11	18:28:35	SHIAH,STEVE	37	SHIAH,STEVE	D	
03/17/11	18:34:42	SCHOROVSKY,SEAN	28	BECKMAN,CHUCK	UR	
03/17/11	18:35:08	SCHOROVSKY,SEAN	24	ZUBE,TROY	UR	
03/17/11	18:42:21	SHEARER,CHRISTOPHER	110	SHEARER,CHRISTOPHER	USIS	
03/17/11	18:42:21	SHEARER,CHRISTOPHER	110	SHEARER,CHRISTOPHER	D	
03/17/11	18:49:50	GONZALES,ANTHONY	G104	GONZALES,ANTHONY	USIS	
03/17/11	18:49:50	GONZALES,ANTHONY	G104	GONZALES,ANTHONY	D	
03/17/11	18:59:10	SCHOROVSKY,SEAN	G103	SIMPSON,JEFFREY	USIS	

SCCECC - Event/Audit Report

3/17/2011 - 3/17/2011

Time	Operator	Console	Audit Text
17:47:49	DIXON,MEGHAN	08	Incident Initiated By: NC/DIXON,MEGHAN
17:47:49	DIXON,MEGHAN	08	VEH VS PED FTF
17:48:07	SOTELO,LYNDSAY	04	Parent Inc FFD110317005003 UPDATE PriUnit to PD/E3511
17:48:09	SOTELO,LYNDSAY	04	SiblingInc MAM110317000870 UPDATE PriUnit to AM/M5
17:48:44	DOUGLAS,AMANDA	13	ANOTHER RP - VEH VS MOTORIST - POSS VEH IS A GOLD CAMRY - MOTORCYCLIS
17:48:44	DOUGLAS,AMANDA	13	T ON GROUND FTF
17:48:48	KENVILLE,DEE	11	MC DOWN, RAN INTO RP-GREG PRENTISS 831 332-4322
17:49:01	SCHOROVSKY,SEAN	07	BOL ON BLUE
17:49:02	DOUGLAS,AMANDA	13	MY RP IS SUSAN MASON 320-1754
17:49:38	DIXON,MEGHAN	08	THE MC RIDER FLEW 60 FT IN AIR BEFORE THUDDING ON PAVEMET
17:49:43	DOUGLAS,AMANDA	13	CHP HAS IT AS A POSSIBLE FATALITY
17:49:44	DIXON,MEGHAN	08	Parent Inc FFD110317005003 UPDATE CallNm to JARL SAAL
17:49:49	HEEBNER,ADRIENNE	12	VEH VS M/C. NOT A WITNESS.
17:49:49	HEEBNER,ADRIENNE	12	*****M/C RIDER HAS A HANDGUN IN HIS POCKET*****
17:50:06	DIXON,MEGHAN	08	Parent Inc FFD110317005003 UPDATE CallPh to 2341111
17:50:20	DIXON,MEGHAN	08	Parent Inc FFD110317005003 UPDATE CallAd to HM/1111 ESTATES
17:51:06	HEEBNER,ADRIENNE	12	A POSS BYSTANDER PULLED A GUN FROM THE POCKET OF THE MC RIDER. THE
17:51:06	HEEBNER,ADRIENNE	12	SUBJ HOLDING THE GUN (NOT IN A THREATENING MANNER) IS LSW BLU SCRUBS
17:51:30	DOUGLAS,AMANDA	13	FIRST ALARM DISPATCH - GUARD ON SCENE SAID MOTORCYCLIST BARELY BREATH
17:51:30	DOUGLAS,AMANDA	13	ING - DIDNT KNOW ANYTHING ABOUT A WEAPON
17:52:17	SCHOROVSKY,SEAN	07	SUBJ DOWN IN ROADWAY, ROADWAY BLOCKED
17:52:29	SCHOROVSKY,SEAN	07	3D57- WEAPON SECURED
17:53:20	DIXON,MEGHAN	08	CHP NOTIFD THAT GUN WAS SECURED
17:53:53	SCHOROVSKY,SEAN	07	Qery Mail Attach Dt: 11/03/17 Tr: 17:53 Console: 07 Oper: SCHOROVSKY,SEAN
17:53:53	SCHOROVSKY,SEAN	07	Subject: AGVM AWHK
17:53:53	SCHOROVSKY,SEAN	07	OQ 17:53:24-> SOM4
17:53:53	SCHOROVSKY,SEAN	07	AGVM AWHK
17:53:53	SCHOROVSKY,SEAN	07	4AGVM00UDPJ.IV
17:53:53	SCHOROVSKY,SEAN	07	DATE: 03/17/11 TIME: 17:53
17:53:53	SCHOROVSKY,SEAN	07	INSURANCE INFORMATION ON FILE
17:53:53	SCHOROVSKY,SEAN	07	
17:53:53	SCHOROVSKY,SEAN	07	POSSIBLE FILE CODES: M(16E6615) S(16E6615)
17:53:53	SCHOROVSKY,SEAN	07	REG VALID FROM: 04/08/11 TO 04/08/12
17:53:53	SCHOROVSKY,SEAN	07	LIC#:16E6615 YRMD:02 MAKE:HD BTM:RS VIN:1HD1DDV312Y637565
17:53:53	SCHOROVSKY,SEAN	07	R/O:VILLAGRANA CESAR, 6870 ROSANNA ST CITY:GILROY C.C.:43 ZIP#:95020
17:53:53	SCHOROVSKY,SEAN	07	SOLD:00/00/02 RCID:03/25/11 OCID:05/13/06 LOCD:M ENG#:DDV2637565
17:53:53	SCHOROVSKY,SEAN	07	TYPE:21 POWR:G VEH:22 BODY:0 CLAS:DT
17:53:53	SCHOROVSKY,SEAN	07	CLEARANCE INFORMATION RECORDS:
17:53:53	SCHOROVSKY,SEAN	07	OFFICE WORK DATE TECH/ID SEQ# VALUE FICHE DATE TTC

3/17/2011 - 3/17/2011

17:53:53	SCHOROVSKY,SEAN	07	623	04/15/05	09	0025	00124.00	00/00/00	H05
17:53:53	SCHOROVSKY,SEAN	07	142	04/06/05	53	0090	00124.00	PRIOR SUSPENSE	
17:53:53	SCHOROVSKY,SEAN	07	623	04/10/06	10	0064	00116.00	00/00/00	H05
17:53:53	SCHOROVSKY,SEAN	07	146	05/05/06	KA	0000	00000.00	00/00/00	Z01
17:53:53	SCHOROVSKY,SEAN	07	R11	04/02/07	41	7570	00106.00	00/00/00	POT
17:53:53	SCHOROVSKY,SEAN	07	141	04/03/08	52	7108	00095.00	00/00/00	POT
17:53:53	SCHOROVSKY,SEAN	07	141	03/23/09	08	4101	00100.00	03/24/09	POT
17:53:53	SCHOROVSKY,SEAN	07	148	02/16/10	17	5741	00115.00	02/22/10	POT
17:53:53	SCHOROVSKY,SEAN	07	140	03/15/11	04	6529	00106.00	03/17/11	POT
17:53:53	SCHOROVSKY,SEAN	07	04/03/2002-ODOMETER: 4 MILES ACTUAL MILEAGE						
17:53:53	SCHOROVSKY,SEAN	07	END						
17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							
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17:53:53	SCHOROVSKY,SEAN	07							
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17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							
17:53:53	SCHOROVSKY,SEAN	07							

SCCECC - Event/Audit Report

3/17/2011 - 3/17/2011

17:55:35	SCHOROVSKY,SEAN	07	550 06/20/08 02 0015 00086.00 06/25/08 H05
17:55:35	SCHOROVSKY,SEAN	07	RDS 07/06/09 80 0207 00117.00 07/06/09 POT
17:55:35	SCHOROVSKY,SEAN	07	R14 07/19/10 41 7466 00110.00 07/19/10 POT
17:55:35	SCHOROVSKY,SEAN	07	09/30/2007-ODOMETER: 132,854 MILES ACTUAL MILEAGE
17:55:35	SCHOROVSKY,SEAN	07	END
17:55:35	SCHOROVSKY,SEAN	07	
17:55:35	SCHOROVSKY,SEAN	07	
17:55:36	SOTELO,LYNDSAY	04	Parent Inc FFD110317005003 UPDATE Dispo to C
17:55:38	SOTELO,LYNDSAY	04	Parent Inc FFD110317005003 UPDATE Dispo to C
17:57:45	SCHOROVSKY,SEAN	07	24- INVOLVED PARTY - D9695515
17:58:18	SCHOROVSKY,SEAN	07	Qry Mail Attach Dt: 11/03/17 Tm: 17:58 Console: 07 Oper: SCHOROVSKY,SEAN
17:58:18	SCHOROVSKY,SEAN	07	Subject: AGVM
17:58:18	SCHOROVSKY,SEAN	07	OQ 17:58:10
17:58:18	SCHOROVSKY,SEAN	07	AGVM
17:58:18	SCHOROVSKY,SEAN	07	Message Delivery
17:58:18	SCHOROVSKY,SEAN	07	From: AGUX
17:58:18	SCHOROVSKY,SEAN	07	To: C07
17:58:18	SCHOROVSKY,SEAN	07	
17:58:18	SCHOROVSKY,SEAN	07	SUBJECT:
17:58:19	SCHOROVSKY,SEAN	07	4AGUX00UDQH.ID
17:58:19	SCHOROVSKY,SEAN	07	DATE:03-17-11*TIME:17:57*
17:58:19	SCHOROVSKY,SEAN	07	DMV RECORD FOR LAW ENFORCEMENT USE ONLY
17:58:19	SCHOROVSKY,SEAN	07	DL/NO:D9695515*B/D:05-17-1990*NAME:OPLAND CAMERON MARIE*
17:58:19	SCHOROVSKY,SEAN	07	MAIL ADDR AS OF 12-08-06:2410 TROUT GULCH RD APTOS 95003*
17:58:19	SCHOROVSKY,SEAN	07	IDENTIFYING INFORMATION:
17:58:19	SCHOROVSKY,SEAN	07	SEX:FEMALE*HAIR:BROWN*EYES:BLU*HT:5-05*WT:140*
17:58:19	SCHOROVSKY,SEAN	07	LIC/ISS:12-08-06*EXPIRES:05-17-15*R9M1*CLASS:C NON-COMMERCIAL*
17:58:19	SCHOROVSKY,SEAN	07	ENDORSEMENTS:NONE*
17:58:19	SCHOROVSKY,SEAN	07	ORIGINAL DL ISSUE DATE:12-08-06*
17:58:19	SCHOROVSKY,SEAN	07	LATEST APP:
17:58:19	SCHOROVSKY,SEAN	07	DL TYPE:HEADQUARTERS RBM/RBI*ISS/DATE: 06-09-10*OFFICE: RBI*BATES-POL*
17:58:19	SCHOROVSKY,SEAN	07	ORGAN AND TISSUE DONOR: YES UPDATED:06-08-10
17:58:19	SCHOROVSKY,SEAN	07	LICENSE STATUS:
17:58:19	SCHOROVSKY,SEAN	07	VALID*
17:58:19	SCHOROVSKY,SEAN	07	DEPARTMENTAL ACTIONS:
17:58:19	SCHOROVSKY,SEAN	07	DRV LIC RSTRTION *EFF:03-31-08*THRU:04-29-08*ORDER MAILED:02-26-08*
17:58:19	SCHOROVSKY,SEAN	07	AUTH:12814.6*
17:58:19	SCHOROVSKY,SEAN	07	REASON:PROV NEG OP/2 POINTS*SERVICE:A/02-26-08*
17:58:19	SCHOROVSKY,SEAN	07	MAILED, NOT RETURNED UNCLAIMED*
17:58:19	SCHOROVSKY,SEAN	07	CONVICTIONS:
17:58:19	SCHOROVSKY,SEAN	07	NONE

SCCECC - Event/Audit Report

3/17/2011 - 3/17/2011

17:58:19	SCHOROVSKY,SEAN	07	FAILURES TO APPEAR:
17:58:19	SCHOROVSKY,SEAN	07	NONE
17:58:19	SCHOROVSKY,SEAN	07	ACCIDENTS:
17:58:19	SCHOROVSKY,SEAN	07	NONE
17:58:19	SCHOROVSKY,SEAN	07	END
17:58:19	SCHOROVSKY,SEAN	07	
18:00:13	SCHOROVSKY,SEAN	07	110 - LOG NAME - MOZAYAN,CYRUS KOUROSU 090663 C4034237
18:02:55	SCHOROVSKY,SEAN	07	24- INVOLVED- LOG NAME - ASSOCIATED WITH CA/6CGN361 - A1898816
18:03:55	SCHOROVSKY,SEAN	07	Qery Mail Attach Dt: 11/03/17 Tm: 18:03 Console: 07 Oper: SCHOROVSKY,SEAN
18:03:55	SCHOROVSKY,SEAN	07	Subject: AGVM
18:03:55	SCHOROVSKY,SEAN	07	OQ 18:03:12
18:03:55	SCHOROVSKY,SEAN	07	AGVM
18:03:55	SCHOROVSKY,SEAN	07	Message Delivery
18:03:55	SCHOROVSKY,SEAN	07	From: AGUX
18:03:55	SCHOROVSKY,SEAN	07	To: C07
18:03:55	SCHOROVSKY,SEAN	07	
18:03:55	SCHOROVSKY,SEAN	07	SUBJECT:
18:03:55	SCHOROVSKY,SEAN	07	4AGUX00UDQW.ID
18:03:55	SCHOROVSKY,SEAN	07	DATE:03-17-11*TIME:18:02*
18:03:55	SCHOROVSKY,SEAN	07	DMV RECORD FOR LAW ENFORCEMENT USE ONLY
18:03:55	SCHOROVSKY,SEAN	07	DL/NO:A1898816*B/D:05-24-1971*NAME:PRENTICE CRAIG JAMES*
18:03:55	SCHOROVSKY,SEAN	07	MAIL ADDR AS OF 05-26-04:162 SEARIDGE CT APT N APTOS 95003*
18:03:55	SCHOROVSKY,SEAN	07	OTH/ADDR AS OF 04-14-97:251 CENTER AVE 6 APTOS *
18:03:55	SCHOROVSKY,SEAN	07	IDENTIFYING INFORMATION:
18:03:55	SCHOROVSKY,SEAN	07	SEX:MALE*HAIR:BROWN*EYES:GRN*HT:6-03*WT:190*
18:03:55	SCHOROVSKY,SEAN	07	LIC/ISS:06-20-95*EXPIRES:05-24-09*RBM2*CLASS:C NON-COMMERCIAL*
18:03:55	SCHOROVSKY,SEAN	07	ENDORSEMENTS:NONE*
18:03:55	SCHOROVSKY,SEAN	07	LATEST APP:
18:03:55	SCHOROVSKY,SEAN	07	DL TYPE:HEADQUARTERS RBM/RBI*ISS/DATE: 05-27-04*OFFICE: RBM*BATES:MAG*
18:03:55	SCHOROVSKY,SEAN	07	RESTR:MUST WEAR CORRECTIVE LENSES WHEN DRIVING,
18:03:55	SCHOROVSKY,SEAN	07	LICENSE STATUS:
18:03:55	SCHOROVSKY,SEAN	07	EXPIRED*
18:03:55	SCHOROVSKY,SEAN	07	DEPARTMENTAL ACTIONS:
18:03:55	SCHOROVSKY,SEAN	07	NONE
18:03:55	SCHOROVSKY,SEAN	07	CONVICTIONS:
18:03:55	SCHOROVSKY,SEAN	07	NONE
18:03:55	SCHOROVSKY,SEAN	07	FAILURES TO APPEAR:
18:03:55	SCHOROVSKY,SEAN	07	NONE
18:03:55	SCHOROVSKY,SEAN	07	ACCIDENTS:
18:03:55	SCHOROVSKY,SEAN	07	NONE

SCCECC - Event/Audit Report

3/17/2011 - 3/17/2011

18:03:56	SCHOROVSKY,SEAN	07	END
18:03:56	SCHOROVSKY,SEAN	07	
18:03:56	SCHOROVSKY,SEAN	07	
18:03:56	SCHOROVSKY,SEAN	07	
18:03:56	SCHOROVSKY,SEAN	07	
18:03:56	SCHOROVSKY,SEAN	07	
18:04:24	SCHOROVSKY,SEAN	07	110- W/P FERGUSON,GAVIN 031679
18:05:55	SCHOROVSKY,SEAN	07	FERGUSON- C4 SUS/REVOKED B7674117- CLOSED PROBATION
18:41:02	RATCLIFFE, ROIYA	00	SiblingInc MAM110317000870 UPDATE Dispo to CLR1
18:43:41	EBERSOLE, KRISTINE	03	Parent Inc FFD110317005003 UPDATE Dispo to C
18:43:42	EBERSOLE, KRISTINE	03	IAAssocInc FFD110317005004 UPDATE Dispo to C
18:43:46	EBERSOLE, KRISTINE	03	Parent Inc FFD110317005003 UPDATE Dispo to C
18:43:46	EBERSOLE, KRISTINE	03	Parent Inc FFD110317005003 UPDATE Dispo to C

TRAFFIC COLLISION REPORT

CHP 555 CARS PAGE 1 (REV 11-06) OPI 065

PAGE 1 OF 11

SPECIAL CONDITIONS		NUMBER ALARMED 1	MT & RUN FELONY <input type="checkbox"/>	CITY UNINCORPORATED		JUDICIAL DISTRICT SANTA CRUZ		LOCAL REPORT NUMBER 2011030118	
		NUMBER CALLED 0	MT & RUN MISDEMEANOR <input type="checkbox"/>	COUNTY SANTA CRUZ		REPORTING DISTRICT		BEAT 21	DAY OF WEEK THURSDAY
								TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
LOCATION	COLLISION OCCURRED ON: SOQUEL DR				MO 03/17/2011	DAY YEAR	TIME (2400) 1746	NCIC # 9720	OFFICER I.D. 019781
	MILEPOST INFORMATION:				GPS COORDINATES LATITUDE 36.97868° LONGITUDE -121.90742°				PHOTOGRAPHS BY: <input type="checkbox"/> NONE 32 DIGITAL PHOTOS TAKEN BY SGT. JACKSON 14885
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR: 200 FEET SOUTH OF APTOS RANCHO RD				STATE HWY REL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
PARTY 1	DRIVER'S LICENSE NUMBER B5413695		STATE CA	CLASS C	AIR BAG P	SAFETY EQUIP. W	VEH. YEAR 2002	MAKE / MODEL / COLOR HD UNKNOWN BLK	LICENSE NUMBER 16E6615
DRIVER	NAME (FIRST, MIDDLE, LAST) CESAR VILLAGRANA				OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER VILLAGRANA CESAR				
PEDESTRIAN	STREET ADDRESS 6870 ROSANNA ST				OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER 6870 ROSANNA ST GILROY CA 95020				
PARKED VEHICLE	CITY / STATE / ZIP GILROY CA 95020				DISPOSITION OF VEHICLE ON ORDER OF: <input checked="" type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
BICYCLIST	SEX M	HAIR BLK	EYES BRN	HEIGHT 6-02	WEIGHT 280	MO 06/01/1975	DAY YEAR	RACE O	ROSSI'S TOW - (831)475-7377
OTHER	HOME PHONE NONE		BUSINESS PHONE NONE		VEHICLE IDENTIFICATION NUMBER: 1HD1DDV312Y637565				
	INSURANCE CARRIER NONE				VEHICLE TYPE 02				
	POLICY NUMBER				DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MAJOR				
	DIR OF TRAVEL ON STREET OR HIGHWAY S SOQUEL DR				SHADE IN DAMAGED AREA MODIFIED - RIGHT				
	SPEED LIMIT 25				ROLL-OVER				
PARTY 2	DRIVER'S LICENSE NUMBER A1898816		STATE CA	CLASS C	AIR BAG M	SAFETY EQUIP. G	VEH. YEAR 1994	MAKE / MODEL / COLOR HOND CIVIC RED	LICENSE NUMBER 6CGN361
DRIVER	NAME (FIRST, MIDDLE, LAST) CRAIG JAMES PRENTICE				OWNER'S NAME <input checked="" type="checkbox"/> SAME AS DRIVER				
PEDESTRIAN	STREET ADDRESS 162 SEARIDGE CT APT N				OWNER'S ADDRESS <input checked="" type="checkbox"/> SAME AS DRIVER				
PARKED VEHICLE	CITY / STATE / ZIP APTOS CA 95003				DISPOSITION OF VEHICLE ON ORDER OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
BICYCLIST	SEX M	HAIR BRN	EYES GRN	HEIGHT 6-03	WEIGHT 190	MO 05/24/1971	DAY YEAR	RACE W	DRIVEN FROM SCENE
OTHER	HOME PHONE (831)332-4322		BUSINESS PHONE NONE		VEHICLE IDENTIFICATION NUMBER: 1HGCD7130RA022060				
	INSURANCE CARRIER ESURANCE				VEHICLE TYPE 01				
	POLICY NUMBER PACA002914033				DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input checked="" type="checkbox"/> MINOR <input type="checkbox"/> MAJOR				
	DIR OF TRAVEL ON STREET OR HIGHWAY S SOQUEL DR				SHADE IN DAMAGED AREA TPRM				
	SPEED LIMIT 25				ROLL-OVER				
PARTY 3	DRIVER'S LICENSE NUMBER D9695515		STATE CA	CLASS C	AIR BAG L	SAFETY EQUIP. G	VEH. YEAR 98	MAKE / MODEL / COLOR TOYT CAMRY GLD	LICENSE NUMBER 4CWF732
DRIVER	NAME (FIRST, MIDDLE, LAST) CAMERON MARIE OPLAND				OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER OPLAND STEVEN MALCOLM				
PEDESTRIAN	STREET ADDRESS 2410 TROUT GULCH RD				OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER 416 GRANT ST SANTA CRUZ CA 95060				
PARKED VEHICLE	CITY / STATE / ZIP APTOS CA 95003				DISPOSITION OF VEHICLE ON ORDER OF: <input type="checkbox"/> OFFICER <input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
BICYCLIST	SEX F	HAIR BRN	EYES HSL	HEIGHT 5-05	WEIGHT 140	MO 05/17/1990	DAY YEAR	RACE W	CHAZ TOW - (831)722-5220
OTHER	HOME PHONE (831)334-7419		BUSINESS PHONE NONE		VEHICLE IDENTIFICATION NUMBER: JT2BF22K2W0138254				
	INSURANCE CARRIER STATE FARM				VEHICLE TYPE 01				
	POLICY NUMBER 1631809E2205A				DESCRIBE VEHICLE DAMAGE <input checked="" type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MAJOR				
	DIR OF TRAVEL ON STREET OR HIGHWAY N SOQUEL DR				SHADE IN DAMAGED AREA TPRM				
	SPEED LIMIT 25				ROLL-OVER				
PREPARED BY NAME D. TANGUAY 019781		DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		REVIEWER'S NAME A. BOLES				DATE REVIEWED 4/4/11	

1204

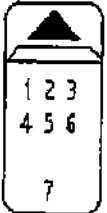
225

TRAFFIC COLLISION CODING

CHP 555 CARS PAGE2 (REV. 11-06) OPI 085


PAGE 2 OF 11

DATE OF COLLISION (MO. DAY YEAR) 03/17/2011		TIME(24HR) 1746	NRIC # 9720	OFFICER I.D. 019781	NUMBER 2011030118
OWNER PROPERTY DAMAGE		OWNER ADDRESS			NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO
DESCRIPTION OF DAMAGE					

SEATING POSITION  <p>1 - DRIVER 2 TO 5 - PASSENGERS 6 - REAR OCC. TRK. OR VAN 7 - POSITION UNKNOWN 8 - OTHER</p>	OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED	SAFETY EQUIPMENT L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE V - NO W - YES X - NO Y - YES Z - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	INATTENTION CODES A - CELL PHONE HANDHELD B - CELL PHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER
--	--	--	---

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (B) OF PARTY AT FAULT		TRAFFIC CONTROL DEVICES			SPECIAL INFORMATION			MOVEMENT PRECEDING COLLISION		
1	2	1	2	3	1	2	3	1	2	3
A VC SECTION VIOLATED: CITED 22350	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	A CONTROLS FUNCTIONING			A HAZARDOUS MATERIAL			A STOPPED		
B OTHER IMPROPER DRIVING*		B CONTROLS NOT FUNCTIONING*			B CELL PHONE HANDHELD IN USE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B PROCEEDING STRAIGHT		
C OTHER THAN DRIVER*		C CONTROLS OBSCURED			C CELL PHONE HANDSFREE IN USE			C RAN OFF ROAD		
D UNKNOWN*		D NO CONTROLS PRESENT / FACTOR*	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	D CELL PHONE NOT IN USE			D MAKING RIGHT TURN		
		TYPE OF COLLISION			E SCHOOL BUS RELATED			E MAKING LEFT TURN		
WEATHER (MARK 1 TO 2 ITEMS)		A HEAD - ON			F 15 FT MOTORTRUCK COMBO			F MAKING U TURN		
X A CLEAR		B SIDE SWIPE			G 32 FT TRAILER COMBO			G BACKING		
B CLOUDY		X C REAR END			H CELL PHONE NONE/UNKNOWN	<input checked="" type="checkbox"/>		H SLOWING / STOPPING		
C RAINING		D BROADSIDE						I PASSING OTHER VEHICLE		
D SNOWING		E HIT OBJECT			J			J CHANGING LANES		
E FOG / VISIBILITY FT.		F OVERTURNED			K			K PARKING MANUEVER		
F OTHER*		G VEHICLE / PEDESTRIAN			L			L ENTERING TRAFFIC		
G WIND		H OTHER*			M			M OTHER UNSAFE TURNING		
		MOTOR VEHICLE INVOLVED WITH			N			N XING INTO OPPOSING LANE		
		A NON - COLLISION			O			O PARKED		
		B PEDESTRIAN			P			P MERGING		
LIGHTING		C OTHER MOTOR VEHICLE			Q			Q TRAVELING WRONG WAY		
X A DAYLIGHT		D MOTOR VEHICLE ON OTHER ROADWAY	1	2	OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)					
B DUSK - DAWN		E PARKED MOTOR VEHICLE			A VC SECTION VIOLATED: CITED	<input type="checkbox"/> YES <input type="checkbox"/> NO				
C DARK - STREET LIGHTS		F TRAIN			B VC SECTION VIOLATED: CITED	<input type="checkbox"/> YES <input type="checkbox"/> NO				
D DARK - NO STREET LIGHTS		G BICYCLE			C VC SECTION VIOLATED: CITED	<input type="checkbox"/> YES <input type="checkbox"/> NO				
E DARK - STREET LIGHTS NOT FUNCTIONING*		H ANIMAL:								
ROADWAY SURFACE		I FIXED OBJECT:								
X A DRY		J OTHER OBJECT:			D			X X X A HAD NOT BEEN DRINKING		
B WET					E VISION OBSCUREMENT:			B HBD - UNDER INFLUENCE		
C SNOWY - ICY					F INATTENTION:			C HBD - NOT UNDER INFLUENCE*		
D SLIPPERY (MUDDY, OILY, ETC.)					G STOP & GO TRAFFIC			D HBD - IMPAIRMENT UNKNOWN*		
ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)		PEDESTRIAN'S ACTIONS			H ENTERING / LEAVING RAMP			E UNDER DRUG INFLUENCE*		
A HOLES, DEEP RUT*		X A NO PEDESTRIANS INVOLVED			I PREVIOUS COLLISION			F IMPAIRMENT - PHYSICAL*		
B LOOSE MATERIAL ON ROADWAY*		B CROSSING IN CROSSWALK AT INTERSECTION			J UNFAMILIAR WITH ROAD			G IMPAIRMENT NOT KNOWN		
C OBSTRUCTION ON ROADWAY*		C CROSSING IN CROSSWALK - NOT AT INTERSECTION			K DEFECTIVE VEH. EQUIP.: CITED	<input type="checkbox"/> YES <input type="checkbox"/> NO		H NOT APPLICABLE		
D CONSTRUCTION - REPAIR ZONE		D CROSSING - NOT IN CROSSWALK						I SLEEPY / FATIGUED		
E REDUCED ROADWAY WIDTH		E IN ROAD - INCLUDES SHOULDER			L UNINVOLVED VEHICLE					
F FLOODED*		F NOT IN ROAD	X	X	M OTHER*					
G OTHER*		G APPROACHING / LEAVING SCHOOL BUS			N NONE APPARENT					
X H NO UNUSUAL CONDITIONS					O RUNAWAY VEHICLE					

SKETCH FOR SKETCH DIAGRAM, SEE PAGE 4 <div style="text-align: center; margin-top: 50px;">  INDICATE NORTH </div>	MISCELLANEOUS
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1205

721

DATE OF COLLISION (MO. DAY YEAR) 03/17/2011				TIME(2400) 1746		NCIC # 9720		OFFICER I.D. 019781				NUMBER 2011030118											
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED						
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PEC.	BICYCLIST	OTHER											
<input type="checkbox"/>	<input type="checkbox"/>	35	M	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	P	W	1					
NAME / D.O.B. / ADDRESS CESAR VILLAGRANA (06/01/1975) 6870 ROSANNA ST GILROY CA 95020																TELEPHONE							
(INJURED ONLY) TRANSPORTED BY: AMR / CALSTAR																TAKEN TO: VALLEY MEDICAL CENTER							
DESCRIBE INJURIES: LACERATIONS TO LT AND RT KNEE, UNKNOWN HEAD INJURIES.																							
																<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED							
<input checked="" type="checkbox"/>	1	<input type="checkbox"/>	56	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS CARLOS GOROSTIETA (02/09/1955) 105 PEBBLE BEACH WAY APTOS CA 95003																TELEPHONE (831)686-2403							
(INJURED ONLY) TRANSPORTED BY:																TAKEN TO:							
DESCRIBE INJURIES:																							
																<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED							
<input type="checkbox"/>	#	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
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(INJURED ONLY) TRANSPORTED BY:																TAKEN TO:							
DESCRIBE INJURIES:																							
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<input type="checkbox"/>	#	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS																TELEPHONE							
(INJURED ONLY) TRANSPORTED BY:																TAKEN TO:							
DESCRIBE INJURIES:																							
																<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED							
PREPARER'S NAME D. TANGUAY																I.D. NUMBER 019781		MO. DAY YEAR 03/17/2011		REVIEWER'S NAME		MO. DAY YEAR	

