

**MARTINEZ POLICE DEPARTMENT**

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525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

FELONY REPORT

06-2143

Offenses 245(A)(2) PC 417(A)(1) PC	Description Aslt W/Firearm On Person Exhibit Deadwpn: not F/Arm	Fel/Misd Felony Misd	Date Occurred 05/10/06-05/10/06	Time Occurred 0840	Area 134	Date Printed 06/08/2006	
			Date Reported 05/10/2006	Time Reported 0842	Beat 1	Time Printed 12:27:07	
			Disposition Date 05/10/2006	Disposition Clerd By Other Means		Incident Number 060510021	
Location 550 Alhambra Av, #Bldg Trl, Martinez, CA 94553			Location Type Street/Highway		Point of Entry		
Means of Attack Firearm		Location of Entry	Method of Entry		Alarm System		
Victim Name [REDACTED]							
Residence Address [REDACTED]			Residence Phone	DOB	Age	Sex	Race
Business Name and Address [REDACTED]			Business Phone	Height	Weight	Hair	Eyes
Assistance Rendered/Victim Disposition [REDACTED]			Transporting Agency				
Description of Injuries None			Other Information				
Witness [REDACTED]							
Residence Address [REDACTED]			Residence Phone	DOB	Age	Sex	Race
Business Name and Address [REDACTED]			Business Phone	Height	Weight	Hair	Eyes
Suspect (Not Arrested) Silva, Robert Andrew			Action Taken	Charges 245(A)(2) PC, 417(A)(1) PC			
Residence Address 1601 E Katie Ave, #237, Las Vegas, NV 89119			Residence Phone 702-683-3465	DOB 01/08/1979	Age 27	Sex M	Race H
Business Name and Address			Business Phone	Height 5' 7"	Weight 140	Hair BLK	Eyes BRO
Identifying Features Tattoos: "USMC" Build: Slender Complexion: Pale Facial Hair: None			Arrest Number	Drivers License		SSN [REDACTED]	
Status Involved		Vehicle Make and Model 2001 White Chev Malibu	License/State [REDACTED]	Vehicle Type Passenger Car/Station Wagon			
No.	Status	Item Description (Property listed on separate page)	Value	Val Recoverd	Val Damaged		
Salvability Factors							
Prepared By 86 - Peterson, Gary		Date 05/10/2006	Assisted By	Approved By 86 - Peterson, Gary		Date 6/8/2006	
Route To Investigations DA		Date 06/08/2006 06/08/2006	Notes 6108				

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Victim Name [REDACTED]									
Residence Address [REDACTED]			Residence Phone [REDACTED]		DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]	
Business Name and Address [REDACTED]			Business Phone [REDACTED]		Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	
Assistance Rendered/Victim Disposition Other			Transporting Agency						
Description of Injuries [REDACTED]			Other Information						

Victim Name [REDACTED]									
Residence Address [REDACTED]			Residence Phone [REDACTED]		DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]	
Business Name and Address [REDACTED]			Business Phone [REDACTED]		Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]	
Assistance Rendered/Victim Disposition [REDACTED]			Transporting Agency						
Description of Injuries [REDACTED]			Other Information						

Witness [REDACTED]								
Residence Address [REDACTED]			Residence Phone [REDACTED]		DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]			Business Phone [REDACTED]		Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]

Witness [REDACTED]								
Residence Address [REDACTED]			Residence Phone [REDACTED]		DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]			Business Phone [REDACTED]		Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]

Witness Woods, John								
Residence Address [REDACTED]			Residence Phone [REDACTED]		DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]			Business Phone [REDACTED]		Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]

Witness [REDACTED]								
Residence Address [REDACTED]			Residence Phone [REDACTED]		DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]			Business Phone [REDACTED]		Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]

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	Witness [REDACTED]							
	Residence Address [REDACTED]			Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
	Business Name and Address [REDACTED]			Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
	Witness [REDACTED]							
	Residence Address [REDACTED]			Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
	Business Name and Address [REDACTED]			Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
	Witness [REDACTED]							
	Residence Address [REDACTED]			Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
	Business Name and Address [REDACTED]			Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
	Witness [REDACTED]							
	Residence Address [REDACTED]			Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
	Business Name and Address [REDACTED]			Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
	Witness [REDACTED]							
	Residence Address [REDACTED]			Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
	Business Name and Address [REDACTED]			Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
	Witness [REDACTED]							
	Residence Address [REDACTED]			Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
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	Witness [REDACTED]							
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	Witness [REDACTED]							
	Residence Address [REDACTED]			Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
	Business Name and Address [REDACTED]			Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]

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Witness [REDACTED]						
Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]		Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
Witness [REDACTED]						
Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]		Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
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Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]		Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
Witness [REDACTED]						
Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]		Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
Witness [REDACTED]						
Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]		Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
Witness [REDACTED]						
Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address [REDACTED]		Business Phone [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
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Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
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Witness [REDACTED]						
Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
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Witness

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Residence Address

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	Status	Item Description	Value	Val Recoverd	Val Damaged
1	Evidence	1#106 - 1 Mini-cassette Audio Cassette - AUDIO RECORDING - A) INITIAL INTERVIEW WITH [REDACTED]			
2	Evidence	1#114 - 1 Black Eastpak Back Pack - contains; 4 t-shirts(Tu Pac), contact lens w/cases, keys, cross, wallet. Wallet contains D/L.			
3	Evidence	2#114 - 1 White & Green Magazine Page - located form [REDACTED] wallet. Has writting that talks about a persons demise.			
4	Evidence	1#101 - 2 Stndrd Items Tapes Interviews Audio Recording - Neighborhood canvass interviews, with [REDACTED] (NONE)			
5	Evidence	2#101 - 1 8X11 Items Wht Typed Statement - typed notes from [REDACTED] [REDACTED] (NONE)			
6	Evidence	1#86 - 1 Xl Blue Basic Edition Shirt - Shirt worn by [REDACTED] [REDACTED]			
7	Evidence	2#86 - 1 Cassette Tape - Mini Cassette tape of interview with [REDACTED] [REDACTED]			
8	Evidence	3#86 - 1 Cassette Tape - Mini Cassette tape of interview with Officer Madsen			
9	Evidence	4#86 - 1 Cassette Tape - Mini Cassette tape of interview with Officer VanderMeulen			
10	Evidence	5#86 - 1 Cassette Tape - Mini Cassette tape of interview with Corporal Carter			
11	Evidence	6#86 - 1 Cassette Tape - Mini Cassette tape of interview with Sergeant Prins			
12	Evidence	7#86 - 1 Cassette Tape - Cassette tape of dispatch and radio traffic			
13	Evidence	8#86 - 1 Blk Pellet Gun - Blk pellet gun			
14	Evidence	2#106 - 1 Audio Cassette - AUDIO RECORDING - INTERVIEW WITH [REDACTED] [REDACTED]			
15	Evidence	1#109 - 1 Microcassette - Interviews w/ [REDACTED] [REDACTED]			

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	Status	Item Description	Value	Val Recoverd	Val Damaged
16	Evidence	2#109 - 1 Microcassette - Interviews w/ [REDACTED] [REDACTED]			
17	Evidence	3#106 - 1 Audio Cassette - AUDIO RECORDING - INTERVIEW WITH [REDACTED]			
18	Evidence	1 Hair Standard - HAIR STANDARDS & NAIL CLIPPINGS			
19	Evidence	1 Rosary - ROSARY AND CROSS			
20	Evidence	4#106 - 1 Audio Cassette - AUDIO RECORDING - INTERVIEW WITH [REDACTED] AND [REDACTED]			
21	Evidence	5#106 - 1 Photo Line-up - PHOTO LINE-UP			
22	Evidence	6#106 - 1 Audio Cassette - AUDIO RECORDING - INTERVIEW WITH [REDACTED]			
23	Evidence	9#86 - 1 Hand Written Map - HAND WRITTEN MAP OFC MADSEN			
24	Evidence	10#86 - 3 Cd's - CD's from Crime lab depicting the scene, evidence and aerial photos			
25	Evidence	1 Liquid Blood - LIQUID BLOOD FROM SILVA COLLECTED AT UTOPSY			
26	Evidence	1 Clothing - CLOTHING FROM BODY OF ROBERT SILVA			

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NARRATIVE

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Initial Response

On May 10, 2006 at approximately 0840 hours, I was in the Detective Bureau at Martinez PD, when I heard Corporal Carter's voice on the overhead intercom that picks up radio traffic. Corporal Carter said that someone had pointed a gun at him and he requested Code 3 cover. Detective Busciglio and I ran to the rear lot of the police department. Detective Maloney joined us. We put on our vests. Detective Maloney got into the passenger side of my vehicle and we proceeded north on Alhambra Avenue. I told Detective Maloney, Corporal Carter had reported that someone had pointed a gun at him. As we approached Escobar Street, Sergeant Prins directed us to the intersection at Escobar Street and Berrellesa Street. We got out of my assigned vehicle and started diverting traffic. Officer Rounds also arrived at our location. A few seconds later, I heard what sounded like several gunshots from the area of Buckley Street just west of Berrellesa Street. We ran two blocks to the area where we had heard the shots.

As I turned westbound at the corner Buckley Street from Berrellesa Street, I saw Corporal Carter, Officer VanderMeulen and Officer Madsen on the passenger side of Unit 1233, a Chevrolet Tahoe. The SUV is painted and marked with distinctive Martinez Police markings. I noticed that Unit 1233 was parked diagonally in the westbound lane of Buckley Street facing westbound approximately half way between Berrellesa Street and Richardson Street. Corporal Carter, Officer VanderMeulen and Officer Madsen were in positions of cover behind the hood of the vehicle with weapons drawn pointing toward the rear stairs east of 405 Richardson Street.

Corporal Carter broadcast that the suspect had been shot and retreated behind some bushes. He asked that a shield be brought to the SUV. I contacted the officers at the SUV. Sergeant Prins delivered the shield to me. Corporal Carter radioed dispatch to request medical units to respond and stage. Corporal Carter, Officer VanderMeulen, Officer Madsen and I put on ballistic helmets. Using the shield we approached the area where Corporal Carter last saw the suspect. As we approached the rear stairs of 405 Richardson Street, I observed a Hispanic Male wearing black pants and a black t-shirt. I could see a hole in the middle of the t-shirt or

Prepared By:

86

PETERSON, GARY

Date:

05/11/2006

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NARRATIVE

the chest of the suspect. The suspects' eyes were open, fixed and dilated. Corporal Carter asked Officer VanderMeulen to handcuff the suspect. I advised dispatch to send one paramedic team to the scene so confirm the suspect was deceased. I also asked dispatch to invoke the Contra Costa County Officer Involved Shooting Protocol.

I asked Detective Maloney to start taking photographs of the scene and the suspect. Detective Busciglio who was on a perimeter position at Buckley Street and Richardson Street located Witness [REDACTED], who had apparently been hit in the chest with ricochet fragments and received minor lacerations to the chest. Detective Maloney was assigned to photograph [REDACTED] injuries. I subsequently assigned Detective Maloney to contact the original victim at [REDACTED]. I had Sergeant Prins assign the initial neighborhood canvas responsibilities to Officer John Butler, who is a former detective.

I contacted Deputy District Attorney William Clark via my cellular telephone to advise him that we had invoked the Fatal Incident Protocol. He told me that he would notify the FIP team and would be en route.

Investigation continuing...

Prepared By:

86 PETERSON, GARY

Date:

05/11/2006

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SUPPLEMENT 1

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INVOLVED OFFICERS

Corporal Brian Carter Martinez Police Department

Officer Jeff VanderMeulen Martinez Police Department

WITNESS OFFICER

Officer Doug Madsen Martinez Police Department

OTHER OFFICERS ON SCENE

Sergeant Evert Prins Martinez Police Department

Sergeant Gary Peterson Martinez Police Department

Detective Lisa Maloney Martinez Police Department

Officer Herb Rounds Martinez Police Department

Detective Kevin Busciglio Martinez Police Department

RESPONDING INVESTIGATORS AND OTHER PERSONNEL

Chief David Cutaia Martinez Police Department

Commander Mark Smith Martinez Police Department

Commander Tom Simonetti Martinez Police Department

Sr. Inspector Paul Mulligan Contra Costa County District Attorney's office

Sr. Inspector Matt Wastenev Contra Costa County District Attorney's office

Sr. Inspector Paul Peterson Contra Costa County District Attorney's office

Sr. Inspector Steve Lynn Contra Costa County District Attorney's office

Sr. Inspector Mark Ernst Contra Costa County District Attorney's office

Sr. Inspector Ike Menchaca Contra Costa County District Attorney's office

Sr. Mark Ernest Contra Costa County District Attorney's office

DDA William Clark Contra Costa County District Attorney's office

DDA Bob Hole Contra Costa County District Attorney's office

INVESTIGATIVE NARRATIVE

On 5/10/06, I telephoned DDA William CLARK at the Contra Costa County District Attorney's office and advised him that we had invoked the Fatal Incident Protocol. He told me that he would make notifications and would be responding to the scene.

Prepared By:

86 PETERSON, GARY

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At approximately 0930 hours, members of the Contra Costa County District Attorney's office started arriving at the scene. At approximately 1000 hours, I briefed the listed investigators in the field. We did a walk through of the crime scene, starting from the area where the decedent was positioned, south on Berrellesa Street and then east on Marina Vista and south on Alhambra Avenue to the position where Corporal CARTER's vehicle was parked on Alhambra Avenue.

A subsequent briefing was held in the Emergency Operations Center located at the Martinez Police Department. Sr. Inspector PAUL MULLIGAN and I were assigned to interview the two officers involved in the shooting, the witness officer, the witness who was contacted by Officer VANDERMEULEN prior to the shooting and Sergeant PRINS, who was the Day Shift Watch Commander. The interviews were recorded on audio tapes and the original tapes were logged into evidence at the Martinez Police Department. The interviews of Witness [REDACTED], Officer VANDERMEULEN and Sergeant PRINS were documented by Sr. Inspector MULLIGAN. I documented the interviews of Officer MADSEN and Corporal CARTER.

INTERVIEW OF OFFICER DOUG MADSEN

The interview was conducted in the interview room adjacent to the Detective Bureau. The interview was tape recorded. The tape was later logged into evidence at the Martinez Police Department.

Officer MADSEN said he started his shift at 0700 hours and was assigned to patrol the south sector of Martinez. Officer MADSEN said he has been employed by Martinez Police Department for 21 years and has been a motor officer, a DARE officer, a juvenile detective for 3 ½ years and a patrol officer.

Officer MADSEN told me that he was eating breakfast at Victoria's Café in downtown Martinez when Corporal CARTER broadcast a call for Code 3 cover. Officer MADSEN explained that Corporal CARTER said some guy pointed a gun at him near the corporation yard on Buckley Street. Officer MADSEN indicated that while he was in

Prepared By:

86 PETERSON, GARY

Date:

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route to Corporal CARTER's location, Dispatch said she had just taken a call from a reporting party who said someone came to their car door and confronted him with a gun, saying something like "This is your lucky day" or that he was going to kill him. He said the subject tried to pull the trigger but the gun did not go off.

Officer MADSEN indicated that he got into his patrol vehicle and proceeded to drive westbound on Marina Vista. He said that he first saw Officer VANDERMEULEN's marked Chevrolet Tahoe SUV turn northbound onto Berrellesa Street. He said he saw Corporal CARTER on foot on Marina Vista at Berrellesa Street and then turn north toward the corporation yard. Officer MADSEN said that Corporal CARTER signaled to him by pointing in a northerly direction. He said he made eye contact with Corporal CARTER and proceeded to drive westbound on Marina Vista and then northbound on Berrellesa Street.

Officer MADSEN said that as he proceeded northbound on Berrellesa Street from Marina Vista. He observed Officer VANDERMEULEN's vehicle turn west onto Buckley Street. Officer MADSEN said that Corporal CARTER was almost to the corner of Buckley Street at Berrellesa Street. He said Officer VANDERMEULEN went up Buckley Street out of his view. Officer MADSEN said at that time, Corporal CARTER said, "There he is" or something to the effect that indicated the suspect was up there. Officer MADSEN said that he pulled his vehicle to the bottom of the hill because he heard Corporal CARTER say he wanted to "go in on foot". Officer MADSEN said as he was pulling his vehicle to the bottom of the hill, Officer VANDERMEULEN had backed his vehicle up a bit. He had come out of his vehicle and Corporal CARTER was heading up the hill westbound on foot. Officer MADSEN's recollection was that Officer VANDERMEULEN was by the left rear of his vehicle. Officer MADSEN said he was coming up on foot around his vehicle and he saw a guy dressed all in black, which was the description that was provided. Officer MADSEN said he did not know if it was Officer VANDERMEULEN or Corporal CARTER who yelled at the suspect. He said the

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suspect looked at them and then pointed what appeared to be a black gun. He said the suspect "pointed it at us."

In response to a question about the positions of the officers, Officer MADSEN said Corporal CARTER was in the middle of the street, Officer VANDERMEULEN was near the left rear of the SUV and he (Officer MADSEN) was coming up on the SUV. Officer MADSEN said when he got to almost parallel to Corporal CARTER, he could see him out of his peripheral vision. Corporal CARTER was stopped aimed from the shoulder and fired two (2) shots. He thought that Corporal CARTER fired first and then Officer VANDERMEULEN fired two (2) shots. Officer MADSEN indicated that they fired the shots towards the south side of Buckley Street at the base of the gray two story apartment complex on the corner of Buckley and Richardson Streets. He said there was a hedge on the street and the suspect fell behind the hedge. Officer MADSEN said they rallied behind the SUV and waited for more officers and a shield. He said that Corporal CARTER, Officer VANDERMEULEN, him and me got the shield and went up to arrest the suspect. He said when he arrived, the suspect was motionless. Officer VANDERMEULEN handcuffed the suspect and someone called fire and ambulance.

Officer MADSEN said the first time he saw Corporal CARTER on foot; he was on Marina Vista moving westbound towards Berrellesa Street. Officer MADSEN was asked to draw a diagram (2 pages).

- Position #1 is where Officer MADSEN believes he was crossing Alhambra Avenue on Marina Vista.
- Position #2 is where Officer MADSEN observed Corporal CARTER on foot with his rifle.
- Position #3 is where Officer MADSEN observed Officer VANDERMEULEN turning onto Berrellesa Street.
- Position #4 is where Officer MADSEN was when he saw Officer VANDERMEULEN turning the corner onto Buckley Street.



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- Position #5 is where Officer MADSEN was when he saw Corporal CARTER turning the corner onto Buckley Street. Officer MADSEN said he parked down the hill because they were going to do a search for the guy. He said they did not know where he was so he was pulling up to park and Corporal CARTER had identified him.
- Position #6 is where Officer MADSEN placed the mark when asked where he was when he saw Officer VANDERMEULEN backing up.
- Position #7 is where Officer VANDERMEULEN was when Officer MADSEN first saw him backing up.
- Position #8 is where Officer VANDERMEULEN's vehicle ended up.

Officer MADSEN then placed each officer at the time of the shooting, indicating a "C" for Corporal CARTER, "V" for Officer VANDERMEULEN and an "M" for himself. "S1" indicates where the suspect was by the sidewalk. Officer MADSEN reiterated that the suspect stopped and looked at them. Someone yelled, "Police. Drop your gun." Officer MADSEN said he did not remember who said it and it seemed like it was repeated. Officer MADSEN said it was at this time that the suspect brought the gun up and aimed it at them.

At this point, Officer MADSEN added to the drawing because it was out of scale and adjusted the location of the building at the southwest corner of Buckley Street. Officer MADSEN said the suspect was at the end of the apartment complex by the hedges. He said the suspect "pointed it right at us." Officer MADSEN said he heard four (4) shots; "two very loud and two not so loud". Officer MADSEN indicated that Corporal CARTER was east of the SUV when the shooting occurred.

In response to the question of how long after Officer MADSEN saw the suspect turn did he raise his hand up, Officer MADSEN said, "Immediately". In response to the question of how long after he raised his hand up did you hear shots fired", Officer MADSEN said, "Immediately". Officer MADSEN said the suspect fell backwards and

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out of sight behind the bushes. He said he heard some groaning but did not know if the suspect was alive.

Officer MADSEN said he was wearing the same uniform during the interview as he had been wearing during the incident. He said the SUV and Corporal CARTER's vehicle were both marked police units. I asked Officer MADSEN if anyone had checked his gun to see if it had been fired and he said, "No." At that time, he handed me his Beretta 96S. I checked the chamber and found one round in the chamber and a completely loaded magazine. I checked two additional magazines from his magazine pouch. Both magazines were loaded to capacity.

I asked Officer MADSEN why he did not shoot at the suspect. He said, "Where I was at, I would have had to shoot behind CARTER and VANDERMEULEN." He said, "If I had a clean shot, I would have taken it because he was leveling the gun at us. There was no doubt in my mind."

With respect to the spacing between the shots, Officer MADSEN said they were very quick. When asked what he did when he saw the guy coming up with the gun, Officer MADSEN indicated that when he saw the guy pull the gun out, he moved quickly to the SUV because he assumed shots were going to coming his way and he wanted to get into a position where he could return fire. Officer MADSEN did not remember who brought the shield up to assist with the rescue. Interview with Officer MADSEN was concluded at 1312 hours.

INTERVIEW OF CORPORAL BRIAN CARTER

On 5/10/06 at 1439 hours, Sr. Inspector PAUL MULLIGAN, Sergeant JON SYLVIA and I interviewed Corporal BRIAN CARTER at the Martinez Police Department. The interview was conducted in the Investigations interview room adjacent to the Detective Bureau. The interview was tape recorded. The tape was later logged into evidence at the Martinez Police Department.

Corporal CARTER had been a Reserve Police Officer at the Martinez

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Police Department for 1 ½ years before taking a position as a Police Officer with the City of Benicia, where he spent two years working as a patrol officer. Corporal CARTER has been a full time police officer with the Martinez Police Department for the past six (6) years. He has 9 ½ years of law enforcement experience. Corporal CARTER's primary assignment is Patrol Corporal. He works dayshift, 0700-1900 hours; Monday, Tuesday and Wednesday. Corporal CARTER explained that the Corporal's primary function is to be the Assistant Watch Commander. He said the Sergeant runs the patrol shift and in his absence, the Corporal assumes Watch Commander duties. When I asked if he had any other duties, Corporal CARTER related that he has been on the SWAT team for the past five (5) years. His primary assignment on SWAT is Breacher and Entry Person. Additionally, he has been a firearms instructor for four (4) years. For the past six (6) months, he has been the department rangemaster. He is also one of the department armorer's, specializing in Glock, Remington and Colt weapons. He explained that an armorers' mission is weapons maintenance and function. He said he has received POST certified training in firearms to include handgun, sub-machine gun and shotgun. He said he has had user level and instructor training in patrol rifle, handgun and shotgun as well. Corporal CARTER said he has been a patrol rifle instructor for the department and during the past three (3) years, he has personally instructed patrol rifle on twelve (12) different range dates. He said he is familiar with the use and operation of the AR-15. When I asked if that was a department issued patrol rifle, he said that it was the same platform with minor variations depending on the assignment.

Corporal CARTER stated that he started his shift at 0700 hours. He was assigned to patrol north of Highway 4. He was in full uniform, driving Martinez Police patrol unit #1241. He said that Unit #1241 is a fully marked police car and equipped with an overhead light bar, blue hood and trunk, white doors on the sides. He said his uniform has patches that say "Martinez Police Department" on both shoulders. He

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stated that he had a badge on his left breast and was wearing a duty belt. On the duty belt, he was carrying the Glock 23, 40 caliber handgun. In Patrol unit #1241, he had his SWAT rifle in a bag. He stated that the SWAT rifle is a M4, which is a shortened version of the AR-15. He said that normally, the corporals' vehicle contains an AR-15; however, none of the other corporals are authorized to carry the AR-15. Consequently, Corporal Carter carries his authorized SWAT rifle with him on patrol.

I asked Corporal CARTER if earlier in the day he was involved in an incident. He said he was not on a detail, but had just left Rankin Park. He came down to the stop sign at the corner of Buckley Street and Berrellesa Street. He said he was watching vehicles to see who was out. He was parked "almost to the limit line." He said he could not see the sidewalk to his right, referring to the west sidewalk on Berrellesa Street. He said he was running registration checks on vehicles, when he saw a subject walking northbound on Berrellesa Street on the east sidewalk. He described the subject as a Hispanic male or dark skinned white male, approximately 20 years old, with dark hair, wearing a black tee shirt with white writing on the front, black jeans, unknown shoes. When he saw the subject, his windows rolled up, but could see the subject was yelling at him. He said he could not hear what the subject was yelling, but could see that the subject was looking at him and yelling at him. He stated, "I wasn't sure, so I sat there and watched him for a good 30 seconds or so." Corporal CARTER stated, "I couldn't hear at first what he was saying, then he started pointing at me and extending his hand all the way out and motioning for me to come towards him. Going like this." Corporal CARTER demonstrated the action by extended his arms with his palms facing up, and then moving his arms in an up and down motion. Corporal CARTER said the subject was yelling at him the entire time he was moving his arms. He said he was scanning the area to try to figure out what the subject was doing. He estimated that the subject was 30' - 40' away because he was across the street.

Corporal CARTER said the subject started taking his palms and banging his

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knuckles together, similar to someone who would be wearing handcuffs. Corporal CARTER said he "smacked" his palms together. Mr. STERN, Corporal CARTER's counsel, interjected stating that it looked like Corporal CARTER was actually striking his wrists together below his palms. Corporal CARTER agreed. I described Corporal CARTER's actions as the signal one police officer would give another police officer to handcuff someone. Corporal CARTER said, "I've done that too, if you smack your wrists together." I asked Corporal CARTER what he understood the subject's actions to mean. He told me that the subject started making a fist and slapping his wrists together again, like the handcuff motion and then would extend one finger at him, as if he was asking Corporal CARTER to come toward him. At the same time, the subject was yelling at him. I asked Corporal CARTER what he took the subject's actions to mean. He thought the subject was challenging him to come over and arrest him. He said things happened really fast. He estimated that 30 seconds had passed from the time the subject came into Corporal CARTER's view and was waving at him. He said he started to roll down his window because he was going to yell out to the subject and ask him what was going on, or what was wrong. As he began reaching down for his window, he saw the subject's right hand go to his waistband. He said the subject pulled out an object which immediately looked like a gun. Corporal CARTER said, "I recognized it as a gun. He said it had the same shape as a gun. It was "L" shaped, pointed on one end and one end was longer than the other." He said the subject took the gun and extended it directly toward him and the windshield of his patrol vehicle. He said, "I was facing directly toward the subject so when he pulled the gun and pointed it toward the windshield, it was where I was sitting. He said the subject fully extended the gun with his right hand and he felt his life was in danger. At that point, he knew the subject had the drop on him and he was going to shoot. He explained that he was taught in the police academy the first thing you do if you are in the "kill zone" and you are in a vehicle is to get out of the "kill zone". Corporal CARTER said,

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"So the first thing I did was I hit the accelerator as hard as I could and accelerated the vehicle as fast as I could, making a right hand turn to go southbound on Berrellesa Street to get out of the kill zone." I asked Corporal CARTER why he went southbound on Berrellesa Street and he said, "Because I was afraid of getting shot." Corporal CARTER said, "When I made the right hand turn onto southbound Berrellesa Street, I kinda ducked down in case the subject was going to shoot." He said he accelerated as fast as he could on Berrellesa Street for about two blocks. At the same time, he got on the radio and tried to contact Dispatch. He said the first time he put his call sign out, he was told to hold traffic unless it was a priority. He said he got back on the radio and said something to the effect of "I believe a subject just pointed a handgun at me in the area of Berrellesa and Buckley." He said it was not that he did not know a handgun was pointed at him, but it was more like "did he really just point a handgun at me?" Corporal Carter said, "What is this guy doing pointing a gun at me this close ... he just walked up to a cop car and pointed his gun at me. I couldn't believe it was happening.... It was all so surreal." Corporal CARTER said he advised Dispatch that the person had just pointed a gun at him. He said he thought he provided a description. He remembered that at the same time Dispatch provided information that they were taking an emergency "911" call, where a subject matching the description he had just given Dispatch had gone up to a driver of a vehicle and pointed a gun at his head and said something like, "prepare to meet your maker" or "its time, you're gonna die" or something similar to that. Corporal CARTER said he did not remember the actual wording, but it was something similar to "prepare to meet your maker".

Corporal CARTER said that his state of mind was that the guy had just pointed a gun at him and he thought the subject was going to shoot him. He said he now knew that just two minutes prior to pointing the gun at him, the subject pointed the gun at some random citizen driving down the street. He said he knew he had to go back and confront the subject, but now he knew the subject had pointed the gun at other people.

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Corporal CARTER said, "I'm at the point where I'm thinking we possibly have an active shooter or a person randomly walking down the street with a gun pointing it at people." Corporal CARTER said, "I know he had pointed the gun at two people, including me and so not only was I in fear for my life at that initial point when he pointed the gun at me, I'm in fear for everyone else walking around the neighborhood." He said he ended up driving around the block and turning east on Escobar Street; "basically making a big "U" turn". At the same time, he was putting out as much information as he could over the radio, trying to get other people to help him. Corporal CARTER said, "Obviously, if I knew there was a guy out there with a gun, I didn't want to take him on by myself. I was calling for as many people as I could." Corporal CARTER said he pulled around the block and parked parallel to the construction site for what he believed was the new District Attorney's Office. He said that his rationale was that he did not want to drive back into an ambush position so if he was going to confront the subject, he wanted to do it on his own terms. Therefore, he parked a couple of blocks away.

Corporal CARTER said he knew the subject had a handgun, so he grabbed his rifle, which was in the passenger seat. He said he did not want the odds to be even. He said, "I wanted to make sure that I had the upper hand if it came down to that situation." He said he grabbed his SWAT rifle because it is the firearm that he received the most training and that he is most accurate with. He said he could not remember exactly what he said on the radio, but he thought he was putting out a suspect description, advising responding units that the subject had a handgun and provided a general direction of travel. He said he ran towards the area where he last saw the subject. He believed he went up Buckley Street in front of the city corporation yard and ran up the hill.

He said he did not know exactly where the subject was, but observed two people standing next to the apartment where he was originally parked in the 400 block of Berrellesa Street. He said he could see they were on a cell phone and he asked them

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"which way did he go?" He said they pointed up the hill and he started to run up the hill. Corporal CARTER said that at the same time, Officer VANDERMEULEN, who was driving the Tahoe SUV patrol vehicle, started going up the hill. He said there was some other person who happened to be walking in the neighborhood and he saw Officer VANDERMEULEN start to drive up to him. He said as he got further up the crest of the hill, he could see that was not the same person. Corporal CARTER said, "So I called for Officer VANDERMEULEN to come back because I did not want him to drive up on the bad guy." He said, "I put out over the radio, something similar to "Jeff, you need to come back or "64", which is his badge number." He said, "I told him that he needs to back up because he was going to drive up on the person." He said he knew that was where the witnesses pointed when he asked where the subject went. He said Officer VANDERMEULEN began to back up toward him and he was running up the hill to meet him at his driver's door.

Corporal CARTER said that was when he noticed the person wearing all black with a handgun, sudden appeared in his view. He said the subject was "right up the hill, 30 or 40 yards or so." He said that Officer VANDERMEULEN's Tahoe SUV was between him and the suspect, so he was not sure which direction the subject had come from. He said, "Basically, he just appeared all of a sudden, once Officer VANDERMEULEN made the turn as he was backing. He said he could not see up the hill because, at first, Officer VANDERMEULEN's Tahoe SUV was blocking the field of vision up the hill. He said as he made a right turn towards the north curblin as he was backing, that was when he saw the suspect all of a sudden. Corporal CARTER said he yelled something to the suspect, but could not remember what he yelled. He said he thought he said, "Get on the ground." Corporal CARTER said that as he yelled at the subject to get on the ground, the subject was raising a gun in his right hand again. He said it looked like the same object in his right hand that looked like a firearm. He said, "To me, as far as I could tell, he was pointing a gun at me. At that point, I was

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in fear for my life, thinking he was going to shoot me." He said, "Since Officer VANDERMEULEN and I were in the same line, he was either pointing the handgun at him or me." He said, "So in order to protect my life and the life of Officer VANDERMEULEN, I fired two rounds center mass on the subject and he fell back." Corporal CARTER said he did not know if he hit the suspect, but the suspect disappeared behind a set of bushes at the rear of 405 Richardson Street. He said there were tall bushes on Buckley Street and he could not see the subject any longer. He said he did not know if he was still in the fight or lying in wait and did not want to approach. He stated that he staged paramedics and called for the watch commander to bring the shield out for an approach. He said the subject might still be capable and called for the shield to have cover for the rescue. He said there was just the street between them and the suspect. Corporal CARTER said the rescue team put on ballistic helmets, got into a diamond formation, which was the basic formation one would advance on an active shooter. Officer VANDERMEULEN, Officer MADSEN, Corporal Carter and I (Sergeant Peterson) made the approach. Corporal CARTER said that we advanced all the way to the suspect.

Corporal CARTER said the suspect was lying on his back with his eyes open in a fixed stare and appeared to be deceased at that point. He said he could not see the gun because it had apparently fallen under the suspect when he fell. He said he instructed Officer VANDERMEULEN to handcuff the subject. He said he backed away and was directed to walk down the hill and contact Sergeant PRINS. He said he made his rifle safe and gave it to Sergeant PRINS. Corporal CARTER stated that Officer ROUNDS transported him back to the Martinez Police Department. He said he did not fire his handgun, no one checked it and his gun belt was in his locker.

After the interview, I checked Corporal CARTER's hand gun and found it to be loaded to capacity and both magazines were also loaded to capacity.

When questioned, Corporal CARTER indicated that he first saw the subject near

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the south curbline of Buckley Street. He said the subject was moving towards the sidewalk and from the area where Officer VANDERMEULEN's Tahoe SUV was located. Corporal CARTER said he assumed the subject was coming from Richardson Street, traveling north to south and coming down the hill diagonally, moving towards the sidewalk. He said he had not made it to the bushes.

He stated that the first time the suspect pointed a gun at him during the initial incident, he was standing up normally. He said that the second time, he was walking down the hill in a normal walking stride. He remembered firing two (2) rounds from the semi-automatic position. He said that he fired a controlled pair; meaning he grabbed a sight picture and never lost the sight picture. He said he remembered pressing the trigger twice. Corporal CARTER said there were twenty-eight (28) rounds in his magazine. He said he only loads the gun with 28 rounds because he was not sure if there were 27 in the magazine and one in the chamber or 28 in the magazine and one in the chamber. He said when he shot at the subject, he feared for his life because he had no cover, he was in the street five (5) yards away from the Tahoe SUV. He said he had no doubt the subject was going to shoot him.

I asked Corporal CARTER while he was moving up the hill if he was concerned that Officer VANDERMEULEN was going to back over him in the SUV. He said that he was trying to walk up to the driver's door and saw the subject dressed in black. He said Officer VANDERMEULEN was just backing down the hill to meet with him and was not backing at a rapid speed, so he was not concerned about getting hit by the SUV. He said he thought Officer VANDERMEULEN fired two (2) rounds just after he stopped from the vehicle or the doorframe. He said Officer VANDERMEULEN probably saw the subject coming before he did.

I asked Corporal CARTER if he could see the subject's firearm. Corporal CARTER said the firearm extended above his palm and had all the characteristics of a firearm, including an elongated barrel and fist grip. I asked him if he had any idea

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what type of firearm it was and he told me, "Definitely a semi-automatic rectangular shaped, like a Glock." He was unsure who fired first and indicated that he did not hear his rounds go off.

Corporal CARTER told us he did not wear glasses and was not taking any medication at the time of the shooting. Corporal CARTER had no doubt that the subject he first encountered was the same subject they confronted on Buckley Street. He did not know if the subject was wearing anything on his hands. Sergeant SYLVIA asked if he recalled what firing position he was in. Corporal CARTER indicated that he held his M4 in a shoulder position and fired from the point. As for pedestrians in the area, Corporal CARTER said that he knew there were two (2) witnesses and the first person Officer VANDERMEULEN encountered had disappeared from his view.

Corporal CARTER described the witnesses as a male and female. The female had short hair and was wearing a baseball cap. He described them both as being Caucasian, in their late 20s.

Additionally, we asked Corporal CARTER when the subject brought the gun up, was there anything protruding below the subject's hands and he said he did not know. When asked if he could see the barrel hole, Corporal CARTER said they were too far away and he could not see. He did say he had never seen the subject before. We terminated the interview at this point.

Crime Scene Simulation

On Friday, 5/12/06 at 0800 hours, I picked up a brown evidence bag from the Contra Costa County Crime Lab. The bag was marked with Martinez Police Case #06-2143, Item #6. I signed the chain of custody and took possession of the bag.

I returned to the Martinez Police Department and opened the bag. Upon inspection, I saw a black plastic pellet gun that fired plastic pellets. I gave the bag and its contents to Detective BUSCIGLIO. I instructed Detective BUSCIGLIO not to show the item to anyone else.

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I subsequently met with Detective MALONEY, Officer ESTANOL, Sr. Inspector MULLIGAN and DDA Bill CLARK. We parked on Berrellesa Street at Buckley Street. We parked the marked Chevy Tahoe approximate to where the vehicle was discovered after the shooting. Based on the statements made by Officer VANDERMEULEN and Corporal CARTER, we made a mark in the roadway in the area proximate to where Corporal CARTER was when they engaged the suspect. Detective BUSCIGLIO was dressed in black BDUs, black tee-shirt and was wearing black gloves. He parked at the intersection of Richardson Street and Buckley Street. He was instructed to stand near the stairs to the rear of 405 Richardson Street. This is the area where the suspect was found after the shooting.

Based on the statements made by the officers, Detective BUSCIGLIO was instructed to move from the area near the stairs out in the street and raise the handgun with his right hand towards the Chevy Tahoe SUV and towards the area where Corporal CARTER was standing. We had Detective BUSCIGLIO perform this simulation several times with one hand and with two hands on the gun.

During the first simulation, I sat in the driver's seat of the SUV. When Detective BUSCIGLIO emerged from the bushes and raised the pellet gun to shoulder height with his right hand, it appeared to me that the item in his hand was a firearm. I asked Sr. Inspector MULLIGAN, who was standing where Corporal CARTER was estimated to be standing when the shooting occurred, and he said that he believed that Detective BUSCIGLIO was raising a firearm and could not tell that the item was a plastic pellet gun. DDA CLARK and Detective MALONEY concurred. Sr. Inspector MULLIGAN and I switched places and he sat in the SUV while I stood where he had been. Detective BUSCIGLIO repeated the simulation several times. Each time Detective BUSCIGLIO raised the plastic pellet gun, it appeared to me to be a firearm. Based on my training and experience, I would have engaged the suspect.

I spoke with Sr. Inspector MULLIGAN after the simulation and he indicated that

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from the SUV, he also believed the item was a firearm.

Interview of [REDACTED]

On May 15, 2006 at 0900 hours, I was contacted by Senior Inspector Paul Peterson of the Contra Costa District Attorney's Office. He told me that Deputy District Attorney Hal Jewett received a voice mail from a subject who claimed to have some disturbing information about the OIS. He identified the subject as [REDACTED] and provided a telephone number of [REDACTED]. I am familiar with a [REDACTED] who resides at [REDACTED]. [REDACTED] residence is close in proximity to the OIS scene.

At 0930 hours, I called the number that was provided and spoke with a subject who identified himself as [REDACTED]. I reminded [REDACTED] that we had spoken before on other topics. He said he remembered me and that he had some concerns about the shooting near his house. [REDACTED] told me that he is a victim advocate and has done work to expose Catholic priests. He said he heard that officers shot "the guy that walks around town all the time." He said the guy is harmless and all Martinez officers know him. I asked [REDACTED] where he was at the time of the shooting. He said, "At my house." I asked if he could see what was happening from his house. [REDACTED] told me that he was driving home and observed an officer get out of his vehicle on Alhambra Avenue. He said the officer was carrying a rifle. [REDACTED] wanted to know if the rifle was necessary. I asked [REDACTED] where he went after he saw the officer. He said he went home and a few minutes later he heard popping noises that sounded like gun shots. [REDACTED] said he walked down to the scene and saw officers hiding behind a shield. He said they went over and checked on the guy that was in the bushes. He wanted to know why the officers didn't shoot the guy in the leg since he was obviously not going to shoot at them and was emotionally disturbed. I told [REDACTED] the officers shot at the guy because they felt their lives were endangered. He couldn't understand why the officers felt threatened since the suspect had pointed

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Date:

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the gun at the original victim, Corporal Carter, but did not fire at them. [REDACTED] main concern was that the incident be investigated. I explained the Fatal Incident Protocol to [REDACTED] He thanked me and we terminated the conversation.

Autopsy

On 5/11/06 at 0900 hours, I attended the autopsy on Robert Andrew Silva (DOB: 01/01/1978). Sr. Inspector Paul Mulligan, Officer Estanol and DDA's Hole and Clark also attended the autopsy. I assigned Officer Estanol to take photographs of Silva prior to and during the autopsy. The digital images were later downloaded into the case. Dr. Brian Peterson performed the autopsy. Please refer to Dr. Peterson's report for additional information.

G. PETERSON, #86

iam 5/16/06

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On 051006 at approximately 0840 hours, I was in the detective bureau when I noticed Sgt Peterson and Det Busciglio running from the bureau towards the rear of the building. I followed them into the rear lot of the Martinez Police Department where Sgt Peterson told me that someone had pointed a gun at Cpl Carter. We pulled police raid vests from the trunks of our vehicles and drove to the scene. I rode in Sgt Peterson's vehicle. Upon our arrival in the area, Sgt Prins requested that we lock down the intersection at Escobar St and Berrellesa St as part of an effort to secure the perimeter for a search. Almost immediately after we exited Sgt Peterson's vehicle, I heard several gunshots from the area of Buckley St just west of Berrellesa St. We ran to the area where we had heard the shooting. Ofc Herb Rounds arrived in the area at approximately the same time we did and was also running toward the sound of the shots.

As I turned westbound on Buckley St from Berrellesa St. I saw Cpl Carter, Ofc Vandermeulen and Ofc Madsen in tactical positions on the passenger side of Unit 1233, a 2002 Chevrolet Tahoe that is painted and marked with distinctive Martinez Police markings. Unit 1233 was parked diagonally in the westbound lane of Buckley St facing westbound approximately half way between Berrellesa St and Richardson St. Cpl Carter, Ofc Vandermeulen and Ofc Madsen were in positions of cover behind the hood of the vehicle with weapons drawn pointing toward a staircase area to the east of 405 Richardson St. There were large bushes obscuring the bottom area of the stairs.

Cpl Carter said that the suspect had been shot and went down behind the bushes. However, because they couldn't see the bottom area of the stairs, they were unable to tell whether or not he was still a threat. Cpl Carter radioed dispatch to request medical units to respond and stage. I retrieved helmets from the rear of Unit 1233, and another officer brought the shield up from another vehicle. Sgt Peterson, Cpl Carter, Ofc Vandermeulen, and Ofc Madsen approached the area of the suspect, using the shield and helmets for protection. I remained at the vehicle with Ofc Rounds and provided additional cover. After approaching the suspect, Sgt Peterson motioned me that they were "Code 4."

After the scene was declared secure, I took several photographs of the scene and the suspect. In addition, Det Busciglio located a citizen who had apparently been hit in the chest with ricochet fragments. I took photographs of him and of his wound. I also initiated a crime scene control log.

AMR Paramedic Unit 159 and Consolidated Fire Engine 14 arrived on scene at approximately 0850 hours. The following personnel were on Paramedic Unit 159: [REDACTED]

[REDACTED] The following personnel were on Engine 14: [REDACTED]

AMR and Con Fire personnel performed medical assessments on the suspect. [REDACTED] then pronounce the suspect dead on scene at 0900 hours. After pronouncing the suspect dead and treating the citizen, medical personnel departed the scene.

Sgt Peterson then asked me to go to 550 Alhambra Ave (a construction trailer) to conduct a preliminary taped interview with the victim that reported an individual had pointed a gun at him while he sat in his car. I turned the responsibility for recording crime scene access over to Police Cadet Ryan Baillie, and I responded to 550 Alhambra Ave.

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Upon my arrival at 550 Alhambra Ave, I contacted [REDACTED], the original victim, and [REDACTED] the person who initially called 911 for [REDACTED]

[REDACTED] Provided the following information:

He went out to his car at approximately 0830 hours. He was in his car in the parking lot behind the construction trailer. He was listening to the radio and "fussing" with his paperwork. He was at his car for approximately 10-15 minutes when a person came to his drivers door and knocked on the window. He didn't try to roll the window down because it is electric. Instead he opened the door partially. The "young man" stood back and said, "This is the last day of your life. You're gonna die." The subject then pointed what appeared to be a gun at him with his right hand and pulled the trigger at least twice. [REDACTED] turned back away from the subject to get out of the line of fire, but the gun didn't go off. The subject then turned and ran down the sidewalk westbound on Escobar. [REDACTED] jumped out of his car to see where the subject was running and saw him running southbound on Berrellesa St. [REDACTED] said he didn't originally see the gun but that the suspect pulled it from behind the suspect's back after telling [REDACTED] he was going to die. [REDACTED] told me he wasn't as scared in combat as he was during the reported incident. He served in combat in Vietnam in 1968 during the Tet offensive.

[REDACTED] described the suspect as a young, clean-cut, white or Hispanic, male, approximately 5'8"-5'9", 140 lbs at the most, with dark brown hair that was well manicured and combed back in a layered look, no facial hair or jewelry, wearing a black T-shirt with a white "negative looking" photo of an image. He didn't have any accent that [REDACTED] could distinguish.

He described the gun as black and "odd looking." It wasn't like a 1911 or revolver but was "tech-nineish looking." He said he recognized it instantly as a gun and got out of the way. He said the subject tried to pull the trigger twice and it didn't fire either because it was empty or it was a toy.

After the suspect ran away, [REDACTED] ran to the construction trailer and had [REDACTED] dial 911 for him. He reported to the 911 operator what had happened. She told them to stay in the trailer, but they did go out onto the porch of the trailer after hanging up the phone. [REDACTED] heard the sirens and the gunshots when he was on the porch.

After speaking to [REDACTED] I spoke to [REDACTED] He told me that [REDACTED] ran in to the trailer and told him to call 911 because someone had just put a gun in his face and tried to pull the trigger. [REDACTED] dialed 911 for [REDACTED] and was originally passing information between [REDACTED] and the 911 operator, but then [REDACTED] spoke directly to the operator. [REDACTED] didn't see the incident, but he heard gunshots when he was on the porch with [REDACTED]

I provided [REDACTED] with my business card, the case number, and a victim/witness assistance card. I tape recorded the interview and later placed the tape into evidence at the Martinez Police Department.

I then returned to the shooting scene where the Officer Involved Shooting Protocol team was assembling. The team conducted an initial briefing of the facts that were known and then conducted a walk-through of the areas of travel and the initial scene at 550 Alhambra Ave. Some of the members

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spoke with [REDACTED] and watched a short reenactment of his movements in the car when responding to the suspects actions.

After getting a visual perspective of the scenes and areas of travel, the team returned to Martinez Police Department for an organizational meeting where MPD detectives were paired with District Attorney investigators. During this meeting I was paired with Sr. Inspector Paul Peterson. We were assigned to reinterview [REDACTED]

When Sr. Inspector Peterson and I arrived back at 550 Alhambra Ave, [REDACTED] had already left to drive home. We drove to his residence in Elk Grove and reinterviewed him. Sr. Inspector Peterson advised that he would document the interview in Elk Grove in his supplement.

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1. On 5/10/06 at approximately 0842 hours, I was dispatched as a cover unit to the officer involved shooting in the area of Buckley Street and Richardson Street. I arrived at the scene at about 0844 hours and was assigned a perimeter post at Berrellesa Street and Buckley Street.
2. After the incident was secured, Corporal CARTER requested that I interview two (2) witnesses at the scene. I interviewed [REDACTED] and [REDACTED]. Both of these subjects are friends. I interviewed each subject separately.
3. I spoke with [REDACTED] who stated that a few minutes prior to the incident, a Martinez Police unit in the area was standing outside of 408 Berrellesa Street. He said he noticed a subject on the east sidewalk of the 400 block of Berrellesa Street. This subject was walking northbound, then turned and walked southbound, back and forth. He stated that he did not know the subject and did not recognize the subject as being from the neighborhood. He described the subject as a Hispanic male about 20 years, 5'10" with a slim build, wearing a black shirt and black pants.
4. It should be noted that Buckley Street intersects with the 400 block of Berrellesa Street.
5. [REDACTED] told me that he then saw the subject walk westbound on Buckley Street up Berrellesa Street on the south sidewalk and disappeared. Approximately two minutes later, he observed a marked Martinez Police patrol unit traveling at a high rate of speed eastbound on Buckley Street, turning northbound on Berrellesa Street. He said he thought that maybe the patrol vehicle was responding to an emergency call. He said a few seconds later, after the police unit passed him, he observed the same Hispanic male running eastbound on Buckley Street and turning southbound on Berrellesa Street, as if he was chasing the police unit. He stated that the subject stopped in front of him approximately 2' and he observed a black metal object resembling the barrel of a

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firearm in his left hand. [REDACTED] said he did not see any other portion of the item in his hand. He said he did not see whether the subject placed the gun somewhere on his person.

6. [REDACTED] stated that when the subject ran around the corner, southbound Berrellesa Street, his arms were at his sides. After the subject stopped in front of him, the subject began laughing.
7. [REDACTED] stated that the subject then crossed the street to the east sidewalk in the 400 block of Berrellesa Street and started walking northbound on Berrellesa Street. He said the subject then crossed the street at the intersection of Berrellesa Street at Buckley Street and then walked again on the south sidewalk of Buckley Street and disappeared.
8. He stated that he did not hear any gunshots. He said he had no further information.
9. I interviewed [REDACTED] at the scene. She resides at 408 Berrellesa Street. She stated that she had white sheets serving as drapes on the front windows of her residence that faces Berrellesa Street. She stated that while she was inside her residence, she saw a shadow run past the front windows traveling northbound. She did not know who the subject was that had run past her windows. She stated she emerged out front from the Berrellesa Street side where [REDACTED] had been standing. She stated that [REDACTED] told her that "a Mexican" had just pointed a gun at a police officer. She estimated about one minute later, she heard what she thought were 3 - 4 gunshots in the area of Buckley Street and Richardson Street.
10. She stated she had no further information regarding this incident.

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iam 5/10/06

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On 5/11/06 at 0900 hours, I attended the autopsy concerning case 06-2143. I was there with Det. Sgt. Peterson, the lead investigator. I was assigned to take photographs of S-Silva prior and during the autopsy. The attending pathologist was Dr. Peterson.

I took 44 photographs of S-Silva, both prior to clothing removal and during the autopsy. I used a Canon 8.0 Megapixel Digital SLR to take these pictures. Scales for measurements were provided by the Sheriff's Office. The pictures were then logged into this case file.

Please refer to Det. Sgt. Peterson for the Dr. Peterson's findings.

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On 051206 at approximately 1330 hours, D.A. Investigator Paul Peterson and I interviewed [REDACTED] and [REDACTED] at the Station 14 Fire House, 521 Jones St, Martinez. The interviews were conducted in the station house office.

We interviewed [REDACTED] first. He provided the following information:

[REDACTED] is a fire fighter/paramedic for Contra Costa County Consolidated Fire. He has been a paramedic for 16 years. He has worked for Consolidated Fire for five years. Prior to that he worked for Moraga/Orinda Fire for two years. He has completed both EMT and paramedic training. [REDACTED] works on the "A" shift; 10 May was a regularly scheduled work day for "A" shift.

[REDACTED] said that he heard sirens going northbound on Alhambra Ave and told [REDACTED] they would be going somewhere soon. Shortly afterward, the bells went off and they were dispatched to an officer involved shooting. Dispatch instructed them to stage at Marina Vista and Alhambra Ave. They responded "code 3" and staged until they were called into the scene with the ambulance. They let the ambulance crew enter first. The fire truck parked a block short of the victim's location, and the fire crew walked into the scene. When [REDACTED] arrived at the area where the suspect was lying, the ambulance crew was on scene and assessing the suspect's condition. The suspect appeared deceased to [REDACTED]. The first paramedic on scene and an intern that was riding with her evaluated the suspect. The first paramedic on scene pronounced the suspect deceased following evaluation.

[REDACTED] observed the suspect from 3-4 feet away, standing at the end of the body near the head. He observed a male subject who appeared pale and had dilated eyes. The suspect had sunglasses on his head. He was wearing a white T-shirt with a design on it. There was a hole in the chest of the T-shirt. Blood was coming from the area of the suspect's back.

There was a black plastic gun by the right side of the suspect's head. [REDACTED] said it was clear that it was a toy gun because he could see the pellets in the storage portion of the gun.

[REDACTED] didn't touch the suspect or any items around him.

After interviewing [REDACTED], we interviewed [REDACTED]. [REDACTED] provided the following information:

[REDACTED] is a fire engineer for Consolidated Fire. He has worked for Consolidated Fire for 23 years. Prior to that he worked for Citrus Heights Fire for 2.5 years. He completed EMT training.

[REDACTED] said [REDACTED] told him they were going somewhere after [REDACTED] heard sirens going down Alhambra Ave. However, [REDACTED] didn't hear the sirens. The station bells then went off, and they were dispatched to an officer involved shooting. They staged at Marina Vista and Alhambra Ave and sat for "awhile" while police cars kept "roaring" by.

They were then called in to the scene, but [REDACTED] saw the ambulance in his mirror and let them go first. The fire truck got stuck in the intersection by the parked police cars, and he couldn't get the truck up the hill to the area where the suspect was, so they parked and walked up the hill. The ambulance was able to get through the parked cars and went directly to the scene. [REDACTED] was the first of the fire crew

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up the hill, and [REDACTED] was the last.

When [REDACTED] got to the scene, two or three AMR medics were "milling around." The suspect was hooked to the monitor, and the AMR medics said he was asystole. They asked the police how long the suspect had been down for, and an unknown patrol officer gave them the time. The AMR medics determined that the suspect was deceased at the scene.

[REDACTED] stood "right over" the suspect and saw a hole in the suspect's T-shirt. He also saw a little bit of blood coming from underneath him. He saw a pellet pistol lying next to the right side of the suspect's head. It looked like a plastic gun of some type, and he knew it was a toy because he saw the clear portion with the plastic pellets in it.

[REDACTED] thought it was odd that the AMR crew didn't move the patient because they would normally roll a patient to check the back area. However, he said that AMR was in charge of the patient, and he was not the medical expert on the team.

[REDACTED] didn't touch the suspect or any items around him.

I taped both interviews and logged the tape into evidence at the Martinez Police Department.

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On Wednesday, 05/10/06, I was teamed up with Senior Inspector Steve Lynn with the Contra Costa County District Attorney's Office to assist with the investigation of this incident. During this time, Inspector Lynn and I conducted interviews at 405 Richardson Street. 405 Richardson Street is a residential board and care facility for the mentally ill. The following people were contacted during the investigation and reside at 405 Richardson Street:

[REDACTED]
[REDACTED] (Two residents of 405 Richardson Street, [REDACTED] were not interviewed as [REDACTED] advised us they were not present during the time of the incident. [REDACTED] had not been at the residence for approximately two days, and [REDACTED] left the residence at approximately 0730 hours on 05/10/06.)

In addition to the aforementioned interviews, Inspector Lynn and I also interviewed [REDACTED]. I taped all of these interviews with a micro cassette recorder and placed the cassettes into evidence upon completion of my portion of the investigation. See evidence card for details.

The following is a summary of several interviews that Inspector Lynn and I conducted. See Inspector Lynn's report for details of the remaining interviews we conducted together, as well as additional information he obtained during his portion of the investigation.

On 05/10/06, Inspector Lynn and I arrived at 405 Richardson Street at approximately 1051 hours and spoke with the following individuals in the following order:

[REDACTED] stated he heard one gunshot around 0830 hours this date while he was in the downstairs hallway. After the shot, [REDACTED] was told to go to [REDACTED] bedroom for safety reasons. Once in the room, [REDACTED] looked out the window and saw the lower half of a body wearing black pants and a white shirt in the stairwell of 405 Richardson Street. [REDACTED] did not see the individual's face and provided no further information.

[REDACTED] stated he was at the residence all day, but did not know anything about the incident. [REDACTED] stated he was told to go to [REDACTED] bedroom because somebody was shot, but again stated he "did not know anything."

[REDACTED] stated he heard 4 or 5 gunshots while he was in the bathroom. [REDACTED] did not look out the bathroom window and then entered the shower. [REDACTED] stated he did not know anything else about the incident.

[REDACTED] stated he was watching television in his bedroom when he believed he heard 6 gunshots come from the bathroom adjacent to his bedroom. [REDACTED] stated his bedroom is on the northwest corner of the first floor of this residence. [REDACTED] did not initially investigate the gunshots, but went into his bathroom within 2 to 5 minutes of hearing them and saw a body on the ground. [REDACTED] did not see any police officers during that time.

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██████████ stated he heard 4 or 5 "backfires" while he was in the dining hall of the residence. This area is located on the south side of the building's second floor. ██████████ stated he continued eating his breakfast during the incident and heard other residents commenting about a shooting. ██████████ provided no further information.

██████████ stated he heard what sounded like 4 boards dropping to the ground making a banging sound while he was in his bedroom. ██████████ later heard ██████████ state there were gunshots outside of the residence. ██████████ did not have any additional knowledge of the incident.

██████████ stated he heard 2 or 3 shots while he was in the dining room near the patio area, but did not see anything.

██████████ stated he heard 4 or 5 shots while he was in his bedroom. After ██████████ heard the shots, he turned up his radio and did not attempt to find out what occurred. ██████████ then stated, "I don't know what happened."

██████████ stated he heard 3 or 4 shots, but did not look out the window and did not know anything about the incident.

██████████ stated he was asleep in ██████████ bedroom. ██████████ was awakened by gunshots and looked out of the bedroom's north window. ██████████ then saw police officers standing near a police SUV with their guns drawn. ██████████ also saw an individual on his back, lying on the ground. ██████████ feared the individual might be a resident of the house, so he went to the second floor balcony on the building's east side to get a better look at the downed individual. While ██████████ was standing on the balcony, he saw what he believed was a gun next to the right side of the individual's head. ██████████ then watched as officers approached the individual with a shield and handcuffed him in the front. Shortly after the individual was handcuffed, ██████████ saw medical personnel arrive and begin attending to the subject. Inspector Lynn asked ██████████ if he saw the police officers do or say anything inappropriate and ██████████ replied, "I don't think so." Inspector Lynn then inquired about the gun ██████████ saw and ██████████ elaborated that he saw what looked like a gun or "some sort of weapon" next to the individual's head, on the right side of the body above the right arm, closer to the police SUV. ██████████ also stated during the incident, he looked at his clock and saw it was approximately 0845 hours.

██████████ the on-site administrator for the Scenic View Home, told us he was upstairs in his bedroom during the incident. ██████████ bedroom is on the second floor of the residence in the northwest corner of the building. ██████████ room has windows on the north side of the residence that were closed during the time of the incident. ██████████ also stated his air conditioning unit was on during the incident, and that this unit is quite noisy. ██████████ advised us he was awake and seated in the south side of his bedroom when he heard a rapid succession of what he believed were approximately 8 gunshots. ██████████ then ran to the window and saw several police officers by a police truck on Buckley Street, holding their guns toward the residence. Upon seeing this, ██████████ moved away from the window for "a couple minutes" and then looked back out of the window. At that time, ██████████ saw somebody lying at the foot of the steps adjacent to the residence. ██████████ stated he did not recognize that person. ██████████ added that at one point he saw the individual's left arm elevate and watched the individual lay his arm on the ground. ██████████

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later walked to the balcony and looked at the individual. At that time, he saw something lying next to the right side of the individual's head. [REDACTED] added that he has "very bad vision" and could not tell what the item was. During the incident, [REDACTED] also saw the individual lying on the ground was handcuffed in the front, as medical personnel approached him and parked "parallel" to the body.

On Thursday, 05/11/06, Inspector Lynn and I returned to 405 Richardson Street at approximately 0800 hours in order to contact individuals who were unavailable for interview on 05/10/06. During this time, Inspector Lynn and I obtained the following statements:

[REDACTED] stated he was walking north on Richardson Street approaching Buckley Street around 0830 or 0840 when he heard 6 shots. [REDACTED] then looked around the corner and was told to go back into the house by a police officer. When [REDACTED] looked around the corner he saw officers standing near a city vehicle parked in the middle of the street. [REDACTED] added that he did not see or hear anything pass him while he was standing near the corner of the residence, but did see somebody on the ground when he peaked around the corner. [REDACTED] stated he went running into the house after being told to do so by officers and did not recall anything more.

[REDACTED] stated he believed he was out of the house during the time of the incident. [REDACTED] stated he left the residence around 0900 or 0930 and did not hear any gunshots.

[REDACTED] stated he was lying in bed and awake during the incident. [REDACTED] bedroom is located on the northeast corner of the residence on the second floor. [REDACTED] stated he heard someone say, "Hold it. Drop it." and then heard shots. [REDACTED] did not look out of his window during the initial incident, but later looked down the stairwell and saw a body. [REDACTED] stated he believed the statements were made by a policeman due to the fact the statements sounded like "an order from a cop." [REDACTED] believed there was a seven second duration from the time the statements were made until the time he heard shots. [REDACTED] later took Inspector Lynn and I to his bedroom. Upon entering his room, [REDACTED] stated his window was open during the incident. [REDACTED] window is actually a glass sliding door adjacent to an upstairs balcony area. While standing on this balcony, the bottom of the building's northeast stairwell can be seen.

[REDACTED] stated he was awake in his bedroom on the building's bottom floor on the northeast side. [REDACTED] was watching television and looked out of his window because he heard yelling. At that time, he saw a white SUV back up "real fast." [REDACTED] stated he was not sure what people were yelling when he initially looked outside and was unsure if the white SUV was a police vehicle. After he watched the SUV back up he heard someone yelling, "Put the weapon down." [REDACTED] then heard about 5 shots. [REDACTED] looked out of his window a second time and saw a black and white, Martinez SUV with two officers on the passenger side and one officer on the driver's side of the vehicle. [REDACTED] stated he did not see anything more of the incident, but added that prior to the incident, he saw an individual across Buckley Street looking in a neighbor's mailbox. [REDACTED] stated the individual had black hair and was wearing cloth gloves, glasses, and a black t-shirt with something white on the front of it. [REDACTED] further described the individual as being tall, thin, and in his early 20's. [REDACTED] watched the individual walk down Richardson Street and paid no further attention to him, as it appeared the individual did not take anything from the mailbox. [REDACTED] did not recognize the individual, but knew he did not live at the

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residence associated with the mailbox he was looking into. [REDACTED] stated he saw the individual about 5 or 10 minutes before he saw the vehicle back down the hill and heard shots. [REDACTED] later saw the individual who was lying on the ground near the building's northeast side and was unsure if that individual was the same person he saw near the neighbor's mailbox prior to the incident.

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On 05-10-06 at approximately 0840 hrs., I was in the Detective Bureau working at my desk. I had my portable radio on my desk when I heard Cpl. Carter ask for "CODE 3" cover. Cpl. Carter advised over the radio that a subject had just pointed a gun at him. Cpl. Carter stated that the subject had run into some bushes behind the residence of [REDACTED]. I know this residence and knew it was 404 Berellessa St. Sgt. Peterson, Det. Maloney and I ran to the back parking lot where we put on our vests. I drove my vehicle (unit 1157) to the area and responded towards the west side (rear) of 404 Berellessa St. I was driving through the intersection of Talbart St. and Main St. when I heard Cpl. Carter say over the radio that shots were fired. Cpl. Carter advised that the suspect was last seen behind the bushes to the rear of the residence at the corner of Richardson St. and Buckley St. Cpl. Carter then put out a request for a shield. I drove to the intersection of Talbart St. and Buckley St. I looked down Buckley St. (East) and saw Cpl. Carter, Ofc. Vandermeulen and Ofc. Madsen standing behind unit #1233 in the 200 Blk. of Buckley St. I then responded to the corner of Richardson St. at Marina Vista to set up a perimeter per Sgt. Peterson's request. Sgt. Peterson then activated the officer involved shooting protocol.

I was standing near the intersection of Richardson St. and Buckley St. when (W) [REDACTED] approached me from the south/west corner. [REDACTED] was later positively identified by his California DL/ID card. [REDACTED] said, "I saw everything from start to finish. I was hit by ricochets." [REDACTED] then lifted his shirt and I saw two small cuts that were recent but not bleeding. These cuts were on [REDACTED] chest near his left breast. AMR Paramedics were on scene and attended to [REDACTED]. [REDACTED] was then transported to County Hospital by AMR.

I was assigned to work with Senior Inspector Matt Wastaney from the Contra Costa County District Attorney's office. We were advised that (M) [REDACTED] was in the front lobby of MPD and may be related to (S) Robert Silva. We interviewed [REDACTED] at MPD on 05-10-06 at approximately 1125 hrs. [REDACTED] positively identified the suspect as [REDACTED] Robert Silva. [REDACTED] further said that Robert Silva's property was at his residence [REDACTED] located at [REDACTED]. Refer to Inspector Wastaney's report for further details regarding the interview.

Inspector Wastaney and I met [REDACTED] at his residence at approximately 1230 hrs. [REDACTED] handed me a black backpack, black wallet and a set of keys (property item #2). [REDACTED] said that these items were Robert Silva's and that there was no other property belonging to Robert at his residence. [REDACTED] said these were the only items that Robert had brought with him from Las Vegas.

The back pack contained four white T-shirts with a picture of Tu Pac and some contact lens containers. The wallet contained Robert Silva's Nevada Drivers License along with his credit/bank cards. There was a small amount of US Currency coins. The wallet did not contain any US Currency Notes.

Folded in one of the wallets pockets was what appeared to be a page from a magazine/ad (property/evidence item #3). One side was advertising music CD's. The other side was a written statement with a shadow picture of a person in the background. This appeared to be an original part of the publication for the magazine/ad. The writing was;

"IN THE EVENT OF MY DEMISE

Prepared By:

114 BUSCIGLIO, KEVIN

Date:

05/15/2006

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DEDICATED 2 THOSE CURIOUS
IN THE EVENT OF MY DEMISE
WHEN MY HEART CAN BEAT NO MORE
I HOPE I DIE FOR A PRICIPLE
OR A BELIEF THAT I HAD LIVED 4
I WILL DIE BEFORE MY TIME
BECAUSE I FEEL THE SHADOW'S DEPTH
SO MUCH I WANTED TO ACCOMPLISH
BEFORE I REACHED MY DEATH
I HAVE COME 2 GRIPS WITH THE POSSIBILITY
AND WIPED THE LAST TEAR FROM MY EYES
I LOVED ALL WHO WERE POSITIVE
IN THE EVENT OF MY DEMISE!"

The backpack, wallet, keys, and above detailed magazine/ad page were later logged into evidence at the Martinez Police Department.

Inspector Wastaney and I were further assigned to make notification to Robert Silva's immediate family. We learned through our investigation that Robert Silva's father [REDACTED] lived in Henderson Nevada. We learned that Robert Silva's [REDACTED] lived in Las Vegas Nevada. At that time, we did not know the location of Robert Silva's [REDACTED]

On 05-10-06 at approximately 1900 hrs., Inspector Wastaney and I had arrived in Las Vegas Nevada. We contacted [REDACTED] via his cell phone. [REDACTED] stated he was at his sons [REDACTED] apartment. [REDACTED] and [REDACTED] had already been advised of the incident regarding Robert Silva via other family members. We responded to the apartment at about 2100 hrs., [REDACTED] were we contacted both parties. We advised both parties of the incident and asked if they had any questions about what happened.

[REDACTED] said he last spoke to Robert Silva via the telephone on 05-09-06 at about 1930 hrs. [REDACTED] told me that Robert had talked about "The Mexicans" and the revolution that the Mexicans needed to start. [REDACTED] said he tried to tell Robert that he was American born and did not need to worry about any revolution. [REDACTED] told me that Robert was on a seven day fast and had stopped eating. He said that Robert had told him that he had seen visions, prophets and his deceased grandfather off twelve years.

[REDACTED] told me that he and Robert Silva were [REDACTED] and lived together in their apartment. [REDACTED] stated that they both worked out of their apartment selling items on E-Bay. He stated that they would mainly sell CD's and shirts. [REDACTED] told me that he and Robert moved to Las Vegas approximately four years ago and were in the Marine Corp prior to that. He stated that they had lived in Martinez California, [REDACTED] prior to joining the Marines. [REDACTED] repeatedly said, "It's just unreal." [REDACTED] said that Robert asked him to drive to

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Martinez so he could go to [REDACTED] house. [REDACTED] told me he drove Robert to Martinez and they arrived on Monday 05-08-06 at about 0200 hrs. He stated they called [REDACTED] and met him at work to get the keys to [REDACTED] apartment. [REDACTED] said he dropped off Robert then drove back to Las Vegas that night. He said he needed to return to Las Vegas so he could help [REDACTED] who lived in the same apartment complex. [REDACTED] said that he did not understand why Robert Silva wanted to go to Martinez and did not ask Robert many questions. [REDACTED] told me that Robert kept telling him on the drive to Martinez, "No one could see or feel what he felt." [REDACTED] said he last talked to Robert Silva on 05-09-06 at about 2000 hrs., via the telephone. [REDACTED] told me that Robert Silva told him, "You don't see what's going on. You don't get it." He told me their conversation was less than one minute. [REDACTED] said Robert stopped eating and drinking seven days ago. He said that Robert Silva would not drink any water and he tried to force Robert to drink Gatorade at one point, but was unsuccessful. He said that he could not remember seeing Robert Silva sleep in the past seven days. He said Robert Silva talked about a Mexican Revolution and could not explain why. [REDACTED] stated that Robert Silva did not use drugs or alcohol.

Both [REDACTED] stated there were no known medical and or mental conditions with Robert. They stated that he [REDACTED] had never been in trouble with law enforcement. There were no surgeries and or accidents that Robert had been involved in. They both said that Robert only started acting noticeably strange within the past seven days. They stated that Robert was never married nor did he have a girlfriend and or any children.

We asked about [REDACTED] and both parties stated she was aware of the incident and stated we did not need to talk with her.

We left the apartment after providing both parties with our contact information.

We left the apartment and walked down the stairs. Across the walkway was a female who asked what we were doing at [REDACTED] apartment. The female identified herself as [REDACTED]. She was crying and stated she was aware of what happened to [REDACTED] Robert Silva. She did not have any questions about the incident. [REDACTED] did not provide any further information about Robert that would explain his behavior. [REDACTED] was provided with our contact information.

Prepared By:

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05/15/2006

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On 5/10/06 at 0842 hours, I overheard Corporal Carter advise Martinez Police Dispatch that a shooting had occurred. I went up to Dispatch and learned that it occurred in the 300 block of Buckley Street. I later learned, after listening to the police radio, that Corporal CARTER was involved. At approximately 0930 hours, I saw Officer VANDERMEULEN and Corporal CARTER in the back lot of the police department. I overheard Sergeant PETERSON activate the Officer Involved Shooting Protocol.

I remained with Corporal CARTER until his attorney arrived approximately two (2) hours later. I did not speak to him regarding the incident. Detective Sergeant PETERSON then asked me to assist with the investigation. I was paired with District Attorney Sr. Inspector MARK ERNST. We were tasked with locating witnesses in the area of the incident, which was in the 300 block of Buckley Street.

Sr. Inspector ERNST received information during the investigation that there was a possible witness, [REDACTED], at [REDACTED] Buckley Street. We parked near the command post, which was at Berrellesa Street and Buckley Street. We checked ourselves into the scene, in which Cadet RYAN BAILLIE logged us in. We walked to [REDACTED] Buckley Street, which was directly in front of where the incident occurred. I knocked on the door at 1130 hours, however, there was no answer. Sr. Inspector ERNST stated he had information that Witness [REDACTED] might be at work ([REDACTED] Restaurant located at [REDACTED] Main Street). We decided to complete our neighborhood canvas prior to driving to [REDACTED].

Sr. Inspector ERNST and I walked next door to [REDACTED] Buckley Street. I knocked on the door at 1135 hours, however there was no answer.

Sr. Inspector ERNST and I decided to contact one of the original "911" callers from the neighborhood. We walked to [REDACTED] Buckley Street. We knocked on the door and a male subject answered. He identified himself as [REDACTED]. We told him the reason why we were there. We asked if we could speak to him about his call. He told us he did not mind, and we began our interview with him on the porch. We taped the interview.

In summary, Witness [REDACTED] told us he was inside his home preparing to go to work. His partner, [REDACTED] was also with him in the house, but had since left the residence. At approximately 0900 hours, he heard three (3) gunshots. [REDACTED] stated he has heard fireworks in the area on prior occasions and believed the sounds he heard were different. After hearing what he believed to be gunshots, [REDACTED] went outside to inquire what happened. [REDACTED] learned from [REDACTED] that a shooting had just occurred. [REDACTED] told [REDACTED] who immediately called the police department. [REDACTED] stated he and [REDACTED] only heard the gunshots and did not see anything. We ended our conversation with [REDACTED].

Sr. Inspector ERNST and I walked next door to [REDACTED] Buckley Street, [REDACTED] where we made contact with [REDACTED] identified verbally. [REDACTED] told us she was home during the incident. WE asked if we could speak to her. We were let in the residence and began our interview, which was taped.

In summary, [REDACTED] told us she was inside her home during the incident. She told us she was in her room, which is in the front of the residence and faces Buckley Street. [REDACTED] stated that [REDACTED] left for Starbucks at approximately 0830 hours. He walked to the Starbucks in the downtown area. She heard what she believed to be

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firecrackers set off in the street. I asked her if she heard anything, as far as people's voices, prior to the "firecracker" sounds. She said she heard a commotion, however, could not make out what was being said. [REDACTED] stated she looked out and did not see anything.

Approximately two (2) minutes later, at approximately 0900 hours, she heard someone walking up the front stairway. She heard a knock on her window. She looked out and saw [REDACTED] standing in front asking her to open the door. After opening the door, [REDACTED] told her "someone" got shot and there was "police" down there. He also told her he had been shot. [REDACTED] showed her his chest. [REDACTED] noticed two (2) small wounds below his nipple line. [REDACTED] did not inquire further.

Sr. Inspector ERNST and I walked downstairs at 1155 hours and attempted to make contact at [REDACTED] Buckley Street, [REDACTED]. There was no answer at the door.

We walked across the street and made contact with a man working on his garage. This was at [REDACTED] Richardson Street. We identified ourselves and asked him if we could speak with him regarding the incident. He identified himself verbally as [REDACTED]. We began our taped interview on his side porch area.

In summary, [REDACTED] stated he was in his basement when he heard what he believed to be 8 - 10 firecrackers. He has heard firecrackers set off in the area on various occasions. He walked to the front of the residence and saw a man running up the street. He could only describe the male subject as wearing a blue shirt with stripes on it. That male was later identified by another investigative team, as [REDACTED]. [REDACTED] did not see any part of the incident and did not know a shooting had occurred until later.

Sr. Inspector ERNST and I began speaking to [REDACTED], who identified himself verbally. He told us he was in his room sleeping, which is at the rear of the residence. He woke up to a loud noise. [REDACTED] stated it was only one loud noise he had heard. He believed it was a noise coming from the construction area where his father was working. He thought a portion of the garage had fallen. [REDACTED] ultimately looked outside from his front steps a short time later and saw a "body" being covered. [REDACTED] stated he did not see anything during the incident.

Sr. Inspector ERNST and I then walked west on Buckley Street. We stopped and knocked on the door at [REDACTED] Buckley Street at 1210 hours. A male subject, identified verbally as [REDACTED] answered the door. I asked if we could speak to [REDACTED] about what had occurred on Buckley Street. He stated he would speak with us and we began our taped interview.

In summary, [REDACTED] stated he was inside his home working on class work. He heard what sounded like several "gunshots" coming from outside his home at approximately 1000 hours. [REDACTED] stated he was unsure of the exact time. [REDACTED] estimated he heard approximately 4 - 5 gunshots. He heard voices coming from the opposite side of his home, away from Buckley Street. He could not make out what they were saying, but believed it was in reaction to the gunshots. [REDACTED] stated he never looked outside to inquire what had occurred. [REDACTED] has heard fireworks set off in the street area before and is used to that type of noise. I asked him how he knew it was gunfire. [REDACTED] stated he was familiar with the

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sound due to prior military experience. We ended our interview with him.

Sr. Inspector ERNST and I continued to canvass the area. We attempted contact at [REDACTED] and [REDACTED] Buckley Street. There was no answer at the door.

Sr. Inspector ERNST and I knocked on the door at [REDACTED] Buckley Street at approximately 1233 hours. A female subject answered the door, who identified herself as [REDACTED]. I told her the reason why we were there and asked if we could speak with her about the incident. [REDACTED] residence is directly in front of where Corporal CARTER and Officer VANDERMEULEN were reported to be standing at the time of the incident. [REDACTED] stepped outside and we began our taped interview. [REDACTED] stated the incident occurred sometime after 0900 hours. She heard what she believed to be four (4) "shots". She thought the sounds were firecrackers in an attempt to scare her cats. She looked outside and saw police officers. After seeing the police officers and noticing the "boom" of the sounds, she realized that it was gunshots. [REDACTED] stated she did hear yelling and shouting outside her residence, but could not make out what was being said due to the volume level of her radio. She said the gunshots started immediately after the shouting. At some point, [REDACTED] stepped from her house. An officer told her to get back inside her house. She told me she was unclear of what had occurred in the street and had not talked with any neighbors.

Sr. Inspector ERNST and I then made contact at the lower unit, underneath [REDACTED] home. The address was [REDACTED] Berrellesa Street. I knocked on the door at 1240 hours and a female subject answered. She identified herself as [REDACTED]. I asked her if we could speak to her about the incident. She walked outside and we began our taped interview.

In summary, [REDACTED] stated she was laying in bed. At approximately 0900 hours, she heard several loud "pops". She assumed it was kids in the area playing with firecrackers. She heard 5 - 6 "pops" and was then called by [REDACTED]. [REDACTED] stated [REDACTED] asked her to step outside. Upon doing so, she could see the "greeting committee" outside her home. By this, she meant the "police". [REDACTED] stated she could not hear what was being said due to her air conditioning unit being on. [REDACTED] stated she did not see the incident, but heard the "pops".

Sr. Inspector ERNST and I did not locate any other subjects in the area. We then drove to [REDACTED] restaurant, located at [REDACTED] Main Street to speak with [REDACTED]. With the help of a translator, her daughter [REDACTED] we began our interview in the office of [REDACTED] restaurant.

In summary, [REDACTED] stated she was at home taking a shower and heard loud noises from outside her home. She was not sure what the noises were, but upon looking outside, she could see police officers. She assumed that it was gunfire she had heard. She looked outside approximately 15 minutes after hearing the loud noises. [REDACTED] stated she did not hear anything other than the noises because her radio was on in the bathroom. She was unsure of how many "noises" she heard.

At approximately 1530 hours, Sr. Inspector ERNST received information that [REDACTED] needed to be interviewed. He was a citizen caller that reported the incident shortly after it had occurred. We drove to [REDACTED] Talbart Street to speak to [REDACTED]. We made contact

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101 ESTANOL, MIKE

Date:

05/14/2006

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with him and began our taped interview on the porch.

In summary, [REDACTED] stated he was sitting in his living room when he heard three (3) loud "bangs". He believed it to be a large caliber rifle, based on his experience from serving in the military in Vietnam. He realized something had occurred when he saw police cars circling the area. [REDACTED] stated he did not see the incident and did not hear anything other than the bangs. [REDACTED] home is approximately two (2) blocks away and faces in the opposite direction from Buckley Street.

All the above interviews were taped. The tape was turned over to Detective SKINNER, who was instructed to log the tape into Martinez Police evidence under this case number.

Prepared By:

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Date:

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On 05/12/06 at approximately 1500 hours, I was contacted by Sgt. Peterson. Sgt. Peterson asked me if I had recently driven Martinez Police Unit 1233. I told him that I often use that vehicle for patrol. He asked if I had ever seen a .40 caliber round in the vehicle. I told him I had located one (1) brass and nickel .40 caliber round approximately three weeks prior. While taping a report, my tape recorder fell between the seat and the center console. When I moved the seat forward, I located my tape recorder and the .40 caliber round. I took the round off the floor and placed it in the center console.

NFI.

Prepared By:

108 SCHNABEL, CRAIG

Date:

05/17/2006

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On 051706 at approximately 1330 hours, DA Investigator Paul Peterson and I interviewed [REDACTED] and [REDACTED] at the American Medical Response (AMR) Martinez station, 835 Arnold Dr #108. We interviewed each individual separately. AMR Supervisor [REDACTED] sat in on the interviews.

We interviewed [REDACTED] first. She provided the following information:

[REDACTED] has been a paramedic for almost five years. Prior to being a paramedic, she was an Emergency Medical Technician (EMT) for two years. She received her paramedic training from the Northern California Training Institute.

[REDACTED] was at the AMR Martinez station when they got the call. AMR units are dispatched from the station by a dispatcher telephoning the station and advising them of the details of the call. One of the off-going crew picked up the phone and told [REDACTED] there was an officer involved shooting. [REDACTED] crew [REDACTED] responded to the call. [REDACTED] was driving, [REDACTED] was in the front passenger seat, and [REDACTED] was in the back of the rig. After staging, they were cleared to the scene. They drove directly to the scene, and [REDACTED] saw a lot of officers, but nobody seemed stressed, so she knew that it wasn't an officer that had been shot. An unknown officer told them there was a "DOA" that they needed confirmed. [REDACTED] hooked up the three-lead monitor to the subject and they found that he was asystole on all three leads for more than a minute. [REDACTED] made the official determination that the subject was dead at 0900 hours.

[REDACTED] said that when she was observing the subject, she saw a bullet hole in his chest. She also saw a black plastic "gun like" object next to the right side of his head. She noticed sticks on the subject and had to move one of the sticks from his neck prior to checking his radial and carotid pulse.

After pronouncing death on the subject, the AMR unit was about to clear the scene when they learned of a second patient. They responded to where the second subject was standing and treated him. He didn't have any marks on the outside of his shirt, but he had two small abrasions on his chest. They appeared to be recent wounds because they were not scabbed over. The subject told them he heard shots and then felt pain in his chest. After treating him at the scene, they transported him to Contra Costa Regional Medical Center (CCRMC). [REDACTED] couldn't recall if an officer was with him when they left him at the hospital. They intentionally didn't discuss the incident with him while transporting him, so [REDACTED] didn't hear him make any further relevant statements.

[REDACTED] provided the following AMR response times:

- 0847 - received call
- 0854 - on scene
- 0858 - patient contact
- 0905 - cleared initial call and responded to second patient

After speaking with [REDACTED], we spoke with [REDACTED]. He is a paramedic intern assigned to [REDACTED] for training. He has served approximately 250 hours of his internship. Prior to being a paramedic intern, he was an EMT for two years. He has worked for AMR for approximately eight months.

Prepared By:

106 MALONEY, LISA

Date:

05/19/2006



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██████ was checking out the ambulance with ██████ told him about the officer involved shooting. They responded to the call and staged with Con Fire until they were directed into the scene by the police department. After arriving on scene, ██████ started to pull the gurney out of the ambulance when ██████ told him they would only need the monitor because they were only there to confirm death. ██████ felt for a pulse on the subject, and then ██████ applied the three-lead monitor. He applied the monitor to the subject's forearms and lower left leg. He raised the subject's left pant leg slightly to apply the lead but didn't otherwise move the body. They confirmed that the subject was asystole on all three leads. An officer asked who was going to call the death, and ██████ officially made the death determination.

While treating the subject, ██████ observed that he was lying with his head near the building and his legs by the bushes. His head was leaned back, and his legs were crossed. His hands were positioned on his abdomen, and he was handcuffed. He was wearing gloves. There was a "gun like" object by the right side of his head. The object was between the subject and the bottom stair. He could see an orange tip on the barrel and pink BB pellets in a clear case with the gun.

After ██████ officially determined death, they cleaned up and responded to the second patient. The second patient told them that he heard gunshots and then felt like something hit him. He had small abrasions on his chest that looked recent. They transported him to CCRMC.

Prepared By:

106 MALONEY, LISA

Date:

05/19/2006



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On 052206 at approximately 1040 hours, Sr. Inspector Paul Peterson and I met with [REDACTED] at the Martinez Police Department. I gave [REDACTED] a photo line-up admonition and presented him with six photographs, including an autopsy photo of Silva. He was unable to locate the subject who pointed the gun at him in the photo line-up. I later logged the photo line-up into evidence.

Prepared By:

106 MALONEY, LISA

Date:

05/24/2006



**CONTRA COSTA COUNTY
Office of the District Attorney**

INVESTIGATIVE REPORT

Type of Investigation:

LEIFI Protocol

Suspect:

Robert Andrew SILVA

Docket / File / Police Report No.

MPD: 06-2143

Inspector Assigned:

Paul Peterson

Date Assigned:

May 10th, 2006

Suspect:

SILVA, Robert Andrew (DOB) 1-8-79; HM

1601 E. Katie 237th Ave
Las Vegas, Nevada 89119
H-702-450-2632

Investigative Team:

Detective Lisa MALONEY

Martinez Police Department; 925-372-3452

Witness(es):

[REDACTED]

[REDACTED]

[REDACTED]

Written By: Paul Peterson
Inspector

Paul Peterson

Date: May 31, 2006

*6/19/06
J. S. S. S.*

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	x

Subject / Defendant:
Robert SILVA

Docket / Report No.
MPD: 06-2143

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Evidence:

PP-1: One CD digital recording interview of victim [REDACTED]

PP-2: One CD digital recording interview of Firefighter/ Paramedic [REDACTED]

PP-3: One CD digital recording interview of Fire Engineer [REDACTED]

PP-4: One CD digital recording interview of Fire Engineer [REDACTED]

PP-5: One CD digital recording interview of Paramedic [REDACTED]

PP-6: One CD digital recording interview of Paramedic/Intern [REDACTED]

PP-7: One CD digital recording interview of EMT [REDACTED]

Vehicle(s):

None.

Written By: Paul Peterson
Inspector *PCP*

Date: May 31, 2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	x

Subject / Defendant: Robert SILVA	Docket / Report No. MPD: 06-2143
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Narrative:

During early morning hours in downtown Martinez, the suspect points a gun at the victim who is sitting alone in his car at a construction job site. The suspect says: "This is the last day of your life." He pulls the trigger two times never discharging a round from the gun. The suspect runs away from the scene and confronts a uniformed Police Officer who is walking in the area. The suspect points the gun at the Police Officer, then runs away into a residential neighborhood. The Police Officer calls for assistance and later confronts the armed suspect behind multi-unit residential building. The suspect points a gun at Police, and is subsequently shot and killed.

On Wednesday, May 10th 2006, at approximately 0915 hours, I was contacted at my desk and by Lieutenant JACKSON and advised that Martinez Police had shot and killed a suspect near downtown Martinez. Lt. JACKSON asked me to respond to the crime scene along with several other Investigators from our office. I arrived at approximately 0930 hours and contacted Sergeant Gary PETERSON. We viewed the crime scene then returned to Martinez Police station for a briefing and assignments. I was teamed with Detective Lisa MALONEY and assigned to interview the original victim, AMR, and Fire personnel. All interviews were digitally and audio-recorded by myself and Detective MALONEY.

Victim [REDACTED] (The interview was conducted at his residence in Elk Grove and began at 1340 hours and ended at 1424 hours)

[REDACTED] is a Special Inspector hired by the County to inspect welds on a County building that is currently under construction on Alhambra Ave. in Martinez. [REDACTED] arrived at work at about 7am and parked his car in a dirt parking lot on the 400 block of Escobar St. near the job site trailer which faces Alhambra Ave, across from the new County building. He walked over to the job site and met with one of the welders who were performing work on a stairwell. After about ten minutes, he left the site and walked downtown to the ATM machine at Bank of America on Main St., and got some money. He then headed to Victoria's for breakfast where he dined alone and was one of about ten people in the restaurant. After breakfast, he leisurely made his way back to the job site, window browsing along the way. [REDACTED] spent about ten minutes with the welder, then returned to his car to organize some paperwork. He turned the ignition key on and noted that it was 8:30 while he was listening to the radio. He was sitting in his car alone for about ten minutes when he heard a tap on his window and looked over his left shoulder.

Written By: Paul Peterson
Inspector *PCP*

Date: May 31, 2006

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	x


Subject / Defendant:
Robert SILVA

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█████ opened his door about halfway and leaned forward to contact this clean cut looking man who was standing outside. █████ originally thought this person was going to ask him directions for a delivery, instead, the person said in a calm assured voice: "This is your last day on earth, you are going to die." The suspect, who was hiding his right hand behind his back, now removed his right hand and pointed a black gun directly at █████ and pulled the trigger. █████ heard a "clunk" and realized that the gun did not discharge. While still looking at the suspect, █████ sat back in his seat and tried to make himself as small as possible to avoid being shot. At that point, the suspect pulled the trigger again and █████ heard another "clunk." Again, the gun did not discharge. █████ looked at the suspect who now faked like he was going to run right towards Alhambra Ave., but instead ran left (west) on Escobar St. towards Berrellesa St. █████ got out of his car and watched the suspect run around the corner onto northbound Berryessa St. and disappear. █████ said the suspect ran very uncoordinated as he fled the scene. After the suspect pulled the trigger the first time, █████ described his facial expression as serious but very calm. After the second time, █████ said his face looked surprised as if he expected the gun to discharge.

█████ described the suspect as a young White or Hispanic male, 15 to 20 years old, slender, dark brown hair neatly cut, no facial hair, or jewelry. The suspect was wearing a black tee shirt with some kind of an image of a person on the shirt. The suspect did not have an accent. █████ described the gun as black and shiny but not a revolver. █████ who is familiar with weapons because of his military background, did not recognize this gun as something he had ever seen before and even mentioned that it could have been a toy gun, however, it did not have toy gun characteristics such as an orange tip. The overall impression was that the gun was a Tech 9. In retrospect, █████ said the suspect appeared to be inexperienced because he twisted the gun to pull the trigger as if the safety was on and used just his right hand to shoot the gun, however, based on his calm assured voice, and serious expression, █████ said he was scared for his life and thought he was going to die. As far as █████ was concerned, the gun was real. The suspect was about four to five feet away from █████ when he pulled the trigger.

█████ immediately went to the job site trailer and contacted █████ the job supervisor who called 911 to report the incident. Eventually █████ talked directly to the 911 dispatcher. After calling 911, █████ went outside and stood on the porch of the trailer which is located across from the job site at 550 Alhambra Ave. █████ heard several gunshots from two different weapons. The first weapon was a 223 and he heard at least two shots. The second weapon was a handgun; again two shots. █████ was not able to tell what caliber handgun. I asked █████ if he remembered seeing this person when he walked downtown earlier in the morning and had

Written By: Paul Peterson
Inspector 

Date: May 31, 2006

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breakfast. [REDACTED] said he never saw him near the ATM machine, restaurant, or on his way back from breakfast. [REDACTED] never saw him at or near the job site.

[REDACTED] said he has a military background with the Army and served our Country from 1966 through 1969. He was trained in the military with an M-16 and currently owns several rifles and guns. He is a hunter and a member of the National Rifle Association.

[REDACTED] said he thought he would be able to identify the suspect if he saw him again.

Nothing further.

At 1620 hours, we returned to Martinez Police Department for debriefing regarding additional information. It was decided that we would meet at 1300 hours on May 11, and discuss additional assignments.

May 11, 2006: 1300

It was determined that Detective MALONEY and I would interview AMR and Fire personnel and meet with victim [REDACTED] to show him a photo-lineup of the suspect.

May 12, 2006:

Firefighter/Paramedic [REDACTED] (The interview was conducted at Station 14 on Jones St. in Martinez. The interview began at 1330 hours and ended at 1340 hours.) Audio and digitally recorded.

[REDACTED] has been employed by Contra Costa County as a Firefighter for five years and has sixteen years of training as a Paramedic. Currently, [REDACTED] works a 56 hour work week and is scheduled to work "A" shift. On the day of the call, [REDACTED] was working a 24 hour shift.

[REDACTED] said they received a call from dispatch that there was an Officer Involved Shooting and were advised to stage at Marina Vista and Alhambra Avenue until further notice. Once the scene was declared secure by Police they were called to the scene along with AMR. AMR responded to the victim first and assumed primary care. [REDACTED] walked up to the scene but never administered any care to the victim because AMR had primary authority and was attending to the victim. [REDACTED] said he looked at the victim and said that he appeared to be deceased. While standing approximately 3 to 4 feet away, [REDACTED] observed that the suspect was pale, his eyes were wide open and he was motionless. The suspect was lying on his back and [REDACTED]

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Inspector *PCP*

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could see some blood coming from his back, spilling onto the sidewalk area. [REDACTED] saw a black plastic gun lying to the right of his head. He was wearing a black tee shirt which had a hole on the front of the shirt and dark colored gloves. AMR attached a heart monitor to the suspect and [REDACTED] saw the screen which displayed flat line. At that point, AMR pronounced him dead and told Fire personnel that this was a Coroner's case and Fire could clear the scene. No other Fire Personnel attended to the victim. [REDACTED] said nobody at the scene including Police told him what happened. [REDACTED] did not hear anybody talking about the shooting.

Regarding the gun, [REDACTED] said the gun appeared to be a toy gun because he saw orange colored pellets next to the gun. While [REDACTED] was at the scene, he did not see anybody touch the gun.

Nothing further.

Fire Engineer [REDACTED] (The interview was conducted at Station 14 on Jones St. in Martinez. The interview began at 1345 hours and ended at 1355 hours. Audio and digitally recorded. *Refer to Detective MALONEY's report for details.*

May 16, 2006:

Fire Engineer [REDACTED] (The interview was conducted at Station 14 on Jones St. in Martinez. The interview began at 1130 hours and ended at 1140 hours. Audio and digitally recorded.

[REDACTED] has been a Firefighter for 32 years and has been working at Station 14 since December of 2005. [REDACTED] was working an overtime shift when he received a dispatch call of an Officer Involved Shooting. Dispatch advised to stage at Marina Vista and Alhambra Ave. After they were cleared to enter the scene, [REDACTED] walked up Buckley Ave. with [REDACTED] and [REDACTED] and saw the victim lying at the bottom of the stairs behind 455 Richardson St., apparently deceased.

AMR assumed primary care of the victim and [REDACTED] never attended or touched the victim. [REDACTED] saw a black shiny pistol lying next to the victim's right head. The barrel was facing down and the grip was facing upwards. Next to the gun were some small colored pellets in a clear plastic case. [REDACTED] said he looked closely at the gun and it appeared real. They were told that the suspect had been down about fifteen minutes and [REDACTED] saw AMR attach leads to the suspect which send a signal to the heart monitor. [REDACTED] saw the heart monitor show a flat line reading. [REDACTED] said the suspect had a gray greenish ashen color which in his experience meant that the person was deceased. He saw a hole in the front of

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Inspector *pep*

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the suspect's shirt near the sternum. He never saw anyone lift the shirt up to see what the hole was. [REDACTED] asked AMR if they could clear the scene and AMR gave them permission to leave because they had assumed primary care.

Nothing further.