1206

STATE OF CALIFORNIA
SKETCH DIAGRAM

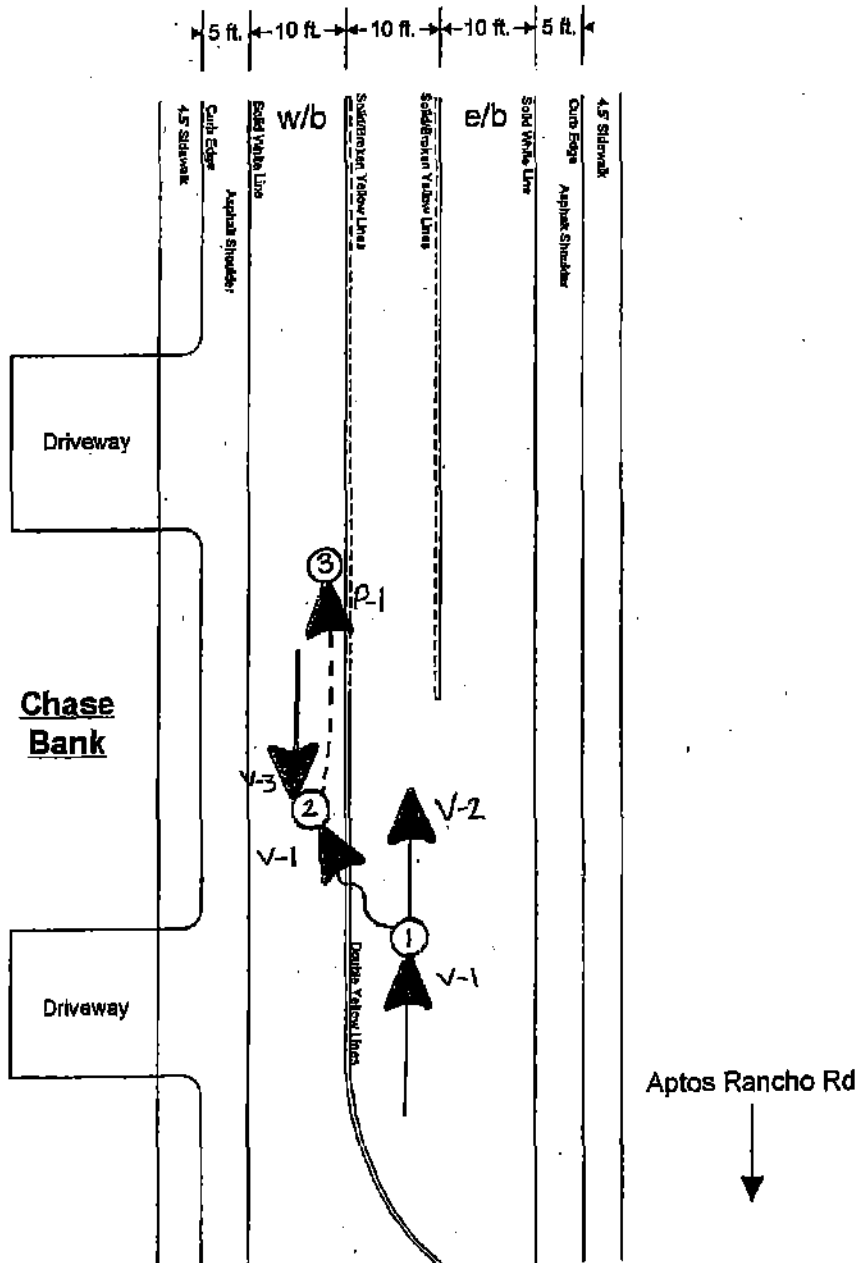
CHP 555 Page 4 (Rev. 8-97) OPI 042

PAGE 4 OF 11

DATE OF INCIDENT 03/17/2011	TIME 1746	NCIC NUMBER 9720	OFFICER I.D. 019781	NUMBER 2011030118
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)

Soquel Drive



PREPARED BY H. Holden	I.D. NUMBER 014788	DATE 03/17/2011	REVIEWER'S NAME	DATE
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128

STATE OF CALIFORNIA
FACTUAL DIAGRAM

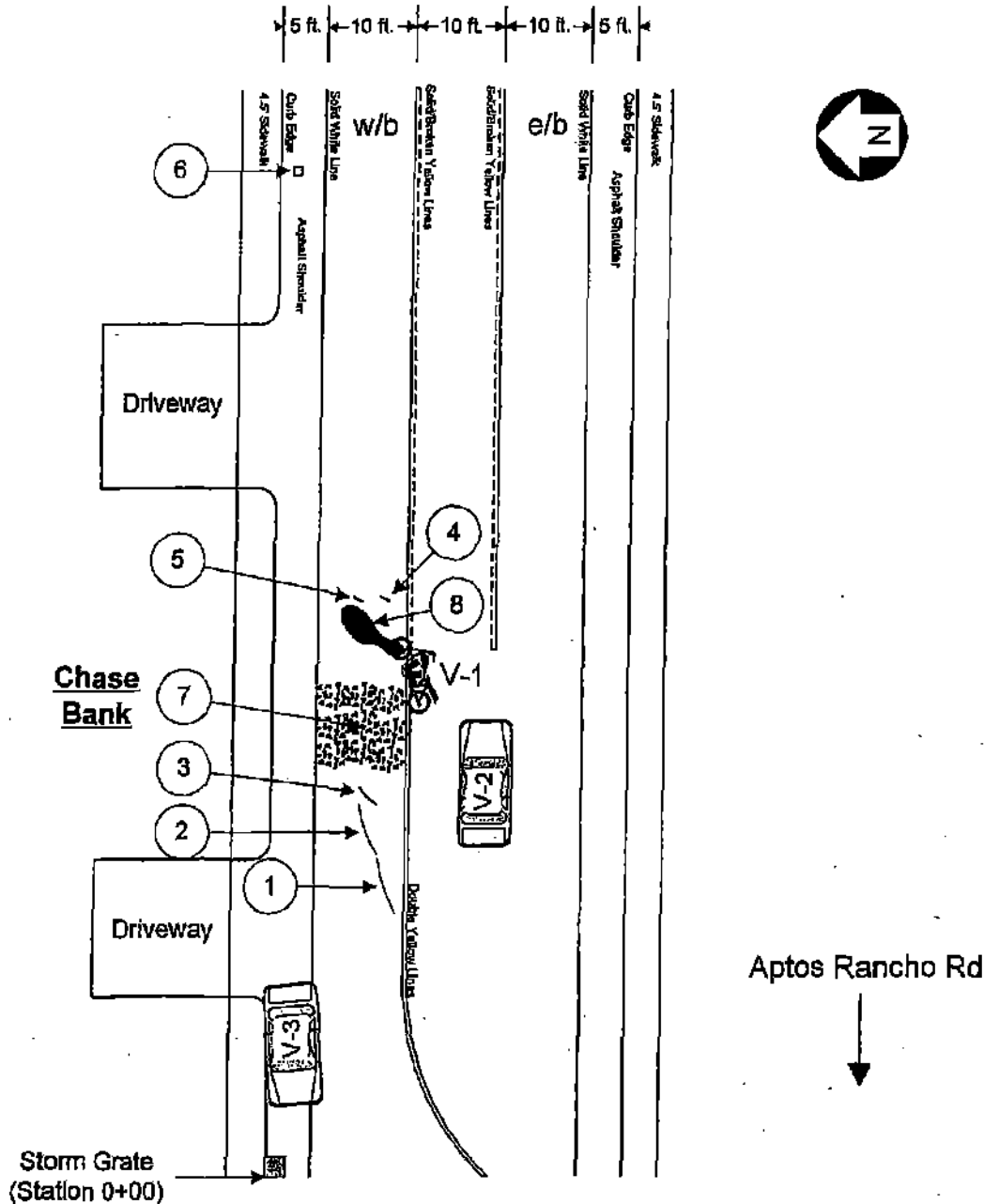
CHP 555 Page 4 (Rev. 8-97) OPI 042

PAGE 5 OF 31

DATE OF INCIDENT 03/17/2011	TIME 1746	NCIC NUMBER 9720	OFFICER I.D. 019781	NUMBER 2011030118
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE=)

Soquel Drive



PREPARED BY H. Holden	I.D. NUMBER 014788	DATE 03/17/2011	REVIEWER'S NAME	DATE
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NARRATIVE/SUPPLEMENTAL

PAGE 6 of 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/17/2011	1746	9720	019781	2011030118

1 Physical Evidence Legend

2

3 **Station Line:** A station line was utilized to gather measurements of physical evidence for this
 4 traffic collision. The station line was established along the north curb edge of Soquel Drive.
 5 Station 0+00 was located from the west edge of a storm grate located along the north road edge
 6 of Soquel Drive and 111 feet east of the east road edge prolongation of Aptos Rancho Road. The
 7 station line increases in value as it proceeds in an easterly direction. All measurements were
 8 taken at right angles to the station line and were obtained by rolatape.

9

10 Vehicle Points of Rest:**11 Vehicle #1 (V-1, Harley Davidson)**

- 12 • Front Wheel located 14 feet right of station 0+58
- 13 • Rear Wheel located 17 feet right of station 0+52

14

15 Vehicle #2 (V-2, Honda)

- 16 • Left Front Wheel located 21 feet right of station 0+47
- 17 • Left Rear Wheel located 21 feet right of station 0+39

18

19 Vehicle #3 (V-3, Toyota)

- 20 • Right Front Wheel located 6 inches right of station 0+10
- 21 • Right Rear Wheel located on the station line at station 0+19

22

23 Physical Evidence Description:

- 24 1. Scrape on roadway
- 25 2. Scrape on roadway
- 26 3. Scrape on roadway
- 27 4. Gouge in roadway
- 28 5. Gouge in roadway
- 29 6. Left side mirror from V-2
- 30 7. Debris field (approx 10' in diameter)
- 31 8. Fluid leak from V-1

32

33 Physical Evidence Location:

- 34 1. Begin 14 feet right of station 0+29; End 12 feet right of station 0+35
- 35 2. Begin 12 feet right of station 0+35.5; End 12 feet right of station 0+41
- 36 3. Begin 12 feet right of station 0+41; End 10 feet right of station 0+43
- 37 4. Begin 13 feet right of station 0+63.5; End 12 feet right of station 0+64
- 38 5. Begin 10 feet right of station 0+63.5; End 9 feet right of station 0+64
- 39 6. Located 2 feet right of station 1+11
- 40 7. Center located 5 feet right of 0+50
- 41 8. Begin 14 feet right of station 0+58; End 5 feet right of station 0+63

42

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
H. Holden	014788	03/17/2011		

NARRATIVE/SUPPLEMENTAL

PAGE 7 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/17/2011	1746	9720	019781	2011030118

FACTS:**NOTIFICATION:**

On 03-17-2011, at approximately 1747 hours, I received a call from Monterey Communications Center (MCC) advising of a motorcycle traffic collision with ambulance in route on Soquel Dr at State Park Dr. I arrived on scene at 1754 hours.

All times, speeds, and measurements in this investigation are approximations. Measurements were taken by rolatape and footpace. Roadway lane directions and alignment, as noted in this report, may not reflect true compass north.

SCENE:

This collision occurred on Soquel Dr, just east of the intersection with Aptos Rancho Rd, in an unincorporated area of Santa Cruz County. Soquel Dr is an east-west roadway. Soquel Dr at this location is a two lane road paved with asphalt-concrete. Soquel Dr eastbound at this location is transitioning to a designated left turn median lane and an eastbound traffic lane. The eastbound and westbound traffic lanes are 10 feet in width separated by a solid and broken yellow line. The left turn median lane is 10 feet wide. The eastbound lane is bordered on the south by a solid white line, a 5 foot asphalt shoulder and a 6 inch raised concrete curb. The westbound lane is bordered on the north by a solid white line, a 5 foot asphalt shoulder and a 6 inch raised concrete curb. Soquel Dr at this location is controlled by a 25 mph speed limit. This collision occurred during daylight hours. The roadway surface was dry, and no visual obstructions were noted or claimed. Refer to Factual Diagram for additional information.

PARTIES:

Party #1 (P-1) (Villagrana): was contacted at the scene, while being attended to by AMR Paramedics and later at Valley Medical Center. P-1 was identified by his Photo California Driver License. P-1 was identified as the driver of Vehicle #1 (V-1) (Harley Davidson) by Party #2 (P-2) (Prentice), Party #3 (P-3) (Opland) and Witness #1 (W-1) (Gorostieta). P-1 sustained lacerations to his left and right knee and unknown head injuries from the collision.

Vehicle #1 (V-1) (Harley Davidson): was located at the scene, on its right side, facing in an easterly direction partially within the center left turn lane, and the westbound traffic lane of Soquel Dr. V-1 had sustained major damage to the entire front half of the vehicle. No prior mechanical defects were observed or claimed.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. TANGUAY	019781	03/17/2011		

1210

7111

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/17/2011	1746	9720	019781	2011030118

PARTIES: (continued)

Party #2 (P-2) (Prentice): was contacted at the scene. P-2 stated he was the driver of Vehicle #2 (V-2) (Honda) at the time of the collision. P-2 was identified by his valid California Driver License.

Vehicle #2 (V-2) (Honda): was located at the scene. V-2 was on its wheels, facing in an easterly direction, within the eastbound lane of Soquel Dr. V-2 sustained minor damage to its rear bumper and left front door. No prior mechanical defects were observed or claimed.

Party #3 (P-3) (Opland): was located at the scene. P-3 stated she was the driver of Vehicle #3 (V-3) (Toyota) at the time of the collision. P-3 was identified by her valid California Driver License.

Vehicle #3 (P-3) (Toyota): was located at the scene. V-3 was on its wheels, facing in a westerly direction, on the westbound shoulder and partially within the westbound traffic lane of Soquel Dr. V-3 sustained moderate damage to its front bumper, and left fender.

PHYSICAL EVIDENCE:

Refer to Factual Diagram and Physical Evidence Legend.

OTHER FACTUAL INFORMATION:

Santa Cruz County Sheriff's Office Deputies were the first Emergency Personnel to arrive on scene. I arrived on scene and located a handgun and two knives on the concrete sidewalk being attended to by a Deputy. The Deputies related to me the handgun belonged to Party #1 (P-1) (Villagrana). I retrieved the weapon and identified it as a Beretta handgun. Upon my inspection of the Beretta I observed it had a loaded magazine and the chamber was empty. I secured the Beretta, a folding knife and a fixed blade buck knife in the trunk of my patrol vehicle. I turned the weapons over to Deputy Jeff Simpson #D47 at the scene. Deputy Simpson also took possession of miscellaneous personal items of P-1. Santa Cruz Sheriff's Office is handling the applicable criminal charges, case #11-2482.

Durring an inventory of Vehicle #1 (V-1) (Harley Davidson) no vehicle insurance was located.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. TANGUAY	019781	03/17/2011		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/17/2011	1746	9720	019781	2011030118

1 STATEMENTS:

2
3 **Party #1 (P-1) (Villagrana):** was interviewed at Valley Medical Center on 03-17-2011, and
4 stated he was driving Vehicle #1 (V-1) (Harley Davidson) eastbound on Soquel Dr at an
5 unknown speed. P-1 related he could not remember the collision or how the collision
6 occurred. P-1 stated he had not consumed any alcohol or drugs prior to driving.
7

8 **Party #2 (P-2) (Prentice):** was contacted at the scene and related he was driving Vehicle
9 #2 (V-2) (Honda) eastbound on Soquel Dr. P-2 stated he was traveling at about 5 mph,
10 with his left turn indicator on, preparing to make a left turn. P-2 observed Vehicle #1 (V-1)
11 (Harley Davidson) in his rear view mirror approaching at a high rate of speed. V-2 came to
12 a stop and P-2 felt an impact to the rear of V-2. P-2 observed Party #1 (P-1) (Villagrana)
13 become ejected from V-1 and continue in an easterly direction and collide with the
14 roadway. V-1 continued in a easterly direction and collided with the front of Vehicle #3 (V-
15 3) (Toyota).
16

17 **Party #3 (P-3) (Opland):** was contact at the scene. P-3 stated she was driving Vehicle #3
18 (V-3) (Toyota) at the time of the collision. P-3 related she was traveling westbound on
19 Soquel Dr at approximately 25 mph. P-3 stated she observed V-2 stopped in the left turn
20 lane. P-3 observed Vehicle #1 (V-1) (Harley Davidson) traveling eastbound directly
21 towards V-2 swerve and collide with the rear of V-2 then swerve directly into the path of V-
22 3. P-3 stated she did not have time to apply V-3's brakes and the front of V-3 collided with
23 V-1. P-3 immediately pulled to the right shoulder.
24

25 **Witness #1 (W-1) (Gorostieta):** contacted at the scene and later interviewed by phone on
26 03-20-2011. W-1 stated he was traveling westbound on Soquel Dr, and was stopped in the
27 left turn lane at the intersection with Aptos Rancho Rd. W-1 stated he was stopped at the
28 limit line facing a red light. W-1 related the eastbound traffic was heavy and there were
29 vehicles to his left traveling at a slow rate of speed in stop and go traffic. W-1 stated there
30 were vehicles stopped in the eastbound traffic lane of Soquel Dr at the limit line to the west
31 of the intersection; they appeared to be waiting for traffic to clear so they could proceed
32 through the intersection. W-1 observed Vehicle #1 (V-1) (Harley Davidson) traveling
33 eastbound on Soquel Dr, at approximately 25 mph approaching the intersection with Aptos
34 Rancho Rd. V-1 was traveling eastbound in the left turn lane to the west of the
35 intersection, passing vehicles that were stopped in the eastbound lane. V-1 traveled east
36 through the intersection directly towards W-1's vehicle. V-1 swerved to the right and split
37 the traffic lane, traveling between W-1's vehicle and a vehicle that was in the eastbound
38 lane just east of the intersection. W-1 turned around and observed V-1 collide with the rear
39 of Vehicle #2 (V-2) (Honda). V-1 then collided with Vehicle #3 (V-3) (Toyota).
40
41
42

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. TANGUAY	019781	03/17/2011		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/17/2011	1746	9720	019781	2011030118

OPINIONS AND CONCLUSIONS:**SUMMARY:**

Party #1 (P-1) (Villigrana) was driving Vehicle #1 (V-1) (Harley Davidson) eastbound on Soquel Dr at an unknown speed. Party #2 (P-2) (Prentice) was driving Vehicle #2 (V-2) (Honda) eastbound on Soquel Dr at approximately 5 mph, in stop and go traffic, directly in front of P-1. Party #3 (P-3) (Opland) was driving Vehicle #3 (V-3) (Opland) westbound on Soquel Dr at approximately 25 mph, to the east of P-1 and P-3. Due to P-1's unsafe speed he collided with the rear of V-2. V-1 continued in an easterly direction into the westbound traffic lane of Soquel Dr. V-1 collided with the front of V-3. P-1 was ejected from V-1 and continued in an easterly direction and collided with the asphalt roadway. V-1 sustained major damage to the entire front half of the vehicle. V-2 sustained minor damage to the rear bumper and left door and mirror. V-3 sustained moderate damage to its front bumper, left front fender. After the collision, V-1 came to rest on its left side, facing in an easterly direction partially within the westbound traffic lane and the left turn lane. After the collision V-2 came to rest on its wheels, within the eastbound traffic lane facing in an easterly direction. After the collision V-3 came to rest on its wheels, on the westbound shoulder and partially within the westbound traffic lane of Soquel Dr, facing in a westerly direction.

The Summary was established by party statements and the physical evidence.

AREAS OF IMPACT (AOI):

A station line was utilized to gather measurements of physical evidence for this traffic collision. The station line was established along the north curb edge of Soquel Dr. Station 0+00 was located from the west edge of a storm grate located along the north road edge of Soquel Dr and 111 feet east of the east road edge prolongation of Aptos Rancho Rd. The station line increases in value as it proceeds in an easterly direction. All measurements were taken at right angles to the station line and were obtained by rolatape.

AOI #1 (V-1 vs. V-2) was located approximately 17 feet right of Station Line position 0+38.

AOI #2 (V-1 vs. V-3) was located approximately 13 feet right of Station Line position 0+53.

AOI #3 (P-1 vs. Asphalt Roadway) was located approximately 13 feet right of Station Line position 0+63.

The AOI was determined by statements, and the physical evidence.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. TANGUAY	019781	03/17/2011		

1213

7005

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/17/2011	1746	9720	019781	2011030118

CAUSE:

Party #1 (P-1) (Villagrana) caused this collision by driving in violation of California Vehicle Code section 22350 which states in part: No person shall drive a vehicle upon a highway at a speed that is greater than is reasonable or prudent having due regard for weather, visibility, the traffic on the highway, and in no event at a speed which endangers persons or property. P-1 was driving V-1 at a speed greater than conditions would allow, and subsequently collided with the rear of V-2.

The Cause was established by statements, and physical evidence.

RECOMMENDATIONS:

I recommend that a copy of this report be forwarded to the Santa Cruz County District Attorney's office for review and the subsequent prosecution of Cesar Villagrana, for the following offenses:

- 1) 22350 VC – Unsafe Speed: (Infraction)
- 2) 16028(c) VC – Proof of financial responsibility: (Infraction)

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. TANGUAY	019781	03/17/2011		

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



DIVISION OF LAW ENFORCEMENT
P.O. BOX 820200
SACRAMENTO, CA 94203-0200
Facsimile: (916) 227-3530
(916) 227-3589

May 23, 2011

Bob Lee, District Attorney
Santa Cruz County District Attorney's Office
701 Ocean Street, Room 200
Santa Cruz, California 95060

Attention: Assistant District Attorney Charles Baum

The enclosed certification is in response to your May 20, 2011, request regarding Docket Number: F20690.

Please be advised, that DOJ does not retain information regarding sales of rifles or shotguns. Pursuant to California Penal Code Section 11106 (b)(1), all copies of the dealers' records of sales for firearms that are not handguns shall be destroyed within five days of the clearance by the Attorney General. However, DOJ does retain records of Assault Weapon registration (Penal Code, § 12275, et seq.) and voluntary reporting of ownership of rifles and shotguns.

If you have any questions, please contact Cheryle Massaro, Custodian of Records, at (916) 227-3597.

Sincerely,

A handwritten signature in black ink, appearing to read "K Baena".

KEVIN BAENA, Manager
Automated Firearms System Unit
Bureau of Firearms

For KAMALA D. HARRIS
Attorney General

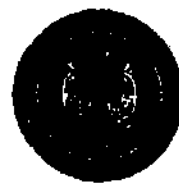
Enclosure(s)

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CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS



CERTIFICATION OF FIREARM HISTORY

I, Cheryle Massaro, do certify and attest under penalty of perjury that I am the legal custodian of the records stored in the Automated Firearms System (AFS), maintained by the Department of Justice (DOJ), Bureau of Firearms. This file contains Dealer's Record of Sale (DROS) of handguns, registration of assault weapons, and all other firearm records entered by DOJ and California law enforcement agencies.

On May 23, 2011, a diligent search of AFS was conducted for the Firearm History of:

	<u>Caliber</u>	<u>Make</u>	<u>Model</u>	<u>Serial #</u>
1.	.40	Taurus	PT101F	SML34817D

The search revealed the following entry:

- A .40 caliber, TAS TAURUS FORJAS, model PT101, serial number SML34817D was entered as EVIDENCE on March 22, 2011, by the Santa Cruz County Sheriff's Office.

On May 23, 2011, a diligent search of AFS was conducted for the Firearm Ownership History of:

	<u>Name</u>	<u>Date of Birth</u>
1.	Cesar Villagrana	June 1, 1975

The search revealed no record.

I certify that the enclosed documents are complete, true and exact copies. This certification was prepared by personnel of DOJ in the ordinary course of business on the date stated above.

Cheryle Massaro
CHERYLE MASSARO
Custodian of Records
Automated Firearms System Unit
Bureau of Firearms



CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FIREARMS



CERTIFICATION OF FIREARM HISTORY

* EVIDENCE

SER/SML34817D MAK/TAS TAURUS FORJAS CAL/40

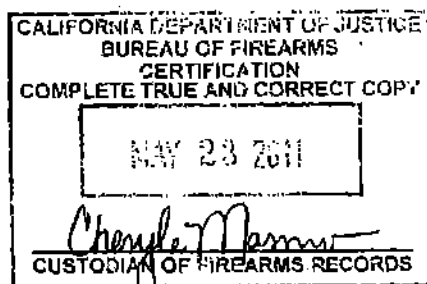
TYP/PI PISTOL SEMI-AUTOMATIC MOD/PT101

DOT/20110322

ORI/CA0440036 OCA/11-02482

NOA/N

FCN/5331108101516



SANTA CRUZ COUNTY SHERIFF'S OFFICE

PENAL CODE 186.22 SUPPLEMENTAL REPORT

GANG HISTORY SUPPLEMENTAL REPORT FOR CESAR VILLAGRANA

CASE NUMBER 11-02482

Jeffrey Simpson
Santa Cruz County Sheriff's Office
Santa Cruz County Gang Task Force

CASE SUMMARY:

On 3-10-11 at 1747, Santa Cruz County Sheriff patrol deputies were dispatched to assist the California Highway Patrol with a traffic accident that had just occurred on Soquel Dr in Aptos. The accident was reported to CHP as a vehicle versus a motorcycle and the motorcyclist was on the ground and had a handgun. Deputies Jalon Harris and Chuck Beckman arrived a few minutes later and found a damaged, black 2002 Harley Davidson motorcycle lying on the roadway. Several yards south of the motorcycle was an injured male lying in the roadway. The motorcycle's license plate CA 16E6615 returned registered to Cesar Villagrana at 6870 Rosanna St in Gilroy. Deputy Beckman assisted the motorcyclist and identified him as Cesar Villagrana. Deputy Harris located a witness on scene who was holding a handgun wrapped in a towel. Deputy Harris took possession of this handgun. The witness showed Deputy Harris where he located the handgun. Deputy Harris found the location to be approximately four feet from the damaged motorcycle and twenty to thirty feet from where Villagrana was laying. The area where the handgun was found was near several items of debris that appeared to have come out the of the motorcycle's hard-sided saddlebag.

The motorcycle had severe front end damage and the right side saddle bag had broken off and was also in the roadway a few feet south of the motorcycle. Numerous items of debris were scattered along the roadway near the saddlebag.

The handgun was a black semi-auto Tarus PT101 AF .40 cal. Deputy Gonzales attempted to run the serial number for the handgun but found it was not registered to Villagrana. Deputy Gonzales contacted Agent Kearns from the ATF and had him run the serial number. Agent Kearns found the gun was last sold in 1994 to a subject out of Montana.

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Villagrana was wearing a black leather vest with the full three piece Hells Angels patches on the back. His motorcycle helmet and motorcycle had a Hells Angels stickers as well as a Hells Angels pouch. Additionally, a Hells Angels t-shirt was located.

On 4-1-11, an arrest warrant for Villagrana along with a search warrant for his residence, 6870 Rosanna Street, Gilroy, CA was obtained. On 4-6-11, Law Enforcement executed the warrant. Villagrana was arrested and his residence searched. During the search, multiple items of indicia relating to membership in the Hells Angels were located including: numerous rings with Hells Angels logos, numerous Hells Angels patches, motorcycle parts with Hells Angels logos, numerous shirts with Hells Angels logos, and Hells Angels artwork.

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INFORMATION ON THE HELLS ANGELS STREET GANG:

The Hells Angels are an outlaw motorcycle gang. An outlaw motorcycle gang is an organization whose members utilize their motorcycle gang affiliation as a conduit for criminal enterprises. The criminal activity of outlaw motorcycle gangs are generally conspiratorial and include crimes such as murder, extortion, drug trafficking, and weapons violations.

Motorcycle gangs first came to the attention of law enforcement in 1947, during a motorcycle rally in Hollister, California, that was sponsored by the American Motorcycle Association (AMA). A fight broke out at the rally between members of two motorcycle gangs. Two members were arrested and other members descended on the jail to seek the release of their friends. This resulted in a riot in the town involving several gangs. The confrontation demonstrated motorcycle gangs' potential for violence and intimidation. The president of the AMA was interviewed after the incident and made the statement that 99% of the motorcycling public were honest, law abiding citizens and that only 1% were trouble makers. Outlaw motorcycle gangs still claim the 1% image to this day.

After the incident, membership in one of the gangs involved, the Pissed Off Bastards of Bloomington, increased. On March 17th 1948, some of the members left the club and created the Hells Angels and moved to San Bernardino California. Over the years, the Hells Angels have expanded both in the United States and throughout the world. Today, the Hells Angels have over one hundred charters in the United States and have charters in over 25 countries worldwide. The Hells Angels have maintained a chapter in Santa Cruz County for the past several years.

The Hells Angels have a hierarchical rank structure. Members in leadership positions maintain formal titles such as, President, Vice President, Secretary/Treasure and Sergeant-at-Arms. Membership into the Hells Angels is an exclusive, formal and lengthy process. Prospective member must move through several membership phases including being an Associate, then a Hang-a-Round, then a Prospect and then, after a vote by the membership, a full patch member. People that are African American or affiliation with law enforcement are excluded from membership.

Hells Angels, like other gangs, wear clothing and associate with symbols that identify them as gang members. These clothing and symbols help elevate the status of a member with the gang and the criminal community. The Hells Angels display their membership by wearing a vest with a set of three separate patches that is referred to as their "Colors" or "Cuts." The top patch or "rocker" displays the name of the gang, "Hells Angels." The middle patch displays the winged skull symbol of the gang, known as the death head. The bottom rocker displays the region the member is associated with, such as California, France, etc. These colors or cuts are sacred and only members are allowed to wear them. The Hells Angels Corporation owns the rights to words "Hells Angels" and the death head symbol. Members also tend to possess numerous other Hells Angels indicia including clothing, jewelry, artwork, photographs, plaques, patches and stickers. These items are considered property of the gang. Hells Angels associate with the colors red and white and the number 81 (8=H, 1=A).

Over the years, the Hells Angels have feuded with rival outlaw motorcycle gangs throughout the United States and worldwide. Many of these rivalries are over control of territory and criminal enterprises. Some of these rivals include the outlaw motorcycle gangs Mongols, Vagos and Outlaws. These rivalries have led to violent confrontations, including in Laughlin, Nevada where two Hells Angels members were shot and killed and one Mongol member was stabbed to death.

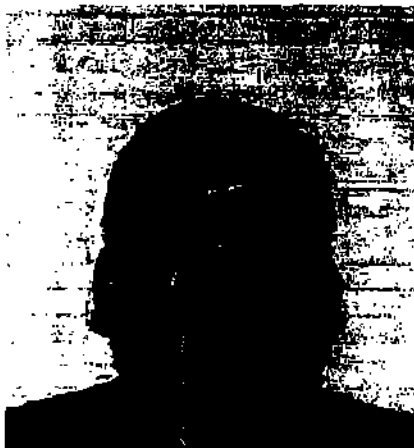
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PROFILE OF INVOLVED SUBJECT

Cesar Villagrana
DOB: 6-1-1975



ACTIVITY FOR SUSPECT:

03-17-11

Cesar Villagrana was in a traffic accident on Soquel Dr in Aptos, California. During the traffic accident, Villagrana was injured and his motorcycle was damaged. Villagrana was found to have been in possession of an unregistered handgun. Villagrana had been wearing a black leather vest with the following patches: on the back a Hells Angels, death head logo, California and on the front was a San Jose patch. On Villagrana's motorcycle there were three circular Hells Angels stickers that were on the top of the gas tank. During the investigation, a member of the Santa Cruz Hells Angels chapter responded to the accident scene.



This information is documented in Santa Cruz County Sheriff's Office case number 10-02482.

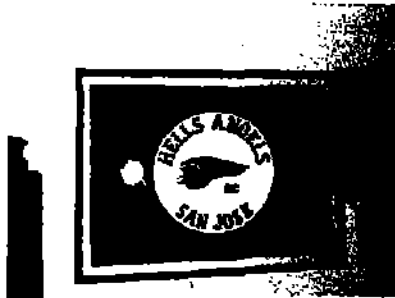
04-06-11

Members of the Santa Cruz County Gang Task Force served a search warrant at 6870 Rosanna St in Gilroy, the listed address for Cesar Villagrana. During the search, officers located numerous items indicia relating to the Hells Angels criminal street gang including: approximately forty shirts/sweatshirts in the closet that had logo/writing associated with the Hells Angels, approximately fifteen rings and a belt buckle that had Hells Angel's logos, two manila envelopes that

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contained patches associated with the Hells Angels, three manila envelopes containing stickers associated with the Hells Angels, three wool caps with logos associated with the Hells Angels, a banner with the phrase "Filthy Few San Jose", a 2010 Hells Angels Monterey Toy Run banner, and numerous other items associated with the Hells Angels. In the garage, Law Enforcement located a motorcycle (16H7558) that was registered to Villagrana and had Hells Angels stickers the gas tank and side. Additionally a photograph Villagrana and Elliot "Cisco" Valderrama, the President of the Oakland Chapter of the HA, was located.