May 17, 2006:

Paramedic [REDACTED] (The interview was conducted at 835 Arnold #108 in Martinez. The interview began at 1335 hours and ended at 1351 hours) Present was Supervisor [REDACTED] *Refer to Detective MALONEY's report.*

Paramedic Intern [REDACTED] (The interview was conducted at 835 Arnold #108 in Martinez. The interview began at 1400 hours and ended at 1415 hours. Present was Supervisor [REDACTED] *Refer to Detective Malnoney's report.*

May 22, 2006:

At 1040 hours, Detective MALONEY and I met [REDACTED] at Martinez Police Department to show him some photos. **Refer to Detective MALONEY's supplement.**

May 24, 2006:

EMT [REDACTED] (The interview was conducted at 835 Arnold #108 in Martinez. The interview began at 1005 hours and ended at 1024 hours. Audio and digitally recorded.

[REDACTED] has been an EMT for four years and currently works out of the Martinez office. [REDACTED] said they received a call of an Officer Involved shooting in Martinez and responded code 3 and staged about two blocks away with Fire Personnel. After about three minutes, they were cleared to enter the scene by Police and drove up Buckley Ave. and parked next to the victim. Intern [REDACTED] attached the leads to the victim and turned on the monitor which displayed a flat line. [REDACTED] said he never touched the victim. The victim was not breathing and looked extremely pale. The victim was wearing glasses and a black shirt with a small hole in the center. [REDACTED] saw a black shiny gun next to the right side of the victim's head. The gun appeared to be a toy. [REDACTED] never attended to the victim. Paramedic [REDACTED] called John Muir Hospital and relayed the victim's vitals. [REDACTED] pronounced the victim dead at 0902 hours.

Written By: Paul Peterson
Inspector *PJP*

Date: May 31, 2006

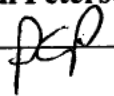
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██████████ said they attended to another victim who said he was hit by some shrapnel near the shooting scene. ██████████ said he never attended to the victim but watched his partners lift up his shirt. There was a small abrasion on the right side of his chest that appeared to be a recent wound. The shirt was not damaged. ██████████ said they drove the second victim to County Hospital where he was treated and later released.

Nothing further.

Written By: Paul Peterson
Inspector 

Date: May 31, 2006



CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation: LEIFI Protocol	Docket / File / Police Report No. Martinez Police Dept. # 06-2143
Suspect: Robert SILVA	
Inspector Assigned: Paul Mulligan	Date Assigned: 5-10-2006

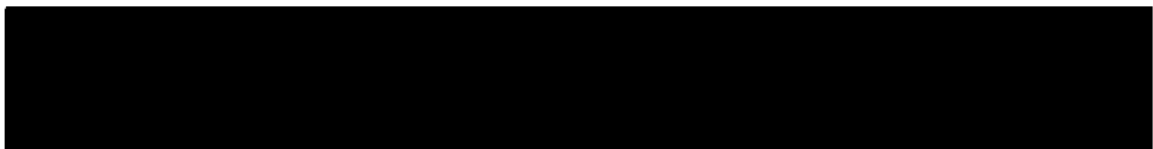
Suspect:

- 1). Robert Andrew SILVA, Hispanic male adult, date of birth 6/2/1985, Home Address: 1601 East Katie Street #237, Las Vegas, Nevada, [REDACTED] SILVA is further described as being 5'7", 109 pounds with brown hair and blue eyes. SILVA has a "USMC" tattoo on his right shoulder.

Investigative Team:

- 1). Detective Sergeant Gary PETERSON, Martinez Police Department (MPD), 525 Henrietta Street, Martinez (925) 372-2440.
- 2). Sr. Inspector Paul MULLIGAN, Contra Costa County District Attorney's Office, 627 Ferry Street, Martinez, (925) 646-4623.

Witnesses:



Evidence:

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Inspector Paul Mulligan

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PM-1 One blue, long-sleeve "Basic Editions" shirt worn by witness [REDACTED] at the time of the shooting.

PM-2 A compact disk containing the interviews of MPD Police Officer Doug MADSEN (last portion of interview), Officer Jeff VANDERMEULEN, Corporal Brian CARTER, and Sergeant Evert PRINS. The Digital Wave identifiers are: DWA0081 (last portion of Officer MADSEN's interview); DWA0083 (Officer VANDERMEULEN); DWA0084 (Corporal CARTER) and DWA0085 (Sergeant PRINS).

PM-3 Diagram of scene completed by witness [REDACTED] depicting the positions of the parties.

PM-4 Diagram of scene completed by Officer Jeff VANDERMEULEN.

PM-5 A compact disk containing the interview of witness [REDACTED] (Digital Wave Player # DW-C0157) and the start of the interview of Martinez Officer Doug MADSEN. (Digital Wave Player # DW-C0158).

Narrative:

This report will document my participation in the protocol investigation into the death of Robert SILVA who was shot and killed by Martinez Police Department officers on 5-10-2006. It will include the interview of [REDACTED] who witnessed the shooting, and the interviews of MPD personnel, Officers Doug MADSEN and Jeff VANDERMEULEN, Corporal Brian CARTER, and Sergeant Evert PRINS.

On 5-10-2006 at approximately 0915 hours, I received a call from Chief of Inspectors Gene GREENWALD requesting that I respond to the vicinity of the Martinez Corporation Yard to assist in the investigation of an officer-involved shooting.

I responded to the area of Buckley Street and Richardson Street where I met with MPD personnel. At the time, the scene was secured and the body of the deceased, Robert SILVA, was still on site.

After viewing the scene, I went to the police station where I attended a briefing. During the briefing, I was assigned to an investigative team with MPD Sergeant Gary PETERSON. Our

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assignment was to interview the witness [REDACTED] and the MPD personnel involved in this incident.

Interview of Witness [REDACTED]

Sergeant PETERSON and I first interviewed [REDACTED]. [REDACTED] lives at [REDACTED] Buckley Street [REDACTED] Martinez, which is just west of the shooting site. [REDACTED] witnessed the shooting, and had seen SILVA walking up Buckley Street just prior to this incident. In addition, [REDACTED] was struck by the ricochet of an unknown projectile which caused two small abrasions on [REDACTED] chest.

At the start of the interview, I explained to [REDACTED] the nature of critical incident protocol investigations and thanked him for his cooperation. Although [REDACTED] did not know the name of the deceased, Robert SILVA, whenever [REDACTED] refers to the decedent I will refer to him as SILVA.

[REDACTED] said that just prior to this incident, [REDACTED] was returning from Starbucks on Main Street and was walking up Buckley Street towards his residence. [REDACTED] said that at that time, SILVA was also walking up Buckley Street on the opposite side of the street. SILVA was ahead of [REDACTED], and then [REDACTED] lost sight of him.

[REDACTED] said that when he first saw SILVA, SILVA was wearing a black shirt with dark pants. [REDACTED] described the deceased as being a Mexican male, 16-17 years of age, about 5-4" and "skinny." [REDACTED] also said that SILVA was wearing gloves which was unusual because it was "hot" out.

[REDACTED] said that shortly after he lost sight of SILVA, [REDACTED] was crossing Richardson Street when a Martinez Police Officer in an SUV stopped him very briefly, and then said "oh never mind." [REDACTED] then continued walking to his home which was a couple of houses up from the intersection of Buckley Street and Richardson Street. [REDACTED] said that at the time, he [REDACTED] was wearing the same clothing that he was wearing during our interview (a dark blue shirt and Khaki pants). [REDACTED] said that when the officer first approached [REDACTED] SILVA was not in sight as he had apparently turned onto Richardson Street (i.e., SILVA had gone northbound).

At my request, [REDACTED] then labeled a map showing the various positions of the involved parties. The hand-drawn map has been placed into evidence as item # PM-3.

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█████ said within a very short period of time, █████ heard an officer yell words to the effect "stop" or "freeze," and "turn around." █████ was pretty sure the commands were made by the officer in the SUV. █████ mentioned that he looked down Buckley Street and saw that there were now other officers on the scene with their guns drawn. █████ said that he turned around as he thought it was possible the officers were talking to him, however, he then realized the officers were talking to SILVA. █████ also added that when the officer(s) initially made these commands, █████ did not immediately see SILVA.

I asked █████ to describe the positions of the officers and the suspect just before the shooting occurred. █████ said that one of the officers was in the SUV which was in the middle of Buckley Street, and the suspect (SILVA) was next to some bushes which were adjacent to a building at the south-east corner of the intersection. █████ reiterated there were also other officers on the scene. At my request, █████ drew their respective positions onto the hand-drawn diagram.

█████ said that at that point the shooting occurred. I asked █████ to describe the sequence of the shooting. I also asked █████ if he could see the suspect's hands when the shooting occurred. █████ said that he saw the suspects' hands, and said that when SILVA was "gunned down" SILVA had raised his hand "as if he had a pistol in his hand."

I asked █████ if he had seen a pistol in SILVA's hand. █████ said "I did not see a pistol in his hand, I was at a distance, but, I did not see a pistol in his hand, I thought it was just a glove." █████ added that SILVA was still wearing the black gloves when the shooting occurred.

█████ then demonstrated how SILVA had raised his arm (i.e., arm extended forward and parallel to the ground). Sergeant PETERSON asked where SILVA was pointing his arm at the time of the shooting, and █████ replied that SILVA was pointing his arm in the direction of the police officers.

█████ also said that the SUV was a marked police car with lights and siren and he believed that at the time of the shooting there may have been 3-4 officers in uniform at the scene. █████ added that in addition to the marked police cars, there was possibly one unmarked police vehicle.

When we discussed the position of the officers at the time of shooting, █████ had described how one officer had been inside the police SUV and added that the other officers were behind the police vehicles and were "low." I asked if it seemed like the officers were taking cover behind the police vehicles, and █████ agreed that the officers were apparently using the police

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vehicle(s) for cover. When asked, [REDACTED] said that the shots occurred almost instantaneously after SILVA had raised his arm towards the police officers.

I asked [REDACTED] if he had been injured and he said that he had been hit by a ricochet. SILVA then showed Sergeant PETERSON and me two small abrasions near his right nipple. [REDACTED] said that he had been treated at the hospital and given a tetanus shot and released.

We then recapped his statement and tried to pinpoint the time frames and sequences. I asked [REDACTED] for an estimate as to the length of time from when the officers initially challenged SILVA until SILVA raised his arm and pointed at the officers. [REDACTED] said that it occurred within a "few seconds" adding that SILVA "stood there" and appeared to think about it before SILVA raised his hand at the officers. [REDACTED] reiterated that the shooting occurred almost instantaneously after SILVA raised his hand and pointed at the officers.

[REDACTED] said that the officers kept yelling at SILVA throughout the encounter. [REDACTED] said that the officers were yelling something like "stop;" however, he could not recall the exact words. When asked to describe the series of shots, [REDACTED] did so by banging on the table in rapid succession. [REDACTED] said there were "more than five" shots.

[REDACTED] said that when the suspect went down, "SWAT" officers arrived on the scene and approached SILVA with helmets and a shield. [REDACTED] said that he did not see much immediately after the shooting as [REDACTED] went around the corner of his house to get out of the line of fire as he thought he had been shot.

Sergeant PETERSON asked if the officers had kept yelling at SILVA when they were challenging SILVA, and [REDACTED] reiterated that the officers had yelled commands at SILVA right up to the point SILVA raised his arm and was shot.

I asked [REDACTED] if he wore eyeglasses. [REDACTED] told me that he is nearsighted and had lost his glasses and was not wearing them at the time of the incident. I also asked [REDACTED] if he had had any alcohol to drink, or if he had taken any medication prior to this incident. He said that he had not had any alcohol or medication.

At that point, I asked [REDACTED] if there was anything we should discuss that we had not asked him. [REDACTED] said that there was not. I then thanked him for his cooperation and the interview was concluded. The interview lasted approximately 28 minutes and ended at 1227 hours.

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Later that afternoon, I went with [REDACTED] to the scene and had him point out where he was at the time of the shooting. [REDACTED] showed me that he was on the sidewalk directly in front of his residence. I then notified members of the Sheriff's Office forensics team of [REDACTED] position and requested that they photograph his vantage point of the shooting. In addition, I subsequently obtained the shirt [REDACTED] was wearing at the time of the shooting (evidence Item # PM-1). On 5-11-2006, I gave the shirt to Sergeant PETERSON who will place it into evidence at the MPD.

Interview of Officer Doug MADSEN

After interviewing [REDACTED] Sergeant PETERSON and I interviewed Officer Doug MADSEN who had witnessed the shooting. Sergeant PETERSON was the primary interviewer. For details as to the interview, please refer to Sergeant PETERSON's report.

Interview of Officer Jeff VANDERMEULEN

Sergeant PETERSON, MPD Sergeant Jon SYLVIA, and I then interviewed Officer Jeff VANDERMEULEN. I was the primary interviewer. In addition, attorney Harry STERN of the law firm of Rains, Lucia and Wilkinson, was present during the interview as the officer's legal representative.

Officer VANDERMEULEN has been a sworn member of the MPD for 24 years and has worked in almost every assignment within the department (e.g., field training officer, armorer, range-master, patrol officer, investigator, and motor officer). Prior to employment with the Martinez Police Department, the officer had been a Clayton police officer for three years, and was a reserve police officer for the Clayton Police Department for one year. The officer said that he never served in the military.

Officer VANDERMEULEN said that on the day of this incident, he was working the 7am-7pm shift as a uniformed patrol officer. He was driving MPD unit # 1233 (a marked MPD SUV). Officer VANDERMEULEN said he carried his duty handgun (a Beretta Model 96, .40 caliber semi-automatic pistol) and added that he had one magazine in the gun, and carried three magazines on his gunbelt. In addition, he said there was a 12 gauge police shotgun in the patrol vehicle, however, the officer said the shotgun was not utilized in this incident.

Officer VANDERMEULEN said that just prior to this incident, he was having coffee with Sergeant PRINS and Officer MADSEN at Victoria's Café. At that time, they heard a police

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radio broadcast from Corporal CARTER who said he thought someone had just pointed a gun at him at Berrellesa and Alhambra.

Officer VANDERMEULEN said he immediately responded. While en-route, the MPD dispatcher broadcast that she had received a 911 call reporting that someone had called the MPD reporting a similar type of experience (i.e., a suspect had pointed a gun at the reporting party). Officer VANDERMEULEN said he arrived at the scene within 20-30 seconds.

Upon arrival, Officer VANDERMEULEN looked for Corporal CARTER and saw him on foot on Marina Vista at Alhambra. At the time, Corporal CARTER was carrying an AR-15 M4 assault rifle and was walking westbound toward Berrellesa. Corporal CARTER told Officer VANDERMEULEN that "some guy dressed in black had just pointed a gun" at him, and Corporal CARTER motioned toward Berrellesa and Buckley. Officer VANDERMEULEN stayed in his vehicle and drove in that direction while Corporal CARTER walked behind Officer VANDERMEULEN's patrol vehicle.

After talking to Corporal CARTER, Officer VANDERMEULEN said that he subsequently momentarily stopped a subject (later identified as the witness [REDACTED] who was dressed in a black jacket or windbreaker. This occurred near Richardson Street at Buckley Street, however, before Officer VANDERMEULEN had a chance to get out of his vehicle to approach [REDACTED] Corporal CARTER told him that the subject ([REDACTED]) was not involved.

Officer VANDERMEULEN said that he resumed looking for the suspect and Corporal CARTER asked Officer VANDERMEULEN to join him down the hill so they did not get too far apart. Officer VANDERMEULEN said that he then began backing down Buckley Street toward Corporal CARTER at which time the suspect SILVA suddenly ran around the corner at "full speed". Officer VANDERMEULEN said that SILVA ran southbound from Richardson onto Buckley and ran on a diagonal in the officer's direction.

Officer VANDERMEULEN said that SILVA had his hands together in a two handed grip or stance like he was going to "shoot on the move." Officer VANDERMEULEN said that SILVA's behavior was "bizarre," and it seemed to Officer VANDERMEULEN that SILVA was running at the officer like he was "ready to engage." At the same time, Corporal CARTER said "that's him." Officer VANDERMEULEN could not recall if Corporal CARTER said this on the police radio or if the corporal had yelled this to him.

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Officer VANDERMEULEN said that he was afraid that the suspect would engage him when the officer was still in his patrol car, so Officer VANDERMEULEN opened the front door to his patrol vehicle kicking it open with his foot and at the same time drawing his handgun.

Officer VANDERMEULEN said that while SILVA was running, SILVA was using a "Weaver" type of stance, and the officer said that SILVA appeared to be "tracking him" with the weapon. Officer VANDERMEULEN said that he yelled at SILVA to "drop your gun, drop your gun," however, SILVA did not.

SILVA then ran across the front of the patrol vehicle and ran to the bushes adjacent to 405 Richardson Street. Officer VANDERMEULEN said that once SILVA reached the bushes SILVA started popping in and out of the bushes and pointed the weapon at the officer using a "Weaver" type of grip.

Officer VANDERMEULEN said that he then fired two rounds at the suspect. Both rounds were fired from inside the officer's patrol vehicle. Corporal CARTER also fired. Officer VANDERMEULEN was not sure who fired the first rounds at the suspect (he or Corporal CARTER). Officer VANDERMEULEN said when the shots were fired, Corporal CARTER was on foot behind and to the left of Officer VANDERMEULEN's vehicle.

After the shooting, Officer VANDERMEULEN said that he got out of his patrol vehicle and waited for Sergeant PETERSON with the shield. Officer VANDERMEULEN said that at point, he along with Sergeant PETERSON, Officer MADSEN, and Corporal CARTER approached the downed suspect using the ballistic shield for cover.

Officer VANDERMEULEN said that he then handcuffed SILVA. I asked if anyone had administered first aid, and the officer said that no-one had as SILVA was dead as his eyes were completely dilated.

When asked to describe the time frame from the time he first challenged SILVA to the time he fired the shots, Officer VANDERMEULEN said it was "seconds." I also asked Officer VANDERMEULEN if he was fearful for his safety and the safety of his fellow officers due to the suspect's actions, and Officer VANDERMEULEN said that he was.

I asked the officer if he wore eyeglasses or contacts and Officer VANDERMEULEN said that he wears contacts which he was wearing at the time of the incident. In response to my questions, Officer VANDERMEULEN said that the only medication he had taken prior to this incident was

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blood pressure medicine, and he said that he had not had any alcoholic beverages during the two days before this encounter.

Sergeant PETERSON then sought clarification on a couple of points from the officer. Officer VANDERMEULEN said that when he was backing down Buckley Street, SILVA suddenly appeared and pointed the gun at Officer VANDERMEULEN. Officer VANDERMEULEN said that because it appeared that the suspect was going to "engage" him, he turned the SUV to give himself a better tactical vantage point.

I asked Officer VANDERMEULEN what type of weapon the suspect had, and the officer said that it was a handgun, but, he could not recall the color. Attorney STERN then asked Officer VANDERMEULEN if the SUV was in park when the shots were fired, and Officer VANDERMEULEN confirmed that it was.

Sergeant SYLVIA then discussed Officer VANDERMEULEN's previous experience as a rangemaster, and the fact that the stances and hand motions utilized by SILVA during this incident are of the type generally used when firing weapons. Officer VANDERMEULEN confirmed that they were.

At that point I asked Officer VANDERMEULEN to prepare a diagram of the scene depicting the positions of the parties during pertinent times. The diagram is Evidence Item # PM-4. While drawing the diagram, Officer VANDERMEULEN further elaborated on the suspect's movements and motions at the time of this incident.

Officer VANDERMEULEN reiterated that the suspect came around the corner at a full run and ran diagonally to the bushes. Officer VANDERMEULEN said that as the suspect was running diagonally, the suspect did so in a "side gait" and continued to face the officer as he did.

At that point in the interview, I asked Officer VANDERMEULEN if there was anything that we had not discussed which he believed was important. Officer VANDERMEULEN reiterated that SILVA behavior was very purposeful and determined and that it looked like SILVA wanted a confrontation. The officer also mentioned that the officer's anxiety level was raised due to the fact that the SILVA was not at all deterred by fact the officer was pointing his weapon at him. When asked, Officer VANDERMEULEN said that the suspect never said anything to him at all.

Written By:
Inspector Paul Mulligan

Date: 5-16-2006

**Contra Costa County District Attorney's Office
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Suspect:
Robert SILVA

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In addition, Officer VANDERMEULEN reiterated that the suspect kept popping up and down and was "ground-hogging." He also said that at times the suspect had the gun in a "low-ready" position.

I then asked Officer VANDERMEULEN for a description of the suspect, and he described him as a white male with dark clothing, dark tee-shirt and black jeans, very slender. I also asked if the suspect had anything on his hands (e.g., gloves) and Officer VANDERMEULEN said that there was nothing on SILVA's hands.

Sergeant SYLVIA then asked Officer VANDERMEULEN what Corporal CARTER had told him at the start of this incident. Officer VANDERMEULEN said that Corporal CARTER told him "I think somebody just pointed a gun at me." Sergeant SYLVIA also asked Officer VANDERMEULEN to describe the gun and Officer VANDERMEULEN said it looked like an automatic.

The interview ended at 1435 hours.

Interview of MPD Sergeant Evert PRINS

Sergeant PETERSON and I interviewed Sergeant Evert PRINS, who was the on-duty patrol supervisor who responded to this incident. I was the primary interviewer. Sergeant PRINS said that he has been on the MPD for 22 years, and had been on duty since 0600 hours on the date of this incident.

Sergeant PRINS said that he first became involved in this incident when Corporal CARTER broadcast on his police radio a request for "Code 3" cover because he had been the victim of a brandishing. The sergeant responded to the scene from Victoria's Café, arriving within a minute. Upon arrival in the area of Alhambra and Marina Vista, the sergeant said he saw Corporal CARTER on foot carrying his patrol rifle. Sergeant PRINS said they began to set up a perimeter looking for the suspect who was described as being dressed all in black.

As they were setting up the perimeter, the sergeant said he heard 4-5 shots, at which point Sergeant PRINS said that he (PRINS) broadcast an Officer Needs Assistance call. When he heard the shots, Sergeant PRINS said he was at Marina Vista and Alhambra which is about two blocks from the scene. Sergeant PRINS said he immediately responded to the scene in patrol vehicle # 1236 which had the ballistic shield in the trunk. Sergeant PRINS said that he assumed a position of cover while four officers used the ballistic shield and approached the suspect. After

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Inspector Paul Mulligan

Date: 5-16-2006

**Contra Costa County District Attorney's Office
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Continuation	X

Suspect: Robert SILVA	Docket / Report No. Martinez Police Dept. # 06-2143
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determining that the suspect no longer posed a threat, Sergeant PRINS said that Sergeant PETERSON immediately invoked the protocol. Sergeant PRINS then ensured that the scene was secure.

At that point the first interview with Sergeant PRINS was concluded.

Sergeant PETERSON and I subsequently learned that Sergeant PRINS had taken "Public Safety" Statements (per New York v. Quarles) from Corporal CARTER and Officer VANDERMEULEN immediately after this incident. Sergeant PETERSON and I briefly interviewed Sergeant PRINS about the conversations he had had with Corporal CARTER and Officer VANDERMEULEN after the shooting.

Sergeant PRINS said that Corporal CARTER told the sergeant that he thought he fired two rounds at the suspect. Sergeant PRINS then spoke to Officer VANDERMEULEN who described firing two shots at the suspect.

Sergeant PRINS also mentioned that while at the scene, he had taken the duty handgun from Officer VANDERMEULEN and the assault rifle from Corporal CARTER. At that point the second interview was concluded.

Autopsy of Robert SILVA

On 5-11-2006 Doctor Brian PETERSON performed the forensic autopsy on Robert SILVA. I attended along with Sergeant Gary PETERSON, Deputy District Attorney Bill CLARK, Deputy District Attorney Robert HOLE, and members of the Sheriff's Office forensics unit. The results of the autopsy will be documented in Doctor PETERSON's report.

Reenactment

On 5-12-2006, I went to the scene and met with Deputy District Attorney Bill CLARK, Sergeant PETERSON and other members of the Martinez Police Department. At 0840 hours (i.e., the same time as the shooting occurred on 5-10-2006), MPD Detective Kevin BUSCIGLIO wore a black shirt and did a limited reenactment of the suspect's movements as described by the officers involved in the incident. In addition, the MPD SUV which Officer VANDERMEULEN was driving on the date of the shooting was parked in the same position as it had been on the date of the incident.

Written By: Inspector Paul Mulligan
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Date: 5-16-2006

#9.1.3
Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
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Suspect:
Robert SILVA

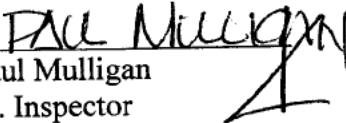
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Martinez Police Dept. # 06-2143

Sergeant PETERSON and I then had the opportunity to view both Officer VANDERMEULEN and Corporal CARTER's vantage points of the suspect, Officer VANDERMEULEN's from inside the SUV, and Corporal CARTER while standing near the patrol vehicle. For additional information as to the reenactment, see Sergeant PETERSON's report.

Miscellaneous

As mentioned previously in this report, I gave the tee-shirt worn by [REDACTED] to Sergeant Gary PETERSON. I will give the remaining items of evidence to Lieutenant Jackson with this report.

Nothing further to report at this time.


Paul Mulligan
Sr. Inspector

Written By:
Inspector Paul Mulligan

Date: 5-16-2006

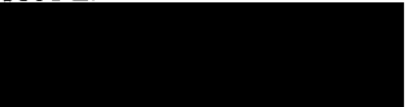


CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation: LEIFI-Protocol	Docket / File / Police Report No. C06-2143-Martinez Police Department
Suspect / Defendant: SILVA, ROBERT ANDREW-DOB: 01-08-1979	
Inspector Assigned: Matthew D. Wastenev-Senior Inspector	Date Assigned: MAY 10TH, 2006

SUSPECT

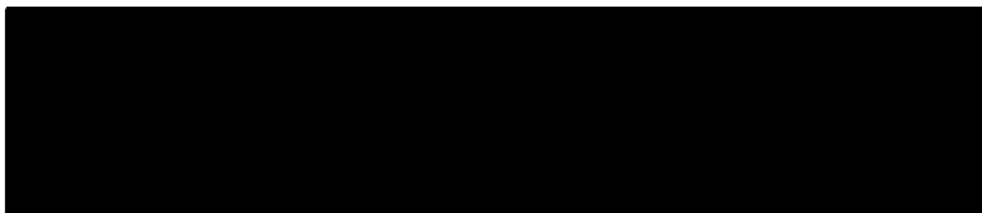
SILVA, ROBERT ANDREW-DOB: 01-18-1979
1601 EAST KATIE AVENUE #275. LAS VEGAS NEVADA


INVESTIGATIVE TEAMS:

SR. INSPECTOR M.D.WASTENEV- (DEATH NOTIFICATION/ SUSPECT HISTORY)
CONTRA COSTA DISTRICT ATTORNEY'S OFFICE
725 COURT STREET. 4TH FLOOR
MARTINEZ CA. 94553
(WP) 925-957-2228

DETECTIVE KEVIN BUSCIGLIO- (DEATH NOTIFICATION/ SUSPECT HISTORY)
MARTINEZ POLICE DEPARTMENT
525 HENRIETTA STREET. MARTINEZ CA 94553
(WP) 925-372-3454

WITNESS (S) :



Written By:
Senior Inspector M.D.Wastenev 

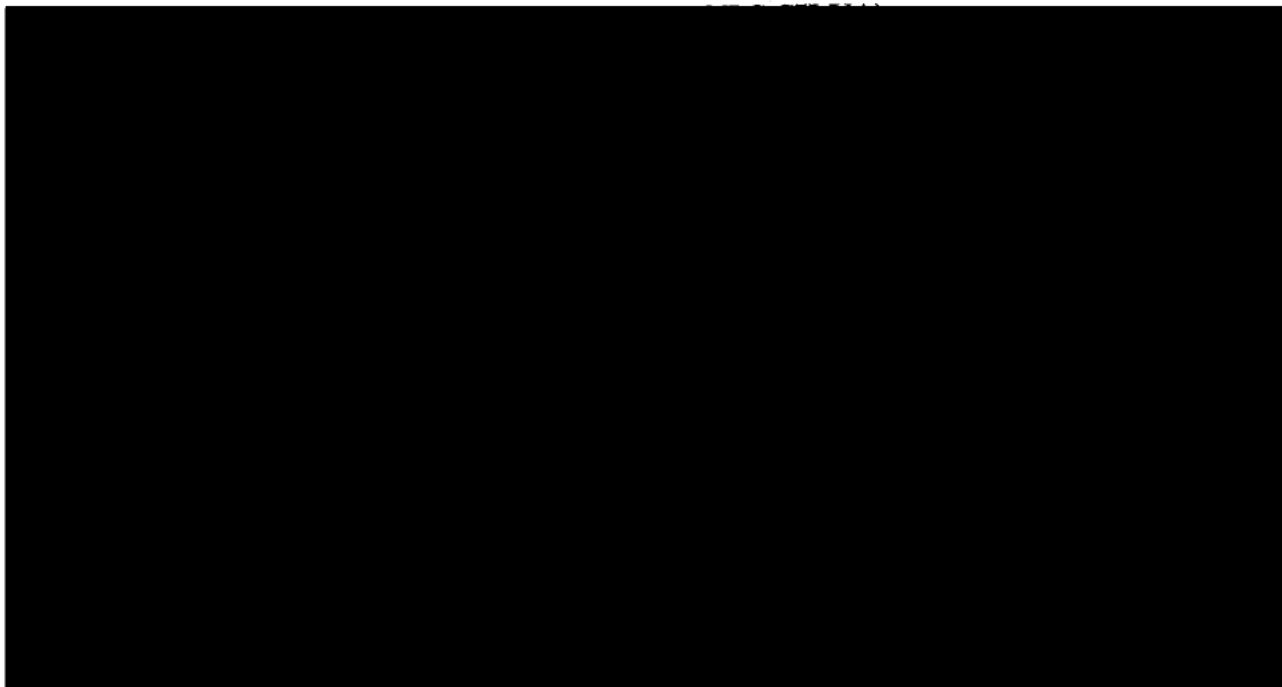
Date: 5/31/2006

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6/13/06

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Continuation	

Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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EVIDENCE:

- 1MW-VIDEOCASSETTE INTERVIEW WITH [REDACTED] AT MARTINEZ
POLICE DEPARTMENT 5-10-2006 AT 11:25AM

NARRATIVE:

On May 10th, 2006 at approximately 0900 hours, I was notified of this protocol investigation by Lieutenant of Inspectors Daryl Jackson. Lieutenant Jackson told me that at approximately 0840 hours this date, two Officers with the Martinez Police Department were confronted by an unidentified armed suspect while investigating a man with a gun call in the 400 of Buckley Avenue. Lieutenant Jackson told me that as a result of this confrontation, shots were fired by the two Martinez Police Officers, and the unidentified male suspect was pronounced deceased at the scene. Lieutenant Jackson told me protocol had been enacted, and requested I respond to the location of occurrence and assist with this investigation.

Written By:
Sr. Inspector M.D. Wastenev *[Signature]*

Date: 5/31/2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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When I arrived to the scene, I noted it had been secured by several uniformed Martinez Police Officers. I approached one of these Officers, and identified myself as being with the District Attorneys Office. I then entered the scene, where I met with DDA William Clark, and Senior Inspectors Paul Mulligan and Paul Peterson who was the "on-call" Senior Inspector representing our agency. For this reason, Senior Inspector Peterson was assigned as the lead investigator for this protocol.

After speaking briefly with Senior Inspector Peterson, I was met by Commander Tom Simonetti of the Martinez Police Department. I identified myself to Commander Simonetti, at which time he provided me with a brief synopsis of what had occurred. Commander Simonetti explained to me that two Martinez Police Officers he identified as Officer Jeff Vandermuelen and Corporal Brian Carter were involved in a shooting following a confrontation in the 400 block of Buckley Avenue. Commander Simonetti told me that neither Officer was injured as a result of this confrontation, however an unidentified white male suspect in his mid-twenties was pronounced deceased at the scene. Commander Simonetti told me that this confrontation occurred as both Officer Vandermuelen and Corporal Brian Carter were dispatched to this location to investigate a report of a man with a gun. Commander Simonetti told me that this incident occurred sometime after 8:30am this morning.

After speaking with Commander Simonetti, DDA Clark and myself were told that the deceased suspect was still on scene, and was located a half block west of our location behind an apartment complex located at 405 Buckley Avenue. DDA Clark and myself then walked to this location to look at the scene, and the condition of the deceased suspect.

When we arrived to this location, the suspect was covered with a yellow tarp, and was laying on the pedestrian walkway behind 405 Buckley Avenue which is a multi-unit dwelling for disabled adults. A Martinez Police Officer remained with the suspect at this location, and I asked this Officer if he recognized the suspect from prior contacts, and he told me "no". Most of the Martinez Police Officers at the scene during this time also indicated they did not recognize the responsible which is unusual for this location as it has a high concentration of transients who frequent the area. There are several multi-unit dwelling houses within this immediate vicinity which house disabled adults which is the reason for the more than normal transient population.

After speaking with the Martinez Officer on scene, I pulled the yellow tarp from the suspect(s) face to see if I recognized him, and to view his condition. I noted that the suspect was a white male appearing to be in his late twenties with a very slight build almost as if he was malnourished. The suspect was wearing all black clothing, including black cloth gloves on both hands. His black t-shirt had a silk screen photograph of "Che Guevara" on the front of the shirt,

Written By: Sr. Inspector M.D. Wastenev 	Date: 5/31/2006
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Contra Costa County District Attorney's Office
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Suspect / Defendant:
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and I saw what appeared to be a small hole which I believed was a bullet hole which penetrated the suspect's shirt at chest level.

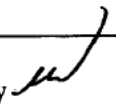
On the pavement right of the suspect's head, I saw what first appeared as some sort of a machine pistol similar to that of a "Tec 9". The pistol was black in color, however as I kneeled down to get a better look at it, I realized that the magazine well of the weapon had a clear plastic magazine attached to it. Inside of the magazine were several small plastic pellets, which were orange in color. It was at this point, I realized that the weapon appeared as some type of "Air-Soft" type gun, however had I not kneeled down to get a better look, I would not had been able to make this distinction.

After walking through the scene with DDA Clark, he requested that I return back to the Martinez Police Department to attend an incident briefing regarding this incident. On arriving to the Police Department, we met with DDA Robert Hole who facilitated this briefing in conjunction with Sgt. Gary Peterson of the Martinez Police Department. At the time of this briefing, the suspect still remained identified.

Following the incident briefing, DDA Clark and DDA Hole assigned me and Detective Kevin Busciglio of the Martinez Police Department to attempt to identify the suspect. Following this identification, DDA Hole also requested we conduct the death notification with next of kin in addition to obtaining some background history on the suspect with family members and friends.

Immediately following our incident briefing, a Martinez Police employee approached Detective Busciglio and myself, and told me that there was a subject in the lobby of the police department who wanted to speak with us regarding this incident. According to the police employee, the subject in the lobby said he wanted to report [REDACTED] missing, and had provided the police employee with a similar description of the suspect including that of the black t-shirt with the picture of "Che Guevara" on the front. For this reason, Detective Busciglio went down to the lobby and made contact with the subject identified as [REDACTED] of Martinez.

Shortly after this contact, Detective Busciglio returned back to our briefing room, and told us that the subject in the lobby [REDACTED] wanted to report [REDACTED] missing. Detective Busciglio said that [REDACTED] told him that he had heard about the shooting in his neighborhood this morning, and was concerned because [REDACTED] Robert Silva was now missing and had not been heard from since 2am Tuesday morning. Detective Busciglio said that [REDACTED] provided him with a physical and clothing description of [REDACTED] and it matched that of the deceased suspect.

Written By:
Sr. Inspector M.D. Wastaney 

Date: 5/31/2006

**Contra Costa County District Attorney's Office
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Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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Detective Busciglio said that [REDACTED] was very cooperative, and agreed to wait in the lobby as we attempted to locate more information on the suspect who we now believed was [REDACTED] Robert Silva. Mario told Detective Busciglio that [REDACTED] had just arrived here unrepentantly from Las Vegas Nevada the day before this shooting. Detective Busciglio and myself were not able to locate any prior contacts in their records management system matching a Robert Silva; however [REDACTED] did say that [REDACTED] wallet with his Nevada driver's license was still at his residence.

At this point, myself and Detective Busciglio decided to interview [REDACTED] with the belief that the deceased was in fact [REDACTED] Robert Silva. We explained this to [REDACTED] and told him that it was our intention to obtain more information about [REDACTED] for the purpose of identification, and should it be [REDACTED] make the proper notifications to next of kin. [REDACTED] agreed to be interviewed, and we taped this interview on VHS in a video equipped interview room in the police facility.

Because we could locate no prior local history on Robert Silva, I told [REDACTED] I had a photograph of the deceased which was taken at the scene immediately following the shooting. I told [REDACTED] that this was the only photograph I had during this time, and asked him if he would be willing to look at the photograph which he so agreed. [REDACTED] then identified the deceased in the photograph as that of [REDACTED] Robert Silva.

Following the identification of the deceased, I explained to [REDACTED] the circumstances leading to [REDACTED] death. I then began to obtain some background history on [REDACTED] including that of his parents so Detective Busciglio and myself could make the proper notifications. [REDACTED] asked if we could call his father [REDACTED] who he resides with on Richardson Street in Martinez. [REDACTED] told us that [REDACTED] is the [REDACTED] of the deceased, and the [REDACTED] of Robert Silva's [REDACTED] who also resides in Las Vegas. [REDACTED] then provided me with [REDACTED] cell phone number so I could get the telephone number for Roberts's [REDACTED]

After obtaining this information from [REDACTED] we then began to speak with him about [REDACTED] Robert Silva. [REDACTED] told us the following in substance:

He came to the police department today because he heard someone was shot by the police in his neighborhood earlier today. This concerns him because yesterday [REDACTED] Robert Silva of Las Vegas unrepentantly showed up at his apartment which is located at [REDACTED] Richardson Avenue in Martinez. He hasn't seen [REDACTED] since 2am Tuesday morning, and was now concerned that that the deceased may possibly be [REDACTED]

Written By:
Sr. Inspector M.D. Wastenev *[Signature]*

Date: 5/31/2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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On Monday night at approximately 12:30am while working the graveyard shift at [REDACTED] in Martinez, [REDACTED] "Robert" called him unexpectedly on his cell phone, and asked him where he was at. He told "Robert" he was at work, at which time "Robert" responded that he was at his apartment on Richardson Street, and needed a place to stay. He couldn't leave work at this point, but told "Robert" to come to his work, and he would give him the house keys indicating he could stay with him. "Robert" subsequently arrived to [REDACTED] and was driven their by [REDACTED]

On his lunch break which was at 3:30am, he drove back to his Richardson Street apartment to check on "Robert" and eat lunch. When he got to his apartment, "Robert" was not there, so he called [REDACTED] on the cell phone and asked them where they were at. [REDACTED] told him he was at a "pit stop" enroute back to Las Vegas, and said he dropped "Robert" off at the apartment after they left [REDACTED]. He then told [REDACTED] that "Robert" was not at the apartment.

At approximately 4:00am before he was getting ready to return back to work, "Robert" showed back up to the apartment. He asked "Robert" where he was at, and "Robert" told him he was out for a walk. He did not talk with "Robert" very long because "Robert" said he was tired and wanted to go to sleep. He told "Robert" he would be back to talk to him at 7:30am when he gets off work.

When he arrived home at 7:30am, "Robert" was already awake, and they talked for awhile. During his conversation with "Robert" he noticed "Robert" was very under weight at which time "Robert" told him he had not eaten for nine days. During their conversation, "Robert" said he had been reading several books on religion, and was talking very politically specifically about the revolution, and how Mexicans are getting screwed over. "Robert" also told him he was having visions, and assured him he was not using drugs. Following this conversation with "Robert" he then went to bed.

When he awoke later that afternoon, "Robert" was still in the house watching television, and he remembers telling [REDACTED] how skinny "Robert" was and needed to eat. Both he and [REDACTED] then told "Robert" that he needed to eat, and told him they were going to cook a bunch of food for him. "Robert" told them he was not hungry and didn't need to eat because he got his energy from the sun. "Robert" spent most of the day (Tuesday) outside in front of the house where he

Written By:
Sr. Inspector M.D. Wasteney *mw*

Date: 5/31/2006

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Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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appeared to be meditating, and the last time he saw "Robert" was at 2am Wednesday morning before him and [REDACTED] went to bed. "Robert" was just watching television in the living room during this time.


[REDACTED] told us that when he awoke the following morning at 6:30am, Robert was gone, and he really didn't become concerned until later that morning when [REDACTED] told him that he received a call from a friend earlier that morning, and that this unidentified friend saw [REDACTED] "Robert" walking around downtown Martinez with a "fake gun". [REDACTED] said that [REDACTED] friend indicated that this was sometime around 8:00am Wednesday morning. [REDACTED] said that he then later heard about the shooting involving the police, and was now worried that [REDACTED] "Robert" may have been involved. [REDACTED] said that this is why he came to the police department.

I asked [REDACTED] why "Robert" would come here unexpectedly if he hasn't been here in four years. [REDACTED] told me that he called and asked [REDACTED] the same question, and his cousin [REDACTED] told him he brought "Robert" here because he said he wanted to come here because the "Revolution was coming". According to [REDACTED] told him that "Robert" just needed to "chill out" for a while, and that's why he agreed to give him a ride here from Las Vegas. This concluded our interview with [REDACTED]

Following our interview with [REDACTED] he provided me with his fathers cell phone number so I could call him and explain to him what had occurred, and get the phone number for "Roberts" [REDACTED] to make a formal notification. Before I did this, [REDACTED] told Detective Busciglio and myself, that we could come to his house and get "Robert's" wallet which contained his identification. Myself and Detective Busciglio then followed [REDACTED] to his Richardson Street apartment.

On arriving to [REDACTED] apartment, he provided us with "Roberts" wallet which contained some miscellaneous items, and his Nevada driver's license. [REDACTED] also gave us "Roberts" backpack, which I opened to inspect the contents. The only contents of the backpack were several white t-shirts with a picture of "Tupac Shakur" on the front of the shirts.

Following our contact at [REDACTED] apartment, me and Detective Busciglio returned back to the Martinez Police Department. On our arrival, I called [REDACTED] on his cell phone. On contact with [REDACTED] I identified myself and explained to him what had occurred involving [REDACTED] Robert Silva. I also told him that I had spoken with [REDACTED] who had came to the police department to report "Robert" missing.

Written By:
Sr. Inspector M.D. Wastenev 

Date: 5/31/2006

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Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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██████████ told me that "Roberts" ██████████ is ██████████ and currently resides in Henderson Nevada. ██████████ provided me with the cell phone number of "Roberts" ██████████ and his address in Henderson. I told ██████████ that my intention was to notify ██████████ of "Roberts" death in person, and I was making arrangements with Detective Busciglio to travel to Las Vegas later in the afternoon. ██████████ agreed not to notify ██████████ until I arrived to Las Vegas.

After explaining to ██████████ what had occurred regarding ██████████ "Robert", he asked me to describe the gun. I told ██████████ that the weapon looked like an assault pistol, but was later determined to be some type of "Air-Soft" pistol. I described the pistol to ██████████ who told me he was pretty sure that this gun belonged to ██████████ and added he remembered seeing the gun lying on the living room floor of their Richardson Street apartment a few days before this incident occurred. ██████████ said that ██████████ has had this gun for awhile, but for the most part it has remained in their apartment. ██████████ was in Oakland at the time we had this conversation, and I told him that I would contact him on his return to show him a photograph of the weapon to make a determination if we were talking about the same gun. This concluded my contact with ██████████

Following this conversation with ██████████ I made travel arrangements for Detective Busciglio and myself to travel to Las Vegas to make contact with S-Silva's ██████████ and ██████████ who he resided with in Las Vegas ██████████

Detective Busciglio and myself departed from Oakland Airport Wednesday afternoon at 5:30pm, and we arrived to Las Vegas where we proceeded to our hotel. On arriving to our hotel later that evening, I called ██████████ on the cell phone number provided to me by ██████████ I managed to make contact with ██████████ at which time I identified myself and explained why I was calling him. ██████████ told me that he had heard from family members what had occurred, and agreed to speak with me and Detective Busciglio in person. ██████████ told us that he was currently at ██████████ apartment in Las Vegas which was just a few block from our hotel, so we agreed to meet there. This provided us an opportunity to interview both "Roberts" ██████████ in addition to ██████████ who drove him to Martinez.

When we arrived to this location which was ██████████ we met with ██████████ and "Roberts" ██████████ who he shared the apartment with previous to this incident. Both were very cordial during our contact, and I explained to both of them what had occurred. Both ██████████ acknowledged that "Robert" had been acting strangely previous to this incident, and ██████████ told me that ██████████ had not eaten for approximately seven days before this incident occurred. ██████████ told me that he tried to get ██████████

Written By:
Sr. Inspector M.D. Wastaney

Date: 5/31/2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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"Robert" to eat, but he said he was fasting. [REDACTED] told me that [REDACTED] would not even drink water. (**Refer to attached supplemental report of Detective Busciglio for additional information regarding interviews with [REDACTED])

Following our interviews with both [REDACTED] we left the location, and on returning to our vehicle were stopped by a female who asked if we were the police. We told the female we were the police, at which time she identified herself as [REDACTED] of the deceased Robert Silva. [REDACTED] told us she also resides in the same complex as [REDACTED] who told her earlier this date that [REDACTED] was killed. [REDACTED] then agreed to speak with us about [REDACTED] at her nearby apartment. (**Refer to supplemental report of Detective Busciglio regarding interview with [REDACTED])

Additional follow-up in this matter is pending, in which Detective Busciglio and myself, have arranged to meet with [REDACTED] and [REDACTED] to show them both a photograph of the weapon recovered from the scene the date of this incident. This is to ascertain if the gun recovered from the scene, is the same gun which both [REDACTED] had earlier indicated belongs to [REDACTED] and was located inside of their residence. I will supplement the results of this contact on a later date.

****Nothing Further****



Written By:
Sr. Inspector M.D. Wasteney 

Date: 5/31/2006



CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation:	Docket / File / Police Report No.
LEIFI Protocol	06-2143 (Martinez PD)
Subject / Defendant:	
Robert Silva	
Inspector Assigned:	Date Assigned:
Mark Ernst <i>ME</i>	May 10, 2006

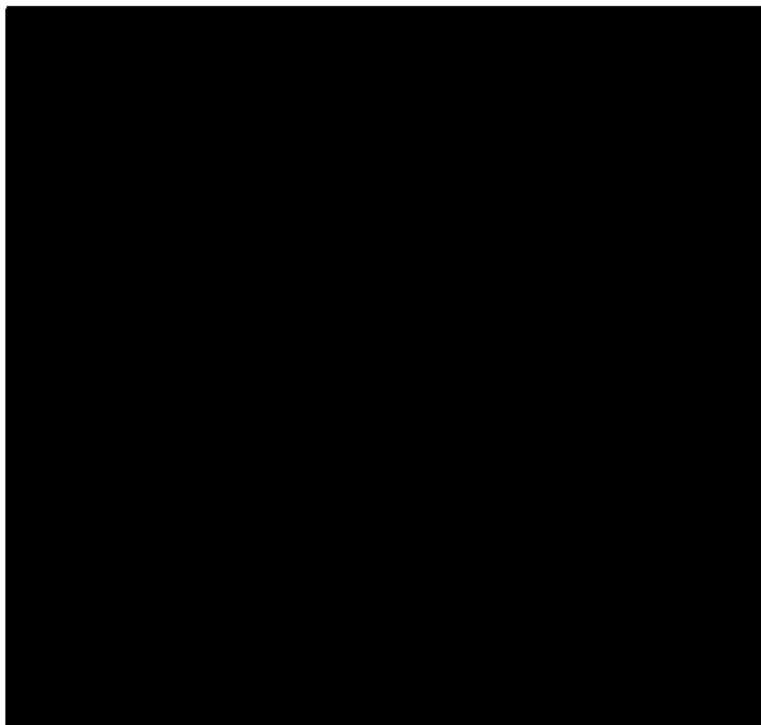
Suspect:

Silva, Robert

Investigative Team:

Officer Mike Estanol ID #101
Martinez Police Department
525 Henrietta St
Martinez, CA 94553
(925) 372-3440

Witness(es):



Written By:
Inspector Mark Ernst

Date: 5/19/2006

6/13/06

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Continuation	x

Subject / Defendant: Silva, Robert	Docket / Report No. 06-2143 (Martinez PD)
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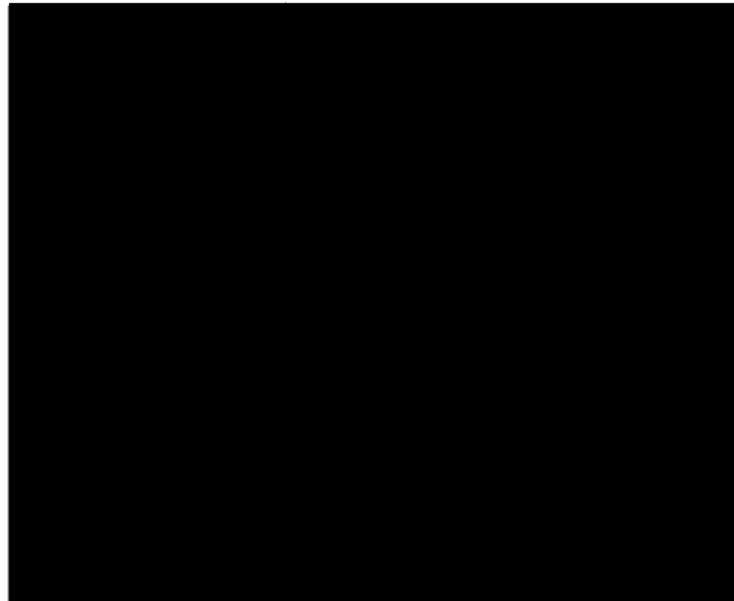


Written By: Inspector Mark Ernst	Date: 5/19/2006
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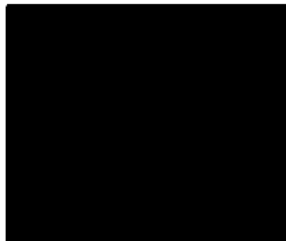
**Contra Costa County District Attorney's Office
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Subject / Defendant: Silva, Robert	Docket / Report No. 06-2143 (Martinez PD)
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Other addresses where we attempted contact but no one was home:



Evidence: Item #ME-1 One CD digital recording of interviews with the listed witnesses.

Narrative:

This report documents interviews with residents living near the area of the shooting.

At approximately 0915 hours I received a telephone call from Chief of Inspectors Greenwald advising me of a protocol investigation. Two officers of the Martinez Police Department had

Written By:
Inspector Mark Ernst

Date: 5/19/2006

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Subject / Defendant:
Silva, Robert

Docket / Report No.
06-2143 (Martinez PD)

confronted an armed subject and subsequently shot and killed him. I was instructed to respond to the area of the shooting, Berrellesa St and Buckley St., and assist in the investigation. I arrived at the location at 0930 hours.

After observing the crime scene, the investigators went to the Martinez Police Department for a briefing and investigative assignments. I was teamed with Officer Estanol of the Martinez Police Department. We were assigned to interview residents near the location of the shooting.

All of the interviews were audio tape recorded by Officer Estanol and myself. Eleven of the interviews took place at the witness' homes, except for [REDACTED] this interview took place at her place of employment.

Our neighborhood canvas resulted in contact with 11 individuals. Most of these individuals heard what they thought sounded like firecrackers, or gunshots, but they did not see anything unusual.

The twelfth interview, [REDACTED] took place at the Martinez Police Department. [REDACTED] is a Martinez city employee who had encountered the suspect in downtown Martinez, approximately 15 minutes prior to the shooting.

A synopsis of all the interviews will be included in Officer Estanol's report.

No further action was taken by this investigator.

Written By:
Inspector Mark Ernst

Date: 5/19/2006



CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation:	Docket / File / Police Report No.
LEIFI PROTOCOL	MPD 06-2143
Subject / Defendant:	
SILVA, Robert	
Inspector Assigned:	Date Assigned:
Isaias Menchaca	05/10/2006

Investigative Team: CCCDA Investigator I. Menchaca

Suspect: SILVA, Robert
DECEASED

Witness(es): [REDACTED]

Narrative: 05/10/06 1055 hours

I received a phone call from Lt. J. Sanchez concerning a "LEIFI Protocol" call out. I was asked to respond to the Martinez Police Department to assist in this investigation. Apparently, those investigators already involved in this case needed additional assistance so I was called out after the initial call out and missed the in field briefing.

1100 hours:

I arrived at the Martinez Police Department where I met with Deputy DA Clark and Sr. Inspector Paul Peterson. They advised me of the circumstances and details of this investigation.

I was assigned to assist Peterson conduct interviews at the construction site, 550 Alhambra Ave, in the city of Martinez. Those persons to be interviewed would be construction workers who were working at the new building located at 55 Escobar Street. This site is next to the area where Witness [REDACTED] observed the deceased, Robert SILVA.

Investigation: 1150 hours

I arrived at the construction site and meet with [REDACTED] The following is a summary [REDACTED] statement:

Witness [REDACTED]

[REDACTED] said that he is employed by Taber Construction. They are working on the job site adjacent to their property of #55 Escobar Street in the city of Martinez. They have been working

Written By: IM
Inspector Isaias Menchaca

Date: 6/13/2006

JS
6/13/06

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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD #06-2143
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at the construction site for the past year. The employees who are currently working at that site are employed by various contractors.

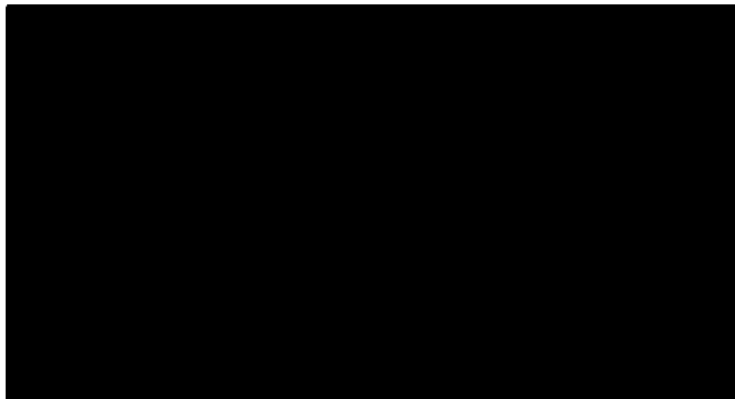
When asked about today's activities, [REDACTED] said he arrived on site this morning at approximately 6:45 am. He said his first job responsibility is to check the job site and assist employees at the beginning of their day. When he arrived this morning, [REDACTED] said there were only a few workers already on the job site.

[REDACTED] said he wasn't aware of this incident until after the fact. He said didn't hear any shots fired nor did he see the responsible. Additionally, [REDACTED] said it was his boss, [REDACTED] that he told him what had happened to [REDACTED] [REDACTED] said [REDACTED] told him that someone had pointed a gun at [REDACTED] [REDACTED] was interviewed by Sr. Inspector Paul PETTERSON

I then asked [REDACTED] if I could speak with the employees where were working at #55 Escobar Street. [REDACTED] agreed but stated that I would have to speak with them at the job site. Since the job site was noisy due to running compressors and electrical equipment, I was not able to record those interviews.

Those workers interviewed were construction workers who were on site at the time of this incident. All of the workers were busy working within the building and were not aware of the incident, nor did they see the suspect or heard gun shots. These interviews were done separately.

The following are the names of those Construction workers who were interviewed and at the job site during the time span of this incident:



Written By: [REDACTED]
Inspector Isaias Menchaca

Date: 6/13/2006

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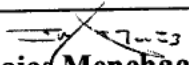
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• [REDACTED]



At the conclusion of the interviews, I returned to the Martinez Police Department and advised Sr. Inspector Peterson of my findings.

End of report

Written By:  Inspector Isaias Menchaca	Date: 6/13/2006
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CONTRA COSTA COUNTY
Office of the District Attorney

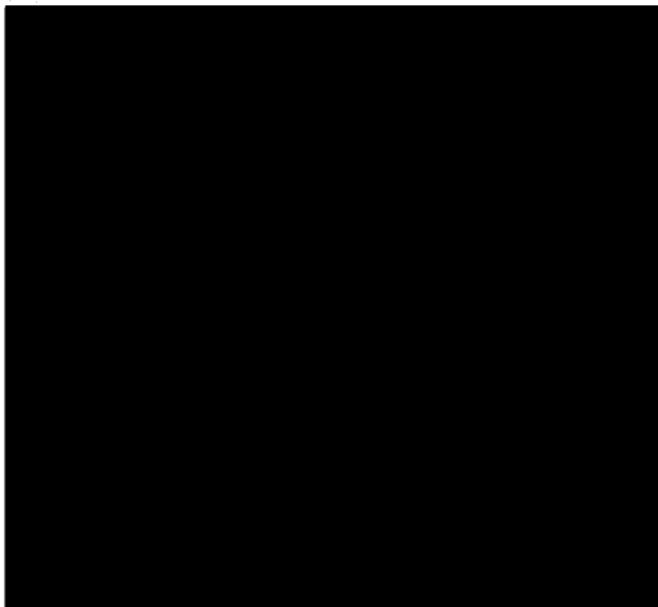
INVESTIGATIVE REPORT

Type of Investigation: LEIFI Protocol	Docket / File / Police Report No. Martinez P.D. Case# 06-2143
Suspect/ Defendant: Robert SILVA	
Inspector Assigned: Senior Inspector Steve Lynn	Date Assigned: 05-10-06

Suspect: SILVA, Robert
Deceased

Investigative Team:
Sr. Inspector Steve Lynn and MPD Detective Aaron Roth

Witness (es):



Written By:
Sr. Inspector Steve Lynn

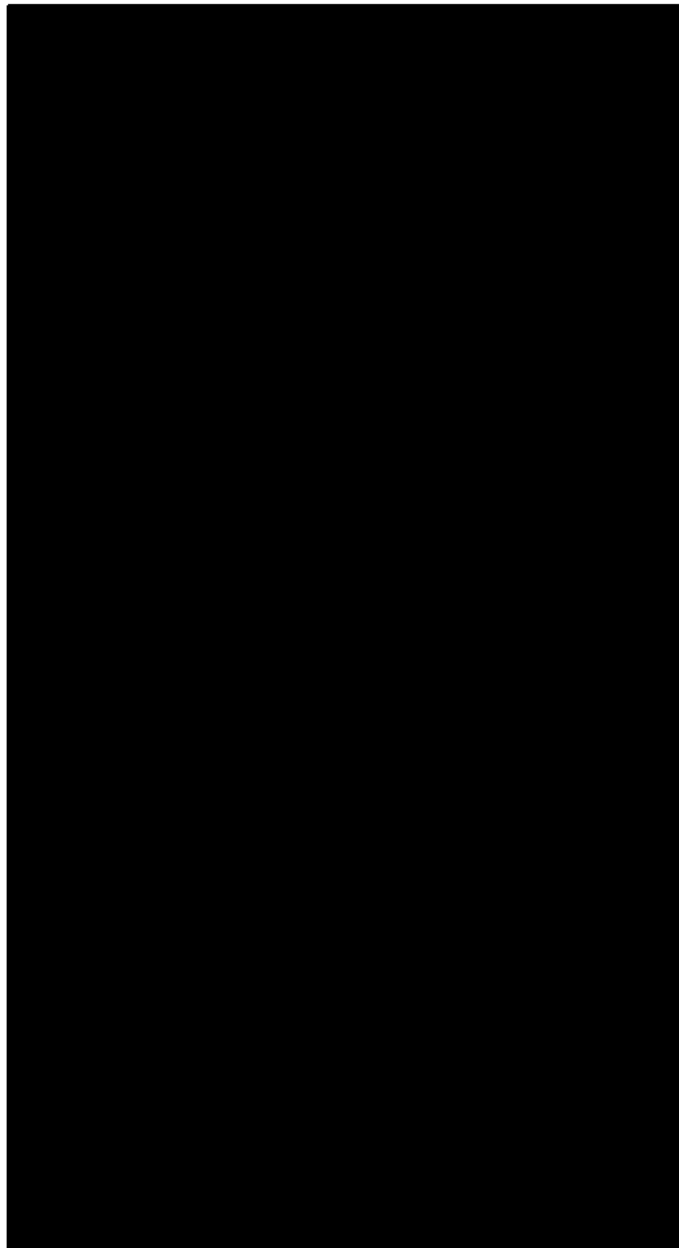
Date: 6/1. '2006

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6/13/06

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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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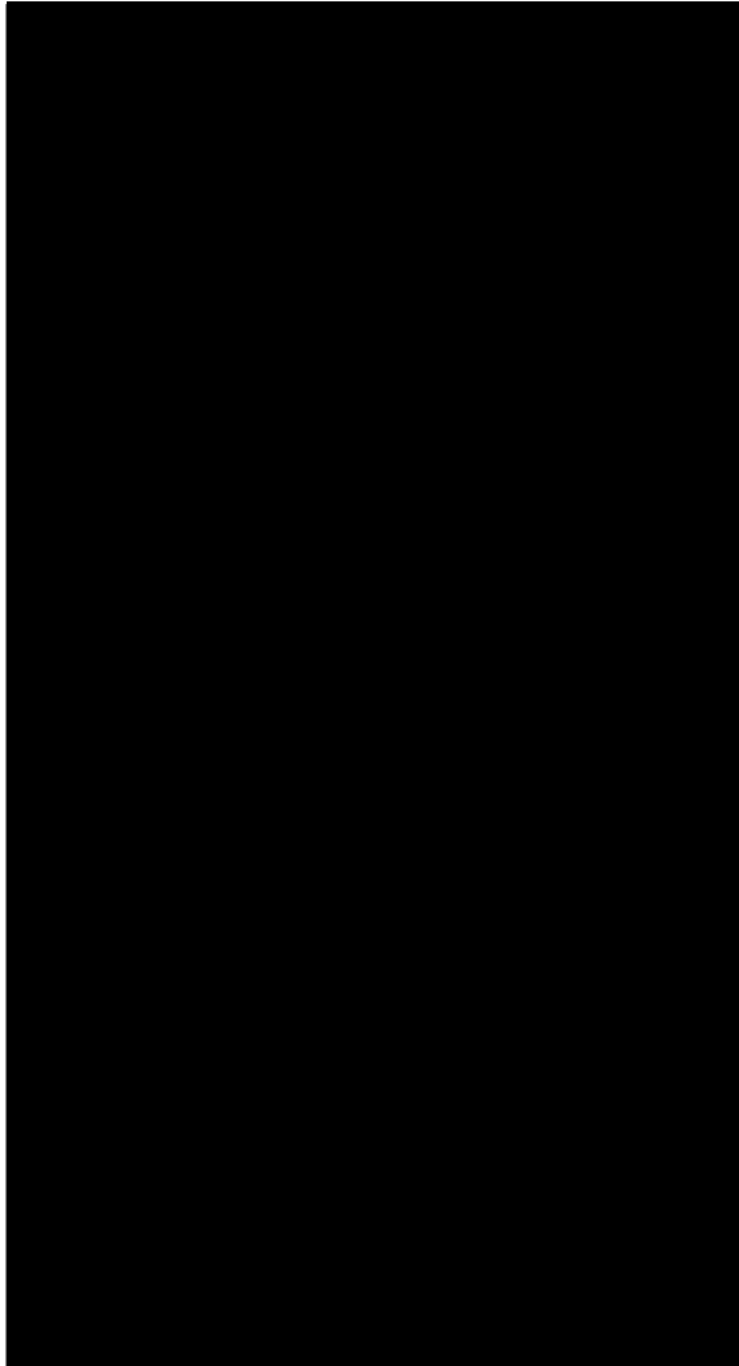
Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

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Sr. Inspector Steve Lynn

Date: 6/1/2006

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Evidence: (1) Two CD's of interviews with suspects and one CD containing photos taken at [REDACTED] residence. The CD's were tagged and submitted with report.

Vehicle(s): None

Attachment(s): One drawing of weapon sketched by witness [REDACTED]

Narrative: On 05-10-2006, at approximately 0930 hours, I received a telephone call from CCC DA Lieutenant of Inspectors Jerry Sanchez instructing me to respond to the Martinez Police Department (MPD). A Protocol had been invoked as a result of the shooting death of Robert SILVA by Officer(s) of MPD. I

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

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ultimately responded to the corner of Berrellesa and Buckley Streets, Martinez, where I was teamed with MPD Detective Aaron Roth. After walking the crime scene with and being briefed by responding Protocol Attorneys, Detectives and MPD scene coordinators, we were assigned to interview all the Tenants/staff of Scenic View (State License #075600001) who were present during the time of the incident. Scenic View is a care center for mentally ill patients. We ultimately identified several additional witnesses who had information significant to the investigation. Refer to witness list for specific names of witnesses. I recorded all interviews on a digital recorder. The recordings were transferred to three CD's which were submitted to evidence with this report. Detective Roth made cassette recordings of the interviews sans the interviews of [REDACTED]. Detective Roth submitted his recordings into MPD evidence.

This report reflects the interviews of [REDACTED]. Refer to Detective Roth's report for the interviews of Scenic view patients.

At 1139 hours we began interviewing [REDACTED]. [REDACTED] is an employee of Scenic View and [REDACTED] Scenic view Administrator [REDACTED] [REDACTED] said that at the time of the shooting he was asleep in the second floor north/west bedroom/office. [REDACTED] [REDACTED] was awake and working in the same room. The office window looks out to Buckley and is approximately 20 yards west and above where Silva was ultimately shot.

[REDACTED] was awakened by six or seven gunshots at about 0845 hours. He knows because he looked at the clock by his bed within one or two minutes of hearing the shots. I checked the time on the clock and found the time was identical to the time on my cell phone which is set by GPS.

[REDACTED] said he walked to the north window shortly after hearing the shots. [REDACTED] was already looking out the window. [REDACTED] could see Silva lying on his back, his feet up and into the hedge, at the bottom of the stairs on the east side of building. [REDACTED] saw Silva's left arm drop to the ground when he initially

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Sr. Inspector Steve Lynn

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saw Silva but otherwise saw no movement from Silva. Additionally he could see 3 to 5 police officers standing to the east by a police SUV that was parked in the middle of the street some 25 yards to the east. [REDACTED] could see the officers were pointing their weapons in the direction of the house. After a few minutes, [REDACTED] saw the officer's move toward Silva using a "riot shield" for cover.

[REDACTED] said he and [REDACTED] were concerned the victim might be one of their residences so he went outside to the top of the stairs to see. He could see the subjects face, which was already discolored to the point where [REDACTED] could not tell if the subject was white or Hispanic, and did not recognize the subject. While looking, [REDACTED] saw what appeared to be a gun on the ground next to the right side of the subjects head. [REDACTED] could also he what appeared to be a bullet whole in the chest of the subject.

[REDACTED] remembers hearing the officers speaking but does not recall what they might have been saying. [REDACTED] saw the officers cuff the subject as they reached him. [REDACTED] could not see the subjects head at that time and does not know if the subject was receiving medical attention at that time. It was after the officers reached Silva that [REDACTED] went outside to determine if he knew the subject.

Silva recalls seeing medical personnel arrive and begin providing medical assistance to Silva about 10 minutes after the shooting occurred. At no time did [REDACTED] see any law enforcement personnel act inappropriately. I reviewed [REDACTED] statement with him and concluded the interview at 1145 hours.

We then interviewed [REDACTED] who is the Administrator at Scenic View. [REDACTED] oversees all the activities and care at Scenic View. He states Scenic View is a licensed board and care home for mentally ill patients with schizophrenic and bipolar disorders. He states all of the patients are diagnosed with one or both of the disorders. At the time of this interview, there were 15 patients staying at the facility. Two of the patients, [REDACTED] and [REDACTED] were checked out to outside

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Sr. Inspector Steve Lynn

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facilities prior to and during the incident. [REDACTED] states that most if not all of the patients have the ability to see and remember incidences, at least on a short term basis. The Patients have come and go privileges with evening curfews.

[REDACTED] told us he was at his desk working on the northwest corner of the second floor at about 0845 hours when he heard 8 to 12 gunshots. [REDACTED] was asleep in the same room at the time. [REDACTED] said he jumped straight up and immediately went to the north window to see what was occurring. [REDACTED] first saw several officers in and around a police SUV, all pointing their guns in the direction of the house. The vehicle was in the street about 25 yards down Buckley to the east. Upon seeing the officers with there weapons pointed in his general direction, [REDACTED] immediately moved away from the window and had all the tenants who were awake and upstairs move into the office area.

After sequestering many of the tenants, which took "a couple minutes" and he felt there were going to be no more shots, [REDACTED] looked back out the window. He said [REDACTED] looked out the window at the same time. It was then he first saw Silva at the north east corner of his building. He said Silva's feet were facing east; [REDACTED] could not see Silva's head. [REDACTED] said Silva's left arm was "half way up in the air". [REDACTED] said he saw the arm drop to the ground which was the last movement he saw from Silva. The Officers were still positioned at the Police vehicle with their guns drawn. [REDACTED] does not believe, based on where the officers were, and the position Silva was on the ground, that the officers had a clear view of Silva. [REDACTED] moved away from the window to deal with the tenants before the officers moved forward to Silva. [REDACTED] was at the window and told [REDACTED] the officers were moving forward.

After things had calmed down, [REDACTED] went outside to the top of the stairs. [REDACTED] looked down and could see Silva. He said he saw an unknown object lying on the ground next to the right side of Silva's head.

In recalling the shots he heard, [REDACTED] felt they were of

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

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different calibers because of the difference in sound of the shots. [REDACTED] remembers medical personnel arrived on scene and begin medical treatment. He said Silva was handcuffed in the front at the time. [REDACTED] did not hear any commotion prior to hearing the gunshots. He said the window was closed and the air conditioner was on at the time which drowns out most of the noise from outside. [REDACTED] did not open the window until the second time he went to the window. We concluded the interview at 1202 hours.

After concluding the interviews inside we went outside at which time [REDACTED] pointed out an individual who was standing at the southwest corner of Buckley and Richardson. [REDACTED] said the individual had been watching for quite some time and may have known Silva. Detective Roth and I went across the street and contacted [REDACTED]. [REDACTED] was, at first, very hesitant to talk with us. It appeared he had an unknown issue with MPD. I convinced [REDACTED] that I just needed a little of his time so we could conduct a thorough and complete investigation into the incident.

[REDACTED] told us he did not know the decedent personally but had met him briefly the night before. He believes the decedent is [REDACTED]. [REDACTED] said he had gone over to his friend, [REDACTED] house at about 2000 hours on the 9th. [REDACTED] does not know [REDACTED] address, only that he lives a block from [REDACTED] residence. [REDACTED] said Robert Silva was in the house when [REDACTED] arrived. They greeted each other as two strangers would and went into separate areas of the house. [REDACTED] did not see the decedent with any possessions. [REDACTED] said he stayed at [REDACTED] playing video games until around 2230 hours then left to go home. He did not interact or converse with the decedent the entire time sans their initial salutations. [REDACTED] then spontaneously mentioned he saw the decedent again this morning with a "toy cap gun that I could tell was a toy from two blocks away" [REDACTED] described the gun as black with a orange round tip, clear plastic piece before the tip and "looked like a little mini machine gun". [REDACTED] continued to say he could tell it was a toy "plastic" cap gun

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Sr. Inspector Steve Lynn

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from two blocks away. He described the individual as a thin Mexican male approximately 5 foot 10 inches tall with glasses and wearing a black short sleeved t-shirt. The front of the T-shirt had an impression of a persons face. The individual on the T-shirt wore a bandana.

██████████ said he was in front of his house smoking a cigarette and talking with ██████████ when he saw Robert Silva. ██████████ was leaning against his house facing south on Berrellesa Street when he first saw Silva walking north bound two blocks away at Green street on the east side of Berrellesa. ██████████ said he made no gestures toward Silva, said nothing to Silva and received no acknowledgment from Silva. ██████████ was adamant that I document the gun was a toy and that anyone could tell from a great distance it was a toy.

As ██████████ stood at the corner after the incident he said he saw the coroner's office personnel move the decedent. At that time ██████████ said he recognized the decedent to be the same person he had seen walking with the "toy" gun earlier that morning. My impression of ██████████ was that he was not being complete in his answers as well a little deceptive because of his disdain for MPD officers.

At approximately 1258 hours, Sr. Inspector Ike Menchaca and I went to ██████████ house to recontact and him and attempt to gain a clearer perspective of where he first saw the suspect and at what distances. I brought Sr. Inspector Menchaca instead of Det. Roth because ██████████ had made it very clear he did not like or trust Martinez Police Officers. I felt ██████████ would be more open and honest about what he had seen.

██████████ explained again how he had briefly met the Silva the night before but had no extended contact or conversation with Silva. He also said he did not nor had ever seen the airsoft gun Silva was carrying that morning when ██████████ saw Silva walking north on Berrellesa. ██████████ took us outside and explained/showed us when and where he had seen Silva. ██████████ leaned against the side of his house facing south. From this position one could see

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Sr. Inspector Steve Lynn

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SILVA, Robert

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over two blocks south on Berrellesa and across the street to the east but not North on Berrellesa without moving. [REDACTED] explained how he first saw Silva walking on the east side of the street at Green Street which is two blocks south. This time [REDACTED] said he could only see Silva and not the gun. [REDACTED] pointed out a gray van approximately 50 yards away. He stated when he saw Silva reach that point he recognized Silva as the person he met the night before. As Silva was crossing the street and reaching the northeast corner of Berrellesa, [REDACTED] recognized Silva was carrying a toy gun. [REDACTED] said he then mentioned to [REDACTED] "why is that kid carrying a toy gun". [REDACTED] stated "it wasn't the first thing he expected to see early in the morning" a man in his mid twenties walking with a toy gun.

I had [REDACTED] draw me a picture of the gun he saw Silva carrying and label the picture as far as color. See attached drawing for details.

He said Silva was wearing the same black short sleeve shirt as the night before. [REDACTED] said he first noticed Silva had something in his left hand as Silva neared Main Street, four car lengths from the corner. [REDACTED] said Silva simply walked northbound always looking forward; the gun being held in his left hand, arm extended straight down swinging with the motion of his forward gait. Silva never looked across the street and once Silva reached a point directly east of [REDACTED] did not readjust himself to continue watching Silva. Besides the five minutes [REDACTED] had seen Silva the night before that was the only time [REDACTED] saw Silva. [REDACTED] said he heard about the shooting and went the area of the shooting to see if it was Silva who had been shot.

I asked [REDACTED] why he had a dislike of MPD. He said when he returned from the store that morning and learned from [REDACTED] that the guy they had seen earlier that morning had been "shot five times." [REDACTED] said that seemed kind of "shady". He continued to say that he knew of a MPD officer who had killed someone in "cold blood" and that officer is still on the force.

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I spoke to [REDACTED] She told me she had no knowledge of the incident and in fact had been at work at the time of the incident. She said [REDACTED] had told her about seeing an individual with a toy gun and that person had been shot 5 times for waving the gun at police officers. She does not know Silva. She said [REDACTED] and he is approximately 45 years old. He rents a room from the [REDACTED] I left [REDACTED] my business card with instructions for [REDACTED] to contact me at his earliest convenience.

During a follow-up telephone conversation with [REDACTED] in an attempt to speak with [REDACTED] she told me [REDACTED] was out of town working. [REDACTED] said she does not know the name of his company and his cell phone number had been disconnected. Besides the fact [REDACTED] rents a room from [REDACTED] she knows little about [REDACTED] She states he will be moving out in the near future but even that date is unknown because of her lack of knowledge of [REDACTED] current location or how long he will be out of town on his current job.

On 05-11-06, Detective Roth and I returned to 405 Richardson to complete our interviews of the tenants. Roth had been informed by another Martinez detective that [REDACTED] of [REDACTED] Buckley Street had been on the news the night before. [REDACTED] had told the press she had witnessed the entire incident. We walked up to [REDACTED] Buckley and contacted [REDACTED] [REDACTED] lives at the location with [REDACTED] [REDACTED] was just leaving the house for work as we arrived. We did determine that [REDACTED] had been at work on the 10th during the time of the shooting.

[REDACTED] told us that she was in the house at about 0830 to 0840 in the morning of the 10th. She heard 6 or 7 gunshots coming from somewhere down the street (east). [REDACTED] said she woke [REDACTED] after hearing the shots. [REDACTED] frequently stays at the house but actually lives in Antioch. [REDACTED] got out of bed and within two minutes they went out to the second story

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

**Contra Costa County District Attorney's Office
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deck. [REDACTED] said they could see officers pointing guns. I checked the view from this area. I could see just to the point where the MPD SUV had been parked just prior to the shooting. The house is set back from the others and the view is partially obstructed by various post plants etc. A person could see people in the street from this distance, which was almost two full blocks, but you cannot see 405 Richardson or the actual street much past Berrellesa. It would be difficult to make out weapons from this distance. [REDACTED] said after about five ten minutes she saw the "SWAT team or something come out with their shields". [REDACTED] said she could not see anyone other than the police and never saw the suspect. [REDACTED] and [REDACTED] continued to go in and out of the house to watch. She made several other statements regarding events that happened but when questioned it was revealed that most of what she knew was from what she was told and not what she actually saw.

At approximately hours we returned to [REDACTED] Buckley and met with [REDACTED]. [REDACTED] confirmed [REDACTED] story that she had been asleep at the time the shooting occurred. [REDACTED] woke up and went outside to the landing with [REDACTED]. [REDACTED] said she could see officers with guns but could not see what they were doing or who they were confronting. Most of the information that [REDACTED] had was what she learned from others. Even though [REDACTED] told the press she had seen the entire incident she actually saw very little and was giving the press the information second hand.

I did not record this interview. The interview was recorded by Detective Roth on a cassette recorder. He booked this recording along with all the backup cassette recordings he made into Martinez evidence.

End of Report

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

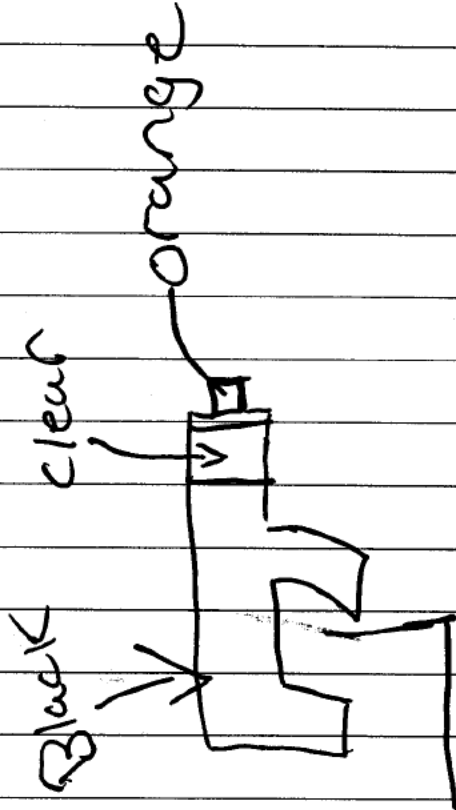
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ATTACHMENT A
DRAWING BY [REDACTED]

5-10-06



Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006



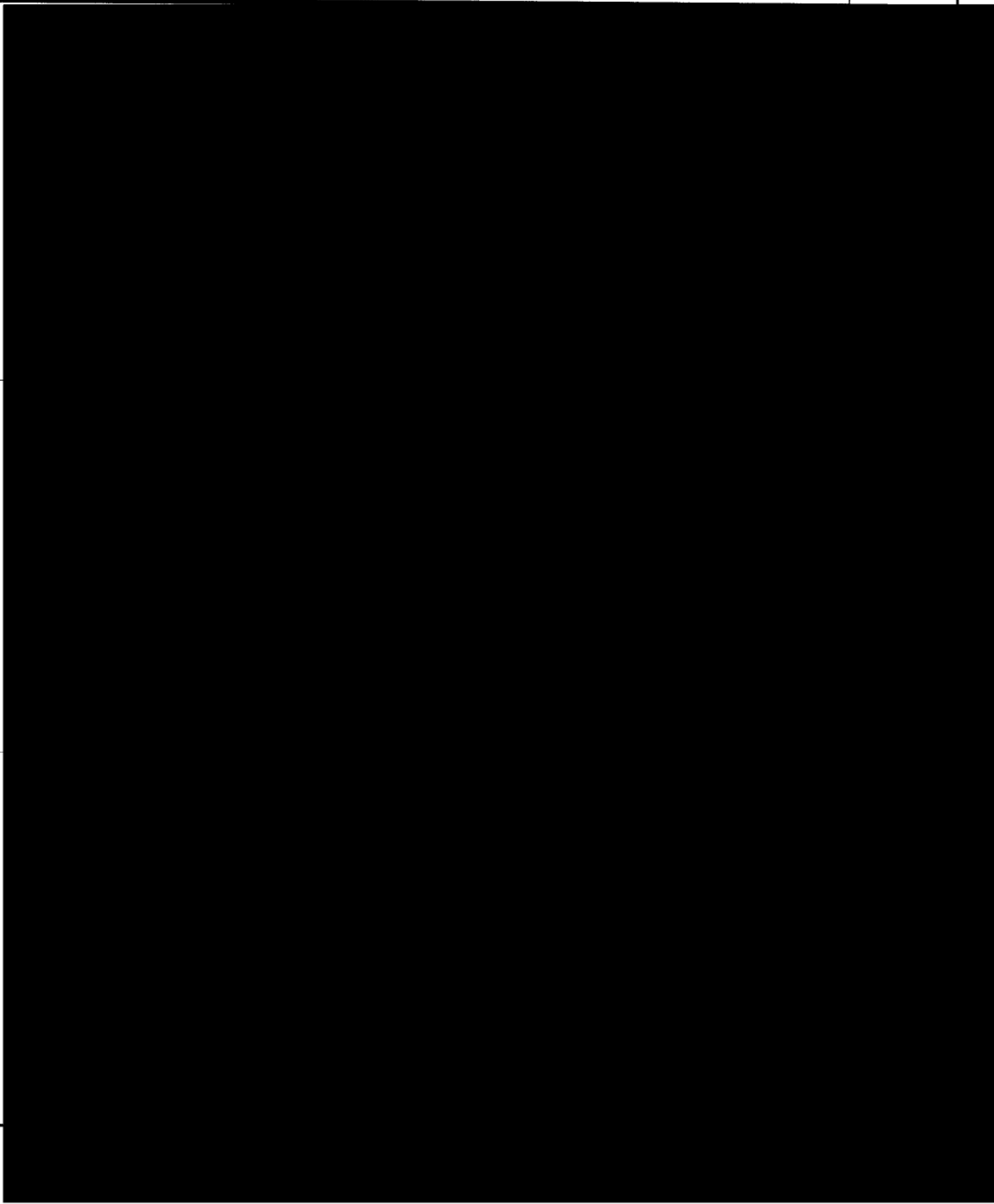
MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

IMAGE GALLERY FOR CASE 06-2143

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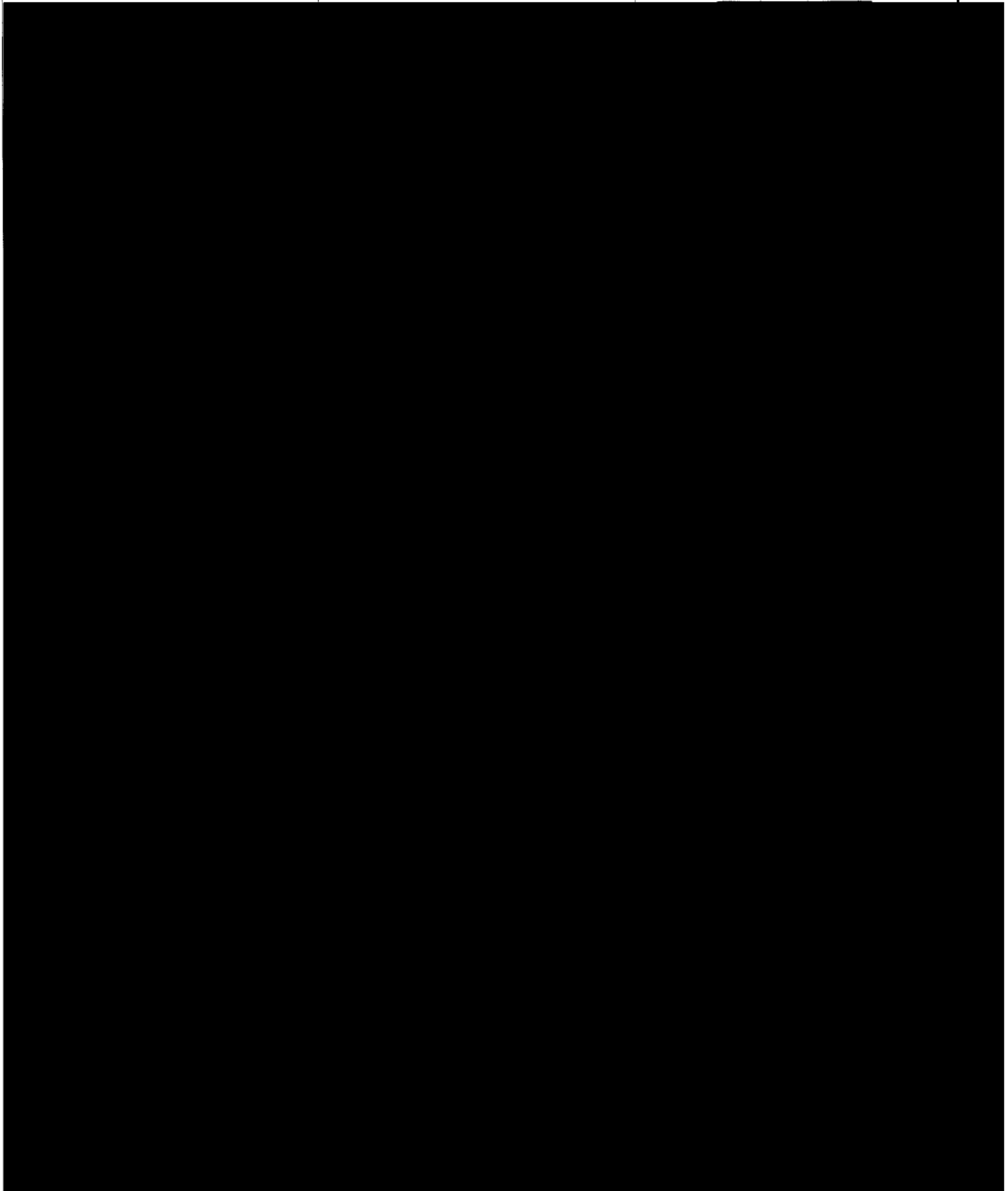
MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

IMAGE GALLERY FOR CASE 06-2143

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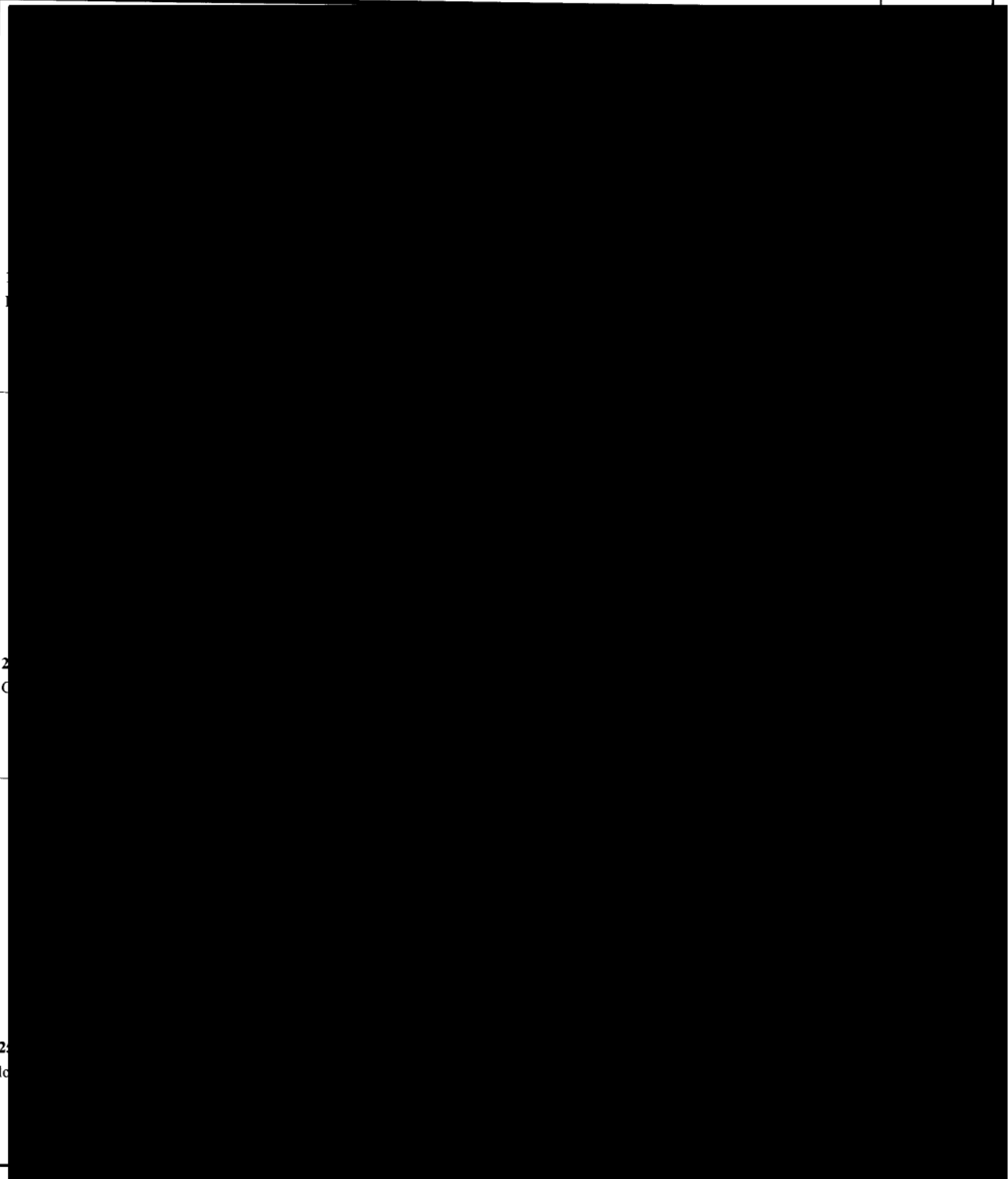
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525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

IMAGE GALLERY FOR CASE 06-2143

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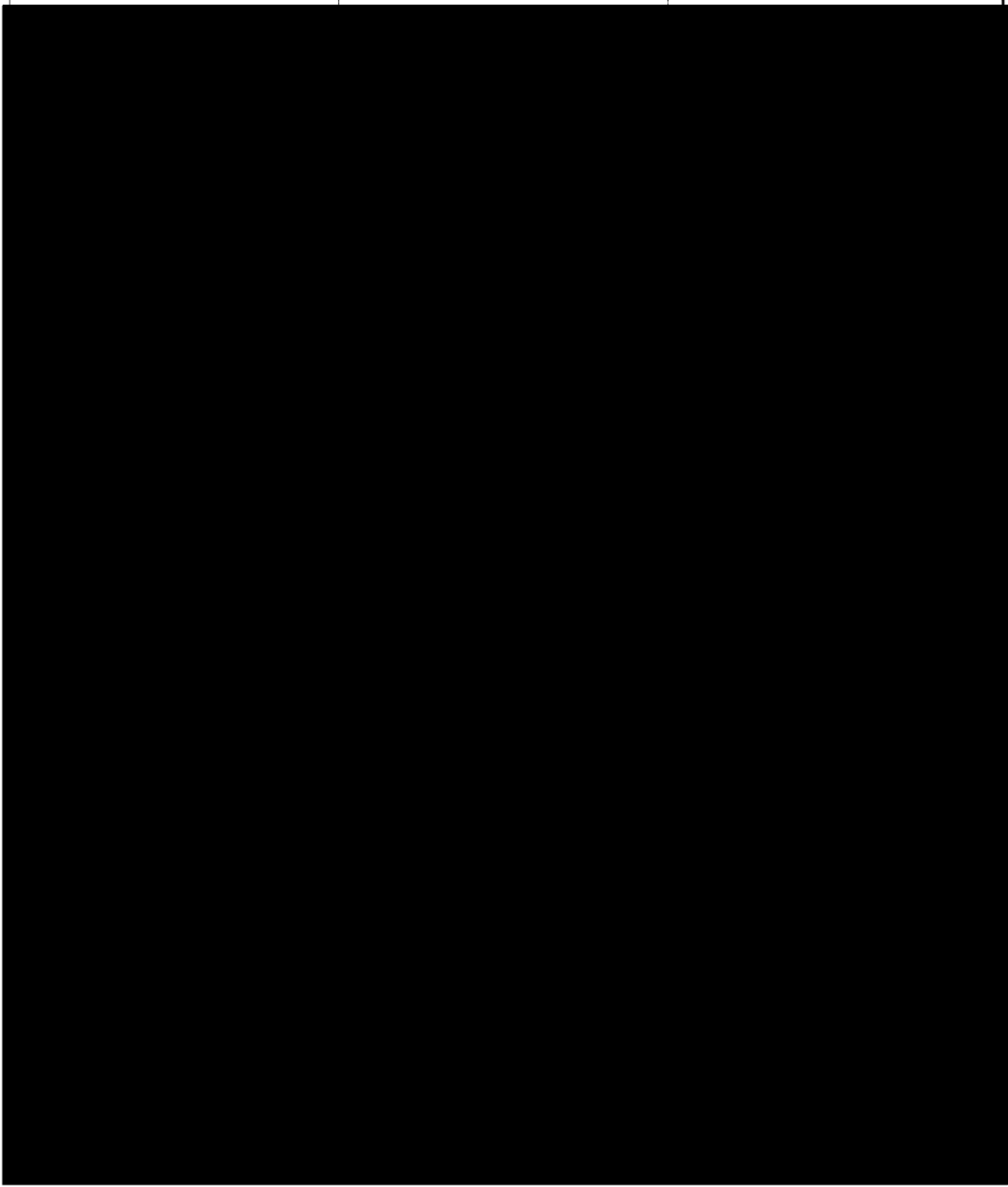
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IMAGE GALLERY FOR CASE 06-2143