This information is documented in Santa Cruz County case number 10-02482.

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252

11-05-10

San Jose Police Officer Croucher conducted a traffic stop on a 2002 Harley Davidson motorcycle 16E6615 that was being driven by Cesar Villagrana. Officer Croucher noted on a Field Interview card that Villagrana was wearing a three patch Hells Angels vest, a Hells Angels support tee shirt and a helmet with a Hells Angels support sticker. The motorcycle had various Hells Angels support stickers on the crank case cover. Villagrana told Officer Croucher that he was a member of the Hells Angels.

This information is documented in San Jose Police Department case number 10-309-0952.

9-18-07

Gilroy Police officers respond to a fight at Claddagh Irish Pub in Gilroy. Villagrana and a male named Benjamin Carrasco were found to have been in a physical altercation with two males. Villagrana had been wearing a black leather vest with "San Jose" and "Prospect" on the front and a bottom "California" rocker and "MC" patch on the back. Carrasco had been wearing a Hells Angels support shirt. Prior to the altercation becoming physical, Villagrana is confronted by the victims and during the argument, he points to the Hells Angels patch on the front of his vest. During the fight, Villagrana throws a bar stool at the victims and chases after one of them while holding a knife.

This information is documented in Gilroy Police report #07-5839.

186.22(a) PC - Gang Member Defined

Based on the above information, it is my opinion that Cesar Villagrana is an active participant in the Hells Angels criminal street gang because:

- He committed the crime charged in this case while wearing a full patch Hells Angels vest.
- During the search warrant from 4-6-11, Villagrana was in possession of numerous items with writing, logos or artwork associated with the Hells Angels.
- He was contacted in 2010 wearing a full patch Hells Angels vest and admitted to the officer that he was a member of the Hells Angels.
- In 2007, he got into a bar fight while wearing a Hells Angels prospect cut.

Based on the above information, it is my opinion that Cesar Villagrana has knowledge that the Hells Angels gang members engage in, or have engaged in, a pattern of criminal gang activity because:

- He personally committed an offense listed in Penal Code section 186.22(e).
- He had a framed "Filthy Few" banner hanging on bedroom wall. The term Filthy Few refers to a member who commits an act of violence for the gang.
- He had a tee shirt that had "In loving memory Papa Frisco." This shirt was referring to Mark "Papa Frisco" Guardado who was murdered in 2008. The suspect in that case was a member of the rival Mongols motorcycle gang.
- He had in his possession items related to the Laughlin Nevada incident.

Based on the above information, it is my opinion that Cesar Villagrana willfully promotes, furthers or assists felonious criminal conduct by members of the Hells Angels criminal street gang because:

- He was in possession of a loaded, unregistered, concealed firearm.

186.22(f) PC - Criminal Street Gang Defined:

Any ongoing organization, association, or group of three or more persons

- The Hells Angels have three or more members.

Whether formal or informal

- The Hells Angels is a formal gang that has structure, hierarchy and organization. The Hells Angels have multiple chapters throughout the county and most chapters have a president, vice president, secretary and Sgt at Arms. Prospective members have to submit an application and pass a probationary period.

Having as one of its primary activities the commission of one or more of the criminal acts enumerated in paragraphs (1) to (33), inclusive, of subdivision (e),

- The Hells Angels have been involved in assaults, extortion, homicide, weapon charges and drug offenses.

Having a common name or common identifying sign or symbol,

- Some signs or symbols associated with Hells Angels are: Hells Angels, the Deathhead, 81, Big Red Machine, Filthy Few and the colors Red and White.

And whose members individually or collectively engage in or have engaged in a pattern of criminal gang activity:

**Ventura Police Department #09-13013 / Ventura County Superior Court Case 2009037017
PC §§ 12021, 12316, 12031, VC § 2800.1**

On 9-24-2009, a Ventura Police Officer attempted to stop a vehicle being driven by Scott Robert Sutton DOB 2-15-68. Sutton did not yield and a pursuit ensued. During the pursuit, officers observed Sutton throwing an item out of the vehicle while on Byron Avenue. Sutton eventually pulled over and was arrested for evading a peace officer. Officers determined the object Sutton threw out of his vehicle while on Byron Avenue was a handgun and ammunition. Sutton was arrested for weapons charges. Sutton had a large Hells Angels death head tattoo on his back with the words "Hells Angels Ventura MC" tattooed around it. Sutton was wearing a belt buckle that had the words "Hells Angels member since 1995 Scott Sutton." On 10-9-2009, Ventura Police served a search warrant for Sutton's address and located numerous items related to the Hells Angels including: A full patch Santa Barbara vest, stickers, pins, photographs, plaques, clothing and paperwork. Sutton pled guilty to being a felon in possession of a firearm. Ventura County Court Docket # 2009037017.

**South SF Police Department #09-9468 / San Mateo County Superior Court SC070882A
PC §§ 186.22, 12020, 12025, 12031, H&S § 11350**

On 12-31-2009, a South San Francisco Police Sergeant conducted a traffic stop on a motorcycle being driven by Sean Joseph Penna DOB 12-4-1975. Penna was found to be driving on an expired license. A search of Penna found he had a loaded revolver underneath his leather vest, an illegal belt buckle knife and Vicodin pills on his person. A search of Penna's motorcycle found an illegal ball peen hammer in a saddlebag and a 7" knife attached to the frame. During the incident, Penna was wearing a leather vest with the patches "Prospect" and "Daly City" on the front and a back bottom rocker of "California." He was also wearing a black hooded sweatshirt and a black tee shirt with Hells Angels writing. Penna's motorcycle had several Hells Angels support stickers attached to it. Penna pled to being in possession of a loaded firearm. San Mateo County Court Docket # SC070882A.

Jeffrey Simpson
Santa Cruz County Sheriff's Office

Education

California State University, Chico	1998-2001	B.A. Geography and Planning
Lambuth University	1997-1998	
Shasta College	1994-1997	A.A. General Education
Red Bluff High School	1990-1994	High School Diploma
Butte Law Enforcement Academy	2003	POST Certificate
Post Basic Certificate	2004	
Post Intermediate Certificate	2006	
Post Advanced Certificate	2009	

Law Enforcement Training and Experience

Patrol Deputy	Santa Cruz Sheriff's Office	2003-2005
Court Security Deputy	Santa Cruz Sheriff's Office	2006
Patrol Deputy	Santa Cruz Sheriff's Office	2007-2008
Patrol Deputy, Alternate FTO	Santa Cruz Sheriff's Office	2008-2010

Currently a member of the Santa Cruz County Gang Task Force

Duties are to identify gangs, identify gang members, investigate gang-related crimes and stay current on gang activities. The task force also provides street level enforcement and intelligence gathering.

I have been involved in no less than sixty gang-related investigations for crimes including 187 PC, 245 PC, weapons and drug offenses.

I have contacted and spoken with over 100 gang members.

I have authored three gang related search warrants.

I have participated in no less than 10 gang-related search warrants.

I have participated in and helped organize Joint Agency Gang (JAG) operations.

I have attended several South Bay Gang Alliance meetings.

In addition to my formal training, I discuss gang activities and trends with members of other gang task forces, expert gang investigators and patrol officers. I also review monthly criminal gang intelligence bulletins and police reports.

I have completed four 186.22 supplemental reports.

Gang Training

- Basic Gang Course -Central Coast Gang Investigator Association- (7/10)- 8 hrs
- Computer system relating to Gangs -San Jose Police Department- (8/10)- 16 hrs
- Gang Infiltration Through the Use of Informants- HIDTA- (8/10)- 8 hrs
- La Nuestra Familia and Norteno Street Gangs- CCGIA- (9/10)- 8 hrs
- LEADS training - Santa Cruz County Sheriff's Office- 4 hrs
- Monterey Gang Task Force Conference- Various Agencies (10/10)- 13 hrs

- Social Networking relating to Gangs- San Jose PD (10/10)- 1 hr
- Outlaw Motorcycle Training (10/10)- WSIN- 2 hrs
- Mexican Mafia and Sureños- CCGIA (5/11)- 8 hrs
- Santa Cruz County Gang Academy (6/11)- 16 hrs
During this academy, I was an instructor for outlaw motorcycle gangs
- Formal gang training -Santa Cruz County Sheriff's Office- 8 hrs
- Field Training Officer School- 40 hrs
- Member of the Central Coast Gang Investigator Association.

Video Training relating to Outlaw Motorcycle Gangs

1. "Behind Enemy Lines" Hells Angels MC- Gangland season 1 episode 4.
2. "Biker Wars"- Outlaw MC- Gangland season 2 episode 16.
3. "Mongols Nation"- Mongols MC- Gangland season 2 episode 21.
4. "Bandido Army"- Bandido MC- Gangland season 3 episode 31.
5. "Biker Wars 2"-Hells Angels & Mongols MC- Gangland season 4 episode 49.
6. "The Death Head"- Hells Angels MC- Gangland season 5 episode 56.
7. "Snitch Slaughter"- Vagos MC- Gangland season 6 episode 62
8. "The Filthy Few"- Hells Angels MC- Gangland season 7 episode 83.
9. "Inside Outlaw Bikers"- Hells Angels Documentary- National Geographic.

Literature related to Outlaw Motorcycle Gangs:

1. Hells Angel- Sonny Barger
2. Angels of Death- Julian Sher, William Mardsen
3. A Wayward Angel- George Wethern, Vincent Colnett
4. No Angel- Jay Dobson
5. Bikers- Arthur Veno
6. Under and Alone- William Queen

In addition to the above listed training, I have received numerous hours of informal training from local gang experts including Roy Morales (SCSO), Mario Sulay (SCDAO), Henry Montes (SCDAO), Mike Walker (WPD), and Jorge Gilblanco (WSIN).

11-02482

3/10/11



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

AGENCY 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
CLASSIFICATION 12025(b)(6) PC STATUS CASE OPEN
MAJOR VIOLATION WARRANT REQUESTED
DISPOSITION 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
OFFENSES 186.22(a) PC PARTICIPATE IN CRIMINAL STREET GANG

REPORTED 03/10/11 17:47 THU OCCURRED 03/10/11 17:47 THU TO 03/10/11 17:47 THU

LOCATION 7851 SOQUEL DR
ON: SOQUEL DR AT: APTOS RANCHO RD

PREMISE CITY APTOS 95003 BEAT 8 SUB BEAT 8-4

NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Meth
☐ Drug Related ☐ Senior Citizen ☐ Taser ☐ Graffiti
☒ Gang Related ☐ Juvenile ☐ School ☐ Cultivate Marijuana
☐ Agriculture ☐ Warrant Request ☐ Prescription Meds

OFFICER 10304 SIMPSON, JEFFREY
APPROVED 05141 MORALES, ROY

REPORT FILED 03/18/11 00:00
APPROVAL DATE 03/18/11 15:22

SYNOPSIS

A loaded handgun was found near a victim of a motorcycle crash. The motorcycle rider was a member of the Hells Angels criminal street gang. CHP investigated the traffic accident and the Sheriff's Office investigated the handgun. Investigation found the firearm was not registered.

SIGNATURES

Submitted By _____ ID _____ Date _____
Approved by _____ ID _____ Date _____
Assigned to _____ ID _____ Date _____



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

ADDITIONAL INCIDENT DATA

Entry Point

- ☐ adjacent premises
- ☐ Garage
- ☐ Basement
- ☐ Front
- ☐ Door
- ☐ Side
- ☐ Duct Vent
- ☐ Roof
- ☐ Floor
- ☐ Window

Weather and Light Cond

- ☐ Clear/Dry
- ☐ Foggy
- ☐ Rainy
- ☐ Wet
- ☐ Icy
- ☐ Unk
- ☐ Well lighted
- ☐ Poorly Lighted
- ☐ Not Lighted
- ☐ Moon Lighted

Type of Entry

- ☐ Admitted In
- ☐ Forced Entry
- ☐ Hid Inside
- ☐ Door Forced
- ☐ Window Broke/Forced
- ☐ Security Bars Cut/Forced
- ☐ Wall/Floor Forced
- ☐ Wall/Floor Duct

Weapons Used

- ☐ Pistol
- ☐ Rifle
- ☐ Automatic Rifle
- ☐ Bat/Board/Club
- ☐ Brass Knuckles
- ☐ Chain
- ☐ Knife
- ☐ Razor
- ☐ Bomb
- ☐ Other

How Weapon Used

- ☐ Cut/Stabbed Victim
- ☐ Strangled/Choked
- ☐ Threatened
- ☐ Struck/Knocked Down
- ☐ Shot
- ☐ Sound
- ☐ Kicked
- ☐ Displayed Weapon
- ☐ Implied Weapon

Impersonate

- ☐ Customer
- ☐ Drunk
- ☐ Disabled Motorist
- ☐ Employee/Employer
- ☐ Law Enforcement/Utility
- ☐ Relative
- ☐ Repairman
- ☐ Survey/Polisher
- ☐ Delivery Person

Object of Attack

- ☐ Business
- ☐ Basement
- ☐ Bathroom
- ☐ Bedroom
- ☐ Den/Family Room
- ☐ Garage
- ☐ Residence
- ☐ Yard/Storage Area
- ☐ Cash Register
- ☐ Safe

Method of Entry

- ☐ Unk
- ☐ N/A
- ☐ Attempted
- ☐ Break/Smash
- ☐ Bum
- ☐ Cut
- ☐ Hid In/occupied
- ☐ Kick
- ☐ Knob twist
- ☐ Lock Box
- ☐ Lock Break
- ☐ Lock Cut
- ☐ Lock Pick
- ☐ Lock Punch
- ☐ Lock Slip
- ☐ No Force
- ☐ Pry
- ☐ Removed
- ☐ Taped/Broke
- ☐ Unlocked

Physical Evidence

- ☐ Blood/Saliva
- ☐ Clothing
- ☐ Documents
- ☐ Fingerprints
- ☐ Glass Fragments
- ☐ Hair
- ☐ Mud/Soil
- ☐ Narcotics
- ☐ Paint Samples
- ☐ Photo
- ☐ Projectile
- ☐ Rape Kit
- ☐ Semen
- ☐ Tire Tracks/Footprints
- ☐ Tool Marks
- ☐ Vehicle
- ☐ Weapons
- ☐ Other
- ☐ None Located

Tools Used

- ☐ Axe
- ☐ Bolt Cutter
- ☐ Brick/Rock
- ☐ Channel Lock/Pliers
- ☐ Drill
- ☐ Garage Door Opener
- ☐ Glass Cutter
- ☐ Hammer
- ☐ Key
- ☐ Pipe
- ☐ Pry Tool
- ☐ Saw
- ☐ Screw Driver
- ☐ Slim Jim
- ☐ Slip Device/Wire
- ☐ Tire Iron
- ☐ Torch/Explosives
- ☐ Other
- ☐ Unk
- ☐ N/A

(231)



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

NAMES

CR REFERENCE # 1	SYSTEM # 2	INVOLVEMENT <input type="checkbox"/> Juvenile S Suspect	<input type="checkbox"/> Non-Disclosure TYPE Individual
NAME VILLAGRANA, CESAR			
ADDRESS 6670 ROSANNA ST GILROY, CA 95020			PHONE PHONE PHONE
ALT. ADDRESS			
DOB 06/01/1975	AGE 35	SSN	
DL NO B5413695 CA		FBI ID	
LOCAL ID		STATE ID	
DESCRIPTION SEX M HAIR BLK EYES BRO		HEIGHT 602 WEIGHT 280 ETHNICITY H	
CAUTION		POB	
EMPLOYER			PHONE (831)
ADDRESS			RES. STATUS R
OCCUPATION			
COMMENTS			
ADDITIONAL INFO			

CR REFERENCE # 1	SYSTEM # 3	INVOLVEMENT <input type="checkbox"/> Juvenile W Witness	<input type="checkbox"/> Non-Disclosure TYPE Individual
NAME MCGINLEY, JIM			
ADDRESS SANTA CRUZ, CA			PHONE (831) PHONE PHONE
ALT. ADDRESS			
DOB	AGE	SSN	
DL NO		FBI ID	
LOCAL ID		STATE ID	
DESCRIPTION			
CAUTION		POB	
EMPLOYER FIRST ALARM			PHONE (831)
ADDRESS 1111 ESTATES DR, APTOS CA			RES. STATUS R
OCCUPATION SECURITY GUARD			
COMMENTS			
ADDITIONAL INFO			

1232



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

VEHICLES

CR REFERENCE # 1	SYSTEM # 2	<input type="checkbox"/> Evidence	<input type="checkbox"/> Impounded	<input type="checkbox"/> Towed
LICENSE 18E6615 CA	DECAL	REASON IN INFO ONLY		
DESCRIPTION 2002 HD M/C MC BLK/BLK		VIN 1HD1DDV312Y637585		
LOSS VALUE	DATE	AGENCY	<input type="checkbox"/> Stored	
RECOVERED VALUE	DATE	AGENCY		
LOCATION				
DAMAGE		STORED		
INSURER		PHONE (831)		
TOWED BY		RELEASED TO		
HOLD FOR				
OWNER NOTIFIED	BY			
DISPOSITION	DATE	BY		
COMMENTS R/O VILLAGRANA, CESAR.				



County of Santa Cruz
Sheriff's Office
INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

REPORTED BY 10304 SIMPSON, JEFFREY

REPORT FILED 03/18/2011

On 3-17-11, I was assigned to the Santa Cruz County Gang Task Force and riding with Deputy Gonzales. We were both in uniform and in a marked Sheriff's patrol vehicle. At approximately 1747 hrs, I heard over the radio Netcom dispatching a deputy to assist the California Highway Patrol (CHP) with a traffic accident that had just occurred in Aptos. The call was for a vehicle that had struck a motorcycle. The motorcyclist had reportedly flown 60 feet in the air and was down on the pavement. Netcom updated the incident by reporting that a possible bystander had pulled a gun from the pocket of the motorcycle rider and was holding the gun in a non threatening manner.

Deputy Gonzales and I responded from Watsonville. Santa Cruz County Sheriff's Detective Harris arrived on scene a few minutes later and took possession of the firearm (refer to Detective Harris' supplemental report for information on the condition of the firearm and where it was located when he arrived). Detective Harris reported over the radio that the motorcyclist had been wearing a Hells Angels clothing.

Deputy Gonzales and I arrived at approximately 1803 hrs and found Deputy C. Beckman, Shearer and Zube already on scene. I saw a black Harley Davidson motorcycle lying down on its right side in the middle of the road. The front end of the motorcycle had considerable damage and it was leaking fluids. Spread out in front of the motorcycle all over the roadway were various items that appeared to have come off the bike during the accident. These items included, but are limited to, the right side trunk, a black bag, numerous small tool bags, a "mag" flashlight, a black helmet, clothing (where the motorcycle victim had been lying), and various automotive debris. Deputy Beckman and Gonzales took several digital photographs of the scene which showed the above mentioned debris (refer to Supplemental Reports).

The motorcycle's license plate, CA 16E6615, was ran through the DMV database and came back registered to Cesar Villagrana. Deputy Beckman identified the motorcycle victim as Cesar Villagrana. The vehicle that struck the motorcycle sustained driver side front end damage. I did not see any of that vehicle's doors/trunk open and it did not appear that any items came from out of the interior of that car during the accident.

I met with CHP Officer Tanguay who was conducting the accident investigation. Officer Tanguay told me that he now had possession of the firearm, later determined to be a Taurus .40 cal semi-auto handgun, and it was in the trunk of his patrol car. Officer Tanguay and I decided that the Sheriff's Office would investigate the circumstances surrounding the firearm and they would investigate the accident. Officer Tanguay told me he collected the firearm from Detective Harris and unloaded it. Officer Tanguay told me the firearm still had a magazine inside when he collected it. He removed the magazine and noticed it was loaded with several rounds. Officer Tanguay told me there was no round in the chamber when he unloaded it. Officer Tanguay turned possession of the firearm over to me, which I placed in the trunk of my patrol car. The firearm was not loaded at that time and the slide was locked back.

I then spoke to Jim McGinley who approached me at the scene. McGinley told me worked for First Alarm and responded to the accident. McGinley told me that he was working for First Alarm as a

1234



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

security guard on this day and in uniform. He was standing by the Rite Aid store (approximately 100 yards from crash site) when he heard the sound of a traffic accident coming from Soquel Dr near Aptos Rancho Rd. He ran over and saw a subject lying in the middle of the street and a motorcycle down in the roadway on Soquel Dr. He went over to the injured motorcyclist and saw he was struggling to breathe. He held Villagrana stable while waiting for paramedics to arrive. A male walked over to him and tried to hand him a black Beretta or Ruger handgun that he had just found. McGinley instructed him to give to one of the deputies that were arriving on scene. McGinley left the scene when medical personnel arrived.

While investigating the accident scene, I walked over to where Villagrana had been lying when treated by medical personnel. At this time, Villagrana had been transported by AMR and all that was left in this area was a black leather vest or "cut", a black thermal shirt and a red flannel shirt, all of which had been cut off and left in the roadway by medical personnel. On the top back of the vest was a white patch that had the words "Hells Angels." In the middle of the vest was the trademarked Hells Angels death head logo. Under the death head was a white "California" patch. On the front bottom left side was a white "San Jose" patch. These patches identified Villagrana as a full patched member of the Hells Angels. Deputy Gonzales and I collected this vest and several other items that had Hells Angels logos on them (refer to Deputy Gonzales Supplemental Report).

FIREARM INFORMATION

The firearm was a black semi-auto Taurus model number PT 101 AF. The caliber was .40 SW and the serial number was SML 34817 D. On 3-18-11, Deputy Gonzales ran that serial number, but it returned not registered. Deputy Gonzales photographed the handgun and booked it into Sheriff's Property. Along with the handgun, Officer Tanguay gave me the magazine which had been inside the gun when it was recovered on the scene. Deputy Gonzales and I later unloaded the magazine and found ten .40 cal rounds had been in it. The magazine was photographed and booked into Sheriff's Property.

186.22 PC INFORMATION

The Hells Angels is a world wide recognized motorcycle club with over 75 chapters in the United States. The Hells Angels also have chapters in over thirty countries internationally. Their name and logo (death head) are trademarked and they have their own web site (www.hells-angels.com). Hells Angels members have been documented carrying firearms on their person and motorcycles/vehicles. The Hells Angels are a documented criminal street gang in the state of California.

Prior to the accident, the San Jose Police Department had information that Villagrana was a member of the Hells Angels motorcycle gang. Deputy Gonzales and I collected several Hells Angels related items including the black vest, a helmet with a Hells Angels sticker, a Hells Angels tee shirt, a black bag with the Hells Angels death head and Villagrana's motorcycle had three Hells Angels stickers on the top of the tank. Based on the above information, I believe Villagrana is a member of the Hells Angels criminal street gang.

As I was leaving the accident scene, I noticed Christopher Hecht ride up and park his motorcycle near the accident site and walk towards the CHP officers who were still on scene. I know Hecht from



**County of Santa Cruz
Sheriffs Office
INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

prior incidents and know him to be a full patch member of the Hells Angels and the president of the Santa Cruz Chapter. Based on Hecht's response to the accident, I believe Villagrana is still an active member of the Hells Angels and in good standing.

Based on the officers at the scene, the firearm was found in close proximity to the motorcycle crash and Cesar Villagrana, leading me to believe that the gun either came from Villagrana's person or the motorcycle. The firearm was considered loaded under 12031(g) PC due to having a loaded magazine attached. Under 12025(B) PC it is illegal for a person to have a concealed, concealable firearm that is not registered with DOJ to themselves.

INVESTIGATION CONTINUING. I am conducting further follow up on Villagana's association with the Hells Angels.

END OF REPORT.



County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE
APPROVAL DATE 03/19/2011

OFFICER 10927 SHEARER, CHRISTOPHER
OFFICER 05141 MORALES, ROY

SUPPLEMENTAL REPORT

On 03/17/11, at approximately 1751 hours, I was working uniformed patrol within the county of Santa Cruz. At around the above listed time I responded along with several deputies to a vehicle accident involving a motorcyclist near 7851 Soquel Drive.

While responding dispatch advised that a the motorcyclist was possibly in possession of a handgun. I arrived on scene and observed Deputy Beckman providing care to the motorcyclist I also observed Detective Harris in plain clothes standing near the sidewalk talking to a group of people. I approached Det. Harris and asked how I could help. Harris showed me a black semi-automatic handgun laying on the ground where he was standing. He quickly told me that the firearm had been recovered by Cyrus Mozayan who was standing near by. Harris asked me to stand by with the firearm as he retrieved his camera and photographed it.

Det. Harris cleared the scene and asked me to interview Mozayan. I observed CHP Officer Tanguay collect the firearm, made it safe and secured it.

I then spoke with Cyrus Mozayan and collected the following information.

STATEMENT OF CYRUS MOZAYAN

Mozayan was wearing full medical style "scrubs". He explained to me that he was a medical doctor and was on his way home from work. Mozayan told me that he was traveling south bound on Soquel Drive when he observed the a motorcycle speed past him in a heavy traffic area. Mozayan estimated the speed of the motorcycle to be approximately "60 mph". He watched the motorcycle approach the controlled intersection in front of Safeway and observed the motorcycle turn into the "turn lane" and "run the red light". Mozayan further explained that as soon as he went through the intersection he collided with the two involved vehicles.

Mozayan drove to the scene, parked and began walking over to where the motorcyclist, Cesar Villagrana, was laying. He noticed that several bystanders were already helping him. Mozayana noticed a black handgun laying on the ground and assumed it belonged to Villagrana because his other property from the bike was strewn about the roadway. Fearing a bystander with bad intentions would get a hold of the firearm, Mozayana picked it up and walked it approximately 20 feet away and set it on the ground. When Det. Harris arrived Mozayana alerted him of the firearm. Mozayana pointed to the location of where he remembered picking up the firearm. He pointed to a spot on the left side of the street in between the wreck motorcycle and where Villagrana was currently laying. It was approximately 10-15 feet from Villagrana.

Mozayana did not have any additional information.

OPINIONS/RECOMMENDATIONS:

1237



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

Please attach to master report.

1738

n a



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES by 10027 SHEARER, CHRISTOPHER

CR REFERENCE # S01 SYSTEM # 7 INVOLVEMENT ☐ Juvenile ☒ Non-Disclosure
NAME VILLAGRANA, CESAR N.M.N. TYPE Individual
ADDRESS 8870 ROSANNA ST
GILROY, CA 95020
ALT. ADDRESS PHONE (408) 000-0000
DOB 06/01/1975 AGE 35 SSN
DL NO B5413895 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO HEIGHT 602 WEIGHT 280 ETHNICITY H
CAUTION POB
EMPLOYER
ADDRESS PHONE (831)
OCCUPATION RES. STATUS R
COMMENTS
ADDITIONAL INFO

CR REFERENCE # C01 SYSTEM # 8 INVOLVEMENT ☐ Juvenile ☒ Non-Disclosure
NAME MOZAYAN, CYRUS KOUROSH TYPE Individual
ADDRESS 440 HAWKS PEAK ROAD
APTOS, CA
ALT. ADDRESS PHONE (831) 246-1002
DOB 09/07/1963 AGE 47 SSN
DL NO FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M
CAUTION POB
EMPLOYER
ADDRESS PHONE (831)
OCCUPATION RES. STATUS R
COMMENTS
ADDITIONAL INFO

1239

170



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/17/2011
APPROVAL DATE 03/18/2011

OFFICER 01471 BECKMAN, CHARLES
OFFICER 05141 MORALES, ROY

On 3-17-11 at 5:51 P.M I responded to 7851 Soquel Dr. in Aptos Ca. for a report of vehicle accident involving a motorcyclist who was hit by a car and was possibly killed. Net. Comm. advised the motorcyclist, later identified as (C-1) CESAR VILLAGRANA, was on the pavement and in his pocket was a handgun. While driving to the scene Net. Comm. advised a bystander pulled the gun away from VILLAGRANA.

When I arrived on scene I saw VILLAGRANA was laying on his back in the middle of Soquel Drive. I walked up to VILLAGRANA and started assisting by stabilizing his neck. Other citizens were also assisting VILLAGRANA and VILLAGRANA was breathing and moving. I saw VILLAGRANA was wearing a helmet and a black leather jacket with Hells Angels emblems on the jacket. Santa Cruz Sheriff's Detective JALON HARRIS was on scene and had the gun secured.

One of the citizens who was assisting VILLAGRANA handed me a business card holder. Inside the holder were two California Department Of Motor Vehicle copies of VILLAGRANA'S drivers license information. After I wrote down some information from the copies I placed the card holder back inside one of VILLAGRANA'S shoe which was in the street with other personal effects belonging to VILLAGRANA. On 3-18-11 I had our records section printout a copy of VILLAGRANA'S California Department Of Motor Vehicles Image Record. The photo on the record matched the person who I assisted at the accident.

Once the paramedics arrived on scene they took over treating VILLAGRANA. I took several photos of the scene and submitted them into evidence. I was in patrol unit 081 and the car cam video as working. The video was activated at 5:40 P.M

C. BECKMAN #3-01471



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES: 03/17/2011 by 01471 BECKMAN, CHARLES

CR REFERENCE # 1	SYSTEM # 1	INVOLVEMENT <input type="checkbox"/> Juvenile C Contact	<input type="checkbox"/> Non-Disclosure TYPE Individual
NAME VILLAGRANA, CESAR N.M.N			
ADDRESS 6870 ROSANNA ST			PHONE (408) 000-0000
GILROY, CA			PHONE
ALT. ADDRESS			PHONE
DOB 06/01/1975	AGE 35	SSN	
DL NO B5413695 CA		FBI ID	
LOCAL ID		STATE ID	
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO		HEIGHT 62 WEIGHT 280	
CAUTION		POB	
EMPLOYER UNK			PHONE (831)
ADDRESS			RES. STATUS R
OCCUPATION UNK			
COMMENTS			
ADDITIONAL INFO			



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

VEHICLES: 09/17/2011 by 01471 BECKMAN, CHARLES

CR REFERENCE # 1	SYSTEM # 1	<input type="checkbox"/> Evidence	<input type="checkbox"/> Impounded	<input type="checkbox"/> Towed
LICENSE 18E6615 CA	DECAL	REASON IN INFO ONLY		
DESCRIPTION 2002 HD M/C MC BLK/BLK		VIN 1H01DDV312Y637585		
LOSS VALUE	DATE	AGENCY	<input type="checkbox"/> Stored	
RECOVERED VALUE	DATE	AGENCY		
DAMAGE LOCATION SEE C.H.P CASE				
INSURER TOTAL LOSS FROM ACCIDENT				
TOWED BY		STORED		
HOLD FOR		PHONE (831)		
OWNER NOTIFIED	BY	RELEASED TO		
DISPOSITION	DATE	BY		
COMMENTS				



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY: 03/17/2011 by 01471 BECKMAN, CHARLES

CR REFERENCE #	CRB01	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	PHOTOS OF SCENE	E Evidence	SYSTEM # 1	PROP.ROOM #
QUANTITY	0		NCIC CODE	COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	BY 01471 BECKMAN, CHARLES
COMMENTS	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE		CUSTODY DATE	
LOCATION					

CR REFERENCE #	CRB01	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	CAR VIDEO/ PATROL UNIT	E Evidence	SYSTEM # 2	PROP.ROOM #
QUANTITY	0	081 / DATE & TIME OF VIDEO: 3-17-11 / 5:40 P.M	NCIC CODE	COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	BY 01471 BECKMAN, CHARLES
COMMENTS	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE		CUSTODY DATE	
LOCATION					



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/18/2011
APPROVAL DATE 03/18/2011

OFFICER 10748 HARRIS, JALON
OFFICER 06894 PATRICK, IAN

NARRATIVE

On 3-17-11 at approximately 1750 hours, I was off-duty in civilian clothes in an unmarked Sheriff's vehicle. I was on Soquel Drive coming up on State Park Drive in Aptos, CA. I heard via my in-car radio that there was an accident involving a motorcyclist at 7851 Soquel Drive in Aptos, CA. I also heard via NetCom that the motorcyclist had a handgun. I came upon the accident scene and saw a damaged motorcycle and two damaged cars. There were no other first responders on scene. There were also numerous bystanders standing on the side of the road. I saw a group of people around a man lying on the ground wearing a helmet in the middle of the road. I saw that the helmet had what appeared to be Hells Angels stickers on it. There was a First Alarm guard near the man lying on the ground. I saw that the man, later identified as (S01) Cesar Villagrana, was breathing and his eyes were open. I asked him if he was okay but he did not answer and had a blank stare. I saw that one of the bystanders was holding Cesar's head still. I then asked the First Alarm guard where the handgun was. The guard pointed out a man standing on the sidewalk wearing blue scrubs and said that he had the gun. I walked over to the man, later identified as (C01) Cyrus Mozayan, and I saw that he was holding a handgun and a knife wrapped in a green towel. I identified myself to him and asked him to set the gun on the ground which he did. I saw that the handgun had a magazine in it and that the safety was off (reference photos). I asked Cyrus where he found the gun? Cyrus pointed out where he found the gun which was approximately four feet from the motorcycle and 20'-30' from where the rider was laying on the pavement. Cyrus told me that he just picked it up to keep it safe. I saw that the gun had been near some other items that looked to be from the saddlebags of the motorcycle. I saw that there was an open hard-sided saddlebag near the handgun on the ground (reference photos). The saddle bag looked like it had come off the motorcycle.

At that point, Deputy C. Beckman arrived on scene and began to care for Villagrana.

I then ran the damaged motorcycle's license plate (CA License 16E6615) through NetCom. NetCom told me the motorcycle was registered to Cesar Villagrana out of Gilroy, CA.

I then placed my badge on the ground where Cyrus said he found the gun. I took a photo of that area and the entire accident scene. I also took photos of the gun in the condition that Cyrus found it. The gun appeared to be a Taurus type black semi-automatic handgun. I later booked the photos into CSI. CHP Officer Tanguay then came over, took possession of the firearm, and unloaded it.

Deputy C. Shearer arrived on scene and spoke further with Cyrus. I then cleared the scene.

RECOMMENDATIONS

Attach to Master Case File.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES: DO/18/2011 by 10748 HARRIS, JALON

CR REFERENCE # S01 SYSTEM # 7 INVOLVEMENT ☐ Juvenile
NAME VILLAGRANA, CESAR N.M.N. S Suspect ☐ Non-Disclosure
ADDRESS 6870 ROSANNA ST TYPE Individual
GILROY, CA 95020
ALT. ADDRESS PHONE (408) 000-0000
DOB 06/01/1975 AGE 35 SSN
DL NO B5413695 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO HEIGHT 602 WEIGHT 280 ETHNICITY H
CAUTION POB
EMPLOYER PHONE (831)
ADDRESS RES. STATUS R
OCCUPATION
COMMENTS
ADDITIONAL INFO

CR REFERENCE # C01 SYSTEM # 8 INVOLVEMENT ☐ Juvenile
NAME MOZAYAN, CYRUS KOUROSH C Contact ☐ Non-Disclosure
ADDRESS 440 HAWKS PEAK ROAD TYPE Individual
APTOS, CA
ALT. ADDRESS PHONE (831) 246-1002
DOB 09/07/1963 AGE 47 SSN
DL NO FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M
CAUTION POB
EMPLOYER PHONE (831)
ADDRESS RES. STATUS R
OCCUPATION
COMMENTS
ADDITIONAL INFO



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

VEHICLES: 03/18/2011 BY 10748 HARRIS, JALON

CR REFERENCE #	V01	SYSTEM #	3	<input type="checkbox"/> Evidence	<input type="checkbox"/> Impounded	<input type="checkbox"/> Towed
LICENSE	16E6615 CA	DECAL		REASON D DAMAGED		
DESCRIPTION	2002 HD M/C MC BLK/BLK			VIN 1HD1DDV312Y637565		
LOSS	VALUE	DATE		AGENCY	<input type="checkbox"/> Stored	
RECOVERED	VALUE	DATE		AGENCY		
	LOCATION					
DAMAGE				STORED		
INSURER				PHONE (831)		
TOWED BY				RELEASED TO		
HOLD FOR						
OWNER NOTIFIED		BY				
DISPOSITION		DATE		BY		
COMMENTS						



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY: 03/18/2011 by 10748 HARRIS, JALON

CR REFERENCE #	JBH01	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	PHOTOGRAPHS OF ACCIDENT SCENE AND HANDGUN	<input type="checkbox"/> Evidence	SYSTEM # 14	PROP. ROOM #
QUANTITY	0	NCIC CODE			
BRAND				COLOR	
SERIAL				MODEL	
LOSS	VALUE \$0.00	DATE		OAN	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS	PHOTOGRAPHS OF ACCIDENT SCENE AND HANDGUN. PHOTOGRAPH WITH BADGE ON GROUND IS LOCATION THAT WITNESS RECOVERED HANDGUN.				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE		CUSTODY DATE	
LOCATION					



County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/18/2011
APPROVAL DATE 03/18/2011

OFFICER 11962 GONZALES, ANTHONY
OFFICER 05141 MORALES, ROY

REFERENCES:

Refer to Master Report
Refer to scene photographs

NARRATIVE:

On 3/17/11 I was assigned to the Santa Cruz County Gang Task Force (SCCGTF) and partnered with Dep. Simpson. We were in SCCGTF uniform and operating a marked Sheriff's Office patrol vehicle while conducting street enforcement in the Watsonville area of Santa Cruz County. At approximately 1747 HRS I heard a radio dispatch for patrol regarding a Hells Angels member who was involved in a motorcycle accident in front of the Chase bank located near the intersection of State Park Dr. and Soquel Dr. in Aptos. Dep. Beckman later identified the rider as Cesar Villagrana (S1).

Det. Harris had secured a firearm that appeared to have come from the motorcycle and/or the motorcycle rider. Several CHP units went to the scene and we responded from Watsonville to assist in any possible criminal investigation stemming from the gun possession. As we arrived on scene SCSO deputies and CHP officers were managing the accident scene and had already spoke with several witnesses. Refer to the attached supplemental reports for these interviews.

Dep. Simpson spoke with the CHP officers and the CHP supervisor on scene and determined that we would conduct the investigation for the firearm possession. I began to photograph the general scene of the accident. I also photographed several items of Hells Angels (H.A.) paraphernalia that were strewn about the roadway from the motorcycle. I noted that a Hells Angels "cut" or vest had been cut off the rider (by EMS) and was lying on the ground. I photographed the vest, a red and white keychain, the motorcycle (with 3 H.A. stickers on the console), a half-helmet with an H.A. sticker on the back and two red bandanas. Dep. Simpson and I collected the items as evidence. I also collected a cellular phone and an Ipod as evidence, pending a search warrant for the information contained within each item. Dep. Simpson retrieved a Taurus PT-101 .40 caliber handgun (S/N SML34817D) from a CHP officer that was holding the gun in his vehicle.

After the items had been photographed and collected, Dep. Simpson and I left the scene as CHP was concluding the accident investigation. As we began to drive away towards State Park Dr. I saw another motorcycle rider park a motorcycle in the Safeway parking lot and begin to walk towards the scene. The rider was not wearing a helmet, and recognized the man from previous investigations to be Christopher Hecht. I know from these investigations that Hecht is a documented member of the Hells Angels and the Santa Cruz Chapter President.

I later photographed the items of gang paraphernalia, the firearm and ammunition/magazine. I booked all items of evidence into Sheriff's Property. I later booked all scene photographs and the photographs of the evidence into Sheriff's CSI. I contacted the San Jose PD Intelligence Unit and requested any gang information regarding Villagrana (as he is a Santa Clara County resident) be forwarded to our office for further follow-up.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

CONCLUSION:
SCCGTf follow-up continuing
Forward to ADA Baum



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES: 03/18/2011 by 11882 GONZALES, ANTHONY

CR REFERENCE # 01 SYSTEM # 4 INVOLVEMENT ☐ Juvenile
NAME LOPEZ, CESAR EDWARD C Contact
ADDRESS 341 SIESTA AV
APTOS, CA 95003
ALT. ADDRESS
DOB 11/24/1975 AGE 35 SSN 560-39-7486
DL NO 85545121 CA FBI ID 404777PB
LOCAL ID S-188900 STATE ID A22263203
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO HEIGHT 509 WEIGHT 210
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (831) 428-5167
PHONE
PHONE
RES. STATUS R

CR REFERENCE # 02 SYSTEM # 5 INVOLVEMENT ☐ Juvenile
NAME TORRES, TARA C Contact
ADDRESS 341 SIESTA AV
APTOS, CA 95003
ALT. ADDRESS
DOB 05/23/1976 AGE 34 SSN
DL NO A9793770 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX F RACE H
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (831) 428-5167
PHONE
PHONE
RES. STATUS R

CR REFERENCE # 01 SYSTEM # 6 INVOLVEMENT ☐ Juvenile
NAME HECHT, CHRISTOPHER BENJAMIN M Mentioned
ADDRESS 791 30TH AV
SANTA CRUZ, CA
ALT. ADDRESS
DOB 10/25/1974 AGE 36 SSN 561-93-0959
DL NO A9260441 CA FBI ID
LOCAL ID S-224743 STATE ID
DESCRIPTION SEX M RACE W HAIR BRO EYES GRY HEIGHT 510 WEIGHT 145
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (5) 123-4702
PHONE
PHONE
PHONE (831)
RES. STATUS R

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 13 2014 11:43 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

★ ★ ★ ★ ★

ERNESTO MANUEL GONZALEZ,

CASE NO. 64249

Appellant.

v.

THE STATE OF NEVADA,

Respondent.

_____ /

APPELLANT'S APPENDIX, VOLUME V

**APPEAL FROM JUDGMENT AFTER
JURY TRIAL AND SENTENCING**

**Second Judicial District
State of Nevada**

THE HONORABLE CONNIE J. STEINHEIMER, PRESIDING

Richard F. Cornell, Esq.
Attorney for Appellant
150 Ridge Street
Second Floor
Reno, NV 89501
775/329-1141

Washoe County District Attorney's Office
Appellate Division
Attorney for Respondent
1 Sierra St., 7th Floor
Reno, NV 89501
775/337-5750

INDEX TO APPELLANT'S APPENDIX
ERNESTO MANUEL GONZALEZv. THE STATE OF NEVADA
No. 64249

NO	DESCRIPTION	DATE	PAGES
VOLUME I			
1	Indictment	11-09-11	1-10
2	Information Supplementing Indictment	1-30-13	11-21
3	Corrected Information Supplementing Indictment	3-02-12	22-32
4	Withdrawal of Information Supplementing Indictment	2-01-13	33-34
5	Second Information Supplementing Indictment	2-20-13	35-45
6	Third Information Supplementing Indictment	7-10-13	46-55
7	Fourth Information Supplementing Indictment	7-22-13	56-64
8	Grand Jury Transcript, Vol. I	10-25-11	65-107
9	Grand Jury Transcript, Vol. II	11-03-11	108-125
10	Grand Jury Transcript, Vol. III	11-09-11	126-250
VOLUME II			
	Cont.		251-401
11	Motion to Dismiss Indictment or in the Alternative Petition for Writ of <i>Habeas Corpus</i>	2-24-12	402-410
12	Opposition to Defendant Gonzalez Motion to Dismiss/Petition for Writ of <i>Habeas Corpus</i>	3-05-12	411-417

13	Reply in Support of Motion to Dismiss Indictment or in the Alternative Petition for Writ of <i>Habeas Corpus</i>	4-06-12	418-429
14	Motion to Partially Join In Co-Defendant Cesar Villagrana's Writ of <i>Habeas Corpus</i> and Motion to Compel	5-29-12	430-433
15	Motion to Join to Balance of Co-Defendant Cesar Villagrana's Petition for Writ of <i>Habeas Corpus</i>	6-11-12	434-436
16	Opposition to Defendant Gonzalez' Motion to Partially Join in Co-Defendant Cesar Villagrana's Writ of <i>Habeas Corpus</i> and Motion to Compel	6-14-12	437-440
17	Reply to Opposition to Defendant's Motion Partially Join in Co-Defendant Cesar Villagrana's Petition for Writ of <i>Habeas Corpus</i> and Motion to Compel	6-14-12	441-445
18	Supplemental Points and Authorities in Support of Motion to Dismiss Indictment or in the Alternative Petition for Writ of <i>Habeas Corpus</i> and Motion to Reconsider Based Upon Newly Discovered Evidence	9-13-12	446-463
19	Opposition to Supplemental Points and Authorities (etc.)	9-19-12	464-472
20	Reply to State's Opposition to Defendant's Supplemental Points and Authorities and Motion to Reconsider	9-24-12	473-482
	VOLUME III		
21	Order	9-13-12	483-510
22	Second Motion to Dismiss	10-18-12	511-562
23	Opposition to Second Motion to Dismiss	10-12-12	563-567

24	Reply to State's Opposition to Defendant's Second Motion to Dismiss	10-19-12	568-573
25	Order Granting in Part and Denying in Part Request for Clarification or Supplemental Order and Denying Second Motion to Dismiss	10-30-12	574-586
26	Order Denying Petition, No. 62392	1-31-13	587-589
27	Order After October 29, 2012 Hearing	10-30-12	590-592
28	Motion to Bifurcate Enhancement Evidence	11-26-12	593-599
29	Opposition to Motion to Bifurcate Enhancement Evidence	12-06-12	600-607
30	Motion to Admit Evidence of Other Crimes, Wrongs, or Acts	11-26-12	608-649
31	Supplement to Motion for Order Admitting Gang Enhancement Evidence and Testimony	11-26-12	650-660
32	Addendum to Motion for Order Admitting Gang Enhancement	11-26-12	661-750
	VOLUME IV		
	(Cont.)		751-1000
	VOLUME V		
	(Cont.)		1001-1250
	VOLUME VI		
	(Cont.)		1251-1402
33	Opposition to Request for Disclosure of Proposed Gang Enhancement Evidence and Witnesses	10-19-12	1403-1423

34	Opposition to State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts, and Motion to Strike	12-11-12	1424-1436
35	Opposition to State's Motion for Order Admitting Gang Enhancement Evidence and Testimony	12-11-12	1437-1464
36	Opposition to State's Motion for Order Admitting Gang Enhancement Evidence and Testimony	12-18-12	1465-1431
37	Motion Requesting Leave of Court to Supplement Gang Enhancement Discovery	1-23-13	1472-1500
	VOLUME VII		
	(Cont.)		1501-1543
38	Opposition to State's Motion for Leave to Supplement Gang Enhancement Discovery (Lake County Incident)	1-28-13	1544-1548
39	Transcript of Proceedings Pre-Trial Motions	10-29-12	1547-1713
40	Transcript of Proceedings Evidentiary Hearing	1-08-13	1714-1750
	VOLUME VIII		
	(Cont.)		1751-1948
41	Transcript of Proceedings Evidentiary Hearing	1-09-13	1949-2000
	VOLUME IX		
	(Cont.)		2001-2214
42	Transcript of Proceedings Evidentiary Hearing	1-14-13	2215-2250
	VOLUME X		

	(Cont.)		2251-2429
43	Transcript of Proceedings Evidentiary Hearing	1-15-13	2430-2500
	VOLUME XI		
	(Cont.)		2501-2553
44	Order Regarding the State's Motion for Order Admitting Gang Enhancement Testimony	5-20-13	2554-2561
45	Order Granting in Part and Denying in Part the State's Motion to Admit Evidence of Other Crimes, Wrongs or Acts	5-16-13	2562-2574
45A	Order Granting Motion to Join Select Legal Pleadings	4-29-13	2574A
46	Transcript of Proceedings Change of Plea (Villagrana)	7-22-13	2575-2592
47	Trial Transcript, Day Three Morning Session	7-24-13	2593-2726
48	Trial Transcript, Day Three Afternoon Session	7-24-13	2727-2747
	VOLUME XII		
	(Cont.)		2748-2818
49	Trial Transcript, Day Four Morning Session	7-25-13	2819-3004
	VOLUME XIII		
50	Trial Transcript, Day Four Afternoon Session	7-25-13	3005-3099
51	Trial Transcript, Day Five Morning Session	7-20-13	3100-3250
	VOLUME XIV		

	(Cont.)		3251-3261
52	Trial Transcript, Day Five Afternoon Session	7-29-13	3262-3366
53	Trial Transcript, Day Six, Morning Session	7-30-13	3367-3500
	VOLUME XV		
	(Cont.)		3501-3544
54	Trial Transcript, Day Six Afternoon Session	7-30-13	3545-3613
55	Trial Transcript, Day Six Examination of Donald Sandy	7-30-13	3614-3683
56	Trial Transcript, Day Seven Morning Session	7-31-13	3684-3750
	VOLUME XVI		
	(Cont.)		3751-3842
57	Trial Transcript, Day Seven Afternoon Session	7-31-13	3843-4000
	VOLUME XVII		
	(Cont.)		4001-4018
58	Trial Transcript, Day Eight Morning Session	8-01-13	4019-4200
59	Trial Transcript, Day Eight Afternoon Session	8-01-13	4201-4250
	VOLUME XVIII		
	(Cont.)		4251-4294
60	Trial Transcript, Day Nine Morning Session	8-02-13	4295-4444
61	Trial Transcript, Day Nine Afternoon Session	8-02-13	4445-4500

	VOLUME XIX		
	(Cont.)		4501-4589
62	Trial Transcript, Day Ten Morning Session	8-05-13	4590-4730
63	Trial Transcript, Day Ten Afternoon Session	8-05-13	4731-4750
	VOLUME XX		
	(Cont.)		4751-4757
64	Trial Transcript, Day Eleven	8-06-13	4758-4811
65	Trial Transcript, Day Twelve	8-07-13	4812-4956
66	Jury Instructions		4957-5000
	VOLUME XXI		
	(Cont.)		5001-5011
67	Refused Instructions, - Defendant A-E	8-06-13	5012-5017
68	Jury Question #2, No Response	8-07-13	5018-5021
69	Verdicts	8-07-13	5022-5036
70	Stipulation to Waive Separate Penalty Hearing	8-07-13	5037
71	Motion for a New Trial	8-14-13	5038-5141
72	Motion to Strike Redundant Convictions	8-13-13	5142-5145
73	Motion to Compel Election Between Multiplicitous Murder Counts	8-06-13	5146-5149
74	Opposition to Motion for New Trial	8-22-13	5150-5159
75	Opposition to Defendant's Motion to Strike	8-22-13	5160-5180
76	Reply to Opposition to Motion for New Trial	8-27-13	5181-5250

	VOLUME XXII		
	(Cont.)		5251-5489
77	Reply to Opposition to Motion to Strike Redundant Convictions	9-13-13	5490-5494
	VOLUME XXIII		
78	Transcript of Proceedings - Sentencing	10-03-13	5495-5571
79	Judgment	10-03-13	5572-5574
80	Corrected Judgment	10-04-13	5575-5577
81	Notice of Appeal to the Supreme Court	10-15-13	5578-5580



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES - 04/06/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE # 01 SYSTEM # 9 INVOLVEMENT ☐ Juvenile ☐ Non-Disclosure
NAME VILLAGRANA, CESAR N.M.N TYPE Individual
ADDRESS 6870 ROSANNA ST
GILROY, CA 95020
ALT.ADDRESS
DOB 06/01/1975 AGE 35 SSN
DL NO B5413695 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO HEIGHT 602 WEIGHT 300 ETHNICITY H
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
GANG HELLS ANGELS
COMMENTS
ADDITIONAL INFO

PHONE (408) 000-0000
PHONE
PHONE
PHONE (831)
RES.STATUS R

1001

39



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/08/2011 by 11982 GONZALES, ANTHONY

CR REFERENCE # 01 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE O OFFICE EQUIPMENT/CELL PHONE E Evidence SYSTEM # 15 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM VILLAGRANA BED
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-015 CUSTODY DATE
LOCATION

CR REFERENCE # 02 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE J JEWELRY/PRECIOUS METAL E Evidence SYSTEM # 17 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS VARIOUS HELLS ANGELS RINGS TAKEN FROM SMALL CABINET ON TOP OF DRESSER
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-017 CUSTODY DATE
LOCATION

CR REFERENCE # 03 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-MANILA ENVELOPES CONTAINING VARIOUS ITEMS OF HELLS ANGELS PARAPHERNALIA E Evidence SYSTEM # 18 PROP.ROOM #
QUANTITY 7 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS ALL ENVELOPES TAKEN FROM TOP DRESSER DRAWER
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-018 CUSTODY DATE
LOCATION

CR REFERENCE # 04 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC-CROWN ROYAL BAG CONTAINING 26 CD-R DISCS E Evidence SYSTEM # 20 PROP.ROOM #
QUANTITY 26 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM TOP DRESSER DRAWER-REVIEWED AT SCCGTF OFFICE
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-020 CUSTODY DATE
LOCATION



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE # 05 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 21 ☐ In Custody PROP.ROOM #
TYPE K CLOTHING-HELLS ANGELS BEANIES
QUANTITY 3 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM 2ND DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG DISPOSITION
LOCATION BAR CODE I.1102482-021 BY CUSTODY DATE

CR REFERENCE # 06 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 22 ☐ In Custody PROP.ROOM #
TYPE Z MISC.-CHROME HELLS ANGELS M/C SIDE COVERS
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM 2ND DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG DISPOSITION
LOCATION BAR CODE I.1102482-022 BY CUSTODY DATE

CR REFERENCE # 07 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 23 ☐ In Custody PROP.ROOM #
TYPE Z MISC.-HELLS ANGELS ROSTER/PHONE LIST/CORPORATE AGREEMENTS
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM TOP DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG DISPOSITION
LOCATION BAR CODE I.1102482-023 BY CUSTODY DATE

CR REFERENCE # 08 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 24 ☐ In Custody PROP.ROOM #
TYPE Z MISC.-HELLS ANGELS DVD
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM TOP DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG DISPOSITION
LOCATION BAR CODE I.1102482-024 BY CUSTODY DATE

1003

41



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE # 09 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-IPOD TOUCH CASE E Evidence SYSTEM # 25 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM SHELF NEXT TO DRESSER, MATCHES IPOD TOUCH FOUND AT SCENE OF ACCIDENT
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-025 CUSTODY DATE
LOCATION

CR REFERENCE # 10 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE K CLOTHING-RED BANDANAS E Evidence SYSTEM # 26 PROP.ROOM #
QUANTITY 4 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS RED BANDANAS FOUND ON SHELF NEXT TO DRESSER
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-026 CUSTODY DATE
LOCATION

CR REFERENCE # 11 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE K CLOTHING-VARIOUS HELLS ANGELS ITEMS OF CLOTHING E Evidence SYSTEM # 27 PROP.ROOM #
QUANTITY 20 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM CLOSET OF VILLAGRANA'S BEDROOM
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-027 CUSTODY DATE
LOCATION

CR REFERENCE # 12 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-HELLS ANGELS FOREARM PROTECTORS E Evidence SYSTEM # 28 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM VILLAGRANA'S CLOSET
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-028 CUSTODY DATE
LOCATION



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 11952 GONZALES, ANTHONY

CR REFERENCE # 13 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-HELLS ANGELS "FILTHY FEW" FRAMED TEXTILE BANNER SYSTEM # 29 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM WALL OF VILLAGRANA'S BEDROOM
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-029 CUSTODY DATE
LOCATION

CR REFERENCE # 14 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-HELLS ANGEL'S MONTEREY CHAPTER RUN POSTER SYSTEM # 30 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM BEDROOM WALL OF VILLAGRANA'S BEDROOM
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-030 CUSTODY DATE
LOCATION

CR REFERENCE # 15 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-PERSONAL INDICIA FOR VILLAGRANA SYSTEM # 31 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM VARIOUS LOCATIONS IN HIS BEDROOM
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-031 CUSTODY DATE
LOCATION

CR REFERENCE # 16 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-BROWN LEATHER HOLSTER WITH RED BANDANA SYSTEM # 32 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS TAKEN FROM INSIDE GARAGE AT RESIDENCE
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-032 CUSTODY DATE
LOCATION



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

AGENCY CAD EVENT 19623 RELATED CASES CHP 2011030118
CLASSIFICATION 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
MAJOR VIOLATION 12025(b)(6) PC STATUS CASE CLOSED
DISPOSITION 04/25/2011 PROSECUTION RECOMMENDED
OFFENSES 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
186.22(a)PC PARTICIPATE IN CRIMINAL STREET GANG

REPORTED 03/10/11 17:47 THU OCCURRED 03/10/11 17:47 THU TO 03/10/11 17:47 THU

LOCATION 7851 SOQUEL DR
ON: SOQUEL DR AT: APTOS RANCHO RD

PREMISE CITY APTOS 95003 BEAT 8 SUB BEAT 8-4 NBRH.WATCH

NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Meth
☐ Drug Related ☐ Senior Citizen ☐ Taser ☐ Graffiti
☒ Gang Related ☐ Juvenile ☐ School ☐ Cultivate Marj
☐ Agriculture ☐ Warrant Request ☐ Prescription Meds

OFFICER 10304 SIMPSON, JEFFREY
APPROVED 05141 MORALES, ROY

REPORT FILED 03/18/11 00:00
APPROVAL DATE 03/18/11 15:22

SYNOPSIS

A loaded handgun was found near a victim of a motorcycle crash. The motorcycle rider was a member of the Hells Angels criminal street gang. CHP investigated the traffic accident and the Sheriff's Office investigated the handgun. Investigation found the firearm was not registered.

1006

44



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 11/02/2011
APPROVAL DATE 11/07/2011

OFFICER 10748 HARRIS, JALON
OFFICER 06894 PATRICK, IAN

NARRATIVE

On 11-02-11, I was assigned to the Investigations Division of the Santa Cruz County Sheriff's Office. ADA A. Byers called me and requested I come to Department 7 of the Santa Cruz County Courthouse to take court ordered DNA swabs from (S01) Cesar Villagrana. Detective C. Clark and I met with ADA Byers. ADA Byers told me that the Honorable Judge A. Symons had ordered two sets of DNA buccal swabs be taken from Cesar Villagrana. One set was to be compared to the firearm found where Cesar crashed in Aptos and the other was to be entered into the criminal DNA database (CODIS). ADA Byers took myself and Deputy C. Clark to where Cesar was waiting with his attorney. I asked Cesar for his ID card which he showed me. I wrote down Cesar's CA DL Number (B1543695) and asked Cesar his DOB (06-01-75). Cesar provided it. I then instructed Cesar on how to rub the cotton tip applicators that collect the DNA specimens on the inside of his cheeks. Cesar then complied and provided two sets of DNA buccal swabs (for a total of 4 swabs). I then had him place the DNA swabs in two separate evidence envelopes. I then left the courthouse and sealed the DNA envelopes. I then placed the swabs into Sheriff's Office Property.

RECOMMENDATIONS

Attach to Master Case File



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 11/02/2011 by 10748 HARRIS, JALON

CR REFERENCE #	JBH02	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input checked="" type="checkbox"/> In Custody
TYPE	Z	(2) DNA BUCCAL SWABS FROM CESAR VILLAGRANA	E Evidence	SYSTEM # 36	PROP.ROOM #
QUANTITY	2	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS					BY 10748 HARRIS, JALON
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	I.1102482-036	CUSTODY DATE	11/04/2011
LOCATION	BULK 6				

CR REFERENCE #	JBH02	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input checked="" type="checkbox"/> In Custody
TYPE	Z	(2) DNA BUCCAL SWABS FROM CESAR VILLAGRANA	E Evidence	SYSTEM # 37	PROP.ROOM #
QUANTITY	2	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS	(2) DNA BUCCAL SWABS FROM CESAR VILLAGRANA				BY 10748 HARRIS, JALON
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	I.1102482-037	CUSTODY DATE	11/04/2011
LOCATION	BULK 6				

1008

46

REPORT TRANSMITTAL FORM

SUPPLEMENTAL REPORT

DATE OF SUBMISSION OF ORIGINAL REPORT:

03-23-11

AGENCY INITIALS: Santa Cruz County Sheriff-Coroner

AGENCY REPORT NUMBER:

11-02482

SUSPECT(S)

DOB

Villagrana, Cesar

06-01-75

OFFICER SUBMITTING SUPPLEMENTAL REPORT:
DAO-637

REPORT TRANSMITTAL FORM

SUPPLEMENTAL REPORT

DATE OF SUBMISSION OF ORIGINAL REPORT:

03-23-11

AGENCY INITIALS: Santa Cruz County Sheriff-Coroner

AGENCY REPORT NUMBER:

11-02482

SUSPECT(S)	DOB
<u>Villagrana, Cesar</u>	<u>06-01-75</u>

OFFICER SUBMITTING SUPPLEMENTAL REPORT:
DAO-637

REPORT TRANSMITTAL FORM

SUPPLEMENTAL REPORT

DATE OF SUBMISSION OF ORIGINAL REPORT:

03-23-11

AGENCY INITIALS: Santa Cruz County Sheriff-Coroner

AGENCY REPORT NUMBER:

11-02482

SUSPECT(S)

DOB

Villagrana, Cesar

06-01-75

OFFICER SUBMITTING SUPPLEMENTAL REPORT:
DAO-637

000001

1011

046626

49

REPORT TRANSMITTAL FORM

SUPPLEMENTAL REPORT

DATE OF SUBMISSION OF ORIGINAL REPORT:

03-23-11

AGENCY INITIALS: Santa Cruz County Sheriff-Coroner

AGENCY REPORT NUMBER:

11-02482

SUSPECT(S)

DOB

Villagrana, Cesar

06-01-75

OFFICER SUBMITTING SUPPLEMENTAL REPORT:
DAO-637

REPORT TRANSMITTAL FORM

SUPPLEMENTAL REPORT

DATE OF SUBMISSION OF ORIGINAL REPORT:

03-23-11

AGENCY INITIALS: Santa Cruz County Sheriff-Coroner

AGENCY REPORT NUMBER:

11-02482

SUSPECT(S)

DOB

Villagrana, Cesar

06-01-75

OFFICER SUBMITTING SUPPLEMENTAL REPORT:
DAO-637

1013



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

**SUPPLEMENT DATE 04/06/2011
APPROVAL DATE 04/10/2011**

**OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO**

SUPPLEMENTAL REPORT

Over the past week, I have conducted follow-up investigation regarding this case and the suspect Cesar Villagrana. During the original investigation, I determined Villagrana was a member of the Hells Angels Motorcycle Club, a criminal street gang as defined in 186.22(f) PC. On 3-31-11, I authored a search warrant for Villagrana's residence at 6870 Rosanna St in Gilroy for gang paraphernalia. On 4-1-11, Honorable Judge Almquist signed the search warrant. On 4-5-11, SCCGTF Inspector Sulay walked through an arrest warrant on Villagrana for 12025 PC and 186.22 PC.