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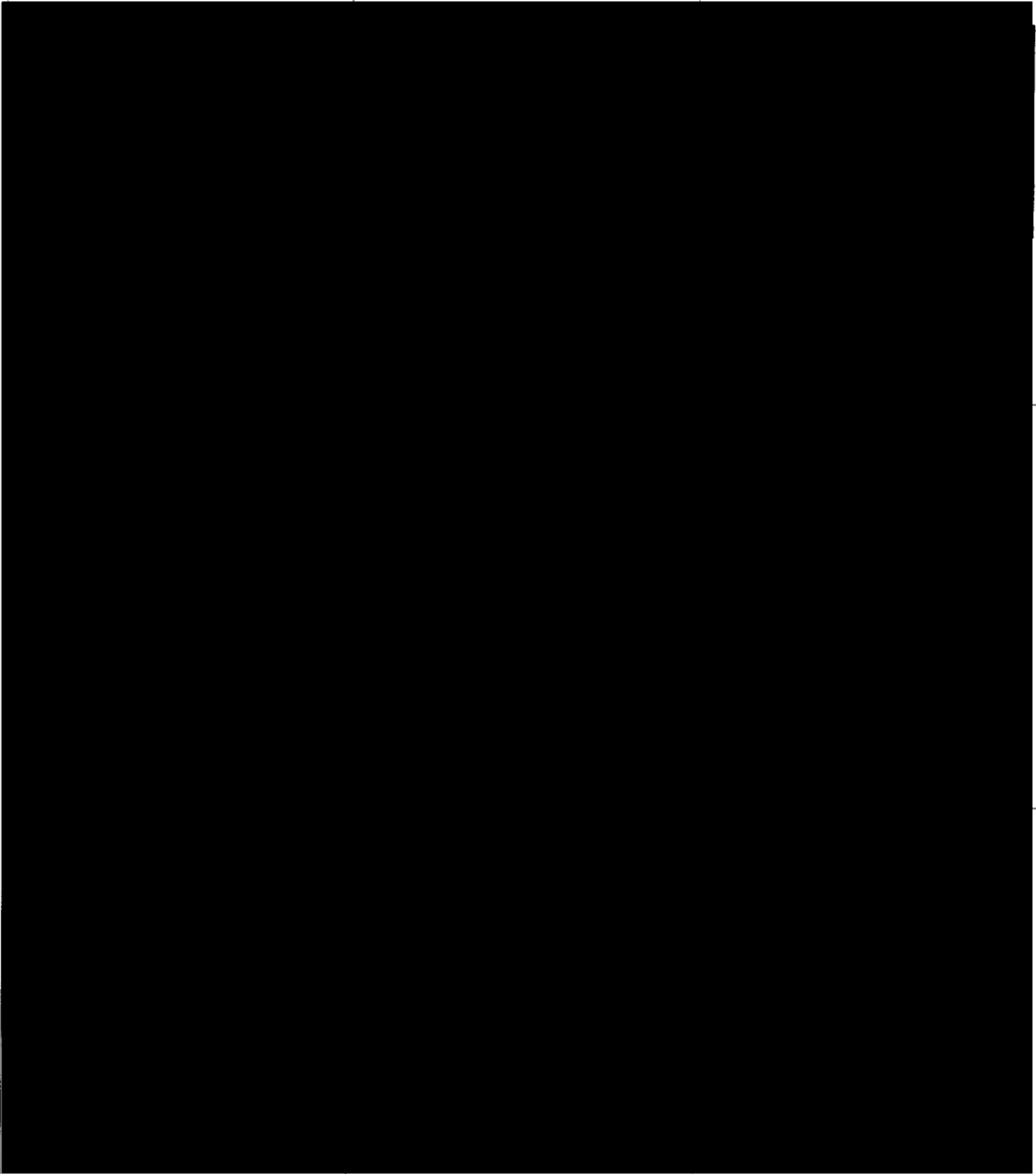
MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

IMAGE GALLERY FOR CASE 06-2143

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06/08/2006





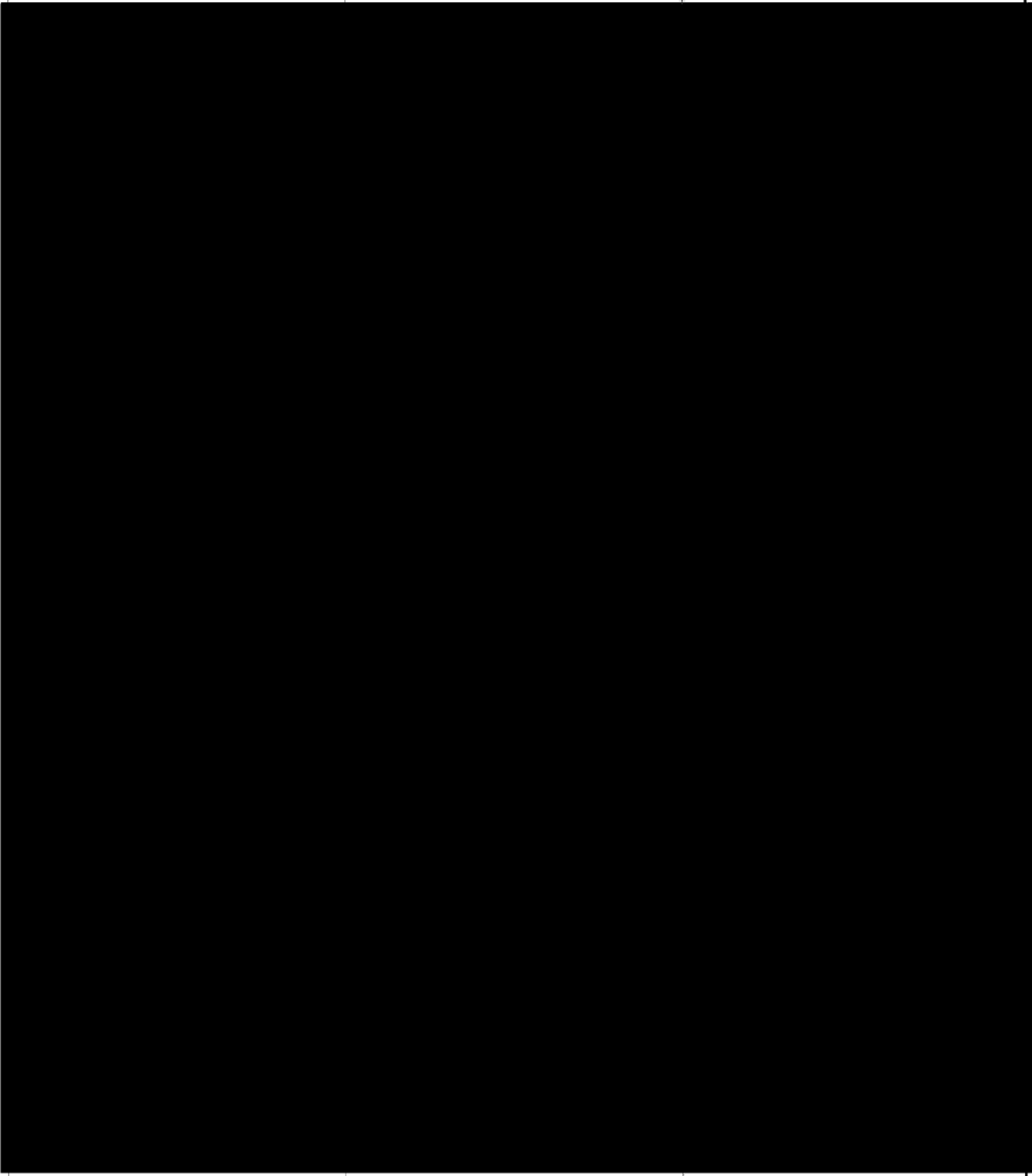
MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

IMAGE GALLERY FOR CASE 06-2143

Page 6

06/08/2006





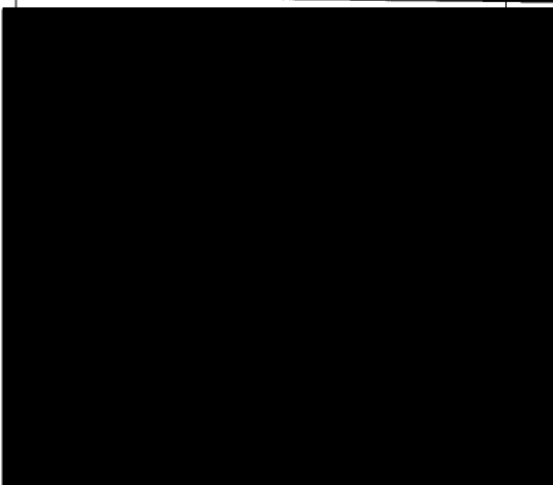
MARTINEZ POLICE DEPARTMENT

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

IMAGE GALLERY FOR CASE 06-2143

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06/08/2006



Evidence Transfer Receipt

H8YXA1SY0JB0J

Evidence Relinquished By:
Curtis, Marte

Agency: **LAB**

☒ PIN Entered

Evidence Received By:
Peterson, Gary D. (MPD)

Agency: **Martinez Police Department**

☐ PIN Entered

Date: **05/16/2006**

<u>Laboratory #</u>	<u>Agency Case #</u>	<u>Lab Evid #</u>	<u>Evidence Description</u>
06-005481	06-2143	007	CB cont. Beretta 96G .40 S&W semi-auto pistol, S/N: BER275377.
06-005481	06-2143	008	CB cont. Colt M4 .223 Rem full-auto carbine, S/N: A0188656.

Signatures

Evidence Relinquished By:

Marte Curtis 5/16/06

Evidence Received By:

[Signature]

IN THE EVENT OF MY DEMISE

Dedicated 2 Those curious

In the event of my Demise
when my heart can bat no more
I Hope I die For A Principle
or A Belief that I had lived 4
I will die Before my Time
Because I feel the shadow's Depth
so much I wanted 2 accomplish
Before I reached my Death
I have come 2 grips with the possibility
and wiped the last tear from my eyes
I Loved All who were Positive
In the event of my Demise!

where's

Makaveli

■ MAKAVELI BRANDED  212.719.2722 ■

MERRY CRUNKIN' CHRISTMAS

IN
STORES
11/25

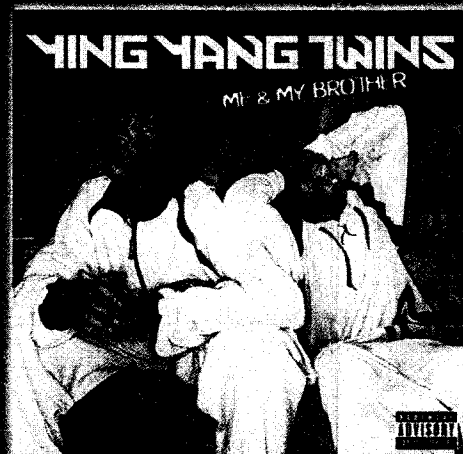
YING YANG TWINS • ELEPHANT MAN
BUSTA RHYMES • BBALL • PASTOR TROY
T.I. • JADA KISS • YOUNG BUCK • G-UNIT
BONUS DVD



IN
STORES
12/9

LEADERS OF THE NEW SOUTH
CRUNK AND DISORDERLY

Lil Jon & The East Side Boyz • Ying Yang Twins
Bonecrusher • David Banner • Youngbloodz • T.I. and more



FEATURING **GET LOW**
W/ YING YANG TWINS
I DON'T GIVE A @#&%
& **THROW IT UP**
W/ PASTOR TROY

FEATURING **NAGGIN'**
SALT SHAKER
W/ LIL JON & THE EAST SIDE BOYZ
& **GEORGIA DOME**



HEAR IT NOW AT TVTRECORDS.COM

NEVADA

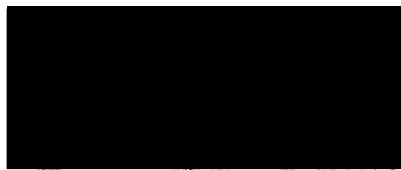
DRIVER LICENSE

EXPIRES 01-08-2008

BIRTH DATE	SEX	HEIGHT	WEIGHT	EYES	HAIR
01-08-1979	M	5'07"	140	BLU	BRN

♥ ORGAN DONOR

SILVA, ROBERT ANDREW
1801 E KATIE AVE #243
LAS VEGAS, NV 89119



EXPIRES: 01-08-2008

ISSUED: 03-04-2006

ORGAN DONOR



SILVA, ROBERT ANDREW
1601 E KATIE AVE #237 LAS VEGAS NV 89119



RESTRICTIONS:
Corrective lenses

CLASSES:

C-Cars/Vans/Pickups; may tow <10,000 lbs

ENDORSEMENTS:
None

06-5481-4



Forensic Services Division
Contra Costa County Office of the Sheriff
1122 Escobar St. Martinez, Ca. 94553
Telephone: (925) 335-1600 Fax: (925) 646-2913



REPORT OF LABORATORY EXAMINATION

Laboratory No:	06-5481-4	Agency:	Martinez Police Department
Report Date:	5/18/2006	Agency Case No.:	06-2143
Service:	Post-Mortem	Requested by:	Gary D. Peterson
Request Date:	5/12/2006	Case Type:	Death
Suspects:	Silva, Robert Andrew	Complainant(s):	None Listed
Related Agencies:	06-1111		Coroner's Office

Examination Results

Central Identification Services was requested to collect major case prints. The results of this process are stated below.

One set of post-mortem fingerprints collected for coroner's case # 06-1111 to be sent to the California Department of Justice.

CC:

Examined By:

Michelle A. Drew

Michelle A Drew, Fingerprint Technician

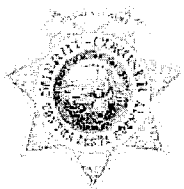
Date: May 18, 2006

Approved By:

Debra Clark

Debra Clark, Lead Fingerprint Technician

06-5481-4



Forensic Services Division
Contra Costa County Office of the Sheriff
1122 Escobar St. Martinez, Ca. 94553
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REPORT OF LABORATORY EXAMINATION

Laboratory No:	06-5481-4	Agency:	Martinez Police Department
Report Date:	5/18/2006	Agency Case No.:	06-2143
Service:	Post-Mortem	Requested by:	Gary D. Peterson
Request Date:	5/12/2006	Case Type:	Death
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CC:

Examined By:

Approved By:

Michelle A. Drew

Michelle A Drew, Fingerprint Technician

Date: May 18, 2006

Debra Clark

Debra Clark, Lead Fingerprint Technician

OFFICE OF THE SHERIFF**Contra Costa County**

Criminalistics Laboratory Division

1122 Escobar St., Martinez, California 94553

Tel. (925) 335-1600 FAX (925) 646-2913

**FAX TRANSMITTAL FORM**Date: 7/20/06 Time: 08:55To: Martinez PDAttn: Sgt. Sylvia via IreneFAX #: 228-3753From: Norman MaddenTotal # of Pages (including face sheet): 7**MESSAGE**

Lab Reports for your case # 06-2143
(Lab # 06-5481-1, 2, 4) Lab report 06-5481-3
not available, liquid blood report.

CRIMINALISTICS LABORATORY
 Contra Costa County Office of the Sheriff
REPORT OF LABORATORY EXAMINATION

Laboratory Number 06-05481-1	Offense(s) Officer Involved Incident	Date(s) Examined 5/10-22/06
Requesting Agency & Case Number Martinez 06-2143	Date of Request 5/10/06	Examinations Requested By Sergeant Simonette
Complainant(s) VanderMeulen, Jeff (Ofc); Carter, Brian (Ofc)	Subject(s) Silva, Robert (d)	

REPORT OF FIELD SERVICES:


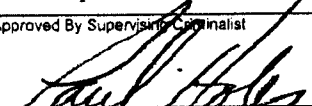
On 5/10/06, at approximately 0930 hours I was informed by Senior Clerk Patricia Olmstead of an officer involved shooting in Martinez. Sergeant Simonette requested our assistance to document the scene and collect evidence.

Lab Aide Rosary Marcelo and I gathered our equipment and responded to the scene. The scene is located on Buckley Street between Berrellesa and Richardson in Martinez. The scene was secured by Officers, crime scene tape, and patrol cars.

Various officers and DA investigators briefed us on what had occurred:

At roughly 0845 hours Richard Silva approached a man in a car in the parking lot by the corner of Alhambra and Escobar. Silva knocked on the window and the man opened the door. Silva pointed a gun at the man and said "Today is your last day on earth". Silva then pulled the trigger twice and the man ducked down to avoid the gun. The man said the gun did not go off and Silva ran away. The man said the gun looked like a Tec-9 or something similar. The man said he heard the gun click twice but it did not fire. The man yelled to others in the construction crew office to call 911. Martinez police responded and found Silva on Buckley. One officer was on foot the other driving a SUV. As the officers approached Silva he pointed a firearm at them and they fired at him. They took cover behind the SUV and waited for a shield to approach Silva who had disappeared behind a hedge. They approached and found Silva dead behind the hedge.

We did a quick survey of the scene. Three fired cartridge cases were observed in the north gutter east of the SUV. Three cartridge cases were located in the SUV and another cartridge case under the SUV. Suspected bullet impacts were observed on the stucco wall of the house on the southeast corner of Buckley and Richardson. Silva's body was present on his back below the rear staircase next to the wall. Criminalist Alex Taflya and Crime Scene Investigator Carolyn Crain arrived to assist. Taflya began taking overall photographs. I rendered both officers' guns safe and packaged them for transport. I received the guns from the Watch Commander's car at the scene. All four of us searched Buckley Street for bullets and bullet fragments. A fired bullet was located in the intersection of Buckley and Richardson. A rusty ball bearing was also located and collected, but is most likely not involved. No other bullets or fragments were recovered.

Signature & Date  7-10-06	Distribution 1 - File 1- DA's Office 1- Martinez PD
Reported By & Title Christopher Lee Coleman, Criminalist	<i>Cc: Sgt. Sylvia, faxed 7/20/06</i>
Approved By Supervising Criminalist  7/20/06	For Additional Information Call (925) 335-1600

06-05481-1

7/10/06

Page 2 of 3

The Coroner arrived and Silva's body was examined. He has a bullet entrance wound to the center of his chest. He was rolled over and an exit wound and a grazing wound were observed on his back. We assisted the coroner's in placing Silva in a body bag and he was removed from the scene to the Morgue.

We used Lead Check Swabs to test the impacts to the wall. The Lead Check Swabs tested positive with known lead and negative on control areas on the wall. Several of the impacts tested positive. A couple suspected areas tested negative as did two of the impact sites. The two impacts that tested negative did so due to the amount of material ejected from the impact site after being struck (transferred lead ejected out with stucco). We marked evidence with numbered cones and took photographs. We then marked evidence locations and bullet impacts on the wall with blue paint. Crain and Marcelo then departed the scene to meet with a helicopter from East Bay Regional Parks. The helicopter took them up and Crain took aerial photographs of the scene. Taflya and I collected the evidence and took measurements of the scene. Rough sketches of the scene and wall were prepared.

Both officers were brought back to the scene and told me from where they fired shots. I noted where they said they were with where evidence was located. The evidence corresponds very closely to where the officers said they were.

With nothing further we departed the scene.

DESCRIPTION OF EVIDENCE:

Item #	Description	Location
#006	Plastic pellet gun	By suspects head at bottom of stairs
#007	Beretta 96 .40 S&W pistol, S/N: BER275377	From trunk of Watch Commander's Car
#008	Colt M-4 .223 Rem carbine, S/N: A0188656	From trunk of Watch Commander's Car
#008	Four fired .40 S&W casings, three fired .223 casings, fired bullet, live cartridge, ball bearing.	From inside and under SUV, from gutter, from street, from SUV, from street.

The Beretta pistol had one cartridge in the chamber and seven in the magazine (total of 8 out of a possible 12 rounds). Standard procedure at Martinez PD is to top off magazine after charging pistol for 12 rounds. With the four fired rounds 12 rounds accounted for.

The Colt carbine had one cartridge in the chamber and 23 in the magazine (total of 24 out of a possible 31). Standard procedure at Martinez PD is to down load magazine two rounds and leave chamber empty until needed for 28 rounds. With the three fired rounds 27 rounds accounted for. Magazine has good, tight springs so 27 rounds is possible.

EXAMINATION:

The pellet gun was transferred to Lead Fingerprint Examiner Cindy Hull for latent print processing on 5/10/06. She returned the pellet gun to me on 5/11/06. The pellet gun was examined. It was plugged with dirt. The dirt was cleared from the barrel. I examined the pellet gun with a borescope and discovered that one of the pellets was stuck in the feed area and that pellets were not feeding into the barrel so they would fire. The pellet was

06-05481-1

7/10/06

Page 3 of 3

dislodged and the pellet gun worked normally after that. The pellet gun is not very powerful and pellets only travel about 10 feet once fired from the gun.

Both the Beretta pistol and the Colt carbine were test-fired at the Sheriff's Range to determine approximate ejection patterns when held normally with two handed grips. Both eject cartridge cases slightly back and to the right. Ejection patterns are consistent with what was observed at the scene and with what officers told us.

DISPOSITION:

On 5/11/06, the pellet gun was placed into Escobar Return for pickup.

On 5/15/06, the officer's guns were placed into Escobar Return for pickup.

On 5/19/06, the other evidence was placed into the Evidence Room pending additional analysis. The images were burned to CD's and a copy was placed into the Photograph File and a copy was sent to Martinez Police Department Investigations.

CRIMINALISTICS LABORATORY
 Contra Costa County Office of the Sheriff
REPORT OF LABORATORY EXAMINATION

Laboratory Number 06-5481-2	Offense(s) Officer Involved Shooting	Date(s) Examined 05/11/06
Requesting Agency & Case Number Martinez Police Department 06-2143	Date of Request 05/10/06	Examinations Requested By Sgt. T. Simonette
Complainant(s) Carter, Brian (Officer); VanderMullen, Jeff (Officer)	Subject(s) Silva, Robert	

REPORT OF FIELD SERVICES:

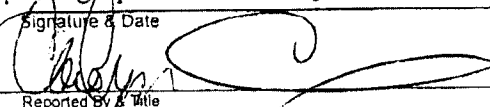
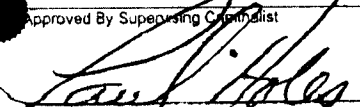
On May 11, 2006, I was requested by Supervising Criminalist P. Holes to document the autopsy of Robert Silva who had reportedly been shot while brandishing a weapon at police on Buckley Street in Martinez. Refer to Laboratory report 06-5481-1 for details regarding the scene processing. Laboratory Aide R. Marcelo was assigned to assist. We arrived at the Coroner's Office at approximately 7:50 AM. The autopsy was performed by Dr. B. Peterson and Pathologist Assistant S. Jagoda.

According to Martinez P.D. Sergeant T. Simonette, Silva had a handgun, approached a construction worker who was seated in his vehicle, and threatened to shoot him. Silva reportedly fled on foot from this area and confronted a Martinez P.D. Officer who saw the weapon and requested backup. Silva reportedly headed down Buckley Street and brandished his weapon while running across the street. At that time, Martinez P.D. Officers fired at Silva and he was struck several times. He was found lying at the bottom of a staircase behind a bush.

Silva, a White male adult with short brown hair, green eyes, no facial hair and intact teeth, was lying on his back in a blue body bag. His hands were in front of his body with handcuffs around both wrists and fingerprint powder on the palms and fingers. A toe tag was attached to his left great toe. He was wearing: a black "Ernesto Che Guevara" t-shirt, a white t-shirt, black "NYC" jeans with a black belt, white "Ralph Lauren" gym shoes and white ankle socks, and blue patterned boxer shorts. A rosary without a cross was around his neck. His prescription glasses were bent and lying in the body bag along with a pair of black gloves. The gloves were removed at the scene in order to obtain fingerprints for identification. Two monochrome tattoos were visible on his upper arms: "USMC" and an eagle on his right and "Silva" and a dragon on his left. ECG patches were attached to his left and right forearm.

Three apparent bullet wounds were visible on the body. A circular shaped apparent bullet entry wound, labeled hole "A", was on the upper chest near the midline. An irregular shaped apparent bullet exit wound, labeled "B", was on the lower right side of the back. An apparent graze type wound, labeled "C", was located on the upper back near the left shoulder area. The trajectory for wounds A and B appeared to be from front to back, left to right and downward. See Coroner's Report 06-1111 for further details regarding the wounds and trajectory. No bullets or fragments were recovered.

The overall appearance of the body and close-up details of the injuries were recorded with a series of photographs. Head and pubic hair standards, as well as nail clippings were collected. A liquid blood standard

Signature & Date  June 7, 2006	Distribution 1 - File
Reported By & Title Carolyn Crain, Crime Scene Investigator	1 - Martinez P.D.
Approved By Supervising Criminalist  6/27/06	Cc: Sgt. Sylva, faxed 7/20/06 For Additional Information Call (925) 335-1600

06-5481-2

6/7/06

Page 2 of 2

as collected for potential DNA analysis. Central Identification Services was notified to obtain additional fingerprints. We left the Coroner's Office at approximately 10:20 AM and returned to the Laboratory.

EVIDENCE INVENTORY:

Item #	Description	Location	Lab Evid. #
2-1	Liquid Blood Evidence Kit	Body of Robert Silva	1
2-2	Head hair standard	Body of Robert Silva	2
2-3	Pubic hair standard	Body of Robert Silva	2
2-4	Nail clippings	Right hand of Robert Silva	2
2-5	Nail clippings	Left hand of Robert Silva	2
2-6	Peerless handcuffs Serial #530091 and etched with Martinez PD #64	Hands of Robert Silva	3
2-7	Rosary without cross	Neck of Robert Silva	4
2-8	Eyeglasses	Body of Robert Silva	5
2-9	White and gray Ralph Lauren gym shoes, size 8 and white ankle socks	Body of Robert Silva	5
2-10	Black "NYC" jeans size 32/32	Body of Robert Silva	5
2-11	Blue patterned boxer shorts	Body of Robert Silva	5
2-12	White "Stafford" t-shirt size M	Body of Robert Silva	5
2-13	Black "Che Guevara" t-shirt size XL	Body of Robert Silva	5
2-14	Black gloves	Body of Robert Silva	5

- One CD containing 75 color images.

DISPOSITION OF EVIDENCE:

The Liquid Blood Evidence Kit, Item 2-1, was submitted to the Forensic Biology Unit of the Laboratory for dry stain preparation (Laboratory Evidence #1).

The remaining evidence was submitted to Martinez P.D. for storage, pending any further requests for analysis.

Seventy-five images were transferred to a CD which will be stored in the Laboratory Photograph File.



06-5481-4

Forensic Services Division
Contra Costa County Office of the Sheriff
1122 Escobar St. Martinez, Ca. 94553
Telephone: (925) 335-1600 Fax: (925) 646-2913



REPORT OF LABORATORY EXAMINATION

Laboratory No.	06-5481-4	Agency:	Martinez Police Department
Report Date:	5/18/2006	Agency Case No.:	06-2143
Service:	Post-Mortem	Requested by:	Gary D. Peterson
Request Date:	5/12/2006	Case Type:	Death
Suspects:	Silva, Robert Andrew	Complainant(s):	None Listed
Related Agencies:	06-1111	Coroner's Office	

Examination Results

Central Identification Services was requested to collect major case prints. The results of this process are stated below.

One set of post-mortem fingerprints collected for coroner's case # 06-1111 to be sent to the California Department of Justice.

cc: Sgt. Sylvia, faxed 7/20/06

Examined By

Approved By:

Michelle A Drew, Fingerprint Technician

Date: May 18, 2006

Debra Clark, Lead Fingerprint Technician

**MARTINEZ POLICE DEPARTMENT**

Page 1

CAD INCIDENT REPORT**060510021**

5/12/2006

Location 550 ALHAMBRA AV, #BLDG TRL				Cross Streets MAIN ST/WARD ST			City MARTINEZ	
Incident Type PCOO - PENAL CODE				Call Taker BELEELE, JOYCE			Dispatcher BELEELE, JOYCE	
Date 5/10/2006	Priority 2	Primary Unit L107	Beat 1	Fire Zone	Area 134	Map	Source 9-1-1 CALL	
Caller Name [REDACTED]				Caller Address [REDACTED]			Caller Phone [REDACTED]	
Dispositions Assisted				Weapon		Alm Level		Case Number 06-2143
Vehicles				Associated Incidents				

Incident Times Received 08:40:17 Created 08:42:18 Dispatched 08:42:24 En Route On Scene 08:44:17 Closed 17:24:23 Rcvd-Closed 8:44:06	Special Circumstances Persons
--	--

Unit Times	Officer	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	On Scene-Clear	Disp-Clear
L107	Carter, Brian	08:42:24		08:43:44	15:12:36	01:20	6:28:52	6:30:12
L64	Vandermeulen, Jeff	08:43:04		08:43:39	15:12:40	00:35	6:29:01	6:29:36
L72	Madsen, Doug	08:43:04		08:44:17	13:13:47	01:13	4:29:30	4:30:43
S20	Prins, Evert	08:43:04		08:43:51	15:50:47	00:47	7:06:56	7:07:43
L75	Butler, John	08:43:04		08:44:17	09:33:46	01:13	49:29	50:42
I4	Busciglio, Kevin	08:43:56		08:44:17	15:13:38	00:21	6:29:21	6:29:42
I2	Maloney, Lisa	08:44:05		08:44:17	15:13:30	00:12	6:29:13	6:29:25
S21	Peterson, Gary	08:44:05		08:47:14	16:21:41	03:09	7:34:27	7:37:36
J2	Rounds, Herb	08:52:32		08:52:46	10:11:43	00:14	1:18:57	1:19:11
J1		08:52:32		08:52:46	09:44:17	00:14	51:31	51:45
P1	Johnston, Terry	08:59:16		08:59:20	10:05:09	00:04	1:05:49	1:05:53
P4	Mayberry, Dustin	08:59:16		08:59:23	09:24:00	00:07	24:37	24:44
P3	Chermak, Dennis	09:00:57	09:01:01	09:01:02	16:22:36	00:05	7:21:34	7:21:39
P2	Morley, Mike	09:04:51		09:04:56	15:35:06	00:05	6:30:10	6:30:15
M1	Kruta, William	09:07:15	09:07:27	09:14:28	09:20:36	07:13	06:08	13:21
A1	Cutaia, Dave	09:19:05		09:19:23	15:11:45	00:18	5:52:22	5:52:40
A2	Simonetti, Tom	09:19:06		09:19:19	10:40:40	00:13	1:21:21	1:21:34
R9	Hollidge, Paul	09:25:07		09:25:11	09:44:44	00:04	19:33	19:37
N17	Roth, Aaron	09:53:26		09:53:35	15:13:16	00:09	5:19:41	5:19:50
M1	Kruta, William	10:01:46		10:02:01	10:31:39	00:15	29:38	29:53
R9	Hollidge, Paul	10:07:02		10:07:12	16:14:15	00:10	6:07:03	6:07:13
R1	White, Mark	10:31:59	10:32:04		12:06:23	N/A	N/A	1:34:24
R5	Wylie, Michael	11:20:36		11:20:40	12:54:55	00:04	1:34:15	1:34:19
M2	Estanol, Mike	11:35:02		11:35:37	15:12:58	00:35	3:37:21	3:37:56
A2	Simonetti, Tom	12:06:03		12:06:16	15:12:29	00:13	3:06:13	3:06:26
S23	Sylvia, Jon	12:07:57		12:08:04	17:24:23	00:07	5:16:19	5:16:26



CAD INCIDENT REPORT

5/12/2006

Incident Comments

RP WAS IN VEHICLE BY THE CONSTRUCTION TRAILER - WHITE OR HISP TEENAGER
CAME TO THE WINDOW OF THE VEHICLE - KNOCKED ON WINDOW AND THEN
POINTED WHAT APPEARED TO BE A GUN - SUBJECT STATED
THIS IS YOUR LAST DAY OF YOUR LIFE. BLACK GUN ATTEMPTED TO PULL TRIGGER AND
GUN DID NOT GO OFF
AT THE SAME TIME CALL WAS COMING IN - L107 ADVISED VIA RADIO - TEENAGER WITH GUN
NEAR THE CORP YARD - SUBJECT DRESSED ALL IN BLACK.

TIME	EVENT
08:42:18	Incident initiated at 550 Alhambra Av, #Bldg Trl, Martinez
08:42:24	L107 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:43:04	L64 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:43:04	L72 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:43:04	S20 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:43:04	L75 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:43:25	Incident comments changed
08:43:39	L64 10-97.
08:43:44	L107 10-97.
08:43:51	S20 10-97.
08:43:56	I4 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:44:05	I2 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:44:05	S21 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:44:17	L72 10-97.
08:44:17	L75 10-97.
08:44:17	I2 10-97.
08:44:17	I4 10-97.
08:44:30	Incident comments changed
08:44:31	SUBJECT TEENAGER DRESSED IN ALL BLACK
08:45:01	CALL FOR HELICOPTER
08:45:01	J2 10-97
08:45:01	SHOTS FIRED
08:45:24	L107 SUBJECT BY THE SET OF BUSHES
08:45:40	L107 L107 BRING UNIT WITH SHIELD
08:45:54	L107 L107 HOLDING POSITION
08:46:14	L107 DOWN APT OF BUCKLEY AND RICHARDSON
08:46:18	L107 STAGING MEDICAL
08:46:37	L107 BUCKLEY AND BERRELLES - S20
08:47:05	L107 S21 - GET I4 TO GO AROUND TO MARINA VISTA AND BUCKLEY - SET UP
08:47:06	L107 PERIMETER
08:47:14	S21 10-97.
08:47:20	L107 J1 10-97
08:47:31	CON FIRE TO STAGE AT MARINA VISTA /ALH
08:48:03	L107 L107 - SHOTS INTO HIM SUBJECT WENT DOWN - SUBJECT S/E HOUSE ON
08:48:24	L107 BUCKLEY
08:48:32	L107 MV/RICHARDSON - I4
08:48:54	L107 MV/BERRELLESA -
08:50:15	L107 L107 - KEEP ALL RADIO CLEAR - TEAM GOING IN - L107/L72/L64/
08:50:28	I4 10-97. RICHARDSON/MARINA VISTA
08:50:45	L107 S21 OFFICER INVOLVED PROTOCOL - SEND ONE MEDICAL UNIT IN
08:50:46	L107 BUCKLEY/RICHARD
08:50:49	L107 SUBJECT DOA
08:51:01	L107 NEED HELICOPTER
08:51:25	con fire staged alhambra/marina vista
08:52:07	L107 Case number 06-2143 assigned to 060510021
08:52:32	J2 DISP. 550 Alhambra Av, #Bldg Trl, Martinez

TIME	EVENT
08:52:32	J1 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:52:46	J1 10-97.
08:52:46	J2 10-97.
08:52:46	CCSO WILL CALL BACK FROM HELIC. AND HAS UNITS AVAIL TO HELP
08:53:18	S20 10-22 HELICOPTER
08:53:18	LOCATED SUSPECT
08:53:52	Incident comments changed
08:54:31	L107 L107 - CON FIRE BUCKLEY AND BERRELLESA
08:55:43	Incident comments changed
08:57:25	L107 S20 10-21 RESERVES - PHPD TO HANDLE SOUTH END OF TOWN
08:58:03	L107 S21 ADVISED TIME OF SHOTS FIRED CAME IN
08:58:05	I4 10-27. [REDACTED]
08:58:05	I4 Wanted Check: [REDACTED]
08:58:05	I4 Criminal history check: [REDACTED]
08:58:05	I4 JAWS Warrant Check: [REDACTED]
08:58:05	I4 Missing Persons Check: [REDACTED]
08:58:16	WITNESS: [REDACTED] CODE 2 BUCKLEY/RICHARDSON
08:58:24	L107 WITNESS WAS HIT - PER I4
08:58:33	L107 CODE 2 AMR FOR THE SUBJECT
08:59:16	P1 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:59:16	P4 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
08:59:20	P1 10-97.
08:59:23	P4 10-97.
08:59:51	P1 10-97. BERRELLESA/BUCKLEY
08:59:52	L107 S20 CUT THE BEEP - CORP YARD AT BUCKLEY/RICHARD AND BUCKLEY/BERRELLESA
09:00:02	P4 10-97. BUCKLEY/BERR
09:00:04	L107 ALL P UNITS AND C UNITS TO RESPOND TO BUCKLEY AND BERRELLESA
09:00:07	L107 M1 10-8
09:00:57	P3 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
09:01:01	P3 10-49.
09:01:02	P3 10-97.
09:01:45	Incident comments changed
09:02:34	L107 A2 - RENEE CALL ON CELL
09:03:37	L107 J1 ADVISED HAS C1 - BUCKLEY/BERRELLESA WITH S20
09:04:16	L107 J2 10-97
09:04:32	L107 P2 P1 P3 10-97
09:04:51	P2 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
09:04:56	P2 10-97.
09:06:40	L107 A2 10-21 CRIME LAB AND GET ETA
09:07:15	M1 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
09:07:27	M1 10-49.
09:08:29	L107 I4 - WITNESS [REDACTED]
09:08:40	L107 TO BE GIVEN
09:08:56	L107 I4 ADVISED NO OFFICER HIT
09:10:30	SUBJECT HEARD SHOTS BUT DID NOT SEE ANYTHING
09:10:30	[REDACTED]
09:14:28	M1 10-97.
09:14:57	P2 10-97. BERRELLESA/BUCKLEY
09:14:57	P3 10-97. BERRELLESA/BUCKLEY
09:18:38	L107 A2/A1 10-97 PER S20
09:19:05	A1 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
09:19:06	A2 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
09:19:19	A2 10-97.
09:19:23	A1 10-97.
09:19:27	CRIME LAB ENROUTE-DEPUTY COLEMAN RESPONDING 15 MINUTES
09:19:56	L107 P4 -PER S20 R9 - P2 CONTROLLER TWO WILL NOT START - RESPONDING BACK
09:19:58	L107 WITH UNIT

TIME	EVENT
09:20:13	L107 A2 ETA CRIME LAB - 15 MINUTES
09:20:35	L107 CRIME LAB TO 11-98 AT BUCKLEY AND BERRELLESA
09:20:36	M1 10-8.
09:22:59	L107 S20 ADVISED L107 AND L64 FIRED SHOTS
09:23:20	L107 S20 ADVISED PRIORITY CALLS ONLY - MPD TO HANDLE DOWNTOWN - PHPD TO
09:23:23	L107 HANDLE SOUTH END
09:23:28	PRIORITY CALLS ONLY PER S20
09:23:28	L75 AND M1 WORKING DOWNTOWN
09:24:00	P4 10-8. Freed
09:25:07	R9 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
09:25:11	R9 10-97.
09:26:47	ESTANOL WITH CARTER IN RECORD'S SUPERVISOR OFFICE
09:26:47	WALKUP WITH VANDERMEULEN IN BRIEFING ROOM
09:26:47	INTERVIEW ROOM CLEAR FOR DA WHEN THEY ARRIVE
09:27:30	ONEAL CALLING RESERVES
09:27:53	RESERVES WYLIE, WINFIELD, WHITE 10-49 PER ONEAL
09:29:34	ESTANOL AND CARTER IN EOC
09:33:46	L75 10-8.
09:37:34	C1 -ORIGINAL TIME OF CALL REQUESTED
09:41:33	DA CALLED-BILL CLARK ALREADY RESPONDING
09:44:17	J1 10-8. Freed
09:44:44	R9 10-8. Freed
09:49:48	A2 TO S20 - NO RESONSE
09:49:48	CONTROL II TO BE PUT ACROSS
09:49:48	BERRELLESA AND BUCKLEY -
09:51:28	PER S20 SEND M1 TO CCRMC TO STAND BY WITH VICTIM, DO NOT INTERVIEW
09:53:26	N17 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
09:53:35	N17 10-97.
09:54:02	PRESS CALLS TO A3
10:00:07	RESERVE WINFIELD AT THE PD
10:00:20	S20 CALLED FOR S23, S23 ENROUTE
10:01:41	L107 M1 AT CCRMC
10:01:46	M1 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
10:02:01	M1 10-97. COUNTY HOSPITAL
10:04:00	S21 10-29: [REDACTED]
10:04:00	S21 DMV check: [REDACTED]
10:04:00	S21 JAWS Warrant Check: Veh Lic: [REDACTED]
10:04:47	L107 S21 10-21 [REDACTED]-2001 CHEV 4 DOOR
10:05:09	P1 10-8.
10:06:48	L107 R9 10-19 TO BUCKLEY AND BERRELLESA PER S20
10:07:02	R9 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
10:07:12	R9 10-97. BUCKLEY/BERRELLESA
10:08:05	L107 R3 AVAILABLE FOR CALLS FOR SERVICE
10:11:43	J2 10-8.
10:19:12	J1 AND J2 NORTH END ..L75 AND M1 SOUTH END PER S20
10:20:09	L107 MARK WHITE RESERVE 10-8 49 TO THE SCENE
10:25:04	L107 S21 AT THE PD
10:25:11	S21 10-97. PD
10:25:17	L107 DA AT THE PD
10:27:37	L72 10-97. PD
10:28:21	S23 AT THE PD
10:31:39	M1 10-8.
10:31:59	R1 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
10:32:04	R1 10-49.
10:32:07	R1 10-49. COUNTY HOSPITAL
10:40:40	A2 10-8.
11:00:46	CORONER CALLED DEP. OBRIAN

TIME	EVENT
11:11:11	I4 10-27: SILVA,ROBERT -
11:11:11	I4 Wanted Check: SILVA,ROBERT -
11:11:12	I4 Criminal history check: SILVA,ROBERT -
11:11:12	I4 JAWS Warrant Check: SILVA,ROBERT -
11:11:12	I4 Missing Persons Check: SILVA,ROBERT -
11:20:36	R5 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
11:20:40	R5 10-97.
11:21:26	R5 10-97. BUCKLEY/BERR
11:35:02	M2 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
11:35:37	M2 10-97. [REDACTED] BUCKLEY
11:36:31	PHONE NUMBER TO [REDACTED] BUCKLEY IS [REDACTED]
11:37:06	S21 10-97. CORONER IS ON SCENE
12:01:55	L107 10-97. STATION
12:02:01	L64 10-97. STATION
12:05:11	S20 10-97. STATION
12:06:03	A2 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
12:06:16	A2 10-97. BERR/BUCKLEY
12:06:23	R1 10-8.
12:06:38	S21 10-97. STATION
12:07:57	S23 DISP. 550 Alhambra Av, #Bldg Trl, Martinez
12:08:04	S23 10-97.
12:33:47	I4 10-27: [REDACTED]
12:33:47	I4 Wanted Check: [REDACTED]
12:33:47	I4 Criminal history check: [REDACTED]
12:33:47	I4 JAWS Warrant Check: [REDACTED]
12:33:47	I4 Missing Persons Check: [REDACTED]
12:40:46	R5 10-27: [REDACTED]
12:40:46	R5 Wanted Check: [REDACTED]
12:40:46	R5 Criminal history check: [REDACTED]
12:40:46	R5 JAWS Warrant Check: [REDACTED]
12:40:46	R5 Missing Persons Check: [REDACTED]
12:41:00	R5 10-97. PINE/SUSANNA
12:43:21	S23 10-97. PD-INTERVIEW
12:45:35	R5 10-97. BERR/BUCKLEY
12:51:46	R5 10-97. BACK LOT
12:54:55	R5 10-8.
13:13:47	L72 10-8.
13:46:32	M2 10-97. PD
13:51:59	I4 10-97. STATION
14:21:11	A1 10-97. STATION
14:41:56	S20 REQ. CRIME SCENE CLEANERS CALLED AND PUT ON STANDBY
14:43:40	CRIME SCENE CLEANERS ETA 20 MIN
15:06:14	A1 10-29: [REDACTED]
15:06:14	A1 DMV check: [REDACTED]
15:06:14	A1 JAWS Warrant Check: Veh Lic: [REDACTED]
15:06:23	A1 10-29: [REDACTED]
15:06:24	A1 DMV check: [REDACTED]
15:06:24	A1 JAWS Warrant Check: Veh Lic: [REDACTED]
15:08:04	A1 10-27: [REDACTED]
15:08:04	A1 Wanted Check: [REDACTED]
15:08:04	A1 Criminal history check: [REDACTED]
15:08:04	A1 JAWS Warrant Check: [REDACTED]
15:08:04	A1 Missing Persons Check: [REDACTED]
15:09:43	A1 10-27: [REDACTED]
15:09:43	A1 Wanted Check: [REDACTED]
15:09:43	A1 Criminal history check: [REDACTED]
15:09:43	A1 JAWS Warrant Check: [REDACTED]

TIME	EVENT
15:09:43	A1 Missing Persons Check: [REDACTED]
15:11:45	A1 10-8.
15:12:29	A2 10-8.
15:12:36	L107 10-8.
15:12:40	L64 10-8.
15:12:58	M2 10-8.
15:13:16	N17 10-8.
15:13:30	I2 10-8.
15:13:38	I4 10-8.
15:14:32	P2 10-29: [REDACTED]
15:14:32	P2 DMV check: [REDACTED]
15:14:32	P2 JAWS Warrant Check: Veh Lic: [REDACTED]
15:14:56	P3 10-29: [REDACTED]
15:14:57	P3 DMV check: [REDACTED]
15:14:57	P3 JAWS Warrant Check: Veh Lic: [REDACTED]
15:25:44	crime scene cleaners on scene
15:35:06	P2 10-8.
15:50:47	S20 10-8.
16:14:15	R9 10-8.
16:21:41	S21 10-8.
16:22:36	P3 10-8.
17:24:23	S23 10-8.
17:24:26	S23 Closed - Disposition AS
21:50:11	Incident comments changed

Entry Log

5-10-06

~~5-10-06~~~~5-10-06~~
OUT

IN			OUT
	CWNA SMITH		0917
	Sgt Brins		0917
0920	CHIEF CUTAIA		
0921	CWNA SMITH		
0930	PAUL MULLIGAN	DA'S OFFICE	957
0931	MATT WASTENY	DA'S "	957
0932	CMDR SMITH		0932
0935	PAUL PETERSON	DA'S OFFICE	957
	Sgt Peterson		0935 957
	CHIEF CUTAIA		0935
0935	STEVE LYNN	DA'S OFFICE	957
0936	MARK ERNST	DA	957
0939	BILL CLARK	DA	958
0941	LISA MACONEY	MPD	957
0943	DEP. COLEMAN	CRIME LAB	958
0943	MARCELO	CRIME LAB	958
0953	AARON ROTH	MPD	957
900	BUJC		958
	SIMO		958

CRIME SCENE
ORDER OF ENTRY

NAME	RANK	ENTRY DATE/TIME	EXIT DATE/TIME	PURPOSE	EVIDENCE REMOVED
1. <u>BUSCULLO</u>	<u>DET.</u>	<u>5-10-05</u> <u>9 am</u>	<u>9:58</u>	<u>PRIMARY INVESTIGATION</u>	
2. <u>SARA PADRON</u>	<u>CITIZEN</u>	<u>1002</u>	<u>1002</u>	<u>311 BUCKLEY ST</u>	
3. <u>DUSTIN MAYBERRY</u>	<u>RES</u>	<u>1007</u>	<u>1227</u>	<u>PERIMETER / CORPSE GUARD</u>	
4. <u>AARON ROTH</u>	<u>DET</u>	<u>1009</u>	<u>1011</u>	<u>ID CORPSE</u>	
5. <u>CRAIN, CAROLYN</u>	<u>CSI</u>	<u>1011</u>	<u>1159</u>	<u>CRIME LAB</u>	<u>LATENTS FROM SUS TO CIS</u>
6. <u>TAFLEY, ALEX</u>	<u>CRIMINALIST</u>	<u>1011</u>	<u>1105</u>	<u>CRIME LAB</u>	
7. <u>COLEMAN</u>	<u>LAB</u>	<u>1021</u>	<u>1105</u>	<u>CRIME LAB</u>	
8. <u>MARCELO</u>	<u>LAB</u>	<u>1021</u>	<u>1159</u>	<u>CRIME LAB</u>	<u>LATENT PRINTS FROM SUS TO CIS</u>
9. <u>SIMONETTI</u>	<u>CMDR</u>	<u>1027</u>	<u>1039</u>	<u>TO GET CAR</u>	
10. <u>FKNST</u>	<u>D.A</u>	<u>1130</u>	<u>1232</u>	<u>INV</u>	
11. <u>ESTANOL</u>	<u>MPD</u>	<u>1130</u>	<u>1232</u>	<u>INV</u>	
12. <u>MORLEY</u>	<u>MPD</u>	<u>1136</u>	<u>1200</u>	<u>VISUAL BARRIER</u>	
13. <u>WILEY</u>	<u>MPD</u>	<u>1136</u>	<u>1226</u>	<u>VISUAL BARRIER</u>	
14. <u>CORONER ORRISON</u>	<u>CORN</u>	<u>1136</u>	<u>1228</u>	<u>REM/EXAMINE BODY</u>	<u>BODY</u>
15. <u>DEP. BIGGS</u>	<u>CORN</u>	<u>1136</u>	<u>1228</u>	<u>REM/EXAMINE BODY</u>	<u>BODY</u>
16. <u>SGT. FORSYTH</u>	<u>CORN</u>	<u>1136</u>	<u>1228</u>	<u>EXAMINE BODY</u>	
17. <u>SGT PRINS</u>	<u>MPD</u>	<u>1155</u>	<u>1157</u>		
18. <u>CHEERMAK</u>	<u>MPD</u>	<u>1156</u>	<u>1157</u>	<u>WATER</u>	
19. <u>SYLVIA</u>	<u>MPD</u>	<u>1208</u>	<u>1239</u>	<u>BAR/ADMIN</u>	
20. <u>ROTH</u>	<u>MPD</u>	<u>1212</u>	<u>1216</u>	<u>INV</u>	
21. <u>LYNN</u>	<u>DA</u>	<u>1212</u>	<u>1216</u>	<u>INV</u>	
22. <u>BILL CLARK</u>	<u>DA</u>	<u>1212</u>	<u>1250</u>	<u>INV</u>	
23. <u>MARCELO</u>	<u>LAB</u>	<u>1217</u>	<u>1236</u>	<u>INV</u>	
24. <u>CRAIN, CAROLYN</u>	<u>LAB</u>	<u>1217</u>	<u>1236</u>	<u>INV</u>	
<u>ROTH</u>	<u>MPD</u>	<u>1238</u>		<u>INV</u>	
<u>S. LYNN</u>	<u>DA</u>	<u>1238</u>		<u>INV</u>	

Cop yardi Bill 1555 1609 Paint removal

MPD Chice 1603 1610 Walk

MPD Smith 1603 1610 Walk

Scene opened 1610

06-2143

ADQI

ADQI

Masks:

ADMIN

Go

Send Msg

Next Msg



Administrative Message Sent, 20060510 1138

Unit ID: S23

User ID: MAR918

1ADQI000000.*MAR918.#0010230010100002b3.LTS.AM.CA0071400.NV0020100.TXT
001

LAS VEGAS METRO POLICE

ATTN: RECORDS

THIS AGENCY HAS HAD AN OFFICER INVOLVED SHOOTING THIS MORNING. WE ARE LOOKING FOR INFORMATION ON THE SUSPECT WHO APARENTLY LIVES IN YOUR CITY. CAN YOU PLEASE CHECK YOUR RECORDS AND ADVISE OF ANY AND ALL INFORMATION YOU MAY HAVE ON THIS SUBJECT AND/OR [REDACTED] THE ONLY INFORMATION WE HAVE IS HIS NAME.

NAME OF ROBERT SILVA, AGED 26YRS. HE HAS [REDACTED]

[REDACTED] WE HAVE INFORMATION THAT THEY LIVE IN LAS VEGAS. WE HAVE NO DOB, OR ANYTHING FURTHER. ANY HELP THAT YOU CAN GIVE
REFER TO DET SGT GARY PETERSON #86

CASE #06-2143

COPMARTINEZPOLICE

DAVID J CUTAIA

925-372-3440

SGT GARY PETERSON

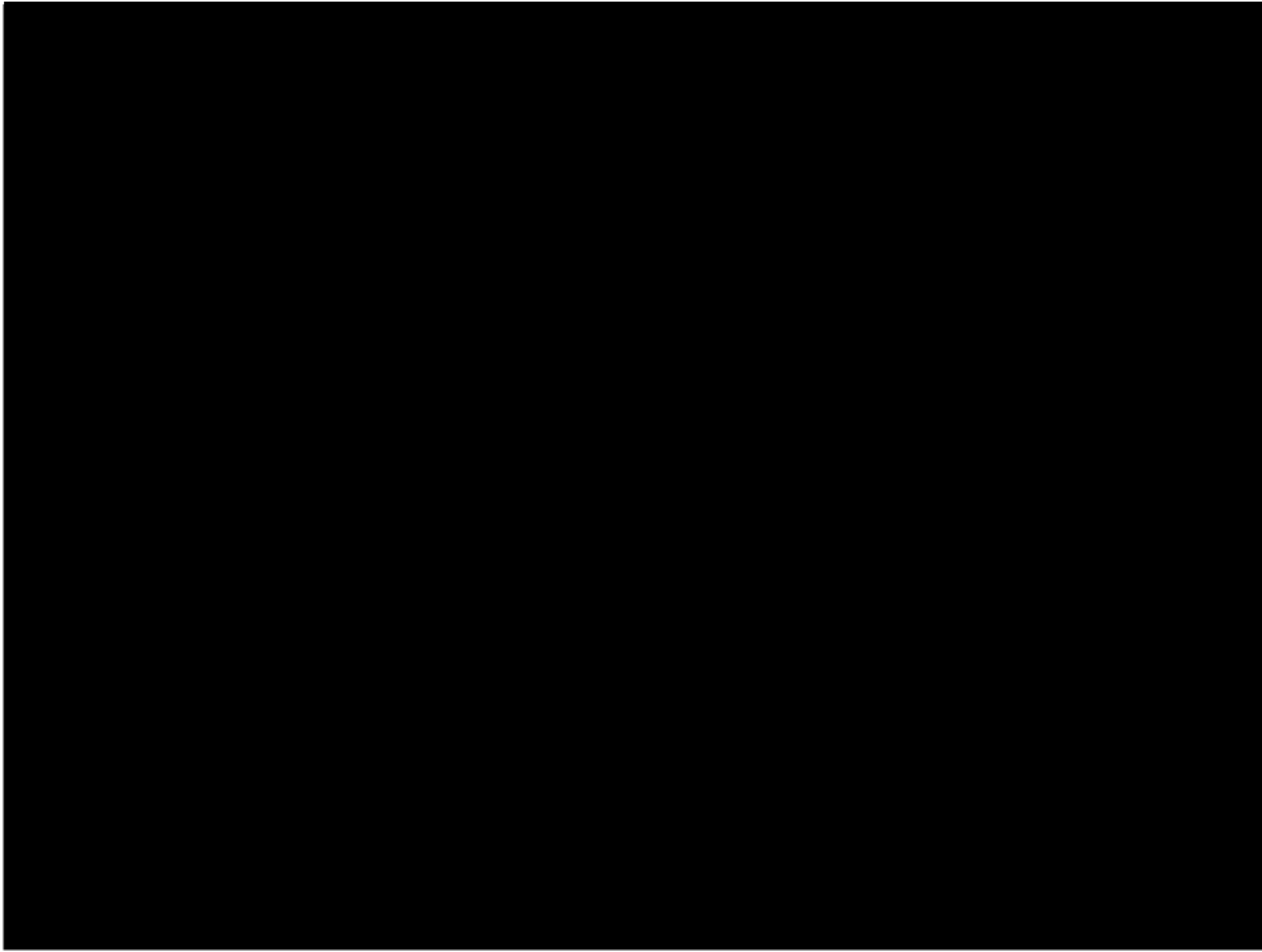
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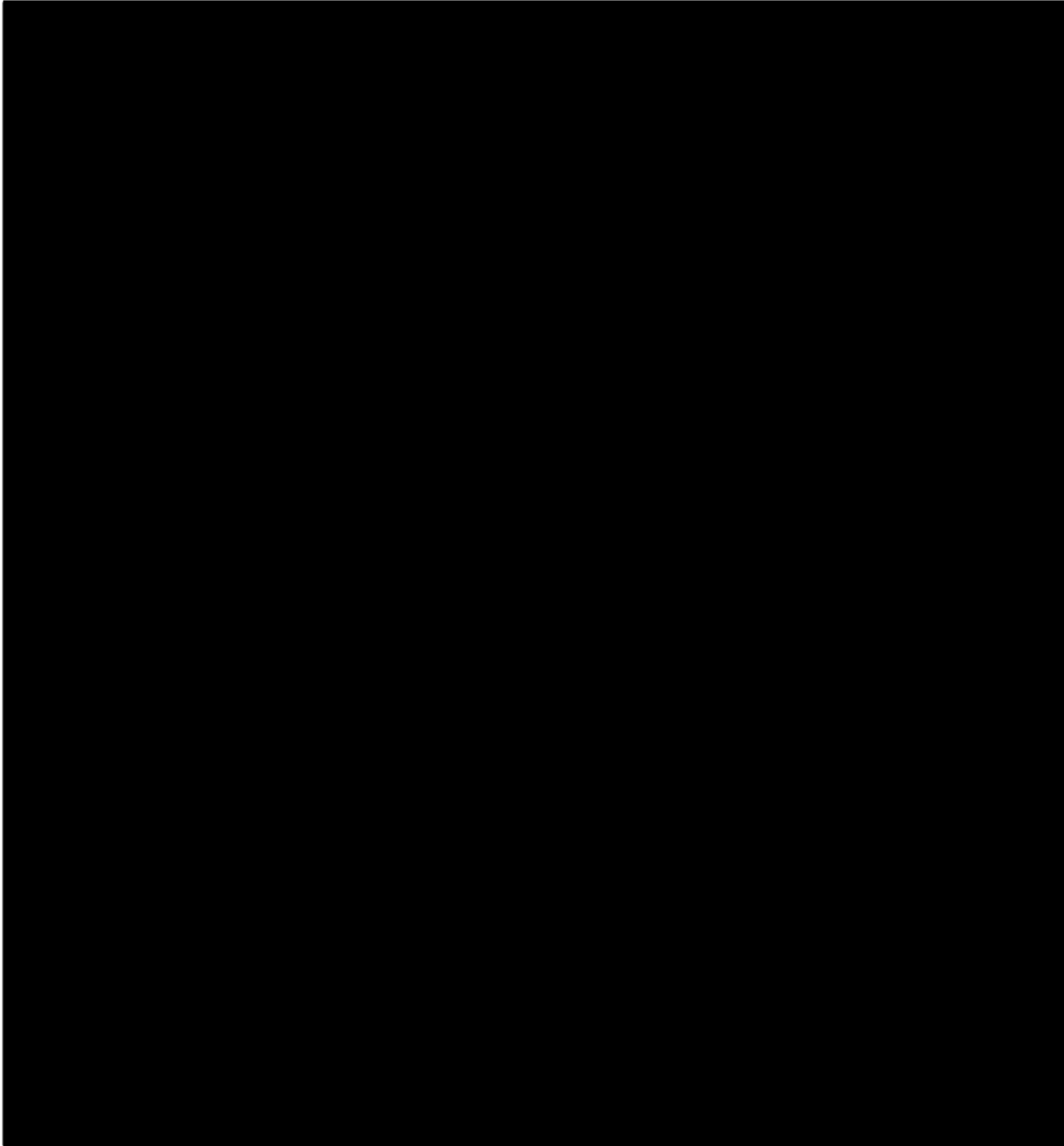
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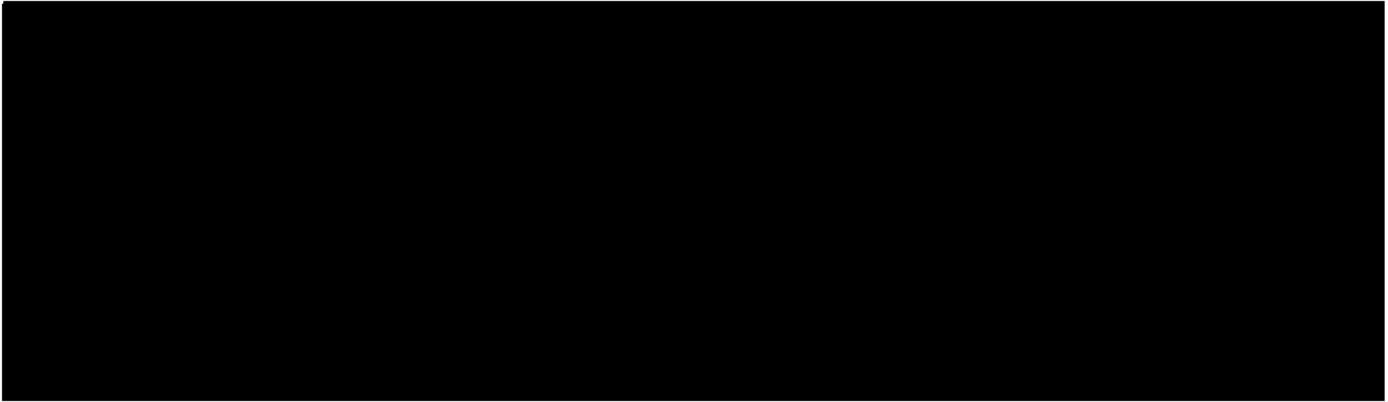
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Martinez Police Department

525 Henrietta Street, Martinez, CA 94553

Dispatch (925) 372-3440

FAX TRANSMITTAL

5-11-06

P7250L

TO: LAS VEGAS PD

DATE: 5-10-06

ATTENTION: RECORDS

RECEIVING FAX NUMBER: 702-471-7498

PER NEVADA REVISED STATUTE, THE LAS VEGAS
METROPOLITAN POLICE DEPARTMENT IS
AUTHORIZED TO RELEASE OUR AGENCY'S
CRIMINAL HISTORY INFORMATION ONLY

FROM:

Jim Omeal #96

FOR OTHER AGENCY INFORMATION, CONTACT
THE AGENCY DIRECTLY

FOR COMPLETE FACT CHECK, CONTACT
THE STATE OF NEVADA REPOSITORY AT
775-687-1600 EXT 227

COMMENTS: ANY RECORDS ON SILVA, ROBERT 1-8-79

ATTACHED ARE NDL & COL. REQUEST A.S.A.P. INVOLVING
OFFICER INVOLVED SHOOTING.

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TOTAL NUMBER OF PAGES INCLUDING COVER: 3

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DESIGNED BY M. THOMPSON #80

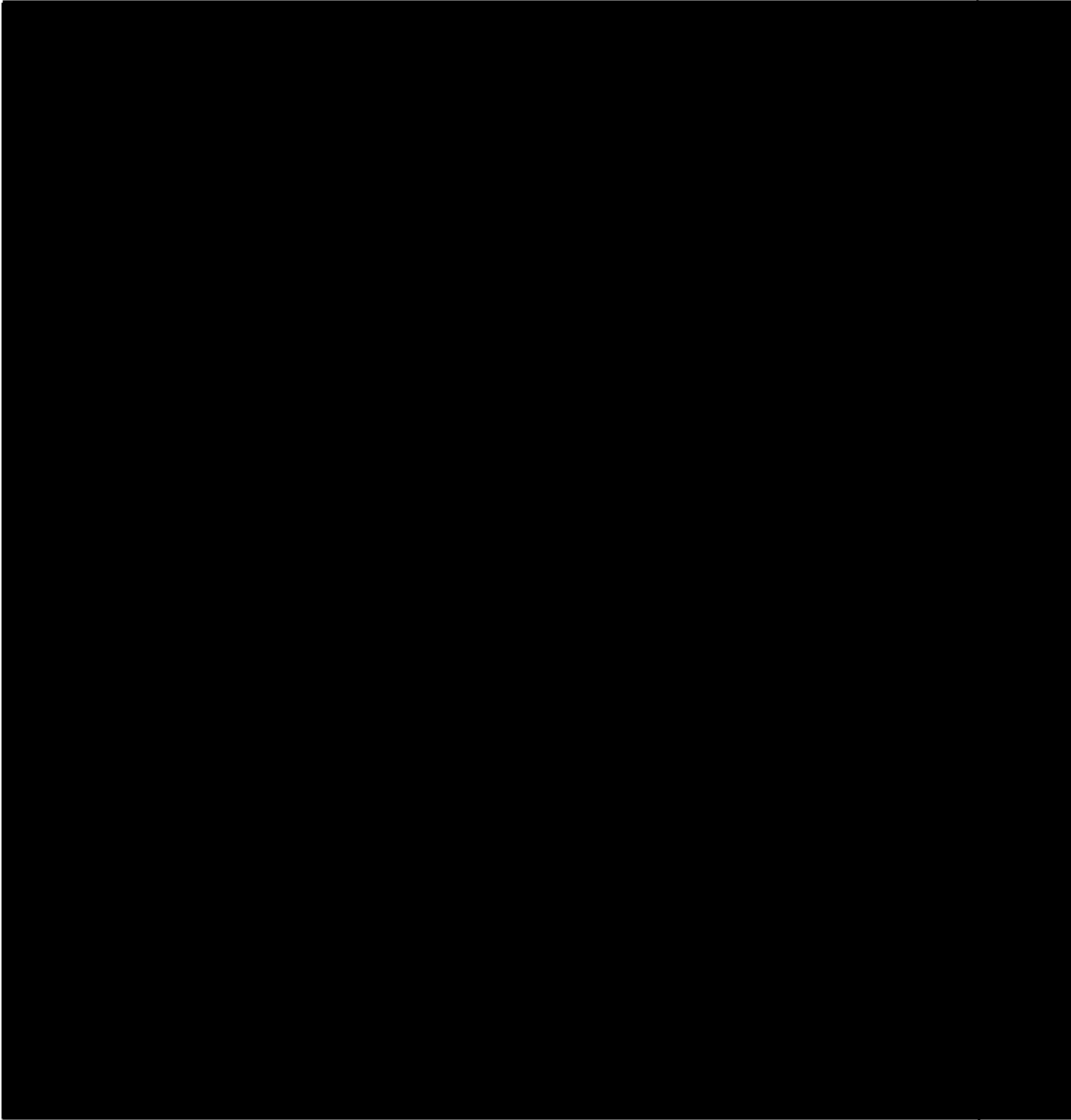
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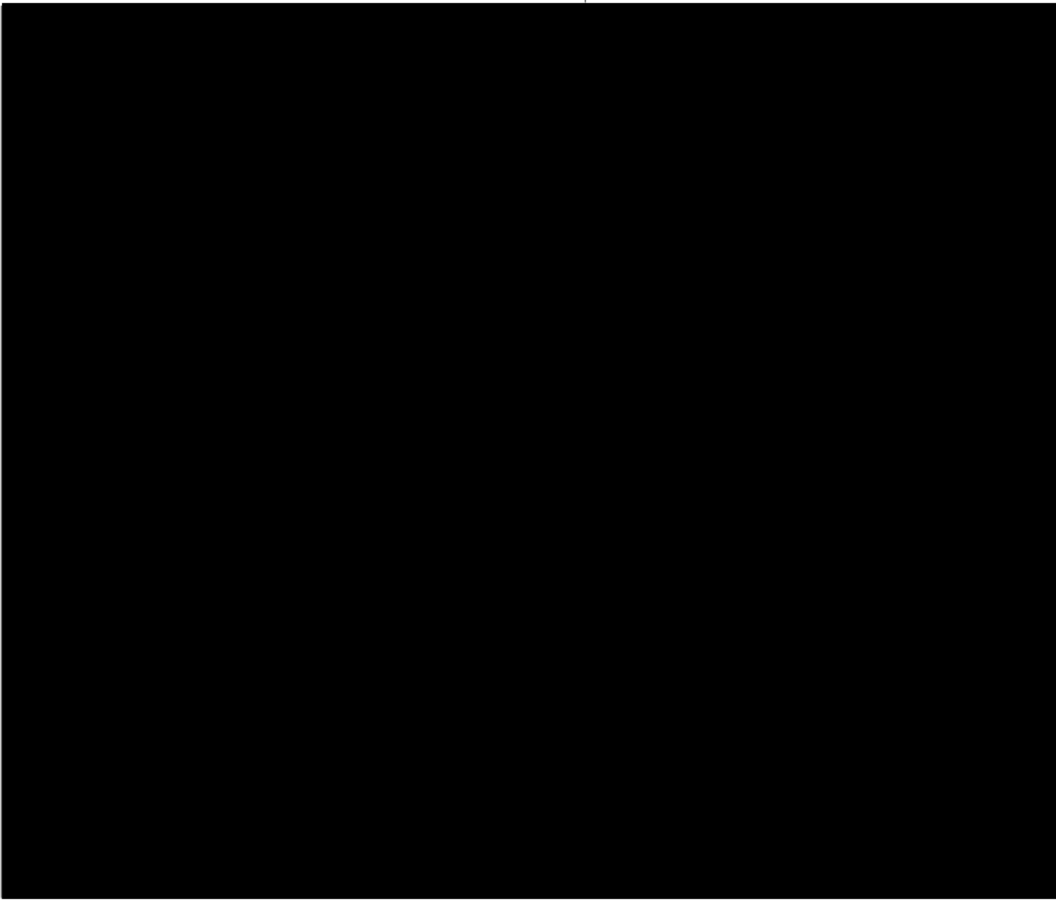
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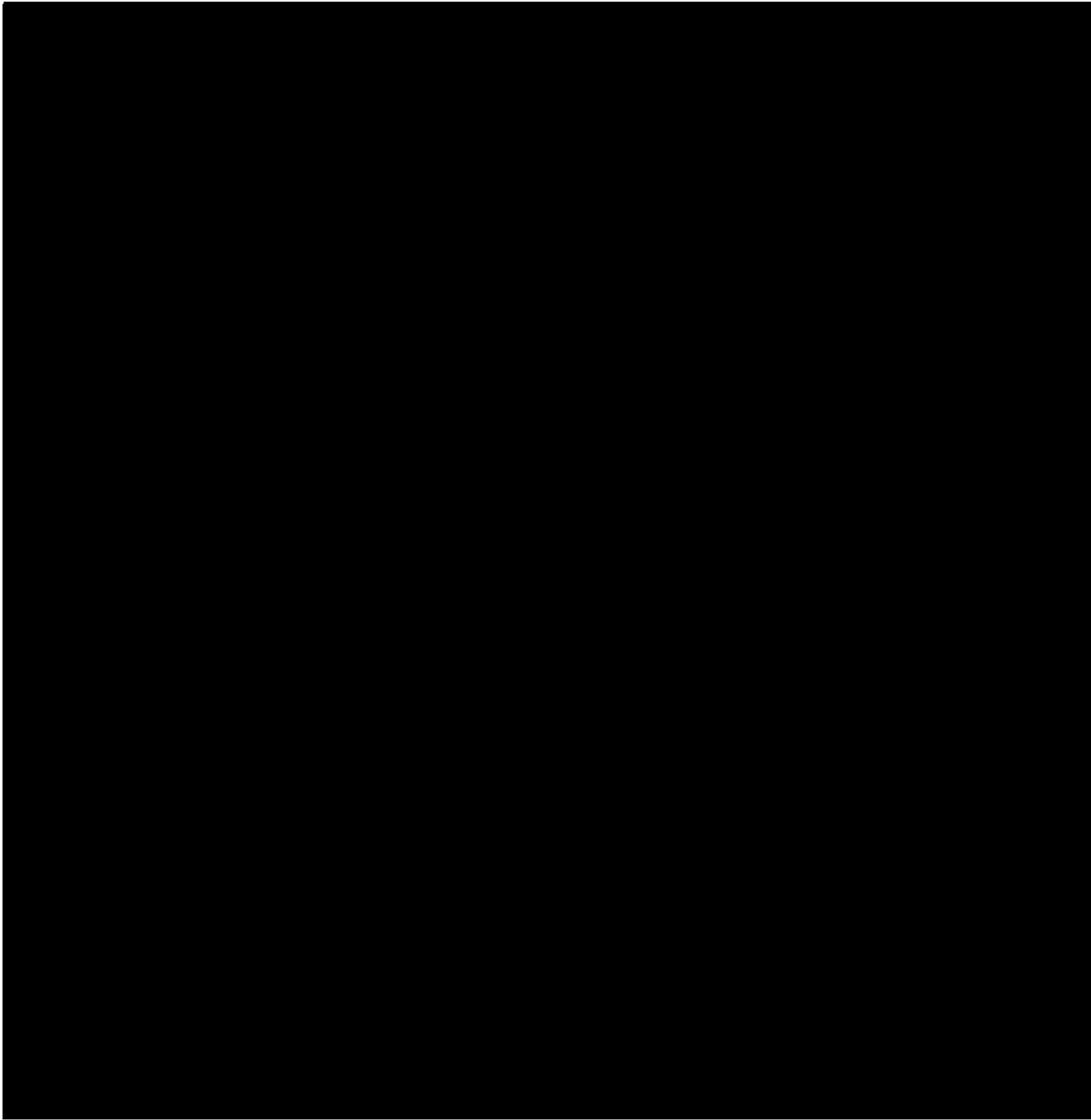
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FROM: Jim Omeal #96

COMMENTS: ANY RECORDS ON SILVA, ROBERT 1-8-79
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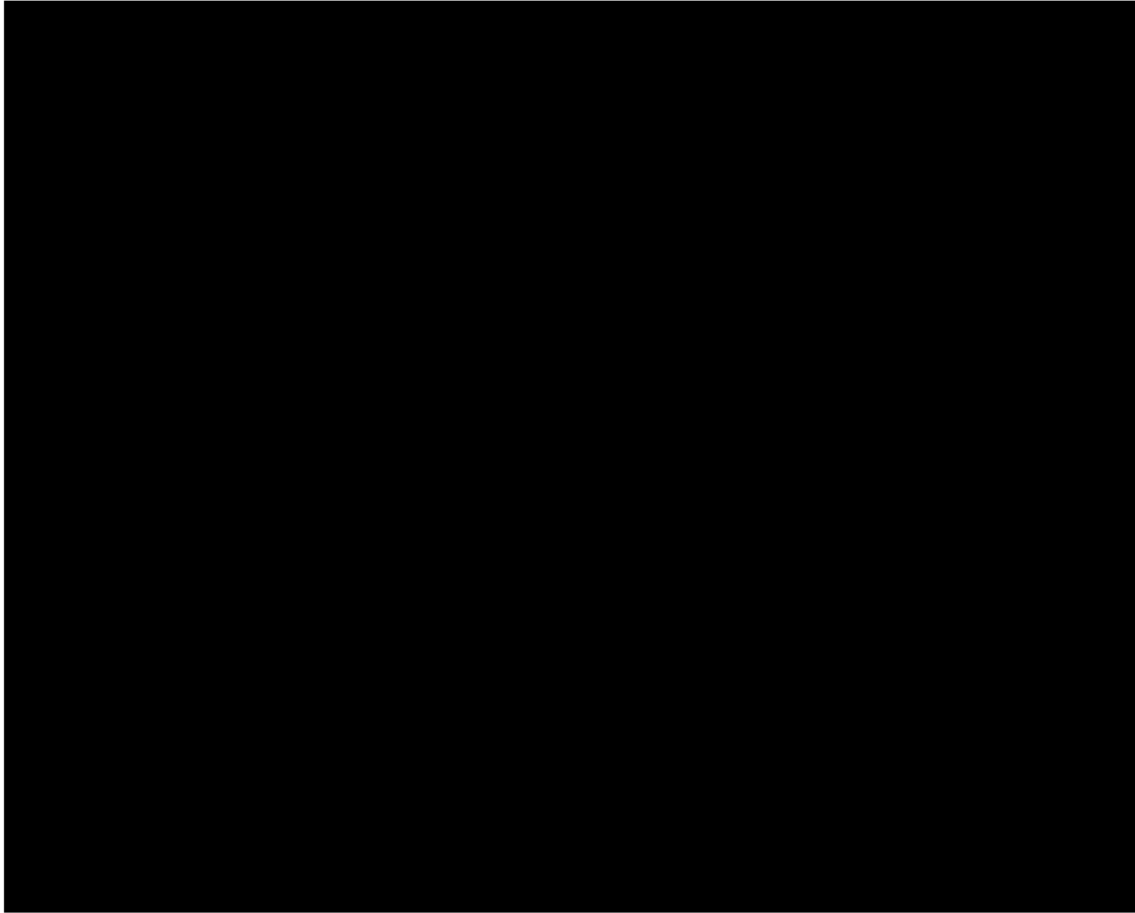
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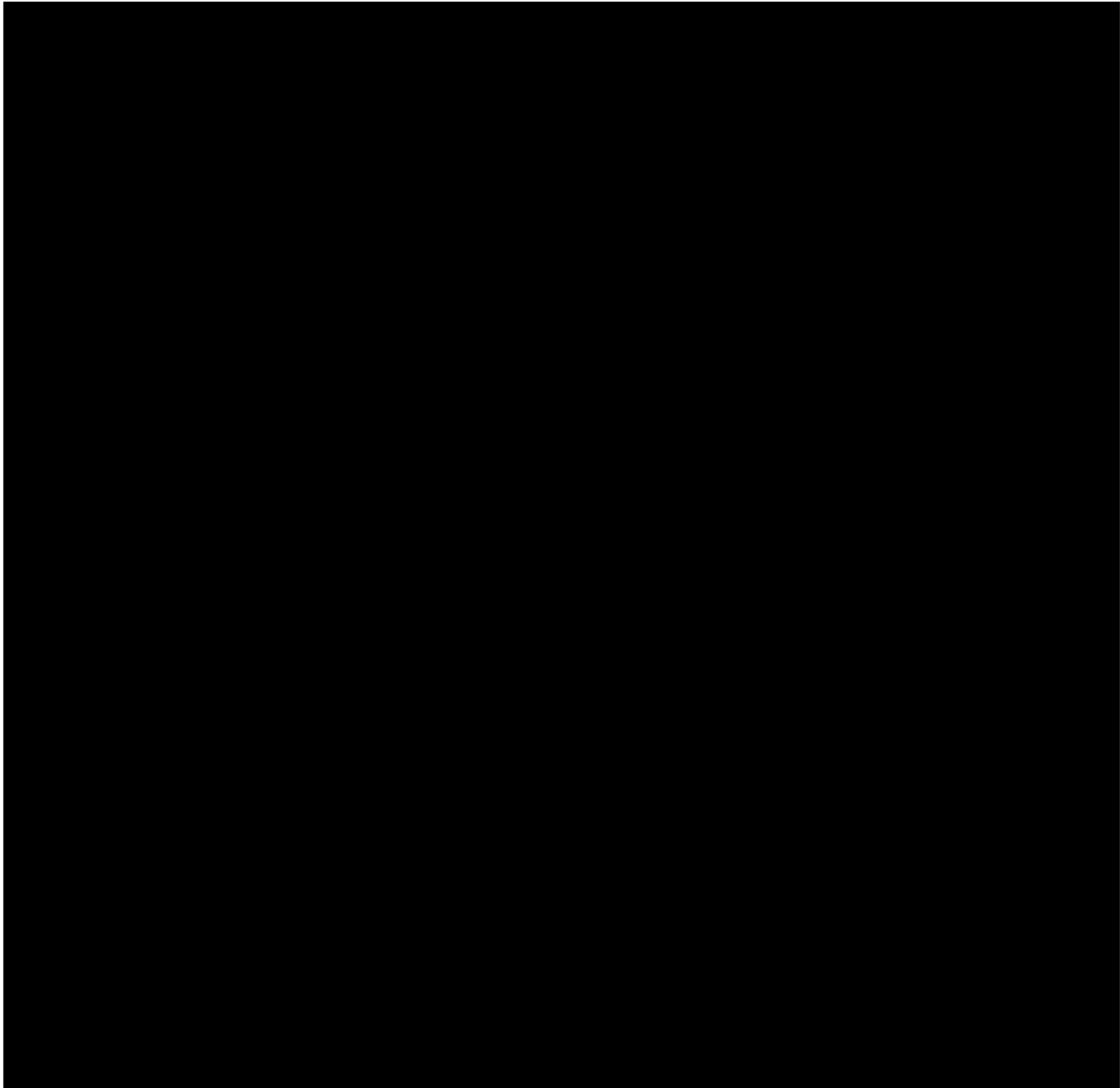
06-2143



MARTINEZ POLICE DEPARTMENT

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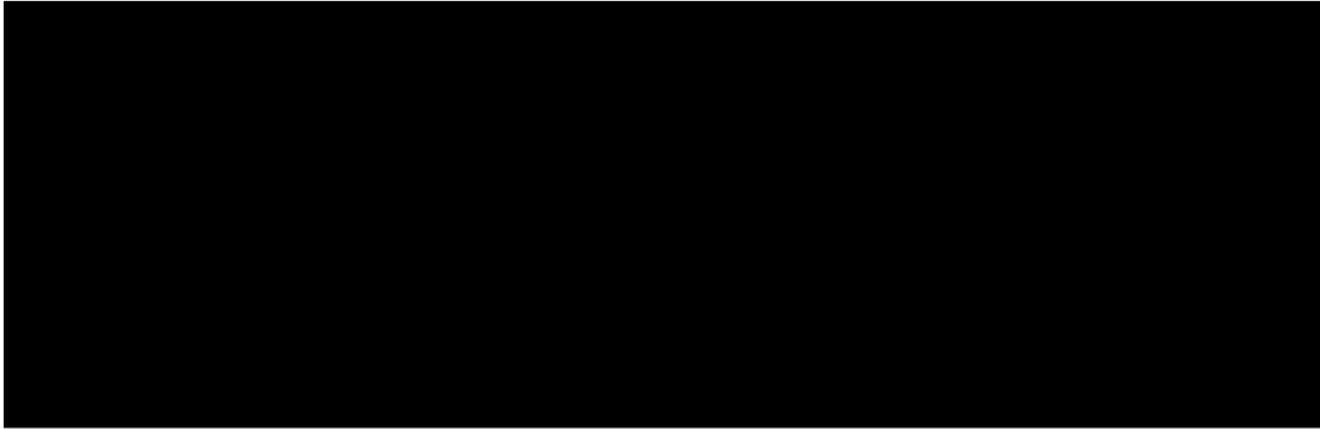
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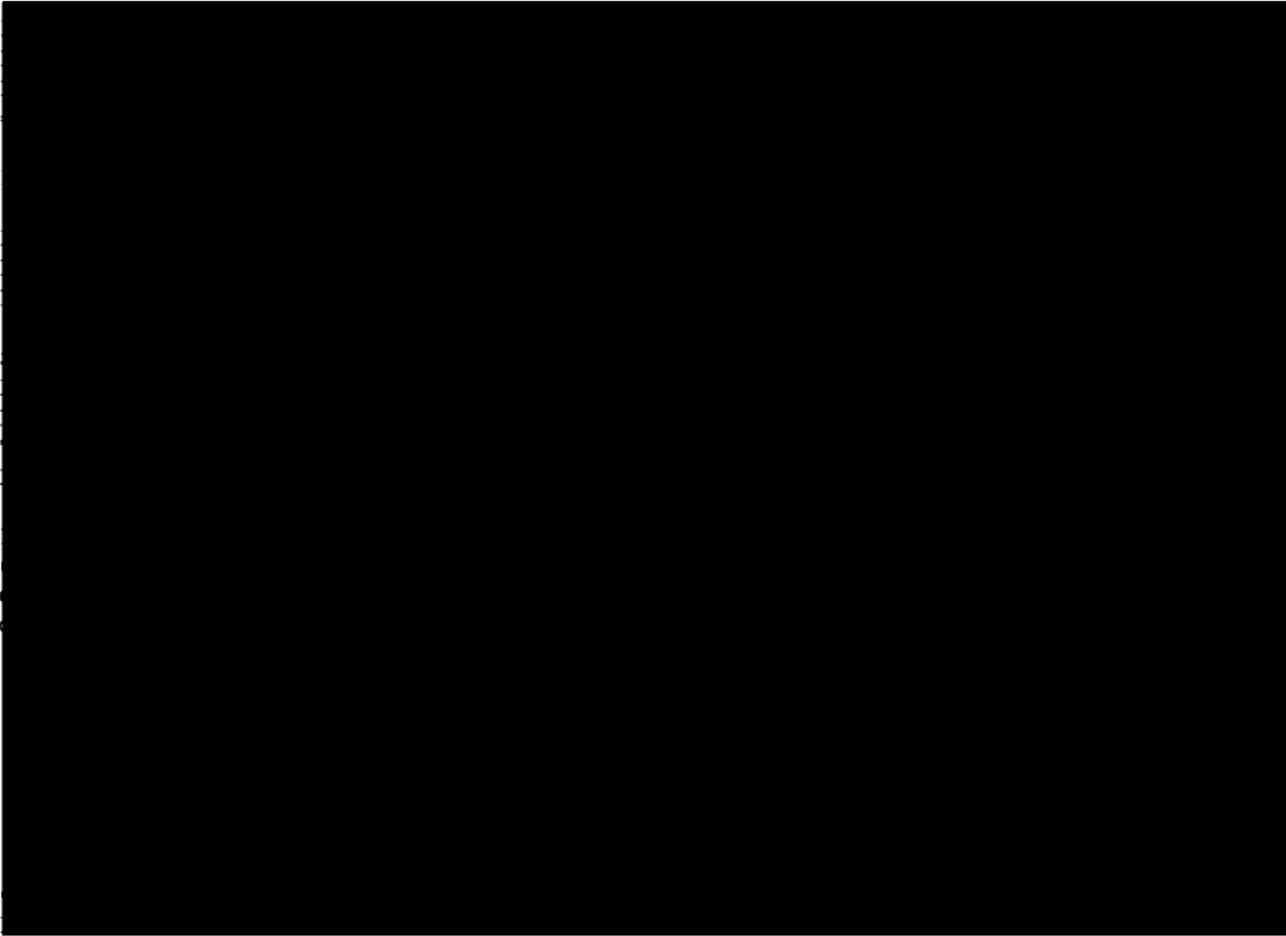
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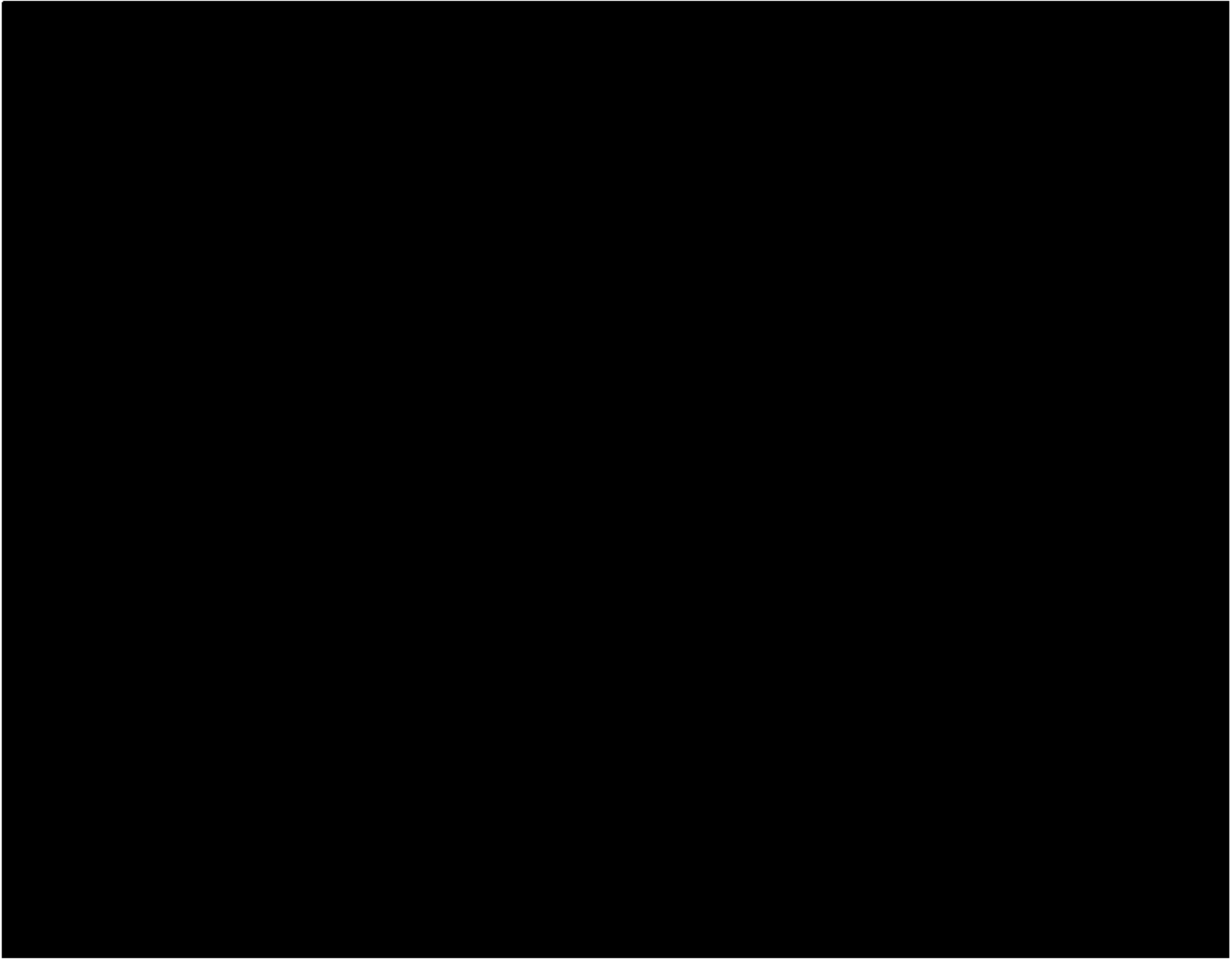
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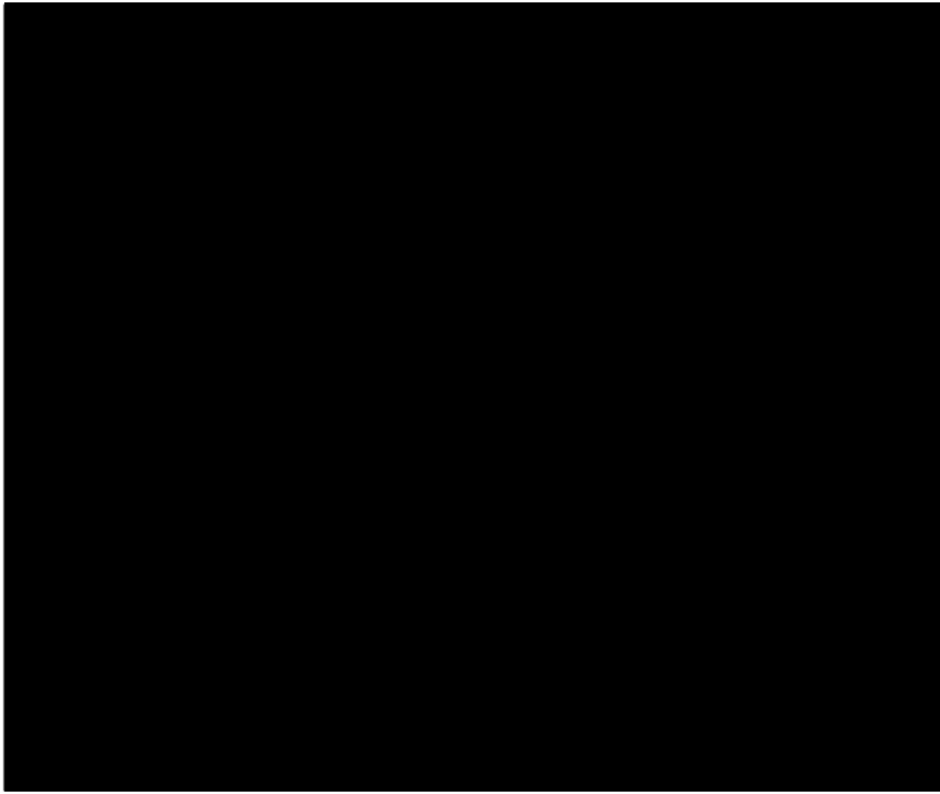


DATE	NATURE	EVENT DESCRIPTION	CASE #/FI	INC/CITE

MARTINEZ POLICE DEPARTMENT

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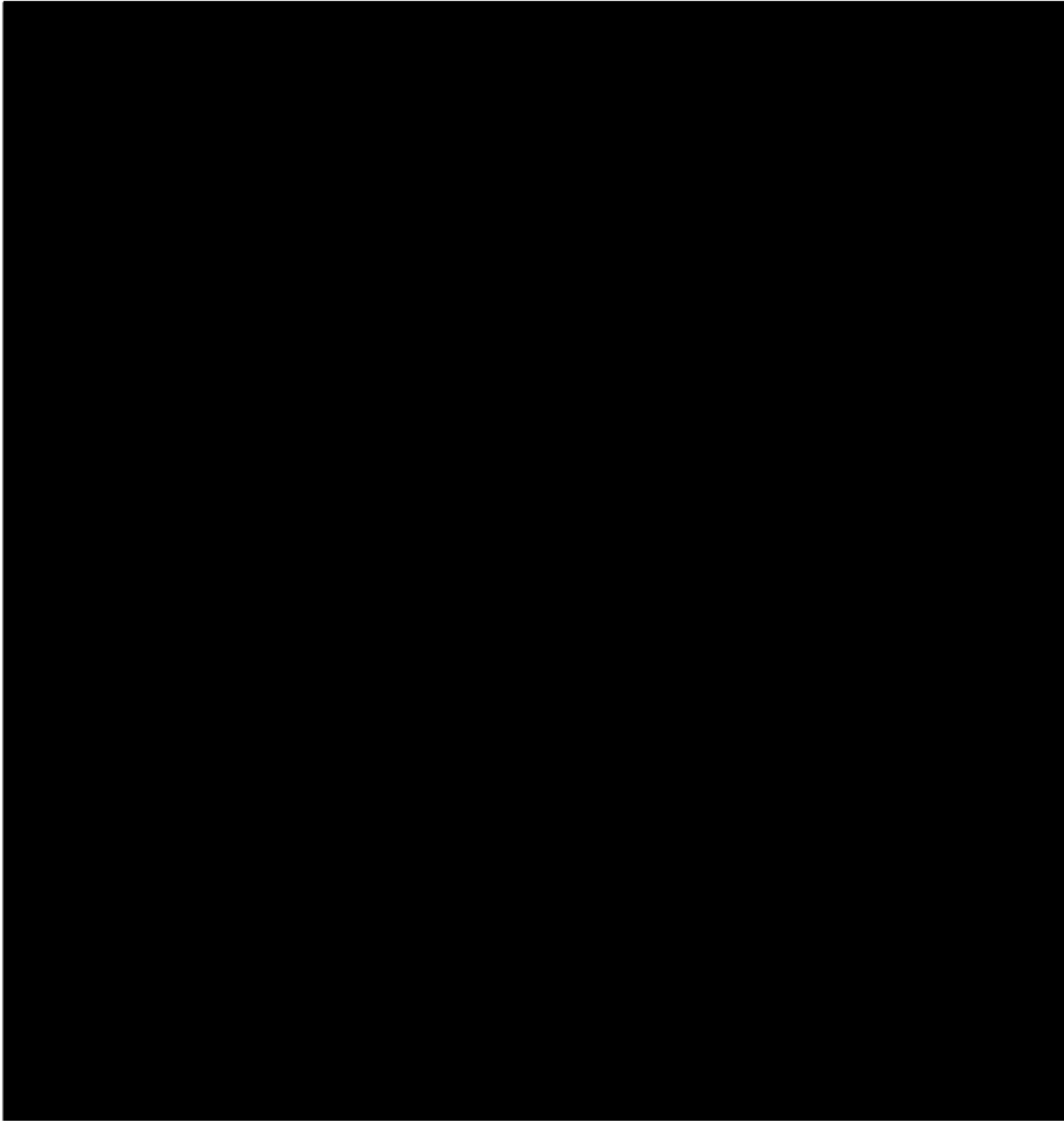