On 4-6-11, myself and SCCGTF officers Sulay and Gonzales met with Gilroy Police to assist us with the service of the search and arrest warrant. We met with members of Gilroy PD's Anti Crime Team (ACT), including Sgt Deras and officers Roccaforte, Remmick, Guerin and Rocha. At approximately 0900 hrs, we served the search warrant. Sgt Deras knocked on the front door and announced "Gilroy PD, search warrant, open the door." Approximately thirty seconds later, Villagrana answered the door and was detained in handcuffs. Officers entered the residence and contacted Villagrana's parents, Miguel Reynoso and Catalina Reynoso. Both Miguel and Catalina were PAT searched and I had them sit, not handcuffed, in the living room.

Once the house was cleared, I met with Villagrana and explained the search and arrest warrant. Villagrana told me he would not speak to me without an attorney. I did not question Villagrana regarding this case. I provided Villagrana with a copy of the search warrant which he had me give to Miguel.

The house was a single story, single family residence with three bedrooms and an attached garage. I found the bedroom nearest the front of the residence to be Villagrana's. The bedroom next to it belonged to Miguel's other son, also named Miguel Reynoso. The back bedroom was Miguel and Catalina's. Prior to searching, I took numerous digital photographs of the residence.

I determined the front bedroom was Villagrana's from the large amount of indicia that I located inside it, including: Villagrana's wallet with his CDL, a Kaiser insurance card in Villagrana's name, several medication bottles in Villagrana's name, numerous paperwork with Villagrana's name on them and Villagrana told me it was his bedroom.

Inside Villagrana's bedroom, I located a large amount of Hells Angels paraphernalia. Hanging on the north side wall was a "Filthy Few San Jose" banner in a wood frame. Next to it on the same wall was a red banner in a black frame that had the words "Hells Angels San Jose and the death head logo. Next to the Hells Angels banner was a frame that contained nine cards that contained the name Hells Angles or Hells Angels art work including the death head. Hanging on the east wall was a framed poster for the December 10, 2010 Hells Angels Monterey Toy Run. This poster appeared to have nine autographs on it from other Hells Angles members including "Big Wikle, Gary, Chris, Lil Rick and Jack. I believed these were Hells Angels members due to most have HAMC (Hells Angles Motorcycle Club) written into or next to the name. I took several photographs of these framed banners. I collected the Filthy Few

1014

57



**County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

banner and the Toy Run poster and booked them into Sheriff's Property.

Hanging inside the closet, I found approximately forty shirts/sweatshirts that had Hells Angles writing or artwork on them. I photographed these items and collected the following twenty shirts:

1. White tee shirt with the following writing: "1st Anniversary Hells Angels Los Angeles, September 2008 and the death head.
2. Black tee shirt with: Hells Angles MC, United States and the death head.
3. Same black tee shirt as #2.
4. Black tee shirt with: In loving memory of Papa, Frisco, with the death head.
5. Black tee shirt from the 2003 New Hampshire World Run, including Hells Angels writing and death head.
6. White tee shirt, same as #1.
7. Red sweatshirt with the following writing: San Jose 40, Jim Elrite 35 years, Jimmy Arnett 15 years, Hells Angels San Jose and the death head.
8. Red tee shirt for 2010 Brass Knuckle Run.
9. Black tee shirt with Hells Angels MC Richmond with the death head.
10. Black tee shirt with Hells Angles MC on front and AFFA on back.
11. Black tee shirt with the following writing on front: "I dont believe in heaven I dont believe in hell-when I diem I'm going to paradise my brothers are waiting for me" RIP Boomer July 26, 1940 February 2, 2011. Hells Angles MC Forever and death head on back.
12. Blue tee shirt with Hells Angles MC Frisco on front and HA art work on back.
13. Black tee shirt with Hells Angles MC New York and death head.
14. Gray tee shirt with Hells Angles NC N.Sacto, AFFA, LONESOME, TONY PONI, LEONARD, ERIC, HANGTOWN on front and Hells Angles Sacramento with death head on back.
15. Black tee shirt with Hells Angles 30 years SFV on front.
16. White tee shirt with Parker, AZ, South Run 2009 on front and Hells Angles MC Forever with death head on back.
17. Black tee shirt with Williams, AZ, South Run 2007 on front and Hells Angles MC Forever with death head on back.
18. White tee shirt with Hells Angles West Coast on front and Hells Angles 2010 North Run on back.
19. Black collared shirt with Hells Angles MC California and death head on back.
20. Red collared shirt with Hells Angles Santa Cruz California and death head on back.

Also in the closet, sitting on the top self was a gray baseball cap with "Hells Angles 20 years Vallejo" and the death head on the front. On the top shelf of the closet, I found two leather wrist guards with the death head stamped on them. I collected these guards and booked them into Sheriff's Property.

Deputy Gonzales and I searched the dresser in the bedroom. In the top drawer we located the following items:

1. An Apple Ipod Touch case. This was the type case an Ipod comes from the store in. I know from experience that Ipod cases have the serial number for the Ipod that was sold in it. This case had the following serial number: 9C926SA5201. This serial number matched the serial number for the Ipod Touch that I found at the scene of the accident. I photographed and booked this case into Sheriff's Property.
2. Seven manilla envelopes. Two contained numerous Hells Angles patches. Three contained



**County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

numerous Hells Angels stickers. One contained business cards, several with Villagrana's name on them. One contained four Hells Angels bandanas. All these items were photographed and booked into Sheriff's property.

3. Two silver metal motorcycle crankcase covers with the following logo: Hells Angels MC San Jose and the death head. I photographed and booked these into Sheriff's property.

4. A purple Crown Royal velvet liquor case that contained numerous CD's. Refer to Deputy Gonzales supplemental report for information on what was on these CD's.

5. Three watch caps, two red, one black that had Hells Angels name or logo on them. I photographed and booked these into property.

6. Four red bandanas. I also found approximately five other red bandanas that I did not collect.

7. Two two page roster sheets for Hells Angels members. I photocopied these rosters as evidence and booked the originals into Sheriff's Property. Also with the rosters were two Hells Angels Motorcycle Corporation agreement contacts. These contacts were not filled out. I photocopied these forms and booked the originals into Sheriff's Property.

On top of the dresser was a jewelry box that contained approximately 15 Hells Angels rings. I collected nine of these rings from the box, a gold death head belt buckle and two death head patches and an Hells Angels logoed card. I booked these items into Sheriff's Property.

I collected several items of indicia that was located on the bedroom TV case. These items included an envelope that was address to Villagrana at 6870 Rosanna St in Gilroy. I also took several photographs of indicia that was in the bedroom.

On the coffee table was were two hand written notes from a male believed to be Tom Schmidt. In these notes, Schmidt talks about needing money, taking some of the "stuff" and making six times as much, and wanting to come out and transport the stuff instead of mailing it. I booked these notes into property. Also on the coffee, I located an Express Mail envelope. Inside the envelope was a photograph that included Villagrana with two other Hells Angels members and a had written note from "Tom" stating he wants to set up a pipeline and make some real money. The envelope was addressed Johnny Glenn at 681 Parkdale Dr in Campbell from Tom Schmidt at 23 Edge Hill Rd in Wappingers Falls NY. I contacted the New York State Troopers and forwarded them the information regarding Schmidt and possible drug trafficking.

In the garage, Inspector Sulay found a brown leather hand gun holster. It appeared to be designed for a revolver. This was found on a bench inside a hard hat. Near the holster (approximately two feet) was a red bandana with "45" in black on it. I photographed these items and booked them into Sheriff's Property. Also in the garage was a black motorcycle with the CA license plate of 16H7558. It had modified Hells Angels death head stickers on the tank and a Hells Angels California sticker on the crankcase. The license plate came back to a 1998 Harley to Villagrana at 6870 Rosanna St in Gilroy. I took several photographs of this motorcycle.

I arrested Villagrana for his warrant out of Santa Cruz County. Villagrana told me he wanted to be booked on the warrant at the Santa Clara County Jail. I transported Villagrana to the Gilroy Police Department and turned him over to Sgt Deras to be booked.



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

AGENCY 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
CLASSIFICATION 12025(b)(6) PC STATUS CASE OPEN
MAJOR VIOLATION 12025(b)(6) PC
DISPOSITION WARRANT REQUESTED
OFFENSES 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
186.22(a) PC PARTICIPATE IN CRIMINAL STREET GANG

REPORTED 03/10/11 17:47 THU OCCURRED 03/10/11 17:47 THU TO 03/10/11 17:47 THU

LOCATION 7851 SOQUEL DR
ON: SOQUEL DR AT: APTOS RANCHO RD

PREMISE
CITY APTOS 95003 BEAT 8 SUB BEAT 8-4 NBRH.WATCH

NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Meth
☐ Drug Related ☐ Senior Citizen ☐ Taser ☐ Graffiti
☒ Gang Related ☐ Juvenile ☐ School ☐ Cultivate Marj
☐ Agriculture ☐ Warrant Request ☐ Prescription Meds

OFFICER 10304 SIMPSON, JEFFREY
APPROVED 05141 MORALES, ROY

REPORT FILED 03/18/11 00:00
APPROVAL DATE 03/18/11 15:22

SYNOPSIS

A loaded handgun was found near a victim of a motorcycle crash. The motorcycle rider was a member of the Hells Angels criminal street gang. CHP investigated the traffic accident and the Sheriff's Office investigated the handgun. Investigation found the firearm was not registered.

1007

55



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

END OF REPORT.

1018

56



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 10304 SIMPSON, JEFFREY

CR REFERENCE #	A	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	DIGITAL PHOTOGRAPHS	P Photo	SYSTEM # 16	PROP.ROOM #
QUANTITY	0	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$.00	DATE		AGENCY	
RECOVERED	VALUE \$.00	DATE		AGENCY	BY
COMMENTS	DIGITAL PHOTOGRAPHS OF SEARCH WARRANT LOCATION AND SIEZED ITEMS.				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE		CUSTODY DATE	
LOCATION					



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

AGENCY 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
CLASSIFICATION 12025(b)(6) PC STATUS CASE INACTIVE
MAJOR VIOLATION 04/25/2011 PROSECUTION RECOMMENDED
DISPOSITION 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
OFFENSES 186.22(a) PC PARTICIPATE IN CRIMINAL STREET GANG

REPORTED 03/10/11 17:47 THU OCCURRED 03/10/11 17:47 THU TO 03/10/11 17:47 THU

LOCATION 7851 SOQUEL DR
ON: SOQUEL DR AT: APTOS RANCHO RD

PREMISE CITY APTOS 95003 BEAT 8 SUB BEAT 8-4 NBRH.WATCH

NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Meth
☐ Drug Related ☐ Senior Citizen ☐ Taser ☐ Graffiti
☒ Gang Related ☐ Juvenile ☐ School ☐ Cultivate Marj
☐ Agriculture ☐ Warrant Request ☐ Prescription Meds

OFFICER 10304 SIMPSON, JEFFREY
APPROVED 05141 MORALES, ROY

REPORT FILED 03/18/11 00:00
APPROVAL DATE 03/18/11 15:22

SYNOPSIS

A loaded handgun was found near a victim of a motorcycle crash. The motorcycle rider was a member of the Hells Angels criminal street gang. CHP investigated the traffic accident and the Sheriff's Office investigated the handgun. Investigation found the firearm was not registered.



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

**SUPPLEMENT DATE 08/19/2011
APPROVAL DATE 08/25/2011**

**OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO**

On 7-20-11, I was involved in a preliminary examination for Cesar Villagrana involving this case in the Santa Cruz Superior Court, Department 5. Villagrana was not held on the 186.22(a) PC charge, being an active participant in a criminal street gang by Honorable Judge Almquist. As part of the ruling, Judge Almquist found the investigation could not show Villagrana had sufficient knowledge of criminal activities committed by Hells Angels members in chapters outside Santa Cruz and Santa Clara Counties, primarily with Ventura Chapter member Scott Sutton and Daly City member Sean Penna.

On 8-11-11, I authored a search warrant for the two cellular phones that were in Sheriff's Property. This search warrant was signed by Honorable Judge Volkmann. The first was an orange Casio Boulder (Serial #CVDK0696639). This cell phone had been found at the accident scene on 3-17-11 and seized at that time by the Santa Cruz County Gang Task Force. The second cell phone was a gray LG (serial # 809KPGS0284919) and had been found in Villagrana's bedroom during a search warrant at Villagrana's residence, 6870 Rosanna St Gilroy, on 4-6-11. I would like to note that both of these cell phones were searched during the course of the warrant of 4-6-11 for gang indicia and were not loaded. At the time of those searches, I did not deem any significant gang indicia existed on the phones.

On 8-17-11, I searched the phones per the warrant. I found the orange Casio had a damaged charging receiver and was unable to be downloaded or recharged. Due to this I was only able to briefly view the contents on that phone. I scrolled through the contact list, but did not see a contact that I would believe to have been for Scott Sutton, Sean Penna.

I then searched the gray LG cell phone. This phone was capable of being downloaded via Cellebrite machine. I downloaded the contents of this phone including the properties, contact list, text messages and photographs. The cell phone was not supported for me to download the call histories. On this phone, I did not see any contacts that I believed would have been for Sutton or Penna.

I printed a copy of the LG phone download and booked it into Sheriff's Property as evidence. I booked the two phones back into Sheriff's Property.

END OF REPORT.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 08/19/2011 by 10304 SIMPSON, JEFFREY

CR REFERENCE # 1	INVOLVEMENT E	<input checked="" type="checkbox"/> Submitted to Property	<input type="checkbox"/> Evidence	<input checked="" type="checkbox"/> In Custody
TYPE 2	CELL PHONE DOWNLOAD	E Evidence	SYSTEM # 35	PROP.ROOM #
QUANTITY 0	NCIC CODE			
BRAND			COLOR	
SERIAL			MODEL	
LOSS VALUE \$0.00	DATE		OAN	
RECOVERED VALUE \$0.00	DATE		AGENCY	BY
COMMENTS	HARD COPY OF CELL DOWNLOAD FOR GRAY LG SERIAL 809KPGS0284919			
<input type="checkbox"/> Disposed	DATE		DISPOSITION	
<input type="checkbox"/> Hold	DATE		BY	
TAG	BAR CODE 1.1102482-035		CUSTODY DATE 08/22/2011	
LOCATION BULK 6				



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

AGENCY 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
CLASSIFICATION 12025(b)(6) PC STATUS CASE CLOSED
MAJOR VIOLATION 04/25/2011 PROSECUTION RECOMMENDED
DISPOSITION 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
OFFENSES 186.22(a) PC PARTICIPATE IN CRIMINAL STREET GANG

REPORTED 03/10/11 17:47 THU OCCURRED 03/10/11 17:47 THU TO 03/10/11 17:47 THU

LOCATION 7851 SOQUEL DR
ON: SOQUEL DR AT: APTOS RANCHO RD

PREMISE CITY APTOS 95003 BEAT 8 SUB BEAT 8-4 NBRH.WATCH

NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Meth
☐ Drug Related ☐ Senior Citizen ☐ Taser ☐ Graffiti
☒ Gang Related ☐ Juvenile ☐ School ☐ Cultivate Marj
☐ Agriculture ☐ Warrant Request ☐ Prescription Meds

OFFICER 10304 SIMPSON, JEFFREY
APPROVED 05141 MORALES, ROY

REPORT FILED 03/18/11 00:00
APPROVAL DATE 03/18/11 15:22

SYNOPSIS

A loaded handgun was found near a victim of a motorcycle crash. The motorcycle rider was a member of the Hell's Angels criminal street gang. CHP investigated the traffic accident and the Sheriff's Office investigated the handgun. Investigation found the firearm was not registered.

1023

601



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

NAMES

CR REFERENCE # 1 SYSTEM # 2 INVOLVEMENT ☐ Juvenile ☐ Non-Disclosure
NAME VILLAGRANA, CESAR S Suspect TYPE Individual
ADDRESS 6870 ROSANNA ST
ALT. ADDRESS PHONE
DOB 06/01/1975 AGE 35 SSN
DL NO B5413695 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M HAIR BLK EYES BRO HEIGHT 602 WEIGHT 280 ETHNICITY H
CAUTION POB
EMPLOYER ADDRESS PHONE (831)
OCCUPATION ADDRESS RES. STATUS R
COMMENTS
ADDITIONAL INFO

CR REFERENCE # 1 SYSTEM # 3 INVOLVEMENT ☐ Juvenile ☐ Non-Disclosure
NAME MCGINLEY, JIM W Witness TYPE Individual
ADDRESS SANTA CRUZ, CA PHONE (831)
ALT. ADDRESS PHONE
DOB AGE SSN
DL NO FBI ID
LOCAL ID STATE ID
DESCRIPTION POB
CAUTION
EMPLOYER FIRST ALARM PHONE (831)
ADDRESS 1111 ESTATES DR, APTOS CA
OCCUPATION SECURITY GUARD RES. STATUS R
COMMENTS
ADDITIONAL INFO

1024

602



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

VEHICLES

CR REFERENCE # 1	SYSTEM # 2	<input type="checkbox"/> Evidence	<input type="checkbox"/> Impounded	<input type="checkbox"/> Towed
LICENSE 16E6615 CA	DECAL	REASON IN INFO ONLY		
DESCRIPTION 2002 HD M/C MC BLK/BLK		VIN 1HD1DDV312Y637565		
LOSS VALUE	DATE	AGENCY	<input type="checkbox"/> Stored	
RECOVERED VALUE	DATE	AGENCY		
LOCATION				
DAMAGE		STORED		
INSURER		PHONE (831)		
TOWED BY		RELEASED TO		
HOLD FOR				
OWNER NOTIFIED	BY			
DISPOSITION	DATE	BY		
COMMENTS R/O VILLAGRANA, CESAR.				

1025

63



**County of Santa Cruz
Sheriffs Office
INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

REPORTED BY 10304 SIMPSON, JEFFREY

REPORT FILED 03/16/2011

On 3-17-11, I was assigned to the Santa Cruz County Gang Task Force and riding with Deputy Gonzales. We were both in uniform and in a marked Sheriff's patrol vehicle. At approximately 1747 hrs, I heard over the radio Netcom dispatching a deputy to assist the California Highway Patrol (CHP) with a traffic accident that had just occurred in Aptos. The call was for a vehicle that had struck a motorcycle. The motorcyclist had reportedly flown 60 feet in the air and was down on the pavement. Netcom updated the incident by reporting that a possible bystander had pulled a gun from the pocket of the motorcycle rider and was holding the gun in a non threatening manner.

Deputy Gonzales and I responded from Watsonville. Santa Cruz County Sheriff's Detective Harris arrived on scene a few minutes later and took possession of the firearm (refer to Detective Harris' supplemental report for information on the condition of the firearm and where it was located when he arrived). Detective Harris reported over the radio that the motorcyclist had been wearing a Hells Angels clothing.

Deputy Gonzales and I arrived at approximately 1803 hrs and found Deputy C. Beckman, Shearer and Zube already on scene. I saw a black Harley Davidson motorcycle lying down on its right side in the middle of the road. The front end of the motorcycle had considerable damage and it was leaking fluids. Spread out in front of the motorcycle all over the roadway were various items that appeared to have come off the bike during the accident. These items included, but are limited to, the right side trunk, a black bag, numerous small tool bags, a "mag" flashlight, a black helmet, clothing (where the motorcycle victim had been lying), and various automotive debris. Deputy Beckman and Gonzales took several digital photographs of the scene which showed the above mentioned debris (refer to Supplemental Reports).

The motorcycle's license plate, CA 16E6615, was ran through the DMV database and came back registered to Cesar Villagrana. Deputy Beckman identified the motorcycle victim as Cesar Villagrana. The vehicle that struck the motorcycle sustained driver side front end damage. I did not see any of that vehicle's doors/trunk open and it did not appear that any items came from out of the interior of that car during the accident.

I met with CHP Officer Tanguay who was conducting the accident investigation. Officer Tanguay told me that he now had possession of the firearm, later determined to be a Tarus .40 cal semi-auto handgun, and it was in the trunk of his patrol car. Officer Tanguay and I decided that the Sheriff's Office would investigate the circumstances surrounding the firearm and they would investigate the accident. Officer Tanguay told me he collected the firearm from Detective Harris and unloaded it. Officer Tanguay told me the firearm still had a magazine inside when he collected it. He removed the magazine and noticed it was loaded with several rounds. Officer Tanguay told me there was no round in the chamber when he unloaded it. Officer Tanguay turned possession of the firearm over to me, which I placed in the trunk of my patrol car. The firearm was not loaded at that time and the slide was locked back.

I then spoke to Jim McGinley who approached me at the scene. McGinley told me worked for First Alarm and responded to the accident. McGinley told me that he was working for First Alarm as a



**County of Santa Cruz
Sheriffs Office
INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

security guard on this day and in uniform. He was standing by the Rite Aid store (approximately 100 yards from crash site) when he heard the sound of a traffic accident coming from Soquel Dr near Aptos Rancho Rd. He ran over and saw a subject lying in the middle of the street and a motorcycle down in the roadway on Soquel Dr. He went over to the injured motorcyclist and saw he was struggling to breathe. He held Villagrana stable while waiting for paramedics to arrive. A male walked over to him and tried to hand him a black Beretta or Ruger handgun that he had just found. McGinley instructed him to give to one of the deputies that were arriving on scene. McGinley left the scene when medical personnel arrived.

While investigating the accident scene, I walked over to where Villagrana had been lying when treated by medical personnel. At this time, Villagrana had been transported by AMR and all that was left in this area was a black leather vest or "cut", a black thermal shirt and a red flannel shirt, all of which had been cut off and left in the roadway by medical personnel. On the top back of the vest was a white patch that had the words "Hells Angels." In the middle of the vest was the trademarked Hells Angels death head logo. Under the death head was a white "California" patch. On the front bottom left side was a white "San Jose" patch. These patches identified Villagrana as a full patched member of the Hells Angels. Deputy Gonzales and I collected this vest and several other items that had Hells Angels logos on them (refer to Deputy Gonzales Supplemental Report).

FIREARM INFORMATION

The firearm was a black semi-auto Taurus model number PT 101 AF. The caliber was .40 SW and the serial number was SML 34817 D. On 3-18-11, Deputy Gonzales ran that serial number, but it returned not registered. Deputy Gonzales photographed the handgun and booked it into Sheriff's Property. Along with the handgun, Officer Tanguay gave me the magazine which had been inside the gun when it was recovered on the scene. Deputy Gonzales and I later unloaded the magazine and found ten .40 cal rounds had been in it. The magazine was photographed and booked into Sheriff's Property.

186.22 PC INFORMATION

The Hells Angels is a world wide recognized motorcycle club with over 75 chapters in the United States. The Hells Angels also have chapters in over thirty countries internationally. Their name and logo (death head) are trademarked and they have their own web site (<www.hells-angels.com>). Hells Angels members have been documented carrying firearms on their person and motorcycles/vehicles. The Hells Angels are a documented criminal street gang in the state of California.

Prior to the accident, the San Jose Police Department had information that Villagrana was a member of the Hells Angels motorcycle gang. Deputy Gonzales and I collected several Hells Angels related items including the black vest, a helmet with a Hells Angels sticker, a Hells Angels tee shirt, a black bag with the Hells Angels death head and Villagrana's motorcycle had three Hells Angels stickers on the top of the tank. Based on the above information, I believe Villagrana is a member of the Hells Angels criminal street gang.

As I was leaving the accident scene, I noticed Christopher Hecht ride up and park his motorcycle near the accident site and walk towards the CHP officers who were still on scene. I know Hecht from

1027

65



**County of Santa Cruz
Sheriffs Office
INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

prior incidents and know him to be a full patch member of the Hells Angels and the president of the Santa Cruz Chapter. Based on Hecht's response to the accident, I believe Villagrana is still an active member of the Hells Angels and in good standing.

Based on the officers at the scene, the firearm was found in close proximity to the motorcycle crash and Cesar Villagrana, leading me to believe that the gun either came from Villagrana's person or the motorcycle. The firearm was considered loaded under 12031(g) PC due to having a loaded magazine attached. Under 12025(B) PC it is illegal for a person to have a concealed, concealable firearm that is not registered with DOJ to themselves.

INVESTIGATION CONTINUING. I am conducting further follow up on Villagana's association with the Hells Angels.

END OF REPORT.

1028

66



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE
APPROVAL DATE 03/19/2011

OFFICER 10927 SHEARER, CHRISTOPHER
OFFICER 05141 MORALES, ROY

SUPPLEMENTAL REPORT

On 03/17/11, at approximately 1751 hours, I was working uniformed patrol within the county of Santa Cruz. At around the above listed time I responded along with several deputies to a vehicle accident involving a motorcyclist near 7851 Soquel Drive.

While responding dispatch advised that a the motorcyclist was possibly in possession of a handgun. I arrived on scene and observed Deputy Beckman providing care to the motorcyclist I also observed Detective Harris in plain clothes standing near the sidewalk talking to a group of people. I approached Det. Harris and asked how I could help. Harris showed me a black semi-automatic handgun laying on the ground where he was standing. He quickly told me that the firearm had been recovered by Cyrus Mozayan who was standing near by. Harris asked me to stand by with the firearm as he retrieved his camera and photographed it.

Det. Harris cleared the scene and asked me to interview Mozayan. I observed CHP Officer Tanguay collect the firearm, made it safe and secured it.

I then spoke with Cyrus Mozayan and collected the following information.

STATEMENT OF CYRUS MOZAYAN

Mozayan was wearing full medical style "scrubs". He explained to me that he was a medical doctor and was on his way home from work. Mozayan told me that he was traveling south bound on Soquel Drive when he observed the a motorcycle speed past him in a heavy traffic area. Mozayan estimated the speed of the motorcycle to be approximately "60 mph". He watched the motorcycle approach the controlled intersection in front of Safeway and observed the motorcycle turn into the "turn lane" and "run the red light". Mozayan further explained that as soon as he went through the intersection he collided with the two involved vehicles.

Mozayan drove to the scene, parked and began walking over to where the motorcyclist, Cesar Villagrana, was laying. He noticed that several bystanders were already helping him. Mozayana noticed a black handgun laying on the ground and assumed it belonged to Villagrana because his other property from the bike was strewn about the roadway. Fearing a bystander with bad intentions would get a hold of the firearm, Mozayana picked it up and walked it approximately 20 feet away and set it on the ground. When Det. Harris arrived Mozayana alerted him of the firearm. Mozayana pointed to the location of where he remembered picking up the firearm. He pointed to a spot on the left side of the street in between the wreck motorcycle and where Villagrana was currently laying. It was approximately 10-15 feet from Villagrana.

Mozayana did not have any additional information.

OPINIONS/RECOMMENDATIONS:



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

Please attach to master report.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES - by 10927 SHEARER, CHRISTOPHER

CR REFERENCE # S01 SYSTEM # 7 INVOLVEMENT ☐ Juvenile
NAME VILLAGRANA, CESAR N.M.N S Suspect
ADDRESS 6870 ROSANNA ST
GILROY, CA 95020
ALT. ADDRESS
DOB 06/01/1975 AGE 35 SSN
DL NO B5413695 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO HEIGHT 602 WEIGHT 280 ETHNICITY H
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (408) 000-0000
PHONE
PHONE
PHONE (831)
RES. STATUS R

CR REFERENCE # C01 SYSTEM # 8 INVOLVEMENT ☐ Juvenile
NAME MOZAYAN, CYRUS KOUROSH C Contact
ADDRESS 440 HAWKS PEAK ROAD
APTOS, CA
ALT. ADDRESS
DOB 09/07/1963 AGE 47 SSN
DL NO FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (831) 246-1002
PHONE
PHONE
PHONE (831)
RES. STATUS R

(032)

69



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/17/2011
APPROVAL DATE 03/18/2011

OFFICER 01471 BECKMAN, CHARLES
OFFICER 05141 MORALES, ROY

On 3-17-11 at 5:51 P.M I responded to 7851 Soquel Dr. in Aptos Ca. for a report of vehicle accident involving a motorcyclist who was hit by a car and was possibly killed. Net. Comm. advised the motorcyclist, later identified as (C-1) CESAR VILLAGRANA, was on the pavement and in his pocket was a handgun. While driving to the scene Net. Comm. advised a bystander pulled the gun away from VILLAGRANA.

When I arrived on scene I saw VILLAGRANA was laying on his back in the middle of Soquel Drive. I walked up to VILLAGRANA and started assisting by stabilizing his neck. Other citizens were also assisting VILLAGRANA and VILLAGRANA was breathing and moving. I saw VILLAGRANA was wearing a helmet and a black leather jacket with Hells Angels emblems on the jacket. Santa Cruz Sheriff's Detective JALON HARRIS was on scene and had the gun secured.

One of the citizens who was assisting VILLAGRANA handed me a business card holder. Inside the holder were two California Department Of Motor Vehicle copies of VILLAGRANA'S drivers license information. After I wrote down some information from the copies I placed the card holder back inside one of VILLAGRANA'S shoe which was in the street with other personal effects belonging to VILLAGRANA. On 3-18-11 I had our records section printout a copy of VILLAGRANA'S California Department Of Motor Vehicles Image Record. The photo on the record matched the person who I assisted at the accident.