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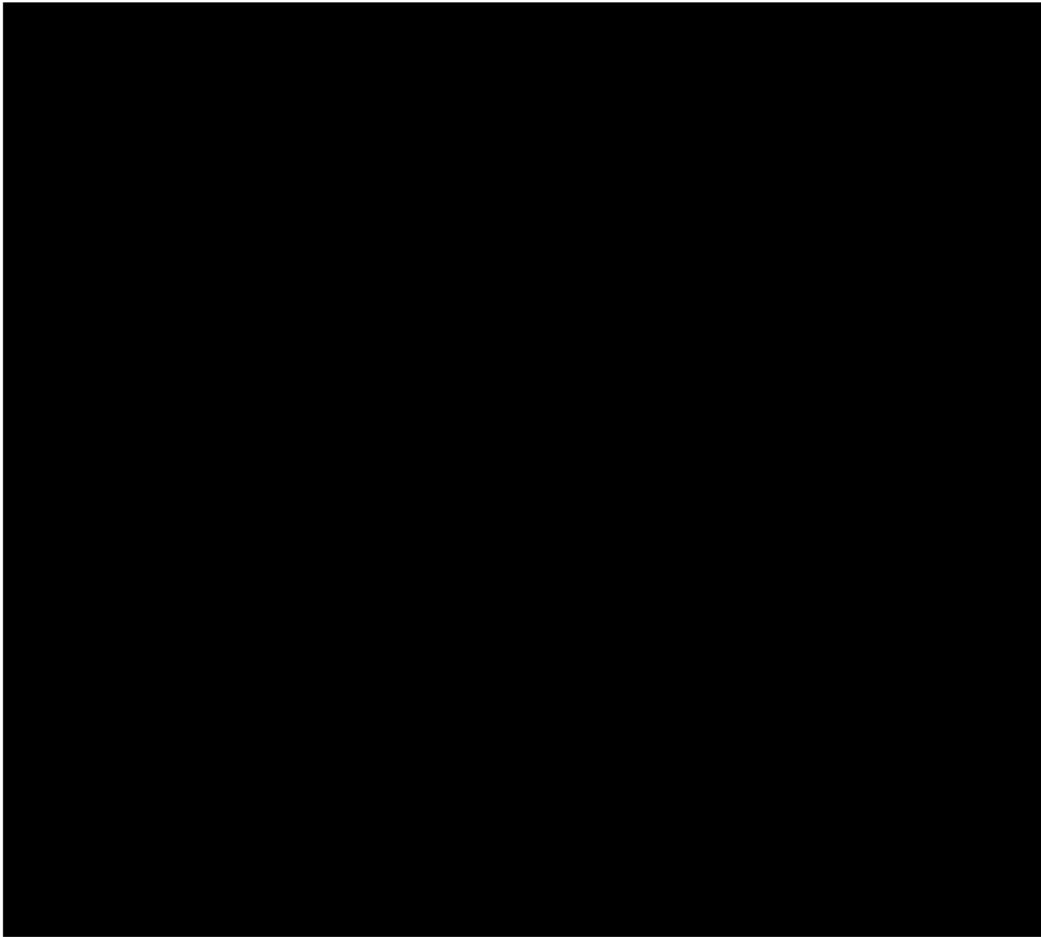
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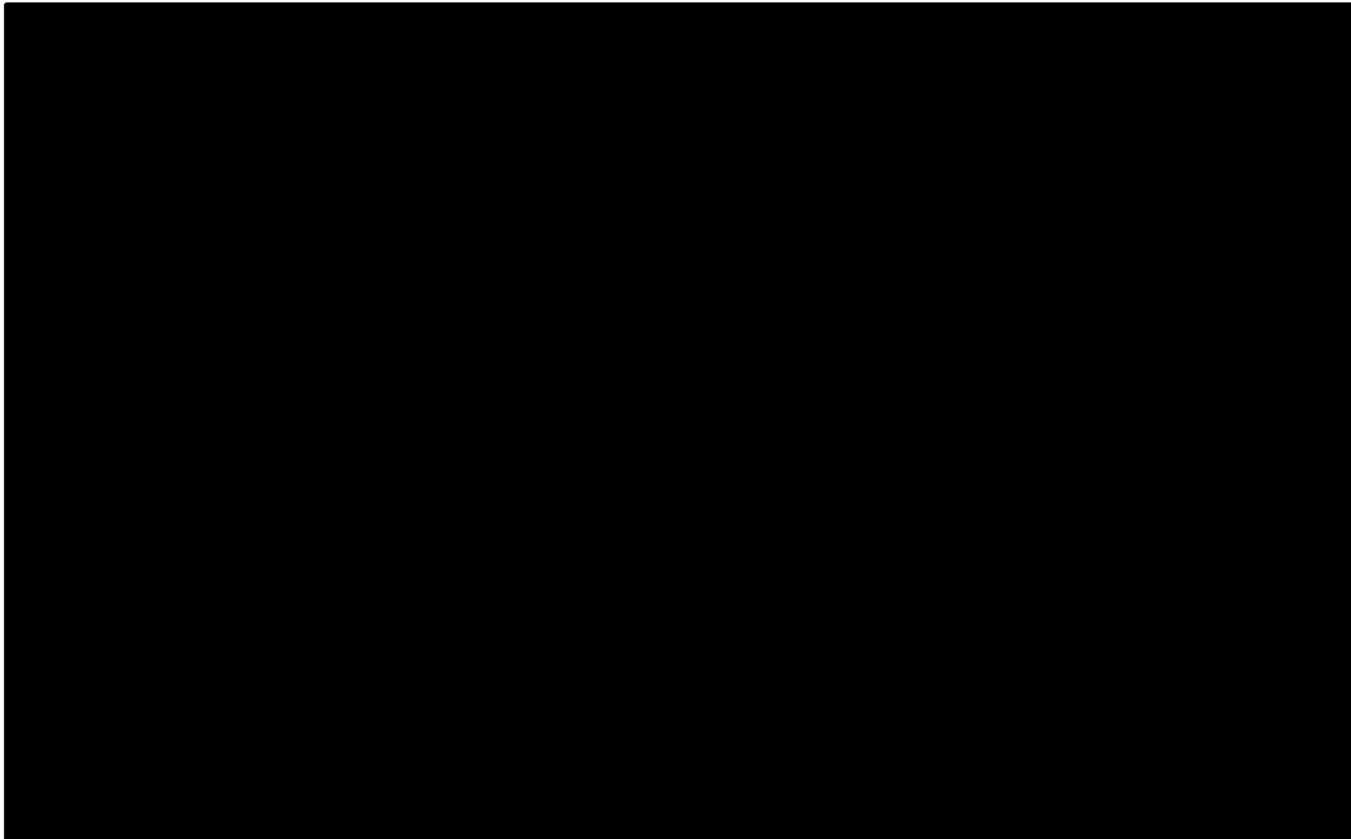
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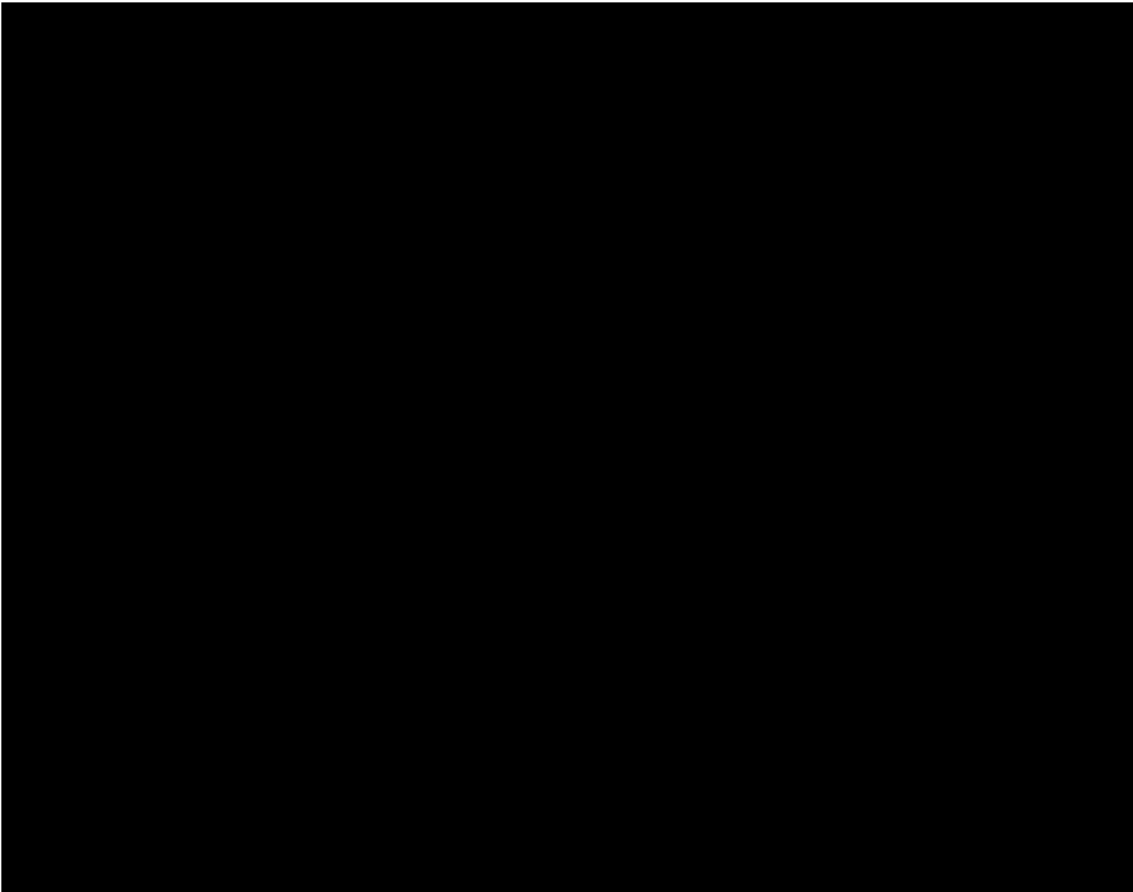
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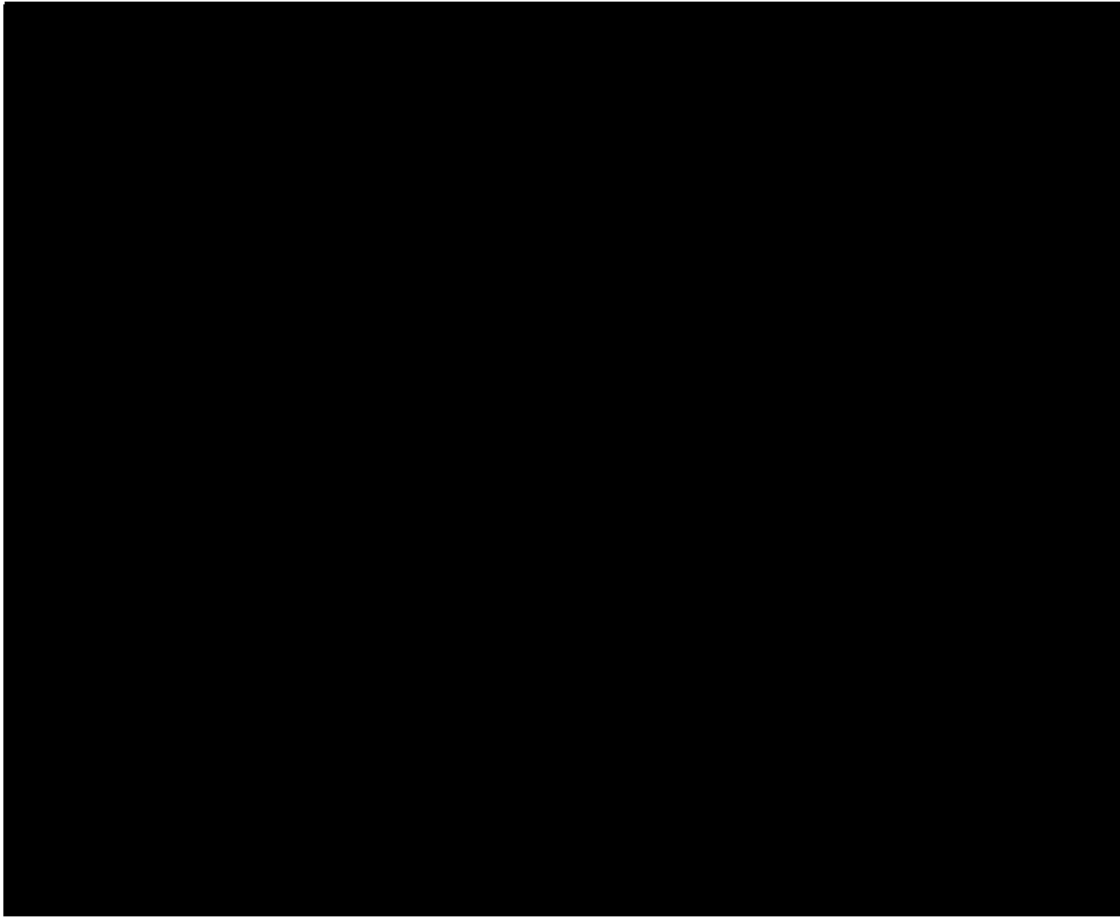
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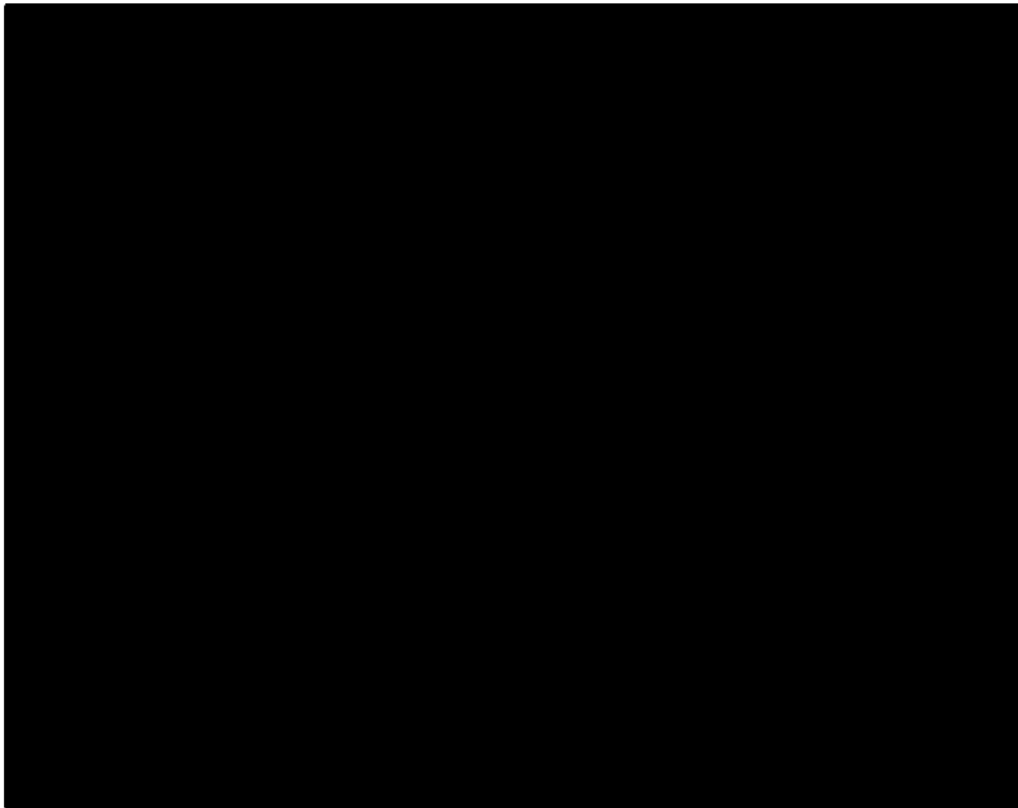


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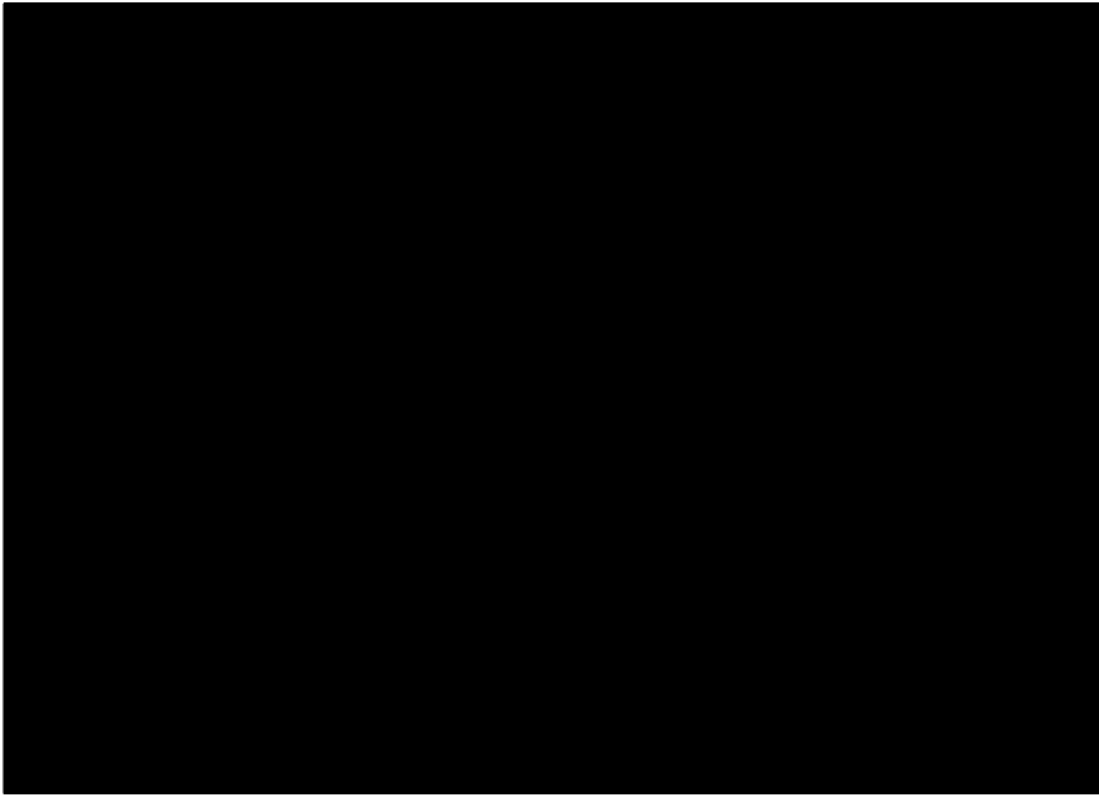
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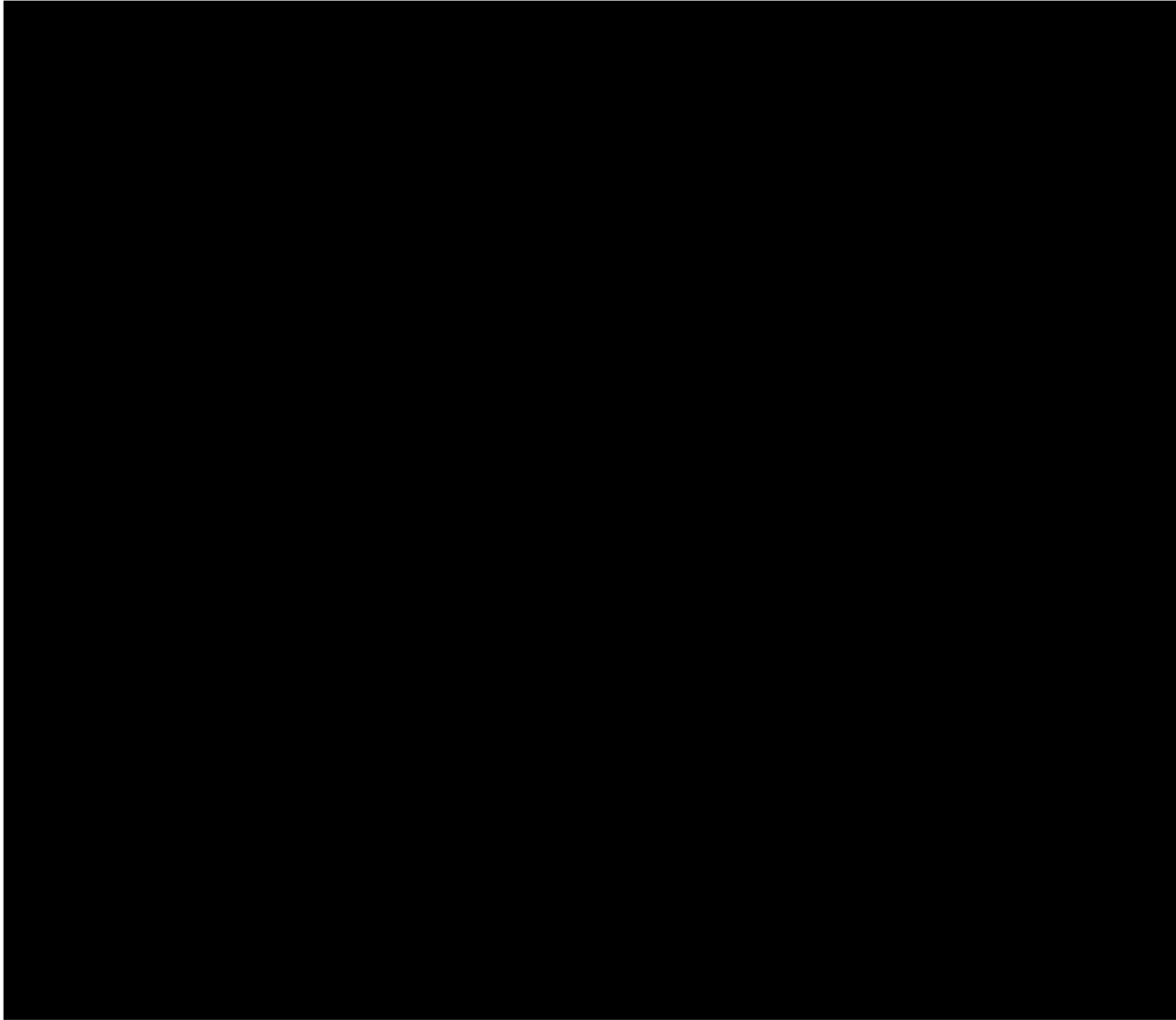


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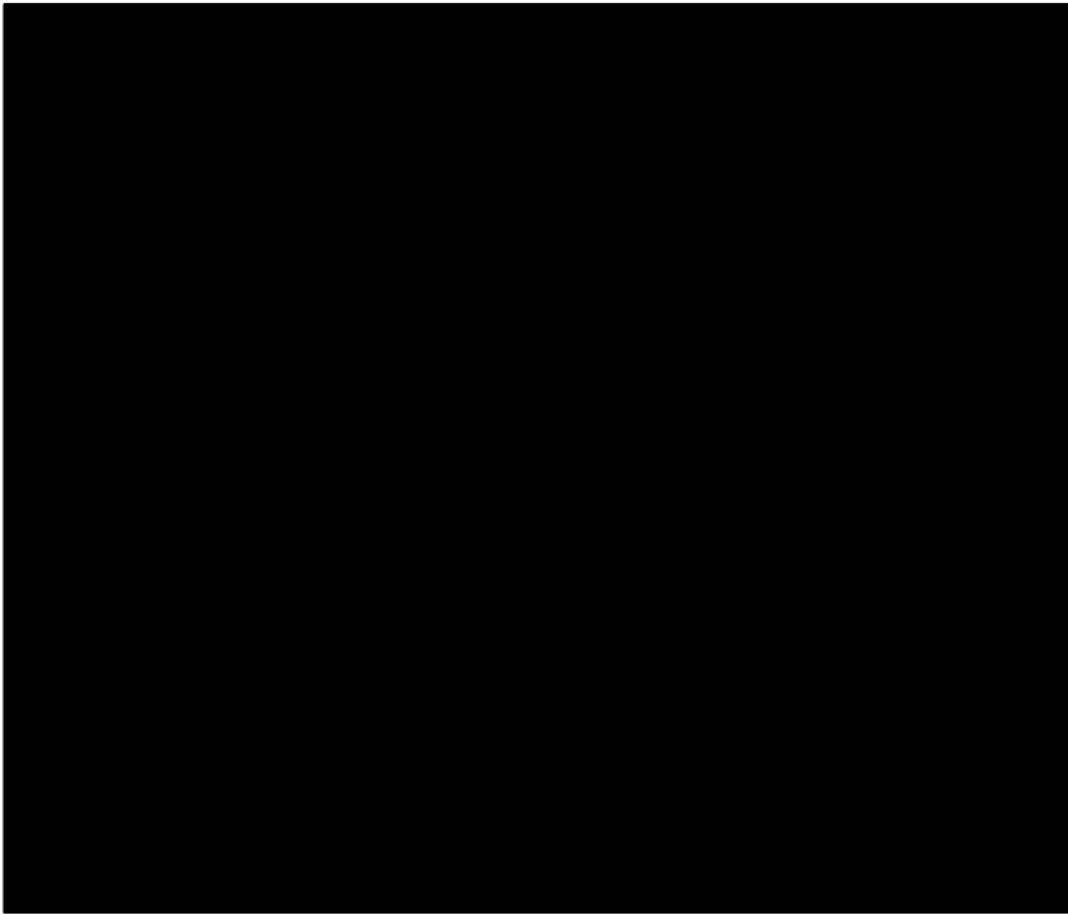
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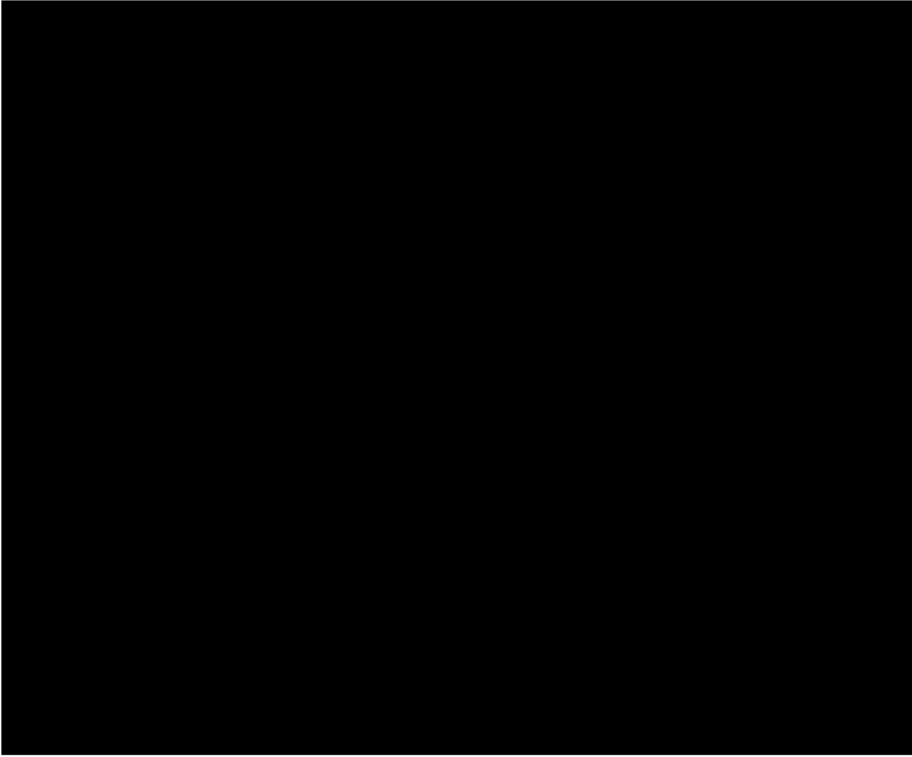
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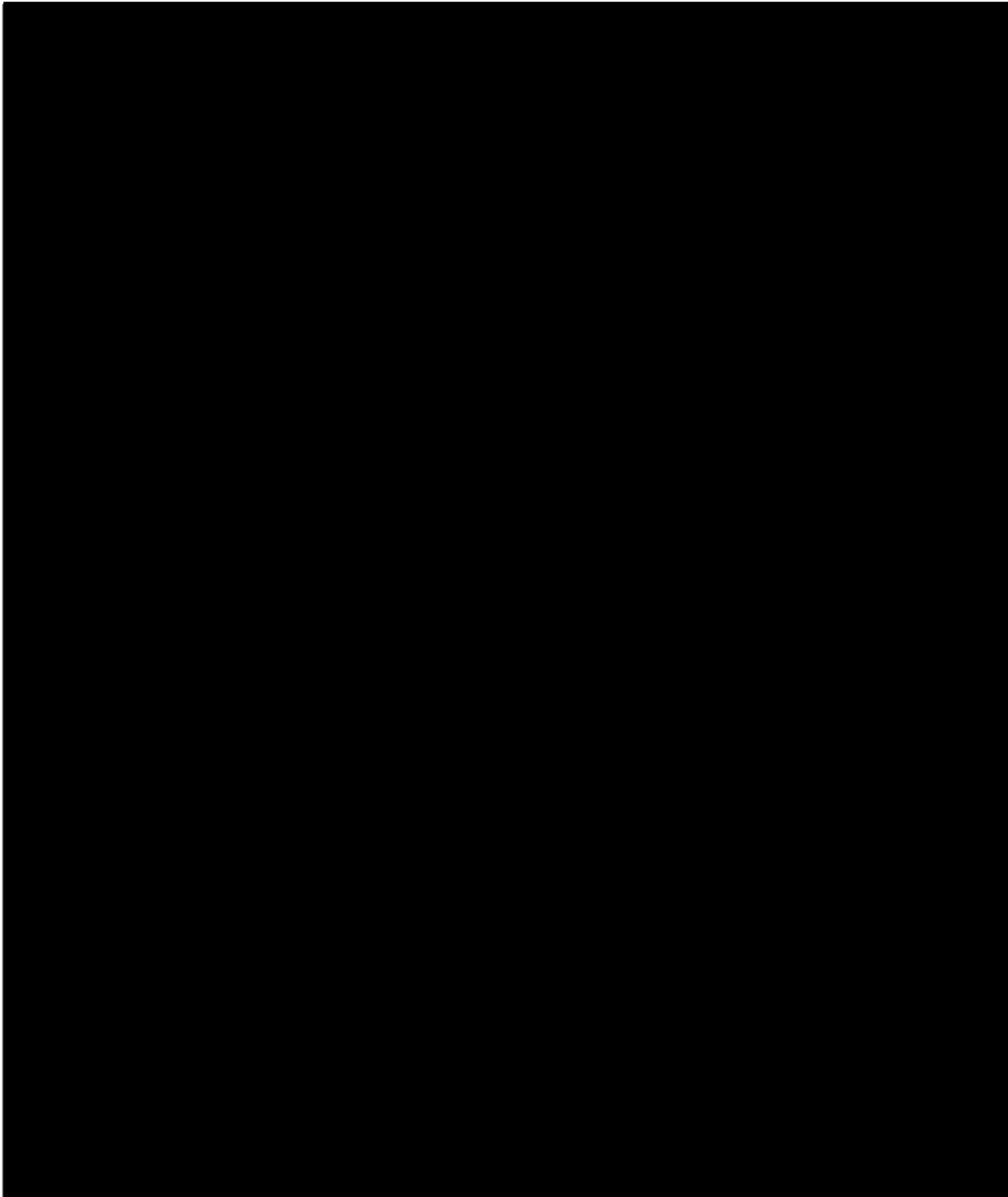
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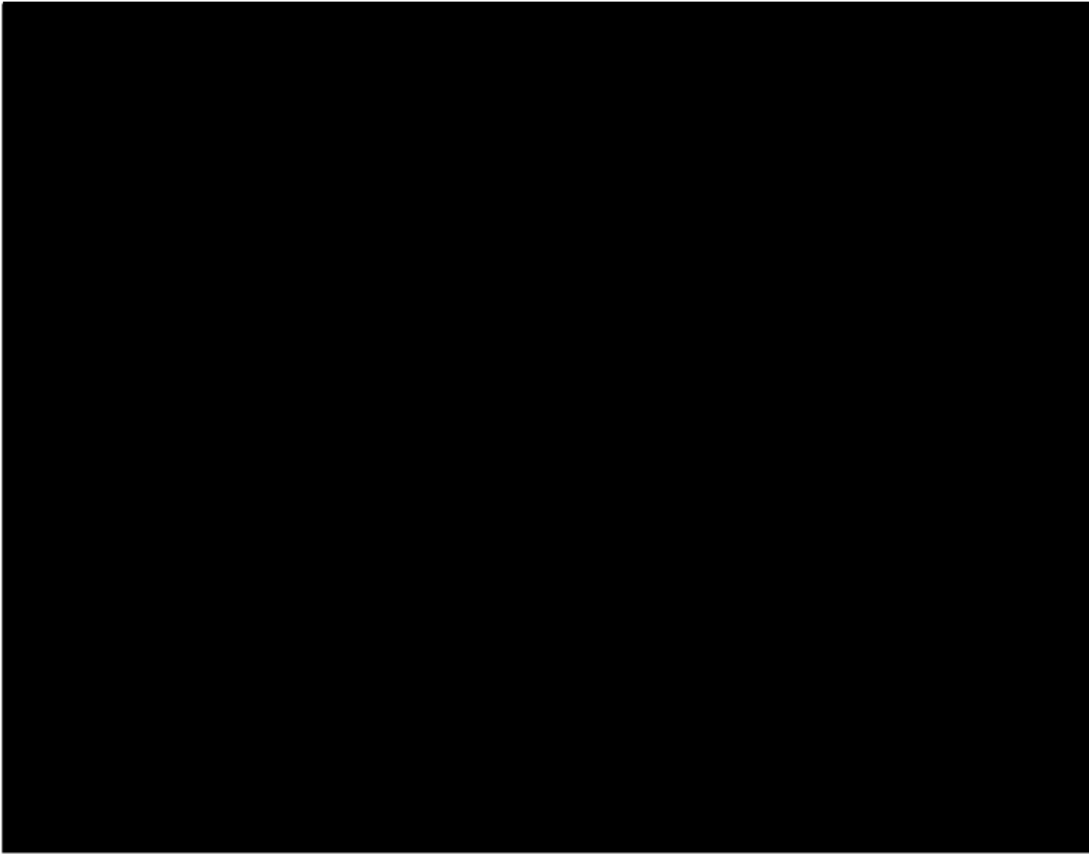


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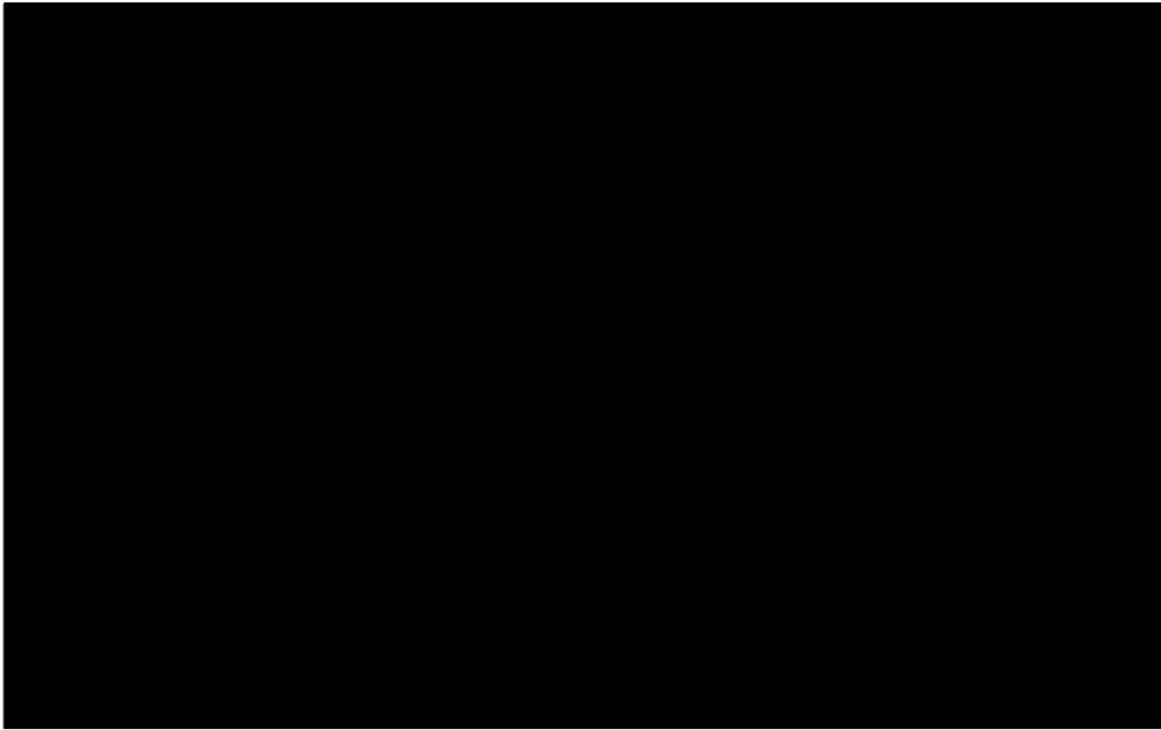
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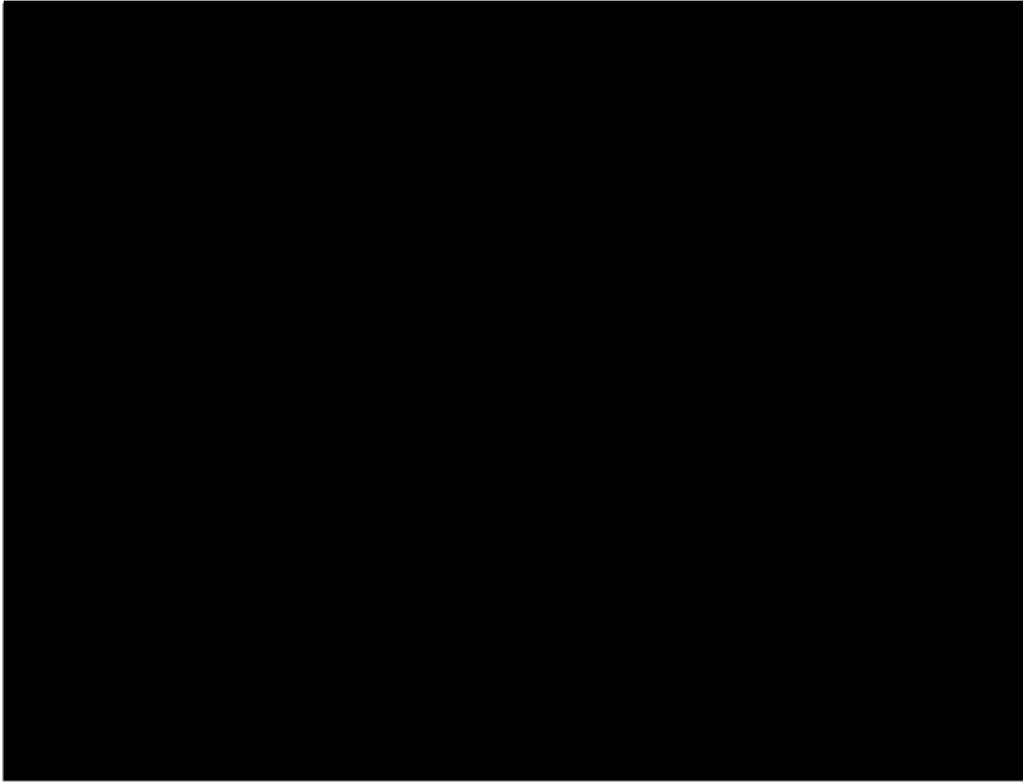


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CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

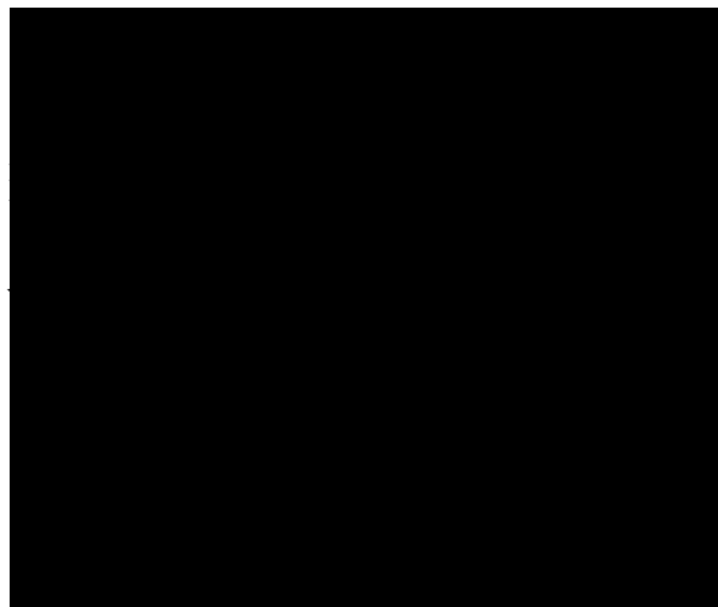
Type of Investigation:	Docket / File / Police Report No.
LEIFI Protocol	MPD: 06-2143
Suspect: Robert Andrew SILVA	
Inspector Assigned:	Date Assigned:
Paul Peterson	May 10 th , 2006

Suspect:

SILVA, Robert Andrew (DOB) 1-8-79; HM
1601 E. Katie 237th Ave
Las Vegas, Nevada 89119
H-702-450-2632
[REDACTED]

Investigative Team:

Detective Lisa MALONEY
Martinez Police Department; 925-372-3452



Written By: Paul Peterson
Inspector

PP

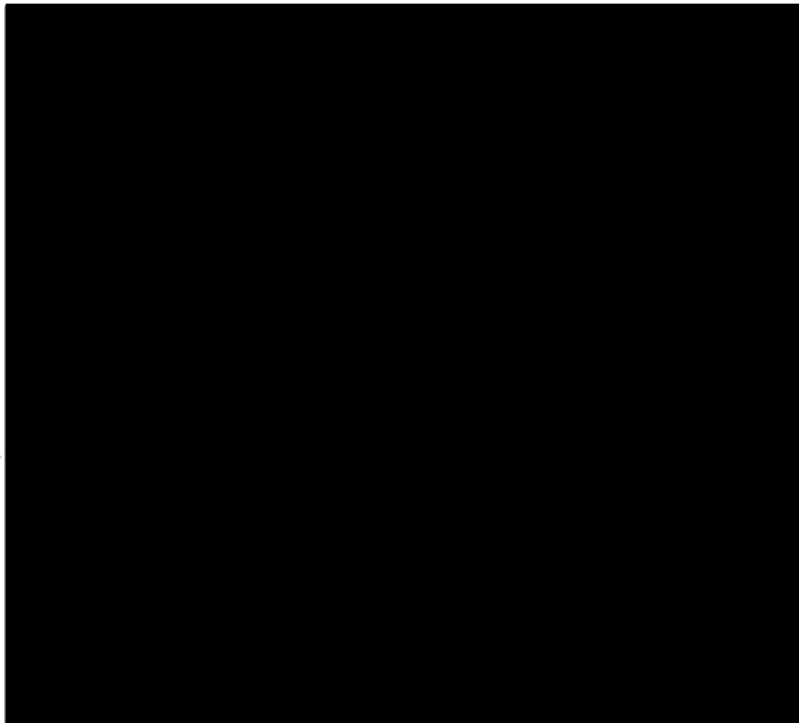
Date: May 31, 2006

6/19/06
J. Sanders

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	x

Subject / Defendant: Robert SILVA	Docket / Report No. MPD: 06-2143
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Evidence:

- PP-1: One CD digital recording interview of victim [REDACTED]
- PP-2: One CD digital recording interview of Firefighter/ Paramedic [REDACTED]
- PP-3: One CD digital recording interview of Fire Engineer [REDACTED]
- PP-4: One CD digital recording interview of Fire Engineer [REDACTED]
- PP-5: One CD digital recording interview of Paramedic [REDACTED]
- PP-6: One CD digital recording interview of Paramedic/Intern [REDACTED]
- PP-7: One CD digital recording interview of EMT [REDACTED]

Vehicle(s):

None.

Written By: Paul Peterson Inspector <i>PCP</i>	Date: May 31, 2006
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
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Subject / Defendant:
Robert SILVA

Docket / Report No.
MPD: 06-2143

Narrative:

During early morning hours in downtown Martinez, the suspect points a gun at the victim who is sitting alone in his car at a construction job site. The suspect says: "This is the last day of your life." He pulls the trigger two times never discharging a round from the gun. The suspect runs away from the scene and confronts a uniformed Police Officer who is walking in the area. The suspect points the gun at the Police Officer, then runs away into a residential neighborhood. The Police Officer calls for assistance and later confronts the armed suspect behind multi-unit residential building. The suspect points a gun at Police, and is subsequently shot and killed.

On Wednesday, May 10th 2006, at approximately 0915 hours, I was contacted at my desk and by Lieutenant JACKSON and advised that Martinez Police had shot and killed a suspect near downtown Martinez. Lt. JACKSON asked me to respond to the crime scene along with several other Investigators from our office. I arrived at approximately 0930 hours and contacted Sergeant Gary PETERSON. We viewed the crime scene then returned to Martinez Police station for a briefing and assignments. I was teamed with Detective Lisa MALONEY and assigned to interview the original victim, AMR, and Fire personnel. All interviews were digitally and audio-recorded by myself and Detective MALONEY.

Victim [REDACTED] (The interview was conducted at his residence in Elk Grove and began at 1340 hours and ended at 1424 hours)

[REDACTED] is a Special Inspector hired by the County to inspect welds on a County building that is currently under construction on Alhambra Ave. in Martinez. [REDACTED] arrived at work at about 7am and parked his car in a dirt parking lot on the 400 block of Escobar St. near the job site trailer which faces Alhambra Ave, across from the new County building. He walked over to the job site and met with one of the welders who were performing work on a stairwell. After about ten minutes, he left the site and walked downtown to the ATM machine at Bank of America on Main St., and got some money. He then headed to Victoria's for breakfast where he dined alone and was one of about ten people in the restaurant. After breakfast, he leisurely made his way back to the job site, window browsing along the way. [REDACTED] spent about ten minutes with the welder, then returned to his car to organize some paperwork. He turned the ignition key on and noted that it was 8:30 while he was listening to the radio. He was sitting in his car alone for about ten minutes when he heard a tap on his window and looked over his left shoulder.

Written By: Paul Peterson
Inspector *PP*

Date: May 31, 2006

Contra Costa County District Attorney's Office
Continuation/Supplemental Report


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Subject / Defendant: Robert SILVA	Docket / Report No. MPD: 06-2143
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█████ opened his door about halfway and leaned forward to contact this clean cut looking man who was standing outside. █████ originally thought this person was going to ask him directions for a delivery, instead, the person said in a calm assured voice: "This is your last day on earth, you are going to die." The suspect, who was hiding his right hand behind his back, now removed his right hand and pointed a black gun directly at █████ and pulled the trigger. █████ heard a "clunk" and realized that the gun did not discharge. While still looking at the suspect, █████ sat back in his seat and tried to make himself as small as possible to avoid being shot. At that point, the suspect pulled the trigger again and █████ heard another "clunk." Again, the gun did not discharge. █████ looked at the suspect who now faked like he was going to run right towards Alhambra Ave., but instead ran left (west) on Escobar St. towards Berrellesa St. █████ got out of his car and watched the suspect run around the corner onto northbound Berryessa St. and disappear. █████ said the suspect ran very uncoordinated as he fled the scene. After the suspect pulled the trigger the first time, █████ described his facial expression as serious but very calm. After the second time, █████ said his face looked surprised as if he expected the gun to discharge.

█████ described the suspect as a young White or Hispanic male, 15 to 20 years old, slender, dark brown hair neatly cut, no facial hair, or jewelry. The suspect was wearing a black tee shirt with some kind of an image of a person on the shirt. The suspect did not have an accent. █████ described the gun as black and shiny but not a revolver. █████, who is familiar with weapons because of his military background, did not recognize this gun as something he had ever seen before and even mentioned that it could have been a toy gun, however, it did not have toy gun characteristics such as an orange tip. The overall impression was that the gun was a Tech 9. In retrospect, █████ said the suspect appeared to be inexperienced because he twisted the gun to pull the trigger as if the safety was on and used just his right hand to shoot the gun, however, based on his calm assured voice, and serious expression, █████ said he was scared for his life and thought he was going to die. As far as █████ was concerned, the gun was real. The suspect was about four to five feet away from █████ when he pulled the trigger.