Once the paramedics arrived on scene they took over treating VILLAGRANA. I took several photos of the scene and submitted them into evidence. I was in patrol unit 081 and the car cam video as working. The video was activated at 5:40 P.M

C. BECKMAN #3-01471



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES - 03/17/2011 by 01471 BECKMAN, CHARLES

CR REFERENCE # 1 SYSTEM # 1
NAME VILLAGRANA, CESAR N.M.N
ADDRESS 6870 ROSANNA ST
GILROY, CA

ALT.ADDRESS

DOB 06/01/1975

AGE 35

DL NO B5413695 CA

LOCAL ID

DESCRIPTION SEX M RACE H HAIR BLK EYES BRO

CAUTION

EMPLOYER

UNK

OCCUPATION

UNK

COMMENTS

ADDITIONAL INFO

INVOLVEMENT ☐ Juvenile
C Contact

☐ Non-Disclosure
TYPE Individual

PHONE (408) 000-0000

PHONE

PHONE

SSN

FBI ID

STATE ID

HEIGHT 62 WEIGHT 280

POB

PHONE (831)

RES.STATUS R

1034

71



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

VEHICLES - 03/17/2011 by 01471 BECKMAN, CHARLES

CR REFERENCE # 1
LICENSE 16E6615 CA
DESCRIPTION 2002 HD M/C MC BLK/BLK
LOSS VALUE
RECOVERED VALUE
DAMAGE INSURER
TOWED BY
HOLD FOR
OWNER NOTIFIED
DISPOSITION
COMMENTS

SYSTEM # 1
DECAL
DATE
DATE
LOCATION SEE C.H.P CASE
TOTAL LOSS FROM ACCIDENT

BY
DATE

☐ Evidence
REASON IN INFO ONLY
VIN 1HD1DDV312Y637565

☐ Impounded ☐ Towed

AGENCY
AGENCY

☐ Stored

STORED
PHONE (831)
RELEASED TO

BY

1035

77



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 03/17/2011 by 01471 BECKMAN, CHARLES

CR REFERENCE #	CRB01	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	PHOTOS OF SCENE.	E Evidence	SYSTEM # 1	PROP.ROOM #
QUANTITY	0		NCIC CODE	COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$.00		DATE	AGENCY	
RECOVERED	VALUE \$.00		DATE	AGENCY	BY 01471 BECKMAN, CHARLES
COMMENTS					
	<input type="checkbox"/> Disposed		DATE	DISPOSITION	
	<input type="checkbox"/> Hold		DATE	BY	
TAG			BAR CODE	CUSTODY DATE	
LOCATION					

CR REFERENCE #	CRB01	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input checked="" type="checkbox"/> In Custody
TYPE	Z	CAR VIDEO/ PATROL UNIT	E Evidence	SYSTEM # 2	PROP.ROOM #
QUANTITY	0	081 / DATE & TIME OF VIDEO: 3-17-11 / 5:40 P.M	NCIC CODE	COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$.00		DATE	AGENCY	
RECOVERED	VALUE \$.00		DATE	AGENCY	BY 01471 BECKMAN, CHARLES
COMMENTS					
	<input type="checkbox"/> Disposed		DATE	DISPOSITION	
	<input type="checkbox"/> Hold		DATE	BY	
TAG			BAR CODE	CUSTODY DATE	05/23/2011
LOCATION	CD FILE				

1836

72



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

**SUPPLEMENT DATE 03/18/2011
APPROVAL DATE 03/18/2011**

**OFFICER 10748 HARRIS, JALON
OFFICER 06894 PATRICK, IAN**

NARRATIVE

On 3-17-11 at approximately 1750 hours, I was off-duty in civilian clothes in an unmarked Sheriff's vehicle. I was on Soquel Drive coming up on State Park Drive in Aptos, CA. I heard via my in-car radio that there was an accident involving a motorcyclist at 7851 Soquel Drive in Aptos, CA. I also heard via NetCom that the motorcyclist had a handgun. I came upon the accident scene and saw a damaged motorcycle and two damaged cars. There were no other first responders on scene. There were also numerous bystanders standing on the side of the road. I saw a group of people around a man lying on the ground wearing a helmet in the middle of the road. I saw that the helmet had what appeared to be Hells Angels stickers on it. There was a First Alarm guard near the man lying on the ground. I saw that the man, later identified as (S01) Cesar Villagrana, was breathing and his eyes were open. I asked him if he was okay but he did not answer and had a blank stare. I saw that one of the bystanders was holding Cesar's head still. I then asked the First Alarm guard where the handgun was. The guard pointed out a man standing on the sidewalk wearing blue scrubs and said that he had the gun. I walked over to the man, later identified as (C01) Cyrus Mozayan, and I saw that he was holding a handgun and a knife wrapped in a green towel. I identified myself to him and asked him to set the gun on the ground which he did. I saw that the handgun had a magazine in it and that the safety was off (reference photos). I asked Cyrus where he found the gun? Cyrus pointed out where he found the gun which was approximately four feet from the motorcycle and 20'-30' from where the rider was laying on the pavement. Cyrus told me that he just picked it up to keep it safe. I saw that the gun had been near some other items that looked to be from the saddlebags of the motorcycle. I saw that there was an open hard-sided saddlebag near the handgun on the ground (reference photos). The saddle bag looked like it had come off the motorcycle.

At that point, Deputy C. Beckman arrived on scene and began to care for Villagrana.

I then ran the damaged motorcycle's license plate (CA License 16E6615) through NetCom. NetCom told me the motorcycle was registered to Cesar Villagrana out of Gilroy, CA.

I then placed my badge on the ground where Cyrus said he found the gun. I took a photo of that area and the entire accident scene. I also took photos of the gun in the condition that Cyrus found it. The gun appeared to be a Taurus type black semi-automatic handgun. I later booked the photos into CSI. CHP Officer Tanguay then came over, took possession of the firearm, and unloaded it.

Deputy C. Shearer arrived on scene and spoke further with Cyrus. I then cleared the scene.

RECOMMENDATIONS

Attach to Master Case File.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES - 03/18/2011 by 10748 HARRIS, JALON

CR REFERENCE # S01 SYSTEM # 7 INVOLVEMENT ☐ Juvenile
NAME VILLAGRANA, CESAR N.M.N S Suspect ☐ Non-Disclosure
ADDRESS 6870 ROSANNA ST TYPE Individual
GILROY, CA 95020
ALT. ADDRESS PHONE (408) 000-0000
DOB 06/01/1975 AGE 35 SSN
DL NO B5413695 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO HEIGHT 602 WEIGHT 280 ETHNICITY H
CAUTION POB
EMPLOYER PHONE (831)
ADDRESS RES. STATUS R
OCCUPATION
COMMENTS
ADDITIONAL INFO

CR REFERENCE # C01 SYSTEM # 8 INVOLVEMENT ☐ Juvenile
NAME MOZAYAN, CYRUS KOUROSH C Contact ☐ Non-Disclosure
ADDRESS 440 HAWKS PEAK ROAD TYPE Individual
APTOS, CA
ALT. ADDRESS PHONE (831) 246-1002
DOB 09/07/1963 AGE 47 SSN
DL NO FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX M POB
CAUTION
EMPLOYER PHONE (831)
ADDRESS RES. STATUS R
OCCUPATION
COMMENTS
ADDITIONAL INFO

1038

75



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

VEHICLES - 03/18/2011 by 10748 HARRIS, JALON

CR REFERENCE # V01
LICENSE 16E6615 CA
DESCRIPTION 2002 HD M/C MC BLK/BLK
LOSS VALUE
RECOVERED VALUE
LOCATION
DAMAGE
INSURER
TOWED BY
HOLD FOR
OWNER NOTIFIED
DISPOSITION
COMMENTS

SYSTEM # 3
DECAL
DATE
DATE
BY
DATE

☐ Evidence
REASON D DAMAGED
VIN 1HD1DDV312Y637565

AGENCY
AGENCY

☐ Impounded ☐ Towed

☐ Stored

STORED
PHONE (831)
RELEASED TO
BY

1039

712



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 03/18/2011 by 10748 HARRIS, JALON

CR REFERENCE #	JBH01	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	PHOTOGRAPHS OF ACCIDENT SCENE AND HANDGUN	E Evidence	SYSTEM # 14	PROP.ROOM #
QUANTITY	0	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	BY 10748 HARRIS, JALON
COMMENTS	PHOTOGRAPHS OF ACCIDENT SCENE AND HANDGUN. PHOTOGRAPH WITH BADGE ON GROUND IS LOCATION THAT WITNESS RECOVERED HANDGUN.				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE		CUSTODY DATE	
LOCATION					



**County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/18/2011
APPROVAL DATE 03/18/2011

OFFICER 11962 GONZALES, ANTHONY
OFFICER 05141 MORALES, ROY

REFERENCES:

Refer to Master Report
Refer to scene photographs

NARRATIVE:

On 3/17/11 I was assigned to the Santa Cruz County Gang Task Force (SCCGTF) and partnered with Dep. Simpson. We were in SCCGTF uniform and operating a marked Sheriff's Office patrol vehicle while conducting street enforcement in the Watsonville area of Santa Cruz County. At approximately 1747 HRS I heard a radio dispatch for patrol regarding a Hells Angels member who was involved in a motorcycle accident in front of the Chase bank located near the intersection of State Park Dr. and Soquel Dr. in Aptos. Dep. Beckman later identified the rider as Cesar Villagrana (S1).

Det. Harris had secured a firearm that appeared to have come from the motorcycle and/or the motorcycle rider. Several CHP units went to the scene and we responded from Watsonville to assist in any possible criminal investigation stemming from the gun possession. As we arrived on scene SCSO deputies and CHP officers were managing the accident scene and had already spoke with several witnesses. Refer to the attached supplemental reports for these interviews.

Dep. Simpson spoke with the CHP officers and the CHP supervisor on scene and determined that we would conduct the investigation for the firearm possession. I began to photograph the general scene of the accident. I also photographed several items of Hells Angels (H.A.) paraphernalia that were strewn about the roadway from the motorcycle. I noted that a Hells Angels "cut" or vest had been cut off the rider (by EMS) and was lying on the ground. I photographed the vest, a red and white keychain, the motorcycle (with 3 H.A. stickers on the console), a half-helmet with an H.A. sticker on the back and two red bandanas. Dep. Simpson and I collected the items as evidence. I also collected a cellular phone and an Ipod as evidence, pending a search warrant for the information contained within each item. Dep. Simpson retrieved a Taurus PT-101 .40 caliber handgun (S/N SML34817D) from a CHP officer that was holding the gun in his vehicle.

After the items had been photographed and collected, Dep. Simpson and I left the scene as CHP was concluding the accident investigation. As we began to drive away towards State Park Dr. I saw another motorcycle rider park a motorcycle in the Safeway parking lot and begin to walk towards the scene. The rider was not wearing a helmet, and recognized the man from previous investigations to be Christopher Hecht. I know from these investigations that Hecht is a documented member of the Hells Angels and the Santa Cruz Chapter President.

I later photographed the items of gang paraphernalia, the firearm and ammunition/magazine. I booked all items of evidence into Sheriff's Property. I later booked all scene photographs and the photographs of the evidence into Sheriff's CSI. I contacted the San Jose PD Intelligence Unit and requested any gang information regarding Villagrana (as he is a Santa Clara County resident) be forwarded to our office for further follow-up.

1041

78



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

CONCLUSION:
SCCGTf follow-up continuing
Forward to ADA Baum



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES - 03/18/2011 by 11962 GONZALES, ANTHONY.

CR REFERENCE # 01 SYSTEM # 4 INVOLVEMENT ☐ Juvenile
NAME LOPEZ, CESAR EDWARD C Contact
ADDRESS 341 SIESTA AV
APTOS, CA 95003
ALT. ADDRESS
DOB 11/24/1975 AGE 35 SSN 560-39-7486
DL NO B5545121 CA FBI ID 404777PB
LOCAL ID S-198900 STATE ID A22263203
DESCRIPTION SEX M RACE H HAIR BLK EYES BRO HEIGHT 509 WEIGHT 210
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (831) 428-5167
PHONE
PHONE
PHONE (831)
RES. STATUS R

CR REFERENCE # 02 SYSTEM # 5 INVOLVEMENT ☐ Juvenile
NAME TORRES, TARA C Contact
ADDRESS 341 SIESTA AV
APTOS, CA 95003
ALT. ADDRESS
DOB 05/23/1976 AGE 34 SSN
DL NO A9793770 CA FBI ID
LOCAL ID STATE ID
DESCRIPTION SEX F RACE H
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (831) 428-5167
PHONE
PHONE
PHONE (831)
RES. STATUS R

CR REFERENCE # 01 SYSTEM # 6 INVOLVEMENT ☐ Juvenile
NAME HECHT, CHRISTOPHER BENJAMIN M Mentioned
ADDRESS 791 30TH AV
SANTA CRUZ, CA
ALT. ADDRESS
DOB 10/25/1974 AGE 36 SSN 561-93-0959
DL NO A9260441 CA FBI ID
LOCAL ID S-224743 STATE ID
DESCRIPTION SEX M RACE W HAIR BRO EYES GRY HEIGHT 510 WEIGHT 145
CAUTION POB
EMPLOYER
ADDRESS
OCCUPATION
COMMENTS
ADDITIONAL INFO
PHONE (5) 123-4702
PHONE
PHONE
PHONE (831)
RES. STATUS R

1043

811



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 03/18/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE #	01	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property E Evidence	<input checked="" type="checkbox"/> Evidence SYSTEM # 3	<input checked="" type="checkbox"/> In Custody PROP.ROOM #
TYPE	G GUN				
QUANTITY	1	NCIC CODE		COLOR	
BRAND	TAURUS			MODEL	PT101
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
**FIREARM	CAT. Semi Automatic	TYPE	Pistol	MAKE	Taurus
	CALIBER 40	BARREL	4	ACTION	D
COMMENTS	MAGAZINE AND AMMUNITION REMOVED FROM GUN FOR SAFETY.				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	1.1102482-003	CUSTODY DATE	03/21/2011
LOCATION	DOJ LAB				

CR REFERENCE #	02	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property E Evidence	<input checked="" type="checkbox"/> Evidence SYSTEM # 4	<input checked="" type="checkbox"/> In Custody PROP.ROOM #
TYPE	Z MISC.-MAGAZINE				
QUANTITY	0	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS	AMMUNITION REMOVED FROM MAGAZINE AND BOOKED SEPARATELY				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	1.1102482-004	CUSTODY DATE	03/21/2011
LOCATION	BULK 6				

CR REFERENCE #	03	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property E Evidence	<input checked="" type="checkbox"/> Evidence SYSTEM # 5	<input checked="" type="checkbox"/> In Custody PROP.ROOM #
TYPE	Z MISC.-AMMUNITION				
QUANTITY	10	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS	10X .40 CAL ROUNDS OF AMMUNITION				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	1.1102482-005	CUSTODY DATE	03/21/2011
LOCATION	BULK 6				

CR REFERENCE #	04	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property E Evidence	<input checked="" type="checkbox"/> Evidence SYSTEM # 6	<input checked="" type="checkbox"/> In Custody PROP.ROOM #
TYPE	Z MISC.-FOLDING KNIFE				
QUANTITY	0	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS	KNIFE TAPED SHUT FOR SAFETY				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	1.1102482-006	CUSTODY DATE	03/21/2011
LOCATION	BULK 6				

1044

91



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 03/18/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE # 05 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 7 ☐ In Custody PROP.ROOM #
TYPE R RADIO/STEREO-APPLE IPOD
QUANTITY 1 NCIC CODE
BRAND APPLE
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS HOLD IN EVIDENCE FOR PENDING SEARCH WARRANT
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-007 DISPOSITION
LOCATION CUSTODY DATE

CR REFERENCE # 06 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 8 ☐ In Custody PROP.ROOM #
TYPE O OFFICE EQUIPMENT/CELL PHONE
QUANTITY 1 NCIC CODE
BRAND CASIO
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS HELD IN EVIDENCE FOR PENDING SEARCH WARRANT (THIS IS ITEM 33) I WILL HURT JEFF LATER...
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-008 DISPOSITION
LOCATION CUSTODY DATE

CR REFERENCE # 07 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 9 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-RED BANDANAS/KEYCHAIN
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS 2X RED BANDANAS
1X RED/WHITE KEYCHAIN
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-009 DISPOSITION
LOCATION BULK 6 CUSTODY DATE 03/21/2011

CR REFERENCE # 08 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 10 ☒ In Custody PROP.ROOM #
TYPE K CLOTHING-HELLS ANGELS SAN JOSE VEST/T-SHIRT
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS 1X HELLS ANGELS VEST
1X HELLS ANGELS VALLEJO T-SHIRT
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-010 DISPOSITION
LOCATION BULK 6 CUSTODY DATE 03/21/2011

1045

07



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 03/18/2011 by 11862 GONZALES, ANTHONY

CR REFERENCE # 09 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☒ In Custody
TYPE Z MISC.-HALF-HELMET E Evidence SYSTEM # 11 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS HALF HELMET WITH HELLS ANGELS STICKER ON BACK
☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-011 CUSTODY DATE 03/21/2011
LOCATION 32EC

CR REFERENCE # 10 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☒ In Custody
TYPE Z MISC.-BUCK KNIFE IN SHEATH E Evidence SYSTEM # 12 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS ☐ Disposed DATE DISPOSITION
☐ Hold DATE BY
TAG BAR CODE I.1102482-012 CUSTODY DATE 03/21/2011
LOCATION 32EC

CR REFERENCE # A INVOLVEMENT ☐ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-DIGITAL PHOTOGRAPHS E Evidence SYSTEM # 13 PROP.ROOM #
QUANTITY 0 NCIC CODE COLOR
BRAND MODEL
SERIAL OAN
LOSS VALUE \$0.00 DATE AGENCY
RECOVERED VALUE \$0.00 DATE AGENCY BY
COMMENTS ATG-01 DATE DISPOSITION
☐ Disposed DATE BY
☐ Hold DATE CUSTODY DATE
TAG BAR CODE
LOCATION



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

**SUPPLEMENT DATE 04/06/2011
APPROVAL DATE 04/10/2011**

**OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO**

SUPPLEMENTAL REPORT

Over the past week, I have conducted follow-up investigation regarding this case and the suspect Cesar Villagrana. During the original investigation, I determined Villagrana was a member of the Hells Angels Motorcycle Club, a criminal street gang as defined in 186.22(f) PC. On 3-31-11, I authored a search warrant for Villagrana's residence at 6870 Rosanna St in Gilroy for gang paraphernalia. On 4-1-11, Honorable Judge Almquist signed the search warrant. On 4-5-11, SCCGTF Inspector Sulay walked through an arrest warrant on Villagrana for 12025 PC and 186.22 PC.

On 4-6-11, myself and SCCGTF officers Sulay and Gonzales met with Gilroy Police to assist us with the service of the search and arrest warrant. We met with members of Gilroy PD's Anti Crime Team (ACT), including Sgt Deras and officers Roccaforte, Remmick, Guerin and Rocha. At approximately 0900 hrs, we served the search warrant. Sgt Deras knocked on the front door and announced "Gilroy PD, search warrant, open the door." Approximately thirty seconds later, Villagrana answered the door and was detained in handcuffs. Officers entered the residence and contacted Villagrana's parents, Miguel Reynoso and Catalina Reynoso. Both Miguel and Catalina were PAT searched and I had them sit, not handcuffed, in the living room.

Once the house was cleared, I met with Villagrana and explained the search and arrest warrant. Villagrana told me he would not speak to me without an attorney. I did not question Villagrana regarding this case. I provided Villagrana with a copy of the search warrant which he had me give to Miguel.

The house was a single story, single family residence with three bedrooms and an attached garage. I found the bedroom nearest the front of the residence to be Villagrana's. The bedroom next to it belonged to Miguel's other son, also named Miguel Reynoso. The back bedroom was Miguel and Catalina's. Prior to searching, I took numerous digital photographs of the residence.

I determined the front bedroom was Villagrana's from the large amount of indicia that I located inside it, including: Villagrana's wallet with his CDL, a Kaiser insurance card in Villagrana's name, several medication bottles in Villagrana's name, numerous paperwork with Villagrana's name on them and Villagrana told me it was his bedroom.

Inside Villagrana's bedroom, I located a large amount of Hells Angels paraphernalia. Hanging on the north side wall was a "Filthy Few San Jose" banner in a wood frame. Next to it on the same wall was a red banner in a black frame that had the words "Hells Angels San Jose and the death head logo. Next to the Hells Angels banner was a frame that contained nine cards that contained the name Hells Angles or Hells Angels art work including the death head. Hanging on the east wall was a framed poster for the December 10, 2010 Hells Angels Monterey Toy Run. This poster appeared to have nine autographs on it from other Hells Angles members including "Big Wickle, Gary, Chris, Lil Rick and Jack. I believed these were Hells Angels members due to most have HAMC (Hells Angles Motorcycle Club) written into or next to the name. I took several photographs of these framed banners. I collected the Filthy Few banner and the Toy Run poster and booked them into Sheriff's Property.



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

Hanging inside the closet, I found approximately forty shirts/sweatshirts that had Hells Angels writing or artwork on them. I photographed these items and collected the following twenty shirts:

1. White tee shirt with the following writing: "1st Anniversary Hells Angels Los Angeles, September 2008 and the death head.
2. Black tee shirt with: Hells Angels MC, United States and the death head.
3. Same black tee shirt as #2.
4. Black tee shirt with: In loving memory of Papa, Frisco, with the death head.
5. Black tee shirt from the 2003 New Hampshire World Run, including Hells Angels writing and death head.
6. White tee shirt, same as #1.
7. Red sweatshirt with the following writing: San Jose 40, Jim Elrite 35 years, Jimmy Arnett 15 years, Hells Angels San Jose and the death head.
8. Red tee shirt for 2010 Brass Knuckle Run.
9. Black tee shirt with Hells Angels MC Richmond with the death head.
10. Black tee shirt with Hells Angels MC on front and AFFA on back.
11. Black tee shirt with the following writing on front: "I dont believe in heaven I dont believe in hell-when I diem I'm going to paradise my brothers are waiting for me" RIP Boomer July 26,1940 February 2, 2011. Hells Angels MC Forever and death head on back.
12. Blue tee shirt with Hells Angels MC Frisco on front and HA art work on back.
13. Black tee shirt with Hells Angels MC New York and death head.
14. Gray tee shirt with Hells Angels NC N.Sacto, AFFA, LONESOME, TONY PONI, LEONARD, ERIC, HANGTOWN on front and Hells Angels Sacramento with death head on back.
15. Black tee shirt with Hells Angels 30 years SFV on front.
16. White tee shirt with Parker, AZ, South Run 2009 on front and Hells Angels MC Forever with death head on back.
17. Black tee shirt with Williams , AZ, South Run 2007 on front and Hells Angles MC Forever with death head on back.
18. White tee shirt with Hells Angels West Coast on front and Hells Angels 2010 North Run on back.
19. Black collared shirt with Hells Angles MC California and death head on back.
20. Red collared shirt with Hells Angles Santa Cruz California and death head on back.

Also in the closet, sitting on the top self was a gray baseball cap with "Hells Angels 20 years Vallejo" and the death head on the front. On the top shelf of the closet, I found two leather wrist guards with the death head stamped on them. I collected these guards and booked them into Sheriff's Property.

Deputy Gonzales and I searched the dresser in the bedroom. In the top drawer we located the following items:

1. An Apple Ipod Touch case. This was the type case an Ipod comes from the store in. I know from experience that Ipod cases have the serial number for the Ipod that was sold in it. This case had the following serial number: 9C926SA5201. This serial number matched the serial number for the Ipod Touch that I found at the scene of the accident. I photographed and booked this case into Sheriff's Property.
2. Seven manilla envelopes. Two contained numerous Hells Angels patches. Three contained numerous Hells Angles stickers. One contained business cards, several with Villagrana's name on



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

them. One contained four Hells Angels bandanas. All these items were photographed and booked into Sheriff's property.

3. Two silver metal motorcycle crankcase covers with the following logo: Hells Angels MC San Jose and the death head. I photographed and booked these into Sheriff's property.

4. A purple Crown Royal velvet liquor case that contained numerous CD's. Refer to Deputy Gonzales supplemental report for information on what was on these CD's.

5. Three watch caps, two red, one black that had Hells Angels name or logo on them. I photographed and booked these into property.

6. Four red bandanas. I also found approximately five other red bandanas that I did not collect.

7. Two two page roster sheets for Hells Angels members. I photocopied these rosters as evidence and booked the originals into Sheriff's Property. Also with the rosters were two Hells Angels Motorcycle Corporation agreement contacts. These contacts were not filled out. I photocopied these forms and booked the originals into Sheriff's Property.

On top of the dresser was a jewelry box that contained approximately 15 Hells Angels rings. I collected nine of these rings from the box, a gold death head belt buckle and two death head patches and an Hells Angels logoed card. I booked these items into Sheriff's Property.

I collected several items of indicia that was located on the bedroom TV case. These items included an envelope that was address to Villagrana at 6870 Rosanna St in Gilroy. I also took several photographs of indicia that was in the bedroom.

On the coffee table was were two hand written notes from a male believed to be Tom Schmidt. In these notes, Schmidt talks about needing money, taking some of the "stuff" and making six times as much, and wanting to come out and transport the stuff instead of mailing it. I booked these notes into property. Also on the coffee, I located an Express Mail envelope. Inside the envelope was a photograph that included Villagrana with two other Hells Angels members and a had written note from "Tom" stating he wants to set up a pipeline and make some real money. The envelope was addressed Johnny Glenn at 681 Parkdale Dr in Campbell from Tom Schmidt at 23 Edge Hill Rd in Wappingers Falls NY. I contacted the New York State Troopers and forwarded them the information regarding Schmidt and possible drug trafficking.

In the garage, Inspector Sulay found a brown leather hand gun holster. It appeared to be designed for a revolver. This was found on a bench inside a hard hat. Near the holster (approximately two feet) was a red bandana with "45" in black on it. I photographed these items and booked them into Sheriff's Property. Also in the garage was a black motorcycle with the CA license plate of 16H7558. It had modified Hells Angels death head stickers on the tank and a Hells Angels California sticker on the crankcase. The license plate came back to a 1998 Harley to Villagrana at 6870 Rosanna St in Gilroy. I took several photographs of this motorcycle.

I arrested Villagrana for his warrant out of Santa Cruz County. Villagrana told me he wanted to be booked on the warrant at the Santa Clara County Jail. I transported Villagrana to the Gilroy Police Department and turned him over to Sgt Deras to be booked.

END OF REPORT.



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

1050

27



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 10304 SIMPSON, JEFFREY

CR REFERENCE #	A	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	DIGITAL PHOTOGRAPHS	P Photo	SYSTEM # 16	PROP.ROOM #
QUANTITY	0		NCIC CODE	COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS	VALUE \$0.00	DATE		AGENCY	
RECOVERED	VALUE \$0.00	DATE		AGENCY	BY
COMMENTS	DIGITAL PHOTOGRAPHS OF SEARCH WARRANT LOCATION AND SIEZED ITEMS.				
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE		CUSTODY DATE	
LOCATION					



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 04/06/2011
APPROVAL DATE 04/10/2011

OFFICER 11962 GONZALES, ANTHONY
OFFICER 01393 SULAY, MARIO

REFERENCES:

Refer to Master Report

Refer to Det. Simpson's Supplemental Report

NARRATIVE:

On 4/6/11 I was assigned to the Santa Cruz County Gang Task Force. I responded to the Gilroy Police Department to assist in the execution of a search warrant and arrest warrant for Cesar Villagrana (A1). After receiving a briefing regarding the execution and mechanics of the operation, I drove with Det. Simpson to 6870 Rosanna St. in Gilroy, the Villagrana residence. I was wearing full SCCGTF BDU uniform.

After entry had been made and the residence was secured I was tasked with primarily assisting Det. Simpson in conducting the search of Villagrana's bedroom and documenting items that were seized. After Det. Simpson had identified the items for seizure, I completed the Santa Cruz County E&PR. I later reviewed the list of items seized with Villagrana and left a copy of the E&PR with the copy of the search warrant at the residence.

After completion of the search warrant I helped collect the items and later book them into Sheriff's Property. As part of this process I reviewed twenty-six (26) re-writable cd-r's that were found in Villagrana's top dresser drawer. While several of the discs were unable to be opened, I was able to open files from six of the discs. The information contained in these files was mostly related to the Laughlin shooting in 2002. These files contained court transcripts of the grand jury hearings including witness names, juror names and examinations by the grand jury.

The other files that were opened contained wiretap transcripts, wiretap recordings, ATF ops documentation and ATF reports involving the use of confidential informants and undercover agents. On the heading of some of these pages were phone numbers, cellular phone numbers and fax numbers along with names of ATF agents involved in the investigations. After reviewing the footage I notified WISN representative Jorge Gilblanco of the findings, and Sgt. Morales notified Special Agent Ciccone of ATF to confirm that these items are documented as being released for public record.

After reviewing the discs I assisted Det. Simpson in the booking of all items of evidence to be submitted to Sheriff's Property as evidence, all photographs were submitted to Sheriff's CSI as evidence.

CONCLUSION:

Information only.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NAMES - 04/08/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE #	01	SYSTEM #	9	INVOLVEMENT	<input type="checkbox"/> Juvenile S Suspect	<input type="checkbox"/> Non-Disclosure TYPE Individual
NAME	VILLAGRANA, CESAR N.M.N					
ADDRESS	6870 ROSANNA ST GILROY, CA 95020					
ALT. ADDRESS						
DOB	06/01/1975	AGE	35	SSN		
DL NO	B5413695	CA		FBI ID		
LOCAL ID						
DESCRIPTION	SEX M	RACE H	HAIR BLK	EYES BRO	HEIGHT 602	WEIGHT 300
CAUTION	ETHNICITY H					
EMPLOYER	POB					
ADDRESS	PHONE (831)					
OCCUPATION	RES. STATUS R					
GANG	HELLS ANGELS					
COMMENTS						
ADDITIONAL INFO						



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE # 01 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 15 ☒ In Custody PROP.ROOM #
TYPE O OFFICE EQUIPMENT/CELL PHONE
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM VILLAGRANA BED
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-015 DISPOSITION
LOCATION CUSTODY DATE 04/14/2011 BY

CR REFERENCE # 02 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 17 ☒ In Custody PROP.ROOM #
TYPE J JEWELRY/PRECIOUS METAL
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS VARIOUS HELLS ANGELS RINGS TAKEN FROM SMALL CABINET ON TOP OF DRESSER
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-017 DISPOSITION
LOCATION BULK 6 CUSTODY DATE 04/14/2011 BY

CR REFERENCE # 03 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 18 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-MANILA ENVELOPES CONTAINING VARIOUS ITEMS OF HELLS ANGELS PARAPHERNALIA
QUANTITY 7 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS ALL ENVELOPES TAKEN FROM TOP DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-018 DISPOSITION
LOCATION BULK 6 CUSTODY DATE 04/14/2011 BY

CR REFERENCE # 04 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 20 ☒ In Custody PROP.ROOM #
TYPE Z MISC-CROWN ROYAL BAG CONTAINING 26 CD-R DISCS
QUANTITY 26 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM TOP DRESSER DRAWER-REVIEWED AT SCCGTF OFFICE
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-020 DISPOSITION
LOCATION BULK 6 CUSTODY DATE 04/14/2011 BY



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE # 05 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 21 ☒ In Custody PROP.ROOM #
TYPE K CLOTHING-HELLS ANGELS BEANIES
QUANTITY 3 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM 2ND DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-021 DISPOSITION
LOCATION BULK 6 BY CUSTODY DATE 04/14/2011

CR REFERENCE # 06 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 22 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-CHROME HELLS ANGELS M/C SIDE COVERS
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM 2ND DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-022 DISPOSITION
LOCATION BULK 6 BY CUSTODY DATE 04/14/2011

CR REFERENCE # 07 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 23 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-HELLS ANGELS ROSTER/PHONE LIST/CORPORATE AGREEMENTS
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM TOP DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-023 DISPOSITION
LOCATION BULK 6 BY CUSTODY DATE 04/14/2011

CR REFERENCE # 08 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 24 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-HELLS ANGELS DVD
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM TOP DRESSER DRAWER
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE 1.1102482-024 DISPOSITION
LOCATION BY CUSTODY DATE 04/14/2011

1059

92



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 11962 GONZALES, ANTHONY

CR REFERENCE # 09 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☐ In Custody
TYPE Z MISC.-IPOD TOUCH CASE E Evidence SYSTEM # 25 PROP.ROOM #
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM SHELF NEXT TO DRESSER, MATCHES IPOD TOUCH FOUND AT SCENE OF ACCIDENT
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE I.1102482-025 CUSTODY DATE
LOCATION

CR REFERENCE # 10 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☒ In Custody
TYPE K CLOTHING-RED BANDANAS E Evidence SYSTEM # 26 PROP.ROOM #
QUANTITY 4 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS RED BANDANAS FOUND ON SHELF NEXT TO DRESSER
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE I.1102482-026 CUSTODY DATE 04/14/2011
LOCATION BULK 6

CR REFERENCE # 11 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☒ In Custody
TYPE K CLOTHING-VARIOUS HELLS ANGELS ITEMS OF CLOTHING E Evidence SYSTEM # 27 PROP.ROOM #
QUANTITY 20 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM CLOSET OF VILLAGRANA'S BEDROOM
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE I.1102482-027 CUSTODY DATE 04/14/2011
LOCATION BULK 6

CR REFERENCE # 12 INVOLVEMENT ☒ Submitted to Property ☒ Evidence ☒ In Custody
TYPE Z MISC.-HELLS ANGELS FOREARM PROTECTORS E Evidence SYSTEM # 28 PROP.ROOM #
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM VILLAGRANA'S CLOSET
☐ Disposed DATE
☐ Hold DATE
TAG BAR CODE I.1102482-028 CUSTODY DATE 04/14/2011
LOCATION BULK 6

1062

92



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/06/2011 by 11862 GONZALES, ANTHONY

CR REFERENCE # 13 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 29 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-HELLS ANGELS "FILTHY FEW" FRAMED TEXTILE BANNER
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM WALL OF VILLAGRANA'S BEDROOM
☐ Disposed
☐ Hold
TAG
LOCATION BULK 6 BAR CODE 1.1102482-029 DISPOSITION BY CUSTODY DATE 04/14/2011

CR REFERENCE # 14 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 30 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-HELLS ANGEL'S MONTEREY CHAPTER RUN POSTER
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM BEDROOM WALL OF VILLAGRANA'S BEDROOM
☐ Disposed
☐ Hold
TAG
LOCATION BULK 6 BAR CODE 1.1102482-030 DISPOSITION BY CUSTODY DATE 04/14/2011

CR REFERENCE # 15 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 31 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-PERSONAL INDICIA FOR VILLAGRANA
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM VARIOUS LOCATIONS IN HIS BEDROOM
☐ Disposed
☐ Hold
TAG
LOCATION BULK 6 BAR CODE 1.1102482-031 DISPOSITION BY CUSTODY DATE 04/14/2011

CR REFERENCE # 16 INVOLVEMENT ☒ Submitted to Property E Evidence ☒ Evidence SYSTEM # 32 ☒ In Custody PROP.ROOM #
TYPE Z MISC.-BROWN LEATHER HOLSTER WITH RED BANDANA
QUANTITY 0 NCIC CODE
BRAND
SERIAL
LOSS VALUE \$0.00 DATE
RECOVERED VALUE \$0.00 DATE
COMMENTS TAKEN FROM INSIDE GARAGE AT RESIDENCE
☐ Disposed
☐ Hold
TAG
LOCATION BULK 6 BAR CODE 1.1102482-032 DISPOSITION BY CUSTODY DATE 04/14/2011

(06)

94



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 04/22/2011
APPROVAL DATE 04/22/2011

OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO

On 4-22-11, I booked the cell phone and Apple Ipod touch that I located on the scene of the accident that occurred on 3-17-11. I searched both of these items on pursuant to a search warrant I executed on 4-6-11. Neither of these items contained any evidence.

End of supplement.

1052

95



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 04/22/2011 by 10304 SIMPSON, JEFFREY

CR REFERENCE # 1	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE Z CELL PHONE		E Evidence	SYSTEM # 33	PROP.ROOM #
QUANTITY 0		NCIC CODE	COLOR	
BRAND CASIO			MODEL	
SERIAL			OAN	
LOSS VALUE \$0.00		DATE	AGENCY	
RECOVERED VALUE \$0.00		DATE	AGENCY	BY
COMMENTS				
<input type="checkbox"/> Disposed		DATE	DISPOSITION	
<input type="checkbox"/> Hold		DATE	BY	
TAG		BAR CODE 1.1102482-033	CUSTODY DATE	
LOCATION				

CR REFERENCE # 2	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE Z APPLE IPOD TOUCH		E Evidence	SYSTEM # 34	PROP.ROOM #
QUANTITY 0		NCIC CODE	COLOR	
BRAND			MODEL	
SERIAL			OAN	
LOSS VALUE \$0.00		DATE	AGENCY	
RECOVERED VALUE \$0.00		DATE	AGENCY	BY
COMMENTS				
<input type="checkbox"/> Disposed		DATE	DISPOSITION	
<input checked="" type="checkbox"/> Hold		DATE	BY	
TAG		BAR CODE 1.1102482-034	CUSTODY DATE	
LOCATION BULK 6				

1063

91



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 04/25/2011
APPROVAL DATE 04/25/2011

OFFICER 06894 PATRICK, IAN
OFFICER 06894 PATRICK, IAN

INVESTIGATION DIVISION CLOSING REPORT

Code Section: 12052(b)(6) PC

Crime: Concealed handgun / gang enhancement

Date Assigned: 3-17-11

Date Closed: 4-25-11

Case Status: ☒ Closed ☐ Inactive

Type and Number of Arrests

1. ☒ Adult Male
2. ☐ Adult Female
3. ☐ Juv Male
4. ☐ Juv Female

Clearing Disposition:

1. ☐ Arrest
2. ☐ No Filing by D.A.
3. ☐ Victim Declined Prosecution
4. ☐ Referred to _____
5. ☐ Unfounded
6. ☐ Insufficient Info for Further Investigation
7. ☐ Prosecution Not Recommended
8. ☐ Arrest Warrant Requested
9. ☐ Arrest Warrant Obtained

Property Recovery Value:

Closing Remarks:



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 08/19/2011
APPROVAL DATE 08/25/2011

OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO

On 7-20-11, I was involved in a preliminary examination for Cesar Villagrana involving this case in the Santa Cruz Superior Court, Department 5. Villagrana was not held on the 186.22(a) PC charge, being an active participant in a criminal street gang by Honorable Judge Almquist. As part of the ruling, Judge Almquist found the investigation could not show Villagrana had sufficient knowledge of criminal activities committed by Hells Angels members in chapters outside Santa Cruz and Santa Clara Counties, primarily with Ventura Chapter member Scott Sutton and Daly City member Sean Penna.

On 8-11-11, I authored a search warrant for the two cellular phones that were in Sheriff's Property. This search warrant was signed by Honorable Judge Volkmann. The first was an orange Casio Boulder (Serial #CVDK0696639). This cell phone had been found at the accident scene on 3-17-11 and seized at that time by the Santa Cruz County Gang Task Force. The second cell phone was a gray LG (serial # 809KPGS0284919) and had been found in Villagrana's bedroom during a search warrant at Villagrana's residence, 6870 Rosanna St Gilroy, on 4-6-11. I would like to note that both of these cell phones were search during the course of the warrant of 4-6-11 for gang indicia and were not loaded. At the time of those searches, I did not deem any significant gang indicia existed on the phones.

On 8-17-11, I searched the phones per the warrant. I found the orange Casio had a damaged charging receiver and was unable to be downloaded or recharged. Due to this I was only able to briefly view the contents on that phone. I scrolled through the contact list, but did not see a contact that I would believe to have been for Scott Sutton, Sean Penna.

I then searched the gray LG cell phone. This phone was capable of being download via cellebrite machine. I download the contents of this phone including the properties, contact list, text messages and photographs. The cell phone was not supported for me to download the call histories. On this phone, I did not see any contacts that I believed would have been for Sutton or Penna.

I printed a copy of the LG phone download and booked it into Sheriff's Property as evidence. I booked the two phones back into Sheriff's Property.

END OF REPORT.

1065

98



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 08/19/2011 by 10304 SIMPSON, JEFFREY

CR REFERENCE # 1	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property	<input type="checkbox"/> Evidence	<input checked="" type="checkbox"/> In Custody
TYPE Z	CELL PHONE DOWNLOAD	E Evidence	SYSTEM # 35	PROP.ROOM #
QUANTITY 0		NCIC CODE	COLOR	
BRAND			MODEL	
SERIAL			OAN	
LOSS VALUE \$0.00	DATE		AGENCY	
RECOVERED VALUE \$0.00	DATE		AGENCY	BY
COMMENTS	HARD COPY OF CELL DOWNLOAD FOR GRAY LG SERIAL 809KPGS0284919			
	<input type="checkbox"/> Disposed	DATE	DISPOSITION	
	<input type="checkbox"/> Hold	DATE	BY	
TAG		BAR CODE I.1102482-035	CUSTODY DATE 08/22/2011	
LOCATION BULK 6				

1066

99



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 11/02/2011
APPROVAL DATE 11/07/2011

OFFICER 10748 HARRIS, JALON
OFFICER 06894 PATRICK, IAN

NARRATIVE

On 11-02-11, I was assigned to the Investigations Division of the Santa Cruz County Sheriff's Office. ADA A. Byers called me and requested I come to Department 7 of the Santa Cruz County Courthouse to take court ordered DNA swabs from (S01) Cesar Villagrana. Detective C. Clark and I met with ADA Byers. ADA Byers told me that the Honorable Judge A. Symons had ordered two sets of DNA buccal swabs be taken from Cesar Villagrana. One set was to be compared to the firearm found where Cesar crashed in Aptos and the other was to be entered into the criminal DNA database (CODIS). ADA Byers took myself and Deputy C. Clark to where Cesar was waiting with his attorney. I asked Cesar for his ID card which he showed me. I wrote down Cesar's CA DL Number (B1543695) and asked Cesar his DOB (06-01-75). Cesar provided it. I then instructed Cesar on how to rub the cotton tip applicators that collect the DNA specimens on the inside of his cheeks. Cesar then complied and provided two sets of DNA buccal swabs (for a total of 4 swabs). I then had him place the DNA swabs in two separate evidence envelopes. I then left the courthouse and sealed the DNA envelopes. I then placed the swabs into Sheriff's Office Property.

RECOMMENDATIONS

Attach to Master Case File

1067

105

FILED

Electronically

11-26-2012:12:08:42 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3366076

EXHIBIT 12

PART 2

EXHIBIT 12
PART 2

1068



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 11/02/2011 by 10748 HARRIS, JALON

CR REFERENCE #	JBH02	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property E Evidence	<input checked="" type="checkbox"/> Evidence SYSTEM # 36	<input checked="" type="checkbox"/> In Custody PROP.ROOM #
TYPE	Z	(2) DNA BUCCAL SWABS FROM CESAR VILLAGRANA			
QUANTITY	2	NCIC CODE			
BRAND				COLOR	
SERIAL				MODEL	
LOSS	VALUE \$0.00	DATE		OAN	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS				AGENCY	BY 10748 HARRIS, JALON
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	I.1102482-036	CUSTODY DATE	11/04/2011
LOCATION	DOJ LAB				

CR REFERENCE #	JBH02	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property E Evidence	<input checked="" type="checkbox"/> Evidence SYSTEM # 37	<input checked="" type="checkbox"/> In Custody PROP.ROOM #
TYPE	Z	(2) DNA BUCCAL SWABS FROM CESAR VILLAGRANA			
QUANTITY	2	NCIC CODE			
BRAND				COLOR	
SERIAL				MODEL	
LOSS	VALUE \$0.00	DATE		OAN	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS	(2) DNA BUCCAL SWABS FROM CESAR VILLAGRANA			AGENCY	BY 10748 HARRIS, JALON
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	I.1102482-037	CUSTODY DATE	11/04/2011
LOCATION	BULK 6				



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 02/13/2012
APPROVAL DATE 02/22/2012

OFFICER 11453 GIGUIERE, GREGORY
OFFICER 09426 LEONETTI, SHON

REFERENCES:

Attach to case file.

NARRATIVE:

On 02/13/2012, I received the Physical Evidence Examination Report from the Department of Justice regarding case number 11-02482.

BFS case number: FM-11-002547-0001

I had Sheriff's Office Records scan a copy of the report into the report writing system and I filed the original into a file cabinet located in the CSI office.

End of report.



**County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 02/18/2012
APPROVAL DATE 02/19/2012

OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO

On 2-9-12, I was assigned to the Santa Cruz County Gang Task Force. At approximately 1430 hrs, I met with FBI Agent Scott Medearis at the Santa Cruz Sheriff's Property room. I had CSO Kinney retrieve evidence from this case, items #15, 31 and 33. I opened the evidence bags to confirm they were the correct items. I then transferred custody of these items to Agent Medearis. CSO Kinney recorded this transfer in the Sheriff's property database. Agent Medearis provided me with a FBI property receipt which I turned into Sheriff's Records to be attached to this report.

END OF SUPPLEMENTAL REPORT.



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/12/2012
APPROVAL DATE 03/12/2012

OFFICER 10748 HARRIS, JALON
OFFICER 06894 PATRICK, IAN

NARRATIVE

On 02-23-12, I was assigned to the Investigations Division of the Santa Cruz County Sheriff's Office. I received a letter from CA Department of Justice - Bureau of Forensic Services. The letter stated that CA DOJ did not find any usable latent fingerprints on the Taurus Handgun (Item AG#3) or the magazine (Item #4).

I scanned and attached the letter to this report and booked it into Property.

RECOMMENDATIONS

Attach to Master Case File.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 03/12/2012 by 10748 HARRIS, JALON

CR REFERENCE #	JBH	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input checked="" type="checkbox"/> In Custody
TYPE	Z	LETTER FROM DOJ ABOUT FINDING NO LATENT PRINTS ON GUN AND MAGAZINE	E Evidence	SYSTEM # 38	PROP.ROOM #
QUANTITY	1	NCIC CODE		COLOR	
BRAND				MODEL	
SERIAL				OAN	
LOSS VALUE	\$0.00	DATE		AGENCY	
RECOVERED VALUE	\$0.00	DATE		AGENCY	BY 10748 HARRIS, JALON
COMMENTS					
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE	I.1102482-038	CUSTODY DATE	03/14/2012
LOCATION	9X12				



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/13/2012
APPROVAL DATE 03/13/2012

OFFICER 06894 PATRICK, IAN
OFFICER 06894 PATRICK, IAN

INVESTIGATION DIVISION CLOSING REPORT

Code Section: 12025 PC / 186.22 PC

Crime: Concealed handgun

Date Assigned: 3-10-11

Date Closed: 3-13-12

Case Status: ☒ Closed ☐ Inactive

Type and Number of Arrests

1. 1 Adult Male
2. Adult Female
3. Juv Male
4. Juv Female

Clearing Disposition:

1. ☒ Arrest
2. No Filing by D.A.
3. Victim Declined Prosecution
4. Referred to
5. Unfounded
6. Insufficient Info for Further Investigation
7. Prosecution Not Recommended
8. Arrest Warrant Requested
9. Arrest Warrant Obtained

Property Recovery Value:

Closing Remarks:

1074

116



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 03/15/2012
APPROVAL DATE 03/15/2012

OFFICER 10748 HARRIS, JALON
OFFICER 06894 PATRICK, IAN

NARRATIVE

On 03-15-12, I was assigned to the Investigations Division of the Santa Cruz County Sheriff's Office. I received a letter from CA DOJ Bureau of Forensic Services. The letter indicated a major profile of DNA was found on the handgun. This major profile was consistent with Cesar Villagrana's reference profile (JBH #36 - DNA Swabs from Villagrana). The letter said "that the probability that a random unrelated individual would by chance possess this determined profile is estimated to be 1 in 1.0 sextillion for African Americans, 1 in 32 quintillion for Caucasians, and 1 in 4.1 quintillion for Hispanics. This provides strong evidence that Cesar Villagrana is the source of the major STR profile determined for the substrate control swab."

I attached a copy of this letter to this report and booked the letter into Property.

RECOMMENDATIONS

Attach to Master Case File.



County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT

1102482

REPORT NUMBER

PROPERTY - 03/15/2012 by 10748 HARRIS, JALON

CR REFERENCE #	JBH	INVOLVEMENT	<input type="checkbox"/> Submitted to Property	<input checked="" type="checkbox"/> Evidence	<input type="checkbox"/> In Custody
TYPE	Z	LETTER FROM DOJ ABOUT DNA FOUND ON GUN	E Evidence	SYSTEM # 39	PROP.ROOM #
QUANTITY	1		NCIC CODE		
BRAND				COLOR	
SERIAL				MODEL	
LOSS	VALUE \$0.00	DATE		OAN	
RECOVERED	VALUE \$0.00	DATE		AGENCY	
COMMENTS				AGENCY	BY 10748 HARRIS, JALON
	<input type="checkbox"/> Disposed	DATE		DISPOSITION	
	<input checked="" type="checkbox"/> Hold	DATE		BY	
TAG		BAR CODE		CUSTODY DATE	
LOCATION					

1076

107

REPORT TRANSMITTAL FORM

SUPPLEMENTAL REPORT

DATE OF SUBMISSION OF ORIGINAL REPORT:

03-23-11

AGENCY INITIALS: Santa Cruz County Sheriff-Coroner

AGENCY REPORT NUMBER:

11-02482

SUSPECT(S)

DOB

Villagrana, Cesar

06-01-75

OFFICER SUBMITTING SUPPLEMENTAL REPORT:
DAO-637

1077

1077

REPORT TRANSMITTAL FORM

SUPPLEMENTAL REPORT

DATE OF SUBMISSION OF ORIGINAL REPORT:

03-10-2011

AGENCY INITIALS: Santa Cruz County Sheriff-Coroner

AGENCY REPORT NUMBER:

11-02482

SUSPECT(S)

DOB

Villagrana, Cesar

06-01-1975

OFFICER SUBMITTING SUPPLEMENTAL REPORT:
DAO-637

1078

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11-02482

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # _____

On (date) 2-9-2012

item(s) listed below were:

- ☒ Received From
☐ Returned To
☐ Released To
☐ Seized

(Name) JEFF SIMPSON - Santa Cruz Co. S.O. #47/10304(Street Address) 701 OCEAN ST ROOM 340(City) SANTA CRUZ CA 95060Description of Item(s): SANTA CRUZ COUNTY SHERIFF'S OFFICE EVIDENCEITEM NUMBERS 15, 31, 33 FOR CASE # 11-02482ITEM # 15 - CELL PHONEITEM # 33 - CELL PHONEITEM # 31 - PERSONAL INDICIA AND CORRESPONDENCEReceived By: [Signature]
(Signature)Received From: JEFF SIMPSON #47
(Signature)

1079

111



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

AGENCY CAD EVENT 19623 RELATED CASES CHP 2011030118
CLASSIFICATION 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
MAJOR VIOLATION 12025(b)(6) PC STATUS CASE CLOSED
DISPOSITION 04/25/2011 PROSECUTION RECOMMENDED
OFFENSES 12025(b)(6) PC POSSESSION OF CONCEALED UNREGISTERED HANDGUN
186.22(a) PC PARTICIPATE IN CRIMINAL STREET GANG

REPORTED 03/10/11 17:47 THU OCCURRED 03/10/11 17:47 THU TO 03/10/11 17:47 THU

LOCATION 7851 SOQUEL DR
ON: SOQUEL DR AT: APTOS RANCHO RD

PREMISE
CITY APTOS 95003 BEAT 8 SUB BEAT 8-4

NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Meth
☐ Drug Related ☐ Senior Citizen ☐ Taser ☐ Graffiti
☒ Gang Related ☐ Juvenile ☐ School ☐ Cultivate Marj
☐ Agriculture ☐ Warrant Request ☐ Prescription Meds

OFFICER 10304 SIMPSON, JEFFREY
APPROVED 05141 MORALES, ROY

REPORT FILED 03/18/11 00:00
APPROVAL DATE 03/18/11 15:22

SYNOPSIS

A loaded handgun was found near a victim of a motorcycle crash. The motorcycle rider was a member of the Hells Angels criminal street gang. CHP investigated the traffic accident and the Sheriff's Office investigated the handgun. Investigation found the firearm was not registered.



**County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 02/18/2012
APPROVAL DATE 02/19/2012

OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO

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END OF SUPPLEMENTAL REPORT.



County of Santa Cruz
Sheriffs Office
INCIDENT REPORT

1102482

REPORT NUMBER

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REPORTED 03/10/11 17:47 THU OCCURRED 03/10/11 17:47 THU TO 03/10/11 17:47 THU

LOCATION 7851 SOQUEL DR
ON: SOQUEL DR AT: APTOS RANCHO RD

PREMISE CITY APTOS 95003 BEAT 8 SUB BEAT 8-4 NBRH.WATCH

NATURE ☐ Computer Used ☐ Hate/Bias ☐ Child Abuse ☐ Arson
☐ Alcohol Related ☐ Officer Assault ☐ Domestic Violence ☐ Meth
☐ Drug Related ☐ Senior Citizen ☐ Taser ☐ Graffiti
☒ Gang Related ☐ Juvenile ☐ School ☐ Cultivate Marj
☐ Agriculture ☐ Warrant Request ☐ Prescription Meds

OFFICER 10304 SIMPSON, JEFFREY
APPROVED 05141 MORALES, ROY

REPORT FILED 03/18/11 00:00
APPROVAL DATE 03/18/11 15:22

SYNOPSIS

A loaded handgun was found near a victim of a motorcycle crash. The motorcycle rider was a member of the Hells Angels criminal street gang. CHP investigated the traffic accident and the Sheriff's Office investigated the handgun. Investigation found the firearm was not registered.

1082



**County of Santa Cruz
Sheriff's Office
SUPPLEMENTAL INCIDENT REPORT**

1102482

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 02/18/2012
APPROVAL DATE 02/19/2012

OFFICER 10304 SIMPSON, JEFFREY
OFFICER 01393 SULAY, MARIO

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END OF SUPPLEMENTAL REPORT.

REQUESTING AGENCY CASE NO.
11-02482

CALIFORNIA DEPARTMENT OF JUSTICE
BUREAU OF FORENSIC SERVICES
JAN BASHINSKI DNA LABORATORY
1001 West Cutting Blvd., Suite 110, Richmond, CA 94804
Phone No. (510) 620-3300; FAX No. (510) 231-8744

BFS CASE NUMBER
BK-12-000022-0001
Xref: FM-11-002547

Investigating Officer J. Harris
Santa Cruz Sheriff's Office
701 Ocean Street Room 340
Santa Cruz, CA 95060

COPIES: Linh Dang
BFS Freedom Laboratory

PHYSICAL EVIDENCE EXAMINATION REPORT

SUSPECT: CESAR VILLAGRANA

OFFENSE: 12025(B)(6) PC

VICTIM: NOT LISTED

OFFENSE DATE: MARCH 17, 2011

I, the undersigned, declare under penalty of perjury: (1) I am employed by the State of California, Department of Justice (DOJ), Bureau of Forensic Services; (2) I conducted an examination of the material described below in the ordinary course of my work as a qualified examiner, according to approved laboratory procedures that include creation of contemporaneous documentation and the technical review of my work; (3) The observable data is set forth in the associated laboratory case record; (4) Any opinions, interpretations, or conclusions in this report are based upon data in the associated laboratory case record and findings listed below.

Note: This laboratory report has been prepared and retained by DOJ in the normal course of business according to DOJ's regular practices and procedures. The Department of Justice Laboratory is accredited by the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB).

SUMMARY/RESULTS

A mixture was detected for the substrate control swab from the pistol (item AG#3sc). The 15-locus male major short tandem repeat (STR) profile determined from this mixture is consistent with Cesar Villagrana's reference profile. This provides strong evidence that he is the source of the major STR profile for item AG#3sc.

EVIDENCE

The following evidence was received at the BFS Jan Bashinski DNA Laboratory, from Linh Dang of the BFS Freedom Laboratory, via FedEx, on January 6, 2012:

Item AG#3a	Two swabs from the rough areas of the pistol
Item AG#3sc	Substrate control swab from pistol
Item LDblk	Blank swab
Item JBH#36	Two reference buccal swabs from Cesar Villagrana

EXAMINATION

DNA was extracted from a portion of each of the two swabs from the rough areas of the pistol (item AG#3a), the substrate control swab (item AG#3sc), and the blank swab (item LDblk).

DNA was extracted from a reference buccal swab from Cesar Villagrana (item JBH#36).

The DNA extracts were amplified at the gender marker amelogenin and 15 STR loci using the Identifiler PCR Kit and analyzed using capillary electrophoresis. The results of this analysis are in the following table.

Table of Identifier Typing Results

Item	AG#3a	AG#3sc	JBH#36
Description Locus	Swabs from the rough areas of the pistol	Substrate control swab from pistol	Reference buccal swab from Cesar Villagrana
D8S1179	12 13 14 15	12,14 (10 13)	12,14
D21S11	28 30 31.2 33.2	30,31.2 (31 32.2)	30,31.2
D7S820	8 10 11 *	10,10 (11)	10,10
CSF1PO	10 11 12 13	10,11 (9)	10,11
D3S1358	15 16 17	15,17	15,17
TH01	6 7 8 9.3 10	8,10 (6 9.3)	8,10
D13S317	9 10 11 12 13	9,9 (12)	9,9
D16S539	9 10 11 12	9,10 (8 13)	9,10
D2S1338	17 24	17,17	17,17
D19S433	13 15	13,15 (15.2)	13,15
VWA	15 16 17 18	15,17	15,17
TPOX	8 11 12	11,12 (8)	11,12
D18S51	14 15 18	14 17	14,17
Amelogenin	X Y	X,Y	X,Y
D5S818	11 12 13	11,12 (13)	11,12
FGA	22 23 25 *	22,24 (25)	22,24

Two allele values separated by a comma represent a genotype.

Genotype calls assume bi-allelic donors with no null alleles.

A single value or values separated by "|" indicate alleles, not genotypes.

Parentheses indicate minor alleles.

* = Additional low-level inconclusive activity detected at this locus.

A mixture was detected for the substrate control swab. Assuming that this was a mixture of DNA from one major contributor and at least one minor contributor, a 15-locus male major STR profile was determined. This major profile is consistent with Cesar Villagrana's reference profile. The probability that a random unrelated individual would by chance possess this determined profile is estimated to be 1 in 1.0 sextillion for African Americans, 1 in 32 quintillion for Caucasians, and 1 in 4.1 quintillion for Hispanics. This provides strong evidence that Cesar Villagrana is the source of the major STR profile determined for the substrate control swab.

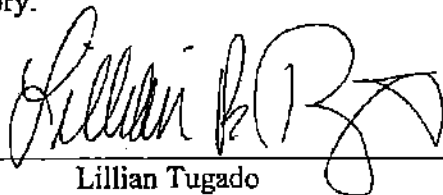
A mixture consistent with DNA from at least three contributors was detected for the swabs from the rough areas of the pistol. Due to the complexity of this mixture, no further interpretation was performed for this item.

No STR results were detected for the blank swab.

DISPOSITION

The evidence will be stored at the BFS Jan Bashinski DNA Laboratory pending return to the submitting agency. The extracted DNA will be stored at the BFS Jan Bashinski DNA Laboratory.

EXAMINED BY: _____



Lillian Tugado
Senior Criminalist

Date of Report: February 29, 2012

Technical review by: Sarah Calvin Date: 3-5-12

Administrative review by: MA Date: 3-13-12

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ
BEFORE THE HONORABLE JEFF ALMQUIST, JUDGE

THE PEOPLE OF THE)	
STATE OF CALIFORNIA,)	
)	
Plaintiff,)	
)	
-vs-)	No. F20690
)	
CESAR VILLAGRANA,)	
)	
Defendant.)	
<hr/>		

REPORTER'S TRANSCRIPT OF PROCEEDINGS
JULY 20, 2011
DEPARTMENT 5, SANTA CRUZ, CALIFORNIA

APPEARANCES OF COUNSEL:

For The People: BOB LEE, District Attorney
ALEX BYERS,
Assistant District Attorney

For The Defendant: MICHAEL HINGLE, Attorney at Law

REPORTED BY: ELLARAE RAMEY MARKHART, CSR #9298
Official Reporter

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I N D E X

<u>PEOPLE'S WITNESS:</u> CHRISTOPHER SHEARER	<u>PAGE</u>
DIRECT EXAMINATION BY MR. BYERS	6
CROSS-EXAMINATION BY MR. HINGLE	12
<u>PEOPLE'S WITNESS:</u> JEFFREY SIMPSON	<u>PAGE</u>
DIRECT EXAMINATION BY MR. BYERS	14
CROSS-EXAMINATION BY MR. HINGLE	49
REDIRECT EXAMINATION BY MR. BYERS	75
RECROSS-EXAMINATION MR. HINGLE	77
FURTHER REDIRECT EXAMINATION BY MR. BYERS	80

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E X H I B I T S

<u>PEOPLE'S NO.</u>	<u>DESCRIPTION</u>	<u>FOR I.D.</u>	<u>IN EVID.</u>
1	Photograph	9	84
2	Photograph	10	84
3	Photograph	28	84
4	Photograph	28	84
5	Photograph	42	84
6	Photograph	44	84

<u>DEFENDANT'S NO.</u>	<u>DESCRIPTION</u>	<u>FOR I.D.</u>	<u>IN EVID.</u>
------------------------	--------------------	-----------------	-----------------

(NONE OFFERED)

1 Santa Cruz, California

2 July 20, 2011

3 P-R-O-C-E-E-D-I-N-G-S

4
5 THE COURT: Okay. This is the matter of People
6 versus Cesar Villagrana, case number F20690.

7 State appearances, please.

8 MR. BYERS: Alex Byers for the People, Your Honor.

9 MR. HINGLE: Mike Hingle for Mr. Villagrana who is
10 personally present out of custody.

11 THE COURT: All right. You want to call your
12 first witness, Mr. Byers?

13 MR. BYERS: Your Honor, prior to that can I
14 designate Detective Simpson as my investigating officer?

15 THE COURT: You may.

16 MR. BYERS: In addition I would make a motion to
17 amend the complaint to add an additional charge. It's an
18 alternative way of charging a firearm 12031(a)(2)(f). It
19 has the same elements except that it doesn't require the
20 firearm be concealed.

21 THE COURT: So what's the Code Section?

22 MR. BYERS: 12031 subsection (a), subdivision (f).
23 I guess subdivision -- (a)(2)(f).

24 THE CLERK: This would be an added Count 3?

25 THE COURT: Count 3.

26 Is this as a misdemeanor or felony?

1090

122

1 MR. BYERS: Felony.

2 THE COURT: Okay. I've amended the complaint to
3 note that.

4 MR. BYERS: Thank you, Your Honor.

5 MR. HINGLE: Your Honor, may my objection be
6 noted?

7 THE COURT: Yes.

8 MR. HINGLE: May I be heard on the objection so
9 the record can be clear?

10 THE COURT: Sure.

11 MR. HINGLE: Your Honor, I object in that my
12 client has already entered a not guilty plea, and the
13 prosecution without leave of Court to amend. I would note
14 that there's been no notice of motion or motion made or has
15 there been a formal complaint, amended complaint filed
16 before the Court. In order for him, I believe, to be
17 arraigned -- I mean, for there to be an arraignment he
18 would have to be re-arraigned on the formal complaint in
19 order to proceed with the preliminary examination on that
20 charge as alleged. So I would object on those
21 circumstances.

22 THE COURT: All right. I'll overrule your
23 objections. Apparently, according to the DA, the elements
24 are the same.

25 Go ahead.

26 MR. BYERS: People call Deputy Chris Shearer to

1 the stand.

2 CHRISTOPHER SHEARER,

3 having been first duly sworn, testified as follows:

4 THE COURT: Good afternoon, Deputy Sheriff.

5 THE WITNESS: Good morning, Your Honor.

6 DIRECT EXAMINATION

7 BY MR. BYERS:

8 Q. Can you please state your full name and spell your
9 last name for our reporter?

10 A. Yes. My name is Christopher Shearer. Last name
11 is spelled S-h-e-a-r-e-r.

12 Q. And, sir, how are you currently employed?

13 A. Deputy Sheriff for the County of Santa Cruz.

14 Q. And how long have you been a sworn peace officer?

15 A. Approximately five-and-a-half years.

16 Q. Were you on duty on March 17th, 2011?

17 A. Yes, I was.

18 Q. Did you respond to a traffic accident near Rancho
19 Del Mar shopping center?

20 A. Yes, I did.

21 Q. Is that location in Santa Cruz County?

22 A. Yes, it is.

23 Q. When you arrived at the scene, did you see any
24 vehicles that appeared to be involved in an accident?

25 A. Yes.

26 Q. Tell us about that.

1092

124

1 A. I saw multiple vehicles, two specifically mid-size
2 sedans. Unknown make. I know one was a Volvo, if I recall
3 correctly. The third involved vehicle was a motorcycles on
4 its side in the middle of the roadway between the sidewalk.

5 Q. Were you able to identify the driver of the
6 motorcycle?

7 A. Yes, I was.

8 Q. Who was that?

9 A. Mr. Cesar Villagrana.

10 Q. Is Mr. Villagrana here in court today?

11 A. Yes, he is.

12 Q. Could you point him out and identify him for the
13 Court and for us?

14 A. Yes. In the red and white plaid T-shirt sitting
15 at the defense table.

16 THE COURT: Identifying the Defendant.

17 Q. BY MR. BYERS: Did you interview a Cyrus Mozayan,
18 M-o-z-a-y-a-n, during your investigation?

19 A. Yes, I did.

20 Q. Did he tell you, or -- did he tell you he observed
21 the accident?

22 A. Yes, he did.

23 Q. And what did he tell you about that?

24 MR. HINGLE: Judge, hearsay. Lack of foundation.

25 THE COURT: Excuse me?

26 MR. HINGLE: Hearsay. Lack of foundation.

1 THE COURT: Overruled.

2 THE WITNESS: Mr. -- I may say it incorrectly,
3 Mozayan explained to me he was coming home from work
4 traveling on Soquel Drive toward Britannia Arms up to
5 Safeway shopping center when he was passed by a motorcycle
6 which was later determined to be the one in the accident.
7 He was passed at a speed which he approximated being 60
8 miles an hour. When the motorcycle, as well as his
9 vehicle, came up to the intersection directly in front of
10 the Safeway shopping center, Rio Del Mar, the motorcyclist
11 turned into the right-turn lane, passed the vehicles
12 running the red light. Almost immediately after going
13 through the intersection he collided with two vehicles.

14 Q. BY MR. BYERS: After the collision, did
15 Mr. Mozayan relate anything he did?

16 A. I'm sorry. The last part of your question?

17 Q. Did Mr. Mozayan go to the collision scene?

18 A. Yes, he did.

19 Q. Did he tell you what he did when he got there?

20 A. Yes. Mr. Mozayan explained he's a medical doctor
21 and his first concern was the rider of the motorcycle's
22 safety and his condition. As he approached he saw he was
23 already being cared for by bystanders, and at that point he
24 observed -- I'm sorry, he walked towards Mr. Villagrana and
25 turned away from him after he saw that he was being treated
26 and saw a black semiautomatic handgun on the ground.

1 Q. Did he show you the handgun?
2 A. Yes, he did.
3 MR. BYERS: Your Honor, may I approach?
4 THE COURT: Yes.
5 MR. BYERS: Have this marked as People's Exhibit
6 1. I'll show Counsel.
7 (People's Exhibit 1 marked for identification.)
8 MR. HINGLE: Thank you.
9 Q. BY MR. BYERS: Deputy, I'm going to show you
10 what's been marked as People's Exhibit 1.
11 Do you recognize what's depicted in that
12 photograph?
13 A. Yes, I do.
14 Q. What's depicted in that photograph?
15 A. The same black semi-automatic handgun that was
16 pointed out to me by Mr. Mozayan.
17 Q. Is that the gun he found during the accident
18 scene?
19 A. Yes, it is.
20 Q. Did he show you -- when he showed you that gun,
21 was it where he had found it?
22 A. No, it was not.
23 Q. Did he explain why it wasn't?
24 A. Yes.
25 Q. Tell us about that.
26 A. He explained that he was concerned that a

1 bystander with, quote, bad intentions would retrieve the
2 firearm and remove it from the scene or use it in any other
3 way. So he collected the firearm to prevent that from
4 happening.

5 Q. Did you ask him to show you where he originally
6 located the firearm?

7 A. Yes, I did.

8 MR. BYERS: And, Your Honor, may I approach again?

9 THE COURT: Yes.

10 MR. BYERS: Show Counsel what I've asked to be
11 marked as People's Exhibit 2.

12 (People's Exhibit 2 marked for identification.)

13 Q. BY MR. BYERS: Deputy, I'm going to show you a
14 photograph. Do you recognize what's depicted in that
15 photograph?

16 A. Yes, I do.

17 Q. And is there a location -- well, tell us what's
18 depicted in this photograph.

19 A. It's a large debris area including the vehicle --
20 or the motorcycle on its side, oil debris, plastic, broken
21 lights on the roadway. Also in the picture is at about ten
22 feet in front of the patrol vehicle is the clothing which
23 Mr. Villagrana was wearing, including the Hell Angels vest
24 which is where he was being treated, where the person
25 removed the vest from him and the clothing.

26 At about ten, 15 feet from that towards the

1 sidewalk is close to where the two deputies are standing is
2 where Mr. Mozayan stated he found -- originally found the
3 firearm.

4 Q. Do you have a pen on you?

5 A. I do not, unfortunately.

6 MR. BYERS: Your Honor, may I approach?

7 THE COURT: Yes.

8 MR. BYERS: I'll hand you a pen, and maybe you can
9 put a circle around the area where Mr. Mozayan related to
10 you where he located that firearm.

11 A. (Witness complies.)

12 Q. Thank you. Maybe put your initials by that, just
13 so we are clear.

14 A. (Witness complies.)

15 Q. Thanks, Deputy.

16 After you saw the firearm, it was on the ground --
17 when you first saw the firearm it was on the ground?

18 A. Yes.

19 Q. Did Mr. Mozayan give that to any deputy on the
20 scene?

21 A. Yes, he did.

22 Q. What did he tell you about that?

23 A. He explained that when he saw Detective Harris
24 arrive on scene he alerted Harris of the firearm, at which
25 point Detective Harris stood over it until I arrived on
26 scene.

1 MR. BYERS: Thank you, Deputy. I have no further
2 questions.

3 THE COURT: Any questions?

4 CROSS-EXAMINATION

5 BY MR. HINGLE:

6 Q. Was it your testimony that Deputy Harris stood
7 over the firearm until you arrived at the scene?

8 A. Yes, it is.

9 Q. So the location you saw it at was the original
10 location it was spotted by Mr. Mozayan?

11 A. No.

12 Q. It was a location where he had moved the firearm
13 to?

14 A. Yes.

15 Q. Did he indicate to you that he picked it up and
16 went to that location and sat it down, or did he hold on --
17 indicate that I held onto it for a period of time before
18 handing it over to another officer?

19 A. In my report it reflects that he alerted Detective
20 Harris of the firearm. And when I arrived on scene nobody
21 was holding it, it was on the ground.

22 Q. Had the magazine been taken out of the firearm?

23 A. No, it had not. Not at that point.

24 Q. All right. Now, you also stated that
25 Mr. Villagrana was the driver of the motorcycle?

26 A. Yes.

1 Q. What is the basis of that opinion?

2 A. His proximity to the motorcycle, his clothing
3 consistent with that of a motorcycle rider, as well as
4 Mr. Mozayan's statement.

5 Q. Mr. Mozayan couldn't specifically identify the
6 person that rode passed him, though, could he?

7 A. I don't think -- I think he was wearing a helmet.
8 I don't think he physically saw his face, no.

9 Q. So then there was no specific identification of
10 Mr. Villagrana either by -- or by either Mr. Mozayan or any
11 of the other two individuals in the automobiles that were
12 involved in the accident; isn't that correct?

13 A. I can't testify to that. I can only testify to
14 what Mr. Mozayan told me. I didn't have any contact with
15 the other individuals in the vehicles. He was the only
16 person that I interviewed at the scene.

17 MR. HINGLE: Thank you. No further questions.

18 THE COURT: Redirect?

19 MR. BYERS: No, sir.

20 THE COURT: All right. Thank you, Deputy Shearer.
21 You're excused.

22 MR. BYERS: People would like to call Detective
23 Jeff Simpson to the stand.

24 JEFFREY SIMPSON,

25 having been first duly sworn, testified as follows:

26 MR. BYERS: Your, Honor I believe Deputy Shearer

1 was excused. Would it be all right if he stayed in the
2 courtroom unless if there's any motions.

3 THE COURT: Sure.

4 MR. HINGLE: Your Honor, Defendant --

5 THE COURT: Just say yes and I'll ask him to
6 leave.

7 MR. HINGLE: I would say, you know, that I'd like
8 him to be excluded, because if the Detective mentions
9 something beyond and is subject to recall, then it's --

10 THE COURT: All right. Well, he's not subject to
11 recall, he's excused. You want him subject to recall?

12 MR. HINGLE: I want him subject to recall.

13 THE COURT: You're subject to recall. You may not
14 stay in the courtroom. Thank you.

15 DIRECT EXAMINATION

16 BY MR. BYERS:

17 Q. Sir, could you please state your name and spell
18 your last name.

19 A. Jeffrey Simpson, S-i-m-p-s-o-n.

20 Q. What is your current occupation?

21 A. I'm a deputy sheriff for the County of Santa Cruz.

22 Q. What kind of an assignment do you have as a deputy
23 sheriff?

24 A. I'm assigned to the Santa Cruz Gang Task Force.

25 Q. And how many people are assigned to the Santa Cruz
26 Gang Task Force?

1 A. Four.

2 Q. And how long have you been with the task force?

3 A. Since it formed, which is coming up on one year at

4 the end of this month.

5 Q. What are your duties as a member of the gang task

6 force?

7 A. My duties are to provide street level enforcement

8 directed towards gang crimes, identification of gang

9 members, investigation of gang crimes, identification of

10 gangs, and intelligence gathering relating to gangs and

11 gang members.

12 Q. Does that include all criminal street gangs that

13 are encountered by law enforcement inside Santa Cruz

14 County?

15 A. Yes.

16 Q. And how long have you been a police officer?

17 A. Eight years. It will be eight years in this

18 August.

19 Q. And do you have some specialized training as it

20 relates to investigation of gang crimes?

21 A. I do.

22 Q. Tell us about that.

23 A. I've received, I would say, no less than 70 hours

24 of formal training relating to gangs, from gang

25 investigation courses, courses on prison gangs, the Nuestra

26 Familia and Nortenos. I've had training on the Mexican

1 Mafia and Surénos, use of informants, prison parole, outlaw
2 motorcycle gangs, social networking related to gangs. I
3 have instructed two hours as the instructor on outlaw
4 motorcycles at the Santa Cruz County Gang Academy which was
5 last month. In addition, I've had -- I've spent a lot of
6 time just talking informally with a lot of experts relating
7 to gang crimes in Santa Cruz County.

8 Q. And do you continue to update your training and
9 experience as it relates to investigating criminal street
10 gangs?

11 A. Yes.

12 Q. Do you have law enforcement experience, actually
13 hands-on experience investigating criminal street gangs?

14 A. Absolutely.

15 Q. During your training and experience, is that
16 experience in investigating gang related crimes or authored
17 search warrants?

18 A. I have.

19 Q. How about executing search warrants?

20 A. I have.

21 Q. Making arrests?

22 A. I have.

23 Q. Do you hold specialized knowledge about gang
24 recognition and practices inside -- and culture inside
25 Santa Cruz?

26 A. I do.

1 MR. BYERS: Your Honor, at this time I'd ask that
2 Detective Simpson be designated as an expert in that field.

3 MR. HINGLE: What field specifically? I'm sorry.

4 MR. BYERS: Gang recognition, practices and
5 culture inside of Santa Cruz County.

6 THE COURT: Any objection?

7 MR. HINGLE: If I could just have a second, Your
8 Honor.

9 As an expert in gang recognition and practices in
10 Santa Clara County?

11 MR. BYERS: If we're going to be clear, gang
12 recognition, practices and culture, I would assume in and
13 out of Santa Cruz County.

14 MR. HINGLE: No objection, Your Honor.

15 THE COURT: All right. He'll be designated as
16 such for the purposes of this prelim hearing only.

17 MR. BYERS: Thank you, Your Honor.

18 Q. Are you familiar with the Hells Angels?

19 A. Yes, I am.

20 Q. Have you spoken with members of that group?

21 A. Yes, I have spoken to members of the Hells Angels.

22 Q. Have you talked with other law enforcement experts
23 about the Hells Angels?

24 A. Yes.

25 Q. Have you reviewed offense reports related to the
26 Hells Angels?

1 A. Yes.

2 Q. How about court documents?

3 A. Yes.

4 Q. Have you investigated crimes committed by the

5 Hells Angels members?

6 A. Yes.

7 Q. Do the Hells Angels have a common name or

8 identifying sign or symbol?

9 A. They do.

10 Q. What is that?

11 A. The name Hells Angels, and symbol is what is

12 called the death head. It's a skull with a side profile of

13 a skull with a single wing coming off the back.

14 Q. Do they have a particular color that's associated

15 with them?

16 A. Red and white.

17 Q. Do they have three or more members?

18 A. Yes, they do.

19 Q. And how long have the Hells Angels been around?

20 A. Since 1948.

21 Q. And what are the primary activities of the Hells

22 Angels?

23 A. Crimes that are included under 186.22(e); murder,

24 drug sales, illegal firearms, possession.

25 Q. And how are you aware of the criminal activities?

26 A. From research. And I've been a lead investigator

1 in crimes relating -- excuse me.

2 I've been a lead investigator investigating crimes
3 by the Hells Angels for possession of a firearm, felon in
4 possession of a firearm, illegal narcotics for sale.
5 Controlled substances for sale.

6 Q. Are you familiar with an individual by the name of
7 Scott Sutton?

8 A. I am.

9 Q. Are you specifically familiar with a Ventura
10 County case number, police department case number 0913013
11 for events that occurred on September 24th, 2009 where he
12 was subsequently convicted of possess -- being a felon in
13 possession of a firearm?

14 MR. HINGLE: Objection. Leading.

15 THE COURT: Sustained.

16 MR. BYERS: Well, I don't know if it's leading,
17 I'm just asking if he's familiar with that particular case.

18 THE COURT: Well, it's a leading question. The
19 objection was an advisement not to ask too many more of
20 them or Counsel will start objecting. The question calls
21 for a yes or no answer. Reask your question.

22 Q. BY MR. BYERS: So you're familiar with Mr. Sutton;
23 is that correct?

24 A. Not personally, but I am aware of him.

25 Q. Okay. And how are you aware of him?

26 A. From reviewing reports and speaking to

1 investigators.

2 Q. And in what county did you review reports and
3 speak to investigators --

4 A. Ventura.

5 Q. -- and talk to investigators to obtain information
6 on Mr. Sutton?

7 A. Ventura County.

8 Q. And was there a particular case that you reviewed
9 and talked to investigators in Ventura County related to
10 Mr. Sutton?

11 A. Yes.

12 Q. And tell us about that.

13 A. In 2009, I believe it's September 24th, 2009, an
14 officer from the Ventura Police Department attempted to
15 stop a vehicle, a pickup truck, for making an illegal turn.
16 The truck did not yield to the police officer. A short
17 pursuit ensued. When the vehicle, the truck pulled onto a
18 street called Byron Avenue, the officer saw the driver of
19 the truck throw an item out of the driver's side window,
20 the truck, a few blocks later, then stops. The officer
21 contacts the driver, identifies him as Scott Sutton.
22 Officers then return to Byron Avenue. And I believe at 203
23 Byron Avenue they discover a .32 automatic firearm --
24 excuse me, a .32 automatic handgun that had been broken and
25 appeared to have been thrown out the window. They spoke to
26 the person at that address who said after the pursuit went

1 by he noticed the firearm on his driveway.

2 Mr. Sutton had on a belt buckle that said Hells
3 Angels, member since 1995, Scott Sutton. And he also had a
4 tattoo on the back which is Hells Angels with the death
5 head in Venture.

6 Q. Based on your discussions with the investigating
7 officers and your review of some documents, do you have an
8 opinion as to Mr. Sutton is a member of the Hells Angels on
9 September 24th, 2009?

10 A. I do.

11 Q. And what is that opinion?

12 A. That he was a member of the Hells Angels.

13 Q. Are you familiar with an individual by the name of
14 Sean Penna, P-e-n-n-a?

15 A. Not personally, but from reports, yes.

16 Q. Okay. So you've done some research on an
17 individual by that name?

18 A. Yes, I have.

19 Q. And did you review some law enforcement reports
20 related to that individual?

21 A. I have.

22 Q. What about court documents?

23 A. I have not.

24 Q. Okay. Did you speak with any investigating
25 officers related to crimes that Mr. Penna has been involved
26 in?

1 A. I spoke to a lead investigator.

2 Q. Tell us about -- were you familiar with a
3 particular crime that he was involved in?

4 A. Yes, I am.

5 Q. Tell us about that.

6 A. I believe it's December 31st, if I'm not mistaken,
7 2009, a sergeant from the South San Francisco Police
8 Department attempts to conduct a vehicle stop on a
9 motorcycle, I believe for loud exhaust. He conducts the
10 traffic stop, he contacts the driver of the motorcycle,
11 identifies him as Sean Penna. He runs the subject for
12 license status, finds out his license is expired. He
13 decides to conduct a pat-down search of Mr. Penna's
14 clothing, and Mr. Penna at that time was wearing a black
15 vest, or a cut, that had a cross on his left side and a
16 patch across the back Daly City. On the back it had a
17 little --

18 THE REPORTER: Wait. You're going way too fast.

19 THE WITNESS: On the left side he had two patches,
20 one that says Prospect and one that said Daly City. On the
21 back of the vest on the lower portion there was a rocker, a
22 white patch with red lettering that said California.
23 And -- I'm sorry.

24 So when the officer conducted the pat-down search,
25 under the vest he felt a hard object that he recognized and
26 believed to be a firearm. He then removed that object and

1 found it was a loaded revolver. Mr. Penna was then
2 arrested for the firearm violations.

3 He also had a black sweatshirt on that said
4 Support 81 Daly City. And he also had a T-shirt on that
5 was, I believe it said support your local red and white
6 raising team.

7 Q. BY MR. BYERS: Now, in doing the review you did on
8 Mr. Penna, do you have an opinion as to if he was a member
9 of the Hells Angels on January 31st, 2009?

10 MR. HINGLE: I'm going to object as ambiguous as
11 to the use of the term member. It's not been described by
12 the officer.

13 THE COURT: Sustained.

14 Q. BY MR. BYERS: Well, let me ask you this: Earlier
15 you said that Mr. Sutton was a member of the Hells Angels.
16 What exactly did you mean by that?

17 A. A member is -- according to their motorcycle club,
18 a member has the full three patch cuts where it says Hells
19 Angels on the top, the death head in the middle and
20 California on the bottom.

21 Q. And does a member, in your opinion, of the Hells
22 Angels be required to actively participate in the group?

23 A. Yes.

24 Q. Okay. Now, in your sense when you're telling us
25 who is a member of the Hells Angels in your opinion, are
26 you relying on the Hells Angels themselves to determine

1 that, or is there some standard that you set to determine
2 if someone is actually a member actively participating in a
3 gang?

4 A. In this instance where I discussing Mr. Penna I'm
5 not describing him as a member by what they determine it to
6 be by the Hells Angels motorcycle club. I'm determining
7 under my opinion of 186.22, that definition, yes, he is a
8 member, he has status in the gang, he is noted in West
9 Coast Chapter minutes as becoming a prospect, so there is
10 actually a rank structure and that person is identified and
11 has status within in gang. So he would, in my opinion, be
12 a member.

13 Q. So your opinion on January 31st, 2009, Mr. Penna
14 was a member of the Hells Angels criminal street gang?

15 A. Yes.

16 Q. Based on your --

17 MR. HINGLE: I'll object to that last question as
18 leading, and also as the use of the term Hells Angels
19 criminal street gang. That's irrelevant. What's relevant
20 is whether or not it's a California criminal street gang.

21 THE COURT: Sustained as to the latter point.
22 Overruled as to the former.

23 MR. BYERS: So just to be clear that the testimony
24 about him being a member on that date is in evidence?

25 THE COURT: He's a member of -- according to the
26 testimony he's a member of the Hells Angels on that date.

1 MR. BYERS: Excellent.

2 THE COURT: You need to established that the Hells
3 Angels is a criminal street gang in the State of California
4 on that date.

5 Q. BY MR. BYERS: Let me ask you this, Detective:
6 Based on your training and experience in the field of
7 criminal street gangs, do you have an opinion as to if the
8 Hells Angels are a criminal street gang under the
9 California Penal Code?

10 A. Yes.

11 Q. Yes, you believe they are?

12 A. Yes.

13 Q. I want to ask you a little bit about the culture
14 and habits of a Hells Angels criminal street gang member.
15 Are you familiar with some of the indicia that they
16 possess?

17 MR. HINGLE: Your Honor, I'm sorry. Objection. I
18 must object to the use of that term every time, Hells
19 Angels criminal street gang member, because that's not the
20 definition.

21 THE COURT: Sustained.

22 Q. BY MR. BYERS: Are you familiar with the indicia
23 that a Hells Angels member or associate would possess?

24 A. I am.

25 Q. And have you spoken with other experts about the
26 indicia that they process?

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112

1 A. I have.

2 Q. And what type of indicia would you expect to see
3 possessed by a member of the Hells Angels?

4 A. Clothing, using numerous articles of clothing with
5 Hells Angels, Support Your Local 81, the death head, hats,
6 jackets, stickers, patches, motorcycle parts, jewelry, art
7 work, posters, et cetera.

8 Q. Now, in your opinion, the public display of such
9 indicia, would that have some significance for the Hells
10 Angels gang member?

11 A. Yes.

12 Q. Tell us about that.

13 A. Well, first of all it identifies himself as a
14 member of the Hells Angels and for other club members that
15 they are a member of the Hells Angels, which might be
16 prestigious in the world of motorcycles. And are violent
17 towards rivals, that this is their territory, they are in
18 this territory. And it also is a message to the general
19 public citizens that they are members of the Hells Angels.

20 Q. Now, you mentioned the patches that a Hells Angel
21 member might have on his jacket with the three part, the
22 Hells Angels, the death head, and the city on the bottom?

23 A. The region or their territory.

24 Q. Is there some significance of displaying that in
25 public, the Hells Angels?

26 A. It's their colors. It's their identification as a

1 member of their gang.

2 Q. Would someone who wasn't a member be able to
3 display that -- let's just take a vest, a leather vest and
4 a jacket with Hells Angels, with the death head, with the
5 city on the bottom displayed in public, would a nonmember
6 be able to display that in public?

7 A. No.

8 Q. What would happen, in your opinion, if they are
9 not allowed to do that?

10 A. I would say a minimum an ass kicking.

11 Q. Okay. And is there some significance, let's just
12 say I have a T-shirt, I'm down at the beach and it has this
13 symbol on it, is there some difference between that and
14 actually riding, say, a Harley-Davidson motorcycle having
15 this on the back of me if I'm doing that?

16 A. I'm sorry, I'm not exactly understanding your
17 question.

18 Q. Let me just ask you this: If you have the Hells
19 Angels insignia, right, would you find it different if
20 someone was wearing that, say, down at the beach as opposed
21 to being on the back of -- being on the back of a
22 HarleyDavidson motorcycle riding around town?

23 MR. HINGLE: I'm going to object as ambiguous.
24 Which insignia we talking about, the death head or
25 something else?

26 THE COURT: Sustained.

1 MR. BYERS: Okay. Let's start with the original.
2 Well, let me approach.
3 Your Honor, can I have this marked as People's
4 Exhibit 3?
5 THE COURT: Sure.
6 MR. BYERS: Before I do that I ask -- I have
7 another exhibit. Ask that to be marked as People's Exhibit
8 3. And I'll show Counsel.
9 It's a certified rap sheet for Mr. Penna, and on
10 page 1, 2 there's a conviction related to an event that
11 occurred in San Mateo County that I'd ask to be entered in
12 as Exhibit 3, and as a certified government record.
13 THE COURT: Rap sheet on who? Mr. Penna?
14 MR. BYERS: Yes, sir.
15 (People's Exhibit 3 marked for identification.)
16 THE COURT: Pena or Penna?
17 MR. BYERS: I believe it's P-e-n-n-a.
18 THE COURT: Penna.
19 MR. BYERS: I'm going to show Counsel what's now
20 been marked as People's Exhibit 4.
21 (People's Exhibit 4 marked for identification.)
22 MR. BYERS: May I approach?
23 THE COURT: Yes.
24 Q. BY MR. BYERS: Detective, showing you what's been
25 marked as People's Exhibit 4.
26 Now, we've been talking about the death head and a

1 patch and the insignia. What's depicted in People's 4?

2 A. I recognize this to be the cut on the vest that
3 was -- that was on Mr. Villagrana, or taken off him at the
4 scene of the motorcycle accident on Soquel Drive.

5 Q. Let me just focus on what is on the jacket. It's
6 a leather jacket, right?

7 A. It's a leather vest.

8 Q. A vest. Okay. Let me just focus on what's on the
9 vest. Is that the death head insignia that you've been
10 talking about?

11 A. In the middle, yes.

12 Q. Okay. And what's on top of that?

13 A. It's called a topper rocker. It goes across the
14 top and it has the words Hells Angels.

15 Q. What's along the bottom?

16 A. The bottom is a lower rocker that says California.

17 Q. Now, you said that someone who displays that in
18 public who was not a member might be in danger?

19 A. Yes.

20 Q. Now, I was going to ask you if I displayed that,
21 say, at the beach, would that be different than displaying
22 it on the back of a Harley-Davidson motorcycle driving down
23 the road?

24 A. In my opinion if you were wearing these,
25 specifically the death head, it did not matter if you're at
26 the beach or on the back of a motorcycle, you do not wear

1 the death head.

2 Q. Unless you're a member?

3 A. Unless you're a member, correct.

4 Q. Are the -- in your experience or in your basic
5 training and experience is it common for members of the
6 Hells Angels to possess weapons?

7 A. Yes.

8 Q. And how do weapons play into the Hells Angels
9 culture?

10 A. First of all, it's protection. The Hells Angels
11 do have rifles, and they do have a violent history with
12 their rifles. So obviously I -- excuse me. I would
13 believe it's used for protection for use in crimes.

14 Q. Are the Hells Angels a violent gang?

15 A. Yes, they are.

16 Q. Have you been aware of incidences of violence
17 perpetrated by the Hells Angels?

18 A. I have.

19 Q. For what purpose does the Hells Angels use
20 violence?

21 A. Against rivals. Against people who have dropped
22 out in bad standing. I would say people who interfere in
23 their business.

24 Q. And based on your general knowledge of Hells
25 Angels, would a member of the Hells Angels have knowledge
26 of the criminal activity of the group as a whole?

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148

1 A. Yes.

2 MR. HINGLE: I'm going to object as ambiguous to
3 that question. What are we talking about? Every Hells
4 Angels chapter in the world, a specific Hells Angel chapter
5 in Santa Cruz County, a specific Hells Angels chapter that
6 Mr. Villagrana may be a member of?

7 THE COURT: Sustained.

8 Q. BY MR. BYERS: Were you asked to do some research
9 as it relates to Mr. Villagrana?

10 A. I have.

11 Q. Were you asked to determine, if any, of his level
12 of participation in the Hells Angels?

13 A. I have.

14 Q. And what sources did you review to come to such a
15 determination?

16 A. Police reports.

17 Q. Did you also review photographs?

18 A. Yes.

19 Q. Now, police reports and photographs, are these
20 types of documents or items commonly relied upon by experts.
21 in your filed?

22 A. They are.

23 Q. Now --

24 MR. HINGLE: Objection. Vague. Relied upon for
25 what reason?

26 THE COURT: Overruled.

1 Q. BY MR. BYERS: Okay. Now, I'm going to start -- I
2 guess we'll just start with most recent. Did you review a
3 San Jose Police Department report 11 dash 176 dash 0937?

4 MR. HINGLE: Objection. Leading.

5 THE COURT: Overruled.

6 THE WITNESS: I have.

7 Q. BY MR. BYERS: And in reviewing that report, did
8 that assist you in determining Mr. Villagrana's level of
9 participation in the Hells Angels gang?

10 A. Yes.

11 Q. And what was significant -- or maybe you can tell
12 us a little bit about what you read about in that report
13 and what was significant about that to help you make your
14 determination?

15 A. San Jose police officers were responding to a
16 fight with multiple subjects, I believe at some type of
17 fair event downtown. They found Mr. Villagrana was
18 involved in the fight and he was wearing a Hells Angels cut
19 that we've already discussed. And the officers then
20 stopped the fight by using pepper spray, and Mr. Villagrana
21 was cited, I believe, for public fighting.

22 Q. And do you recall the date when those events
23 occurred?

24 A. I believe it was June 25th.

25 Q. Okay. And you mentioned that --

26 THE COURT: June 25th of this year?

1 THE WITNESS: Oh, yes. I'm not 100 percent sure.
2 I'm pretty sure it was June 25th.

3 Q. BY MR. BYERS: And you created a report detailing
4 your investigation for this case into the Hells Angels
5 gang?

6 A. I have.

7 Q. And do you have it with you?

8 A. Yes, I do.

9 Q. Would reviewing that report help refresh your
10 recollection as to what the date of that San Jose incident
11 was?

12 A. Yes, it would.

13 MR. BYERS: With the Court's permission?

14 THE COURT: Yes.

15 Q. BY MR. BYERS: Did you review your report?

16 A. According to the officers it says June 25th.

17 Q. And you mentioned during your testimony that
18 Mr. Villagrana, according to the report, was wearing that
19 full cut?

20 A. Yes.

21 Q. And that's a gang, going back to People's Exhibit
22 4 with the full patch, is that what you believe that to be?

23 A. Yes.

24 Q. And, again, displaying that you found that to be
25 significant?

26 A. Yes.

1 Q. Now, did you participate in the investigation of
2 this matter?

3 A. I did.

4 THE COURT: Just a second. First of all, did the
5 officer who wrote the report see him wearing that at the
6 time of the June 25th incident?

7 THE WITNESS: I don't recall.

8 Q. BY MR. BYERS: Let me ask you this: Back to the
9 June incident you mentioned that you had some information
10 that Mr. Villagrana was wearing a full cut. Where did you
11 get that information?

12 A. From a San Jose intelligence officer.

13 Q. You spoke to another officer?

14 A. Correct.

15 Q. Okay. So in investigating that particular
16 incident you talked to two different officers from San Jose
17 Police Department?

18 A. No.

19 Q. Tell us about that. Tell us who you talked with.

20 A. Her name was Eve, and I'm sorry, I believe it's
21 W-o-l-o-s-k-i. She's works for the San Jose Police
22 Department doing intelligence.

23 Q. So the report doesn't indicate what Mr. Villagrana
24 was wearing?

25 MR. HINGLE: Objection. Calls for hearsay.

26 THE COURT: Sustained.

1 MR. BYERS: It's the --

2 THE COURT: Is Woloski a police officer?

3 MR. BYERS: I'm not sure.

4 It's not hearsay because it's only going to form
5 his opinion -- well, it is his opinion, but he's able to
6 rely on hearsay because he's an expert. Experts rely on
7 police reports and other hearsay, so it's not hearsay --
8 well, it is hearsay, but it's still admissible. It's not
9 for the truth of the matter, however.

10 THE COURT: All right. Did you say Mr. Villagrana
11 was cited for something as a result of this activity on
12 June 25th? And if he did, I didn't hear what it was.

13 Q. BY MR. BYERS: Do you have any information as to
14 if Mr. Villagrana was cited for anything during this
15 incident?

16 A. Yes.

17 Q. What was that?

18 A. I believe it was a 415.

19 Q. Okay. Now, you mentioned that you put --

20 THE COURT: Going back to Counsel's objection,
21 I'll overrule the objection on the basis that this is only
22 being proffered for a basis for Deputy Simpson's opinions
23 here.

24 Q. BY MR. BYERS: I just wanted to clear up about
25 that case. You mentioned that you found it significant
26 that Mr. Villagrana was wearing a full cut. I'll just ask