█████ immediately went to the job site trailer and contacted █████ the job supervisor who called 911 to report the incident. Eventually █████ talked directly to the 911 dispatcher. After calling 911, █████ went outside and stood on the porch of the trailer which is located across from the job site at 550 Alhambra Ave. █████ heard several gunshots from two different weapons. The first weapon was a 223 and he heard at least two shots. The second weapon was a handgun; again two shots. █████ was not able to tell what caliber handgun. I asked █████ if he remembered seeing this person when he walked downtown earlier in the morning and had

Written By: Paul Peterson
Inspector 

Date: May 31, 2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Continuation	x

Subject / Defendant: Robert SILVA	Docket / Report No. MPD: 06-2143
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breakfast. [REDACTED] said he never saw him near the ATM machine, restaurant, or on his way back from breakfast. [REDACTED] never saw him at or near the job site.

[REDACTED] said he has a military background with the Army and served our Country from 1966 through 1969. He was trained in the military with an M-16 and currently owns several rifles and guns. He is a hunter and a member of the National Rifle Association.

[REDACTED] said he thought he would be able to identify the suspect if he saw him again.

Nothing further.

At 1620 hours, we returned to Martinez Police Department for debriefing regarding additional information. It was decided that we would meet at 1300 hours on May 11, and discuss additional assignments.

May 11, 2006: 1300

It was determined that Detective MALONEY and I would interview AMR and Fire personnel and meet with victim [REDACTED] to show him a photo-lineup of the suspect.

May 12, 2006:

Firefighter/Paramedic [REDACTED] (The interview was conducted at Station 14 on Jones St. in Martinez. The interview began at 1330 hours and ended at 1340 hours.) Audio and digitally recorded.

[REDACTED] has been employed by Contra Costa County as a Firefighter for five years and has sixteen years of training as a Paramedic. Currently, [REDACTED] works a 56 hour work week and is scheduled to work "A" shift. On the day of the call, [REDACTED] was working a 24 hour shift.

[REDACTED] said they received a call from dispatch that there was an Officer Involved Shooting and were advised to stage at Marina Vista and Alhambra Avenue until further notice. Once the scene was declared secure by Police they were called to the scene along with AMR. AMR responded to the victim first and assumed primary care. [REDACTED] walked up to the scene but never administered any care to the victim because AMR had primary authority and was attending to the victim. [REDACTED] said he looked at the victim and said that he appeared to be deceased. While standing approximately 3 to 4 feet away, [REDACTED] observed that the suspect was pale, his eyes were wide open and he was motionless. The suspect was lying on his back and [REDACTED]

Written By: Paul Peterson
Inspector *PCP*

Date: May 31, 2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Subject / Defendant: Robert SILVA	Docket / Report No. MPD: 06-2143
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could see some blood coming from his back, spilling onto the sidewalk area. [REDACTED] saw a black plastic gun lying to the right of his head. He was wearing a black tee shirt which had a hole on the front of the shirt and dark colored gloves. AMR attached a heart monitor to the suspect and [REDACTED] saw the screen which displayed flat line. At that point, AMR pronounced him dead and told Fire personnel that this was a Coroner's case and Fire could clear the scene. No other Fire Personnel attended to the victim. [REDACTED] said nobody at the scene including Police told him what happened. [REDACTED] did not hear anybody talking about the shooting.

Regarding the gun, [REDACTED] said the gun appeared to be a toy gun because he saw orange colored pellets next to the gun. While [REDACTED] was at the scene, he did not see anybody touch the gun.

Nothing further.

Fire Engineer [REDACTED] (The interview was conducted at Station 14 on Jones St. in Martinez. The interview began at 1345 hours and ended at 1355 hours. Audio and digitally recorded. Refer to Detective MALONEY's report for details.

May 16, 2006:

Fire Engineer [REDACTED] (The interview was conducted at Station 14 on Jones St. in Martinez. The interview began at 1130 hours and ended at 1140 hours. Audio and digitally recorded.

[REDACTED] has been a Firefighter for 32 years and has been working at Station 14 since December of 2005. [REDACTED] was working an overtime shift when he received a dispatch call of an Officer Involved Shooting. Dispatch advised to stage at Marina Vista and Alhambra Ave. After they were cleared to enter the scene, [REDACTED] walked up Buckley Ave. with [REDACTED] and [REDACTED] and saw the victim lying at the bottom of the stairs behind 455 Richardson St., apparently deceased.

AMR assumed primary care of the victim and [REDACTED] never attended or touched the victim. [REDACTED] saw a black shiny pistol lying next to the victim's right head. The barrel was facing down and the grip was facing upwards. Next to the gun were some small colored pellets in a clear plastic case. [REDACTED] said he looked closely at the gun and it appeared real. They were told that the suspect had been down about fifteen minutes and [REDACTED] saw AMR attach leads to the suspect which send a signal to the heart monitor. [REDACTED] saw the heart monitor show a flat line reading. [REDACTED] said the suspect had a gray greenish ashen color which in his experience meant that the person was deceased. He saw a hole in the front of

Written By: Paul Peterson
Inspector *pep*

Date: May 31, 2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Subject / Defendant: Robert SILVA	Docket / Report No. MPD: 06-2143
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the suspect's shirt near the sternum. He never saw anyone lift the shirt up to see what the hole was. [REDACTED] asked AMR if they could clear the scene and AMR gave them permission to leave because they had assumed primary care.

Nothing further.

May 17, 2006:

Paramedic [REDACTED] (The interview was conducted at 835 Arnold #108 in Martinez. The interview began at 1335 hours and ended at 1351 hours) Present was Supervisor [REDACTED] *Refer to Detective MALONEY's report.*

Paramedic Intern [REDACTED] (The interview was conducted at 835 Arnold #108 in Martinez. The interview began at 1400 hours and ended at 1415 hours. Present was Supervisor [REDACTED] *Refer to Detective Malnoney's report.*

May 22, 2006:

At 1040 hours, Detective MALONEY and I met [REDACTED] at Martinez Police Department to show him some photos. **Refer to Detective MALONEY's supplement.**

May 24, 2006:

EMT [REDACTED] (The interview was conducted at 835 Arnold #108 in Martinez. The interview began at 1005 hours and ended at 1024 hours. Audio and digitally recorded.

[REDACTED] has been an EMT for four years and currently works out of the Martinez office. [REDACTED] said they received a call of an Officer Involved shooting in Martinez and responded code 3 and staged about two blocks away with Fire Personnel. After about three minutes, they were cleared to enter the scene by Police and drove up Buckley Ave. and parked next to the victim. Intern [REDACTED] attached the leads to the victim and turned on the monitor which displayed a flat line. [REDACTED] said he never touched the victim. The victim was not breathing and looked extremely pale. The victim was wearing glasses and a black shirt with a small hole in the center. [REDACTED] saw a black shiny gun next to the right side of the victim's head. The gun appeared to be a toy. [REDACTED] never attended to the victim. Paramedic [REDACTED] called John Muir Hospital and relayed the victim's vitals. [REDACTED] pronounced the victim dead at 0902 hours.

Written By: Paul Peterson
Inspector *PCP*

Date: May 31, 2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Subject / Defendant:
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Docket / Report No.
MPD: 06-2143

██████████ said they attended to another victim who said he was hit by some shrapnel near the shooting scene. ██████████ said he never attended to the victim but watched his partners lift up his shirt. There was a small abrasion on the right side of his chest that appeared to be a recent wound. The shirt was not damaged. ██████████ said they drove the second victim to County Hospital where he was treated and later released.

Nothing further.

Written By: Paul Peterson
Inspector *pcp*

Date: May 31, 2006



CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation: LEIFI Protocol	Docket / File / Police Report No. Martinez Police Dept. # 06-2143
Suspect: Robert SILVA	
Inspector Assigned: Paul Mulligan	Date Assigned: 5-10-2006

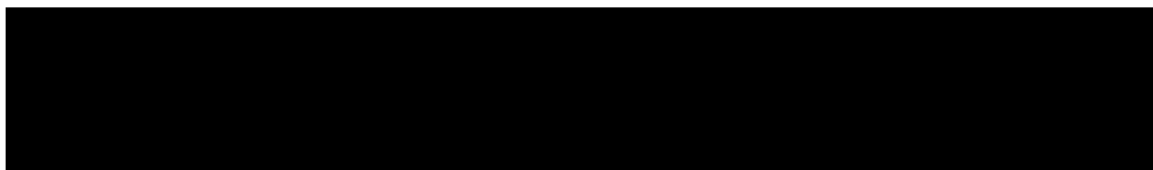
Suspect:

- 1). Robert Andrew SILVA, Hispanic male adult, date of birth 6/2/1985, Home Address: 1601 East Katie Street #237, Las Vegas, Nevada, [REDACTED] SILVA is further described as being 5'7", 109 pounds with brown hair and blue eyes. SILVA has a "USMC" tattoo on his right shoulder.

Investigative Team:

- 1). Detective Sergeant Gary PETERSON, Martinez Police Department (MPD), 525 Henrietta Street, Martinez (925) 372-2440.
- 2). Sr. Inspector Paul MULLIGAN, Contra Costa County District Attorney's Office, 627 Ferry Street, Martinez, (925) 646-4623.

Witnesses:



Evidence:

Written By:
Inspector Paul Mulligan

Date: 5-16-2006

6/13/06
JMS

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Suspect: Robert SILVA	Docket / Report No. Martinez Police Dept. # 06-2143
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PM-1 One blue, long-sleeve "Basic Editions" shirt worn by witness [REDACTED] at the time of the shooting.

PM-2 A compact disk containing the interviews of MPD Police Officer Doug MADSEN (last portion of interview), Officer Jeff VANDERMEULEN, Corporal Brian CARTER, and Sergeant Evert PRINS. The Digital Wave identifiers are: DWA0081 (last portion of Officer MADSEN's interview); DWA0083 (Officer VANDERMEULEN); DWA0084 (Corporal CARTER) and DWA0085 (Sergeant PRINS).

PM-3 Diagram of scene completed by witness [REDACTED] depicting the positions of the parties.

PM-4 Diagram of scene completed by Officer Jeff VANDERMEULEN.

PM-5 A compact disk containing the interview of witness [REDACTED] (Digital Wave Player # DW-C0157) and the start of the interview of Martinez Officer Doug MADSEN. (Digital Wave Player # DW-C0158).

Narrative:

This report will document my participation in the protocol investigation into the death of Robert SILVA who was shot and killed by Martinez Police Department officers on 5-10-2006. It will include the interview of [REDACTED] who witnessed the shooting, and the interviews of MPD personnel, Officers Doug MADSEN and Jeff VANDERMEULEN, Corporal Brian CARTER, and Sergeant Evert PRINS.

On 5-10-2006 at approximately 0915 hours, I received a call from Chief of Inspectors Gene GREENWALD requesting that I respond to the vicinity of the Martinez Corporation Yard to assist in the investigation of an officer-involved shooting.

I responded to the area of Buckley Street and Richardson Street where I met with MPD personnel. At the time, the scene was secured and the body of the deceased, Robert SILVA, was still on site.

After viewing the scene, I went to the police station where I attended a briefing. During the briefing, I was assigned to an investigative team with MPD Sergeant Gary PETERSON. Our

Written By: Inspector Paul Mulligan	Date: 5-16-2006
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Suspect: Robert SILVA	Docket / Report No. Martinez Police Dept. # 06-2143
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assignment was to interview the witness [REDACTED] and the MPD personnel involved in this incident.

Interview of Witness [REDACTED]

Sergeant PETERSON and I first interviewed [REDACTED] [REDACTED] lives at [REDACTED] Buckley Street [REDACTED] Martinez, which is just west of the shooting site. [REDACTED] witnessed the shooting, and had seen SILVA walking up Buckley Street just prior to this incident. In addition, [REDACTED] was struck by the ricochet of an unknown projectile which caused two small abrasions on [REDACTED] chest.

At the start of the interview, I explained to [REDACTED] the nature of critical incident protocol investigations and thanked him for his cooperation. Although [REDACTED] did not know the name of the deceased, Robert SILVA, whenever [REDACTED] refers to the decedent I will refer to him as SILVA.

[REDACTED] said that just prior to this incident, [REDACTED] was returning from Starbucks on Main Street and was walking up Buckley Street towards his residence. [REDACTED] said that at that time, SILVA was also walking up Buckley Street on the opposite side of the street. SILVA was ahead of [REDACTED] and then [REDACTED] lost sight of him.

[REDACTED] said that when he first saw SILVA, SILVA was wearing a black shirt with dark pants. [REDACTED] described the deceased as being a Mexican male, 16-17 years of age, about 5-4" and "skinny." [REDACTED] also said that SILVA was wearing gloves which was unusual because it was "hot" out.

[REDACTED] said that shortly after he lost sight of SILVA, [REDACTED] was crossing Richardson Street when a Martinez Police Officer in an SUV stopped him very briefly, and then said "oh never mind." [REDACTED] then continued walking to his home which was a couple of houses up from the intersection of Buckley Street and Richardson Street. [REDACTED] said that at the time, he [REDACTED] was wearing the same clothing that he was wearing during our interview (a dark blue shirt and Khaki pants). [REDACTED] said that when the officer first approached [REDACTED] SILVA was not in sight as he had apparently turned onto Richardson Street (i.e., SILVA had gone northbound).

At my request, [REDACTED] then labeled a map showing the various positions of the involved parties. The hand-drawn map has been placed into evidence as item # PM-3.

Written By:
Inspector Paul Mulligan

Date: 5-16-2006

**Contra Costa County District Attorney's Office
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█████ said within a very short period of time, █████ heard an officer yell words to the effect "stop" or "freeze," and "turn around." █████ was pretty sure the commands were made by the officer in the SUV. █████ mentioned that he looked down Buckley Street and saw that there were now other officers on the scene with their guns drawn. █████ said that he turned around as he thought it was possible the officers were talking to him, however, he then realized the officers were talking to SILVA. █████ also added that when the officer(s) initially made these commands, █████ did not immediately see SILVA.

I asked █████ to describe the positions of the officers and the suspect just before the shooting occurred. █████ said that one of the officers was in the SUV which was in the middle of Buckley Street, and the suspect (SILVA) was next to some bushes which were adjacent to a building at the south-east corner of the intersection. █████ reiterated there were also other officers on the scene. At my request, █████ drew their respective positions onto the hand-drawn diagram.

█████ said that at that point the shooting occurred. I asked █████ to describe the sequence of the shooting. I also asked █████ if he could see the suspect's hands when the shooting occurred. █████ said that he saw the suspects' hands, and said that when SILVA was "gunned down" SILVA had raised his hand "as if he had a pistol in his hand."

I asked █████ if he had seen a pistol in SILVA's hand. █████ said "I did not see a pistol in his hand, I was at a distance, but, I did not see a pistol in his hand, I thought it was just a glove." █████ added that SILVA was still wearing the black gloves when the shooting occurred.

█████ then demonstrated how SILVA had raised his arm (i.e., arm extended forward and parallel to the ground). Sergeant PETERSON asked where SILVA was pointing his arm at the time of the shooting, and █████ replied that SILVA was pointing his arm in the direction of the police officers.

█████ also said that the SUV was a marked police car with lights and siren and he believed that at the time of the shooting there may have been 3-4 officers in uniform at the scene. █████ added that in addition to the marked police cars, there was possibly one unmarked police vehicle.

When we discussed the position of the officers at the time of shooting, █████ had described how one officer had been inside the police SUV and added that the other officers were behind the police vehicles and were "low." I asked if it seemed like the officers were taking cover behind the police vehicles, and █████ agreed that the officers were apparently using the police

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Date: 5-16-2006

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vehicle(s) for cover. When asked, [REDACTED] said that the shots occurred almost instantaneously after SILVA had raised his arm towards the police officers.

I asked [REDACTED] if he had been injured and he said that he had been hit by a ricochet. SILVA then showed Sergeant PETERSON and me two small abrasions near his right nipple. [REDACTED] said that he had been treated at the hospital and given a tetanus shot and released.

We then recapped his statement and tried to pinpoint the time frames and sequences. I asked [REDACTED] for an estimate as to the length of time from when the officers initially challenged SILVA until SILVA raised his arm and pointed at the officers. [REDACTED] said that it occurred within a "few seconds" adding that SILVA "stood there" and appeared to think about it before SILVA raised his hand at the officers. [REDACTED] reiterated that the shooting occurred almost instantaneously after SILVA raised his hand and pointed at the officers.

[REDACTED] said that the officers kept yelling at SILVA throughout the encounter. [REDACTED] said that the officers were yelling something like "stop;" however, he could not recall the exact words. When asked to describe the series of shots, [REDACTED] did so by banging on the table in rapid succession. [REDACTED] said there were "more than five" shots.

[REDACTED] said that when the suspect went down, "SWAT" officers arrived on the scene and approached SILVA with helmets and a shield. [REDACTED] said that he did not see much immediately after the shooting as [REDACTED] went around the corner of his house to get out of the line of fire as he thought he had been shot.

Sergeant PETERSON asked if the officers had kept yelling at SILVA when they were challenging SILVA, and [REDACTED] reiterated that the officers had yelled commands at SILVA right up to the point SILVA raised his arm and was shot.

I asked [REDACTED] if he wore eyeglasses. [REDACTED] told me that he is nearsighted and had lost his glasses and was not wearing them at the time of the incident. I also asked [REDACTED] if he had had any alcohol to drink, or if he had taken any medication prior to this incident. He said that he had not had any alcohol or medication.

At that point, I asked [REDACTED] if there was anything we should discuss that we had not asked him. [REDACTED] said that there was not. I then thanked him for his cooperation and the interview was concluded. The interview lasted approximately 28 minutes and ended at 1227 hours.

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Inspector Paul Mulligan

Date: 5-16-2006

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Later that afternoon, I went with [REDACTED] to the scene and had him point out where he was at the time of the shooting. [REDACTED] showed me that he was on the sidewalk directly in front of his residence. I then notified members of the Sheriff's Office forensics team of [REDACTED] position and requested that they photograph his vantage point of the shooting. In addition, I subsequently obtained the shirt [REDACTED] was wearing at the time of the shooting (evidence Item # PM-1). On 5-11-2006, I gave the shirt to Sergeant PETERSON who will place it into evidence at the MPD.

Interview of Officer Doug MADSEN

After interviewing [REDACTED] Sergeant PETERSON and I interviewed Officer Doug MADSEN who had witnessed the shooting. Sergeant PETERSON was the primary interviewer. For details as to the interview, please refer to Sergeant PETERSON's report.

Interview of Officer Jeff VANDERMEULEN

Sergeant PETERSON, MPD Sergeant Jon SYLVIA, and I then interviewed Officer Jeff VANDERMEULEN. I was the primary interviewer. In addition, attorney Harry STERN of the law firm of Rains, Lucia and Wilkinson, was present during the interview as the officer's legal representative.

Officer VANDERMEULEN has been a sworn member of the MPD for 24 years and has worked in almost every assignment within the department (e.g., field training officer, armorer, range-master, patrol officer, investigator, and motor officer). Prior to employment with the Martinez Police Department, the officer had been a Clayton police officer for three years, and was a reserve police officer for the Clayton Police Department for one year. The officer said that he never served in the military.

Officer VANDERMEULEN said that on the day of this incident, he was working the 7am-7pm shift as a uniformed patrol officer. He was driving MPD unit # 1233 (a marked MPD SUV). Officer VANDERMEULEN said he carried his duty handgun (a Beretta Model 96, .40 caliber semi-automatic pistol) and added that he had one magazine in the gun, and carried three magazines on his gunbelt. In addition, he said there was a 12 gauge police shotgun in the patrol vehicle, however, the officer said the shotgun was not utilized in this incident.

Officer VANDERMEULEN said that just prior to this incident, he was having coffee with Sergeant PRINS and Officer MADSEN at Victoria's Café. At that time, they heard a police

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radio broadcast from Corporal CARTER who said he thought someone had just pointed a gun at him at Berrellesa and Alhambra.

Officer VANDERMEULEN said he immediately responded. While en-route, the MPD dispatcher broadcast that she had received a 911 call reporting that someone had called the MPD reporting a similar type of experience (i.e., a suspect had pointed a gun at the reporting party). Officer VANDERMEULEN said he arrived at the scene within 20-30 seconds.

Upon arrival, Officer VANDERMEULEN looked for Corporal CARTER and saw him on foot on Marina Vista at Alhambra. At the time, Corporal CARTER was carrying an AR-15 M4 assault rifle and was walking westbound toward Berrellesa. Corporal CARTER told Officer VANDERMEULEN that "some guy dressed in black had just pointed a gun" at him, and Corporal CARTER motioned toward Berrellesa and Buckley. Officer VANDERMEULEN stayed in his vehicle and drove in that direction while Corporal CARTER walked behind Officer VANDERMEULEN's patrol vehicle.

After talking to Corporal CARTER, Officer VANDERMEULEN said that he subsequently momentarily stopped a subject (later identified as the witness [REDACTED] who was dressed in a black jacket or windbreaker. This occurred near Richardson Street at Buckley Street, however, before Officer VANDERMEULEN had a chance to get out of his vehicle to approach [REDACTED] Corporal CARTER told him that the subject (i.e., [REDACTED] was not involved.

Officer VANDERMEULEN said that he resumed looking for the suspect and Corporal CARTER asked Officer VANDERMEULEN to join him down the hill so they did not get too far apart. Officer VANDERMEULEN said that he then began backing down Buckley Street toward Corporal CARTER at which time the suspect SILVA suddenly ran around the corner at "full speed". Officer VANDERMEULEN said that SILVA ran southbound from Richardson onto Buckley and ran on a diagonal in the officer's direction.

Officer VANDERMEULEN said that SILVA had his hands together in a two handed grip or stance like he was going to "shoot on the move." Officer VANDERMEULEN said that SILVA's behavior was "bizarre," and it seemed to Officer VANDERMEULEN that SILVA was running at the officer like he was "ready to engage." At the same time, Corporal CARTER said "that's him." Officer VANDERMEULEN could not recall if Corporal CARTER said this on the police radio or if the corporal had yelled this to him.

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Officer VANDERMEULEN said that he was afraid that the suspect would engage him when the officer was still in his patrol car, so Officer VANDERMEULEN opened the front door to his patrol vehicle kicking it open with his foot and at the same time drawing his handgun.

Officer VANDERMEULEN said that while SILVA was running, SILVA was using a "Weaver" type of stance, and the officer said that SILVA appeared to be "tracking him" with the weapon. Officer VANDERMEULEN said that he yelled at SILVA to "drop your gun, drop your gun," however, SILVA did not.

SILVA then ran across the front of the patrol vehicle and ran to the bushes adjacent to 405 Richardson Street. Officer VANDERMEULEN said that once SILVA reached the bushes SILVA started popping in and out of the bushes and pointed the weapon at the officer using a "Weaver" type of grip.

Officer VANDERMEULEN said that he then fired two rounds at the suspect. Both rounds were fired from inside the officer's patrol vehicle. Corporal CARTER also fired. Officer VANDERMEULEN was not sure who fired the first rounds at the suspect (he or Corporal CARTER). Officer VANDERMEULEN said when the shots were fired, Corporal CARTER was on foot behind and to the left of Officer VANDERMEULEN's vehicle.

After the shooting, Officer VANDERMEULEN said that he got out of his patrol vehicle and waited for Sergeant PETERSON with the shield. Officer VANDERMEULEN said that at point, he along with Sergeant PETERSON, Officer MADSEN, and Corporal CARTER approached the downed suspect using the ballistic shield for cover.

Officer VANDERMEULEN said that he then handcuffed SILVA. I asked if anyone had administered first aid, and the officer said that no-one had as SILVA was dead as his eyes were completely dilated.

When asked to describe the time frame from the time he first challenged SILVA to the time he fired the shots, Officer VANDERMEULEN said it was "seconds." I also asked Officer VANDERMEULEN if he was fearful for his safety and the safety of his fellow officers due to the suspect's actions, and Officer VANDERMEULEN said that he was.

I asked the officer if he wore eyeglasses or contacts and Officer VANDERMEULEN said that he wears contacts which he was wearing at the time of the incident. In response to my questions, Officer VANDERMEULEN said that the only medication he had taken prior to this incident was

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Inspector Paul Mulligan

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blood pressure medicine, and he said that he had not had any alcoholic beverages during the two days before this encounter.

Sergeant PETERSON then sought clarification on a couple of points from the officer. Officer VANDERMEULEN said that when he was backing down Buckley Street, SILVA suddenly appeared and pointed the gun at Officer VANDERMEULEN. Officer VANDERMEULEN said that because it appeared that the suspect was going to "engage" him, he turned the SUV to give himself a better tactical vantage point.

I asked Officer VANDERMEULEN what type of weapon the suspect had, and the officer said that it was a handgun, but, he could not recall the color. Attorney STERN then asked Officer VANDERMEULEN if the SUV was in park when the shots were fired, and Officer VANDERMEULEN confirmed that it was.

Sergeant SYLVIA then discussed Officer VANDERMEULEN's previous experience as a rangemaster, and the fact that the stances and hand motions utilized by SILVA during this incident are of the type generally used when firing weapons. Officer VANDERMEULEN confirmed that they were.

At that point I asked Officer VANDERMEULEN to prepare a diagram of the scene depicting the positions of the parties during pertinent times. The diagram is Evidence Item # PM-4. While drawing the diagram, Officer VANDERMEULEN further elaborated on the suspect's movements and motions at the time of this incident.

Officer VANDERMEULEN reiterated that the suspect came around the corner at a full run and ran diagonally to the bushes. Officer VANDERMEULEN said that as the suspect was running diagonally, the suspect did so in a "side gait" and continued to face the officer as he did.

At that point in the interview, I asked Officer VANDERMEULEN if there was anything that we had not discussed which he believed was important. Officer VANDERMEULEN reiterated that SILVA behavior was very purposeful and determined and that it looked like SILVA wanted a confrontation. The officer also mentioned that the officer's anxiety level was raised due to the fact that the SILVA was not at all deterred by fact the officer was pointing his weapon at him. When asked, Officer VANDERMEULEN said that the suspect never said anything to him at all.

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In addition, Officer VANDERMEULEN reiterated that the suspect kept popping up and down and was "ground-hogging." He also said that at times the suspect had the gun in a "low-ready" position.

I then asked Officer VANDERMEULEN for a description of the suspect, and he described him as a white male with dark clothing, dark tee-shirt and black jeans, very slender. I also asked if the suspect had anything on his hands (e.g., gloves) and Officer VANDERMEULEN said that there was nothing on SILVA's hands.

Sergeant SYLVIA then asked Officer VANDERMEULEN what Corporal CARTER had told him at the start of this incident. Officer VANDERMEULEN said that Corporal CARTER told him "I think somebody just pointed a gun at me." Sergeant SYLVIA also asked Officer VANDERMEULEN to describe the gun and Officer VANDERMEULEN said it looked like an automatic.

The interview ended at 1435 hours.

Interview of MPD Sergeant Evert PRINS

Sergeant PETERSON and I interviewed Sergeant Evert PRINS, who was the on-duty patrol supervisor who responded to this incident. I was the primary interviewer. Sergeant PRINS said that he has been on the MPD for 22 years, and had been on duty since 0600 hours on the date of this incident.

Sergeant PRINS said that he first became involved in this incident when Corporal CARTER broadcast on his police radio a request for "Code 3" cover because he had been the victim of a brandishing. The sergeant responded to the scene from Victoria's Café, arriving within a minute. Upon arrival in the area of Alhambra and Marina Vista, the sergeant said he saw Corporal CARTER on foot carrying his patrol rifle. Sergeant PRINS said they began to set up a perimeter looking for the suspect who was described as being dressed all in black.

As they were setting up the perimeter, the sergeant said he heard 4-5 shots, at which point Sergeant PRINS said that he (PRINS) broadcast an Officer Needs Assistance call. When he heard the shots, Sergeant PRINS said he was at Marina Vista and Alhambra which is about two blocks from the scene. Sergeant PRINS said he immediately responded to the scene in patrol vehicle # 1236 which had the ballistic shield in the trunk. Sergeant PRINS said that he assumed a position of cover while four officers used the ballistic shield and approached the suspect. After

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determining that the suspect no longer posed a threat, Sergeant PRINS said that Sergeant PETERSON immediately invoked the protocol. Sergeant PRINS then ensured that the scene was secure.

At that point the first interview with Sergeant PRINS was concluded.

Sergeant PETERSON and I subsequently learned that Sergeant PRINS had taken "Public Safety" Statements (per New York v. Quarles) from Corporal CARTER and Officer VANDERMEULEN immediately after this incident. Sergeant PETERSON and I briefly interviewed Sergeant PRINS about the conversations he had had with Corporal CARTER and Officer VANDERMEULEN after the shooting.

Sergeant PRINS said that Corporal CARTER told the sergeant that he thought he fired two rounds at the suspect. Sergeant PRINS then spoke to Officer VANDERMEULEN who described firing two shots at the suspect.

Sergeant PRINS also mentioned that while at the scene, he had taken the duty handgun from Officer VANDERMEULEN and the assault rifle from Corporal CARTER. At that point the second interview was concluded.

Autopsy of Robert SILVA

On 5-11-2006 Doctor Brian PETERSON performed the forensic autopsy on Robert SILVA. I attended along with Sergeant Gary PETERSON, Deputy District Attorney Bill CLARK, Deputy District Attorney Robert HOLE, and members of the Sheriff's Office forensics unit. The results of the autopsy will be documented in Doctor PETERSON's report.

Reenactment

On 5-12-2006, I went to the scene and met with Deputy District Attorney Bill CLARK, Sergeant PETERSON and other members of the Martinez Police Department. At 0840 hours (i.e., the same time as the shooting occurred on 5-10-2006), MPD Detective Kevin BUSCIGLIO wore a black shirt and did a limited reenactment of the suspect's movements as described by the officers involved in the incident. In addition, the MPD SUV which Officer VANDERMEULEN was driving on the date of the shooting was parked in the same position as it had been on the date of the incident.

Written By: Inspector Paul Mulligan
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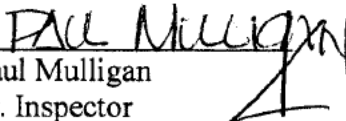
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Sergeant PETERSON and I then had the opportunity to view both Officer VANDERMEULEN and Corporal CARTER's vantage points of the suspect, Officer VANDERMEULEN's from inside the SUV, and Corporal CARTER while standing near the patrol vehicle. For additional information as to the reenactment, see Sergeant PETERSON's report.

Miscellaneous

As mentioned previously in this report, I gave the tee-shirt worn by [REDACTED] to Sergeant Gary PETERSON. I will give the remaining items of evidence to Lieutenant Jackson with this report.

Nothing further to report at this time.


Paul Mulligan
Sr. Inspector

Written By:
Inspector Paul Mulligan

Date: 5-16-2006



CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation: LEIFI-Protocol	Docket / File / Police Report No. C06-2143-Martinez Police Department
Suspect / Defendant: SILVA, ROBERT ANDREW-DOB: 01-08-1979	
Inspector Assigned: Matthew D. Wastenev-Senior Inspector	Date Assigned: MAY 10TH, 2006

SUSPECT

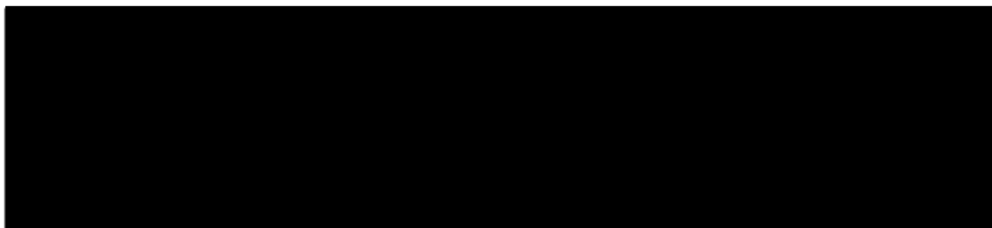
SILVA, ROBERT ANDREW-DOB: 01-18-1979
1601 EAST KATIE AVENUE #275. LAS VEGAS NEVADA
[REDACTED]
[REDACTED]
(702) 683-3465

INVESTIGATIVE TEAMS:

SR. INSPECTOR M.D.WASTENEV- (DEATH NOTIFICATION/ SUSPECT HISTORY)
CONTRA COSTA DISTRICT ATTORNEY'S OFFICE
725 COURT STREET. 4TH FLOOR
MARTINEZ CA. 94553
(WP) 925-957-2228

DETECTIVE KEVIN BUSCIGLIO- (DEATH NOTIFICATION/ SUSPECT HISTORY)
MARTINEZ POLICE DEPARTMENT
525 HENRIETTA STREET. MARTINEZ CA 94553
(WP) 925-372-3454

WITNESS (S) :



Written By:
Senior Inspector M.D.Wastenev *[Signature]*

Date: 5/31/2006

[Handwritten signature]
6/13/06

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

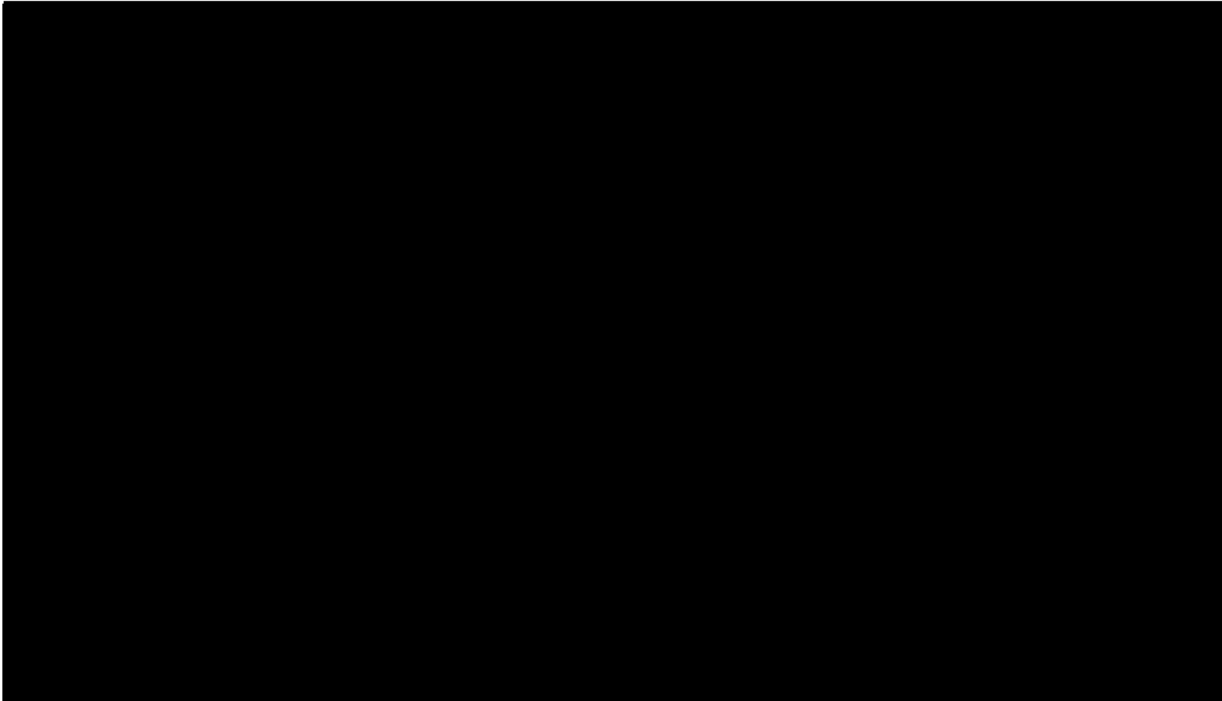
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Suspect / Defendant:

SILVA, ROBERT ANDREW

Docket / Report No.

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EVIDENCE:

- 1MW-VIDEOCASSETTE INTERVIEW WITH [REDACTED] AT MARTINEZ
POLICE DEPARTMENT 5-10-2006 AT 11:25AM

NARRATIVE:

On May 10th, 2006 at approximately 0900 hours, I was notified of this protocol investigation by Lieutenant of Inspectors Daryl Jackson. Lieutenant Jackson told me that at approximately 0840 hours this date, two Officers with the Martinez Police Department were confronted by an unidentified armed suspect while investigating a man with a gun call in the 400 of Buckley Avenue. Lieutenant Jackson told me that as a result of this confrontation, shots were fired by the two Martinez Police Officers, and the unidentified male suspect was pronounced deceased at the scene. Lieutenant Jackson told me protocol had been enacted, and requested I respond to the location of occurrence and assist with this investigation.

Written By:

Sr. Inspector M.D. Wasteney *[Signature]*

Date: 5/31/2006

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When I arrived to the scene, I noted it had been secured by several uniformed Martinez Police Officers. I approached one of these Officers, and identified myself as being with the District Attorneys Office. I then entered the scene, where I met with DDA William Clark, and Senior Inspectors Paul Mulligan and Paul Peterson who was the "on-call" Senior Inspector representing our agency. For this reason, Senior Inspector Peterson was assigned as the lead investigator for this protocol.

After speaking briefly with Senior Inspector Peterson, I was met by Commander Tom Simonetti of the Martinez Police Department. I identified myself to Commander Simonetti, at which time he provided me with a brief synopsis of what had occurred. Commander Simonetti explained to me that two Martinez Police Officers he identified as Officer Jeff Vandermuelen and Corporal Brian Carter were involved in a shooting following a confrontation in the 400 block of Buckley Avenue. Commander Simonetti told me that neither Officer was injured as a result of this confrontation, however an unidentified white male suspect in his mid-twenties was pronounced deceased at the scene. Commander Simonetti told me that this confrontation occurred as both Officer Vandermuelen and Corporal Brian Carter were dispatched to this location to investigate a report of a man with a gun. Commander Simonetti told me that this incident occurred sometime after 8:30am this morning.

After speaking with Commander Simonetti, DDA Clark and myself were told that the deceased suspect was still on scene, and was located a half block west of our location behind an apartment complex located at 405 Buckley Avenue. DDA Clark and myself then walked to this location to look at the scene, and the condition of the deceased suspect.

When we arrived to this location, the suspect was covered with a yellow tarp, and was laying on the pedestrian walkway behind 405 Buckley Avenue which is a multi-unit dwelling for disabled adults. A Martinez Police Officer remained with the suspect at this location, and I asked this Officer if he recognized the suspect from prior contacts, and he told me "no". Most of the Martinez Police Officers at the scene during this time also indicated they did not recognize the responsible which is unusual for this location as it has a high concentration of transients who frequent the area. There are several multi-unit dwelling houses within this immediate vicinity which house disabled adults which is the reason for the more than normal transient population.

After speaking with the Martinez Officer on scene, I pulled the yellow tarp from the suspect(s) face to see if I recognized him, and to view his condition. I noted that the suspect was a white male appearing to be in his late twenties with a very slight build almost as if he was malnourished. The suspect was wearing all black clothing, including black cloth gloves on both hands. His black t-shirt had a silk screen photograph of "Che Guevara" on the front of the shirt,

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Sr. Inspector M.D. Wastenev 

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and I saw what appeared to be a small hole which I believed was a bullet hole which penetrated the suspect's shirt at chest level.

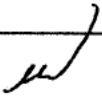
On the pavement right of the suspect's head, I saw what first appeared as some sort of a machine pistol similar to that of a "Tec 9". The pistol was black in color, however as I kneeled down to get a better look at it, I realized that the magazine well of the weapon had a clear plastic magazine attached to it. Inside of the magazine were several small plastic pellets, which were orange in color. It was at this point, I realized that the weapon appeared as some type of "Air-Soft" type gun, however had I not kneeled down to get a better look, I would not had been able to make this distinction.

After walking through the scene with DDA Clark, he requested that I return back to the Martinez Police Department to attend an incident briefing regarding this incident. On arriving to the Police Department, we met with DDA Robert Hole who facilitated this briefing in conjunction with Sgt. Gary Peterson of the Martinez Police Department. At the time of this briefing, the suspect still remained identified.

Following the incident briefing, DDA Clark and DDA Hole assigned me and Detective Kevin Busciglio of the Martinez Police Department to attempt to identify the suspect. Following this identification, DDA Hole also requested we conduct the death notification with next of kin in addition to obtaining some background history on the suspect with family members and friends.

Immediately following our incident briefing, a Martinez Police employee approached Detective Busciglio and myself, and told me that there was a subject in the lobby of the police department who wanted to speak with us regarding this incident. According to the police employee, the subject in the lobby said he wanted to report [REDACTED] missing, and had provided the police employee with a similar description of the suspect including that of the black t-shirt with the picture of "Che Guevara" on the front. For this reason, Detective Busciglio went down to the lobby and made contact with the subject identified as [REDACTED] of Martinez.

Shortly after this contact, Detective Busciglio returned back to our briefing room, and told us that the subject in the lobby [REDACTED] wanted to report [REDACTED] missing. Detective Busciglio said that [REDACTED] told him that he had heard about the shooting in his neighborhood this morning, and was concerned because [REDACTED] Robert Silva was now missing and had not been heard from since 2am Tuesday morning. Detective Busciglio said that [REDACTED] provided him with a physical and clothing description of [REDACTED] and it matched that of the deceased suspect.

Written By:
Sr. Inspector M.D. Wasteneý 

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Docket / Report No.
C06-2143-Martinez Police Department

Detective Busciglio said that [REDACTED] was very cooperative, and agreed to wait in the lobby as we attempted to locate more information on the suspect who we now believed was [REDACTED] Robert Silva. [REDACTED] told Detective Busciglio that [REDACTED] had just arrived here unrepentantly from Las Vegas Nevada the day before this shooting. Detective Busciglio and myself were not able to locate any prior contacts in their records management system matching a Robert Silva; however [REDACTED] did say that [REDACTED] wallet with his Nevada driver's license was still at his residence.

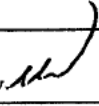
At this point, myself and Detective Busciglio decided to interview [REDACTED] with the belief that the deceased was in fact [REDACTED] Robert Silva. We explained this to [REDACTED] and told him that it was our intention to obtain more information about [REDACTED] for the purpose of identification, and should it be [REDACTED] make the proper notifications to next of kin. [REDACTED] agreed to be interviewed, and we taped this interview on VHS in a video equipped interview room in the police facility.

Because we could locate no prior local history on Robert Silva, I told [REDACTED] I had a photograph of the deceased which was taken at the scene immediately following the shooting. I told [REDACTED] that this was the only photograph I had during this time, and asked him if he would be willing to look at the photograph which he so agreed. [REDACTED] then identified the deceased in the photograph as that of [REDACTED] Robert Silva.

Following the identification of the deceased, I explained to [REDACTED] the circumstances leading to [REDACTED] death. I then began to obtain some background history on [REDACTED] including that of [REDACTED] so Detective Busciglio and myself could make the proper notifications. [REDACTED] asked if we could call [REDACTED] who he resides with on Richardson Street in Martinez. [REDACTED] told us that [REDACTED] of the deceased, and [REDACTED] of Robert Silva's [REDACTED] who also resides in Las Vegas. [REDACTED] then provided me with [REDACTED] cell phone number so I could get the telephone number for Roberts's [REDACTED]

After obtaining this information from [REDACTED] we then began to speak with him about [REDACTED] Robert Silva. [REDACTED] told us the following in substance:

He came to the police department today because he heard someone was shot by the police in his neighborhood earlier today. This concerns him because yesterday [REDACTED] Robert Silva of Las Vegas unrepentantly showed up at his apartment which is located at [REDACTED] Richardson Avenue in Martinez. He hasn't seen [REDACTED] since 2am Tuesday morning, and was now concerned that that the deceased may possibly be [REDACTED]

Written By:
Sr. Inspector M.D. Wasteney 

Date: 5/31/2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Continuation	

Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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On Monday night at approximately 12:30am while working the graveyard shift at [REDACTED] in Martinez, [REDACTED] "Robert" called him unexpectedly on his cell phone, and asked him where he was at. He told "Robert" he was at work, at which time "Robert" responded that he was at his apartment on Richardson Street, and needed a place to stay. He couldn't leave work at this point, but told "Robert" to come to his work, and he would give him the house keys indicating he could stay with him. "Robert" subsequently arrived to [REDACTED] and was driven their by [REDACTED]

On his lunch break which was at 3:30am, he drove back to his Richardson Street apartment to check on "Robert" and eat lunch. When he got to his apartment, "Robert" was not there, so he called [REDACTED] on the cell phone and asked them where they were at. [REDACTED] told him he was at a "pit stop" enroute back to Las Vegas, and said he dropped "Robert" off at the apartment after they left [REDACTED]. He then told [REDACTED] that "Robert" was not at the apartment.

At approximately 4:00am before he was getting ready to return back to work, "Robert" showed back up to the apartment. He asked "Robert" where he was at, and "Robert" told him he was out for a walk. He did not talk with "Robert" very long because "Robert" said he was tired and wanted to go to sleep. He told "Robert" he would be back to talk to him at 7:30am when he gets off work.

When he arrived home at 7:30am, "Robert" was already awake, and they talked for awhile. During his conversation with "Robert" he noticed "Robert" was very under weight at which time "Robert" told him he had not eaten for nine days. During their conversation, "Robert" said he had been reading several books on religion, and was talking very politically specifically about the revolution, and how Mexicans are getting screwed over. "Robert" also told him he was having visions, and assured him he was not using drugs. Following this conversation with "Robert" he then went to bed.

When he awoke later that afternoon, "Robert" was still in the house watching television, and he remembers telling [REDACTED] how skinny "Robert" was and needed to eat. Both he and [REDACTED] then told "Robert" that he needed to eat, and told him they were going to cook a bunch of food for him. "Robert" told them he was not hungry and didn't need to eat because he got his energy from the sun. "Robert" spent most of the day (Tuesday) outside in front of the house where he

Written By:
Sr. Inspector M.D. Wasteney *[Signature]*

Date: 5/31/2006

**Contra Costa County District Attorney's Office
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Suspect / Defendant:
SILVA, ROBERT ANDREW

Docket / Report No.
C06-2143-Martinez Police Department

appeared to be meditating, and the last time he saw "Robert" was at 2am Wednesday morning before him and [REDACTED] went to bed. "Robert" was just watching television in the living room during this time.

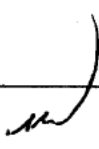
[REDACTED] told us that when he awoke the following morning at 6:30am, Robert was gone, and he really didn't become concerned until later that morning when [REDACTED] told him that he received a call from a friend earlier that morning, and that this unidentified friend saw [REDACTED] "Robert" walking around downtown Martinez with a "fake gun". [REDACTED] said that [REDACTED] indicated that this was sometime around 8:00am Wednesday morning. [REDACTED] said that he then later heard about the shooting involving the police, and was now worried that [REDACTED] "Robert" may have been involved. [REDACTED] said that this is why he came to the police department.

I asked [REDACTED] why "Robert" would come here unexpectedly if he hasn't been here in four years. [REDACTED] told me that he called and asked [REDACTED] the same question, and [REDACTED] told him he brought "Robert" here because he said he wanted to come here because the "Revolution was coming". According to [REDACTED] told him that "Robert" just needed to "chill out" for a while, and that's why he agreed to give him a ride here from Las Vegas. This concluded our interview with [REDACTED]

Following our interview with [REDACTED] he provided me with [REDACTED] cell phone number so I could call him and explain to him what had occurred, and get the phone number for "Roberts" [REDACTED] to make a formal notification. Before I did this, [REDACTED] told Detective Busciglio and myself, that we could come to his house and get "Robert's" wallet which contained his identification. Myself and Detective Busciglio then followed [REDACTED] to his Richardson Street apartment.

On arriving to [REDACTED] apartment, he provided us with "Roberts" wallet which contained some miscellaneous items, and his Nevada driver's license. [REDACTED] also gave us "Roberts" backpack, which I opened to inspect the contents. The only contents of the backpack were several white t-shirts with a picture of "Tupac Shakur" on the front of the shirts.

Following our contact at [REDACTED] apartment, me and Detective Busciglio returned back to the Martinez Police Department. On our arrival, I called [REDACTED] on his cell phone. On contact with [REDACTED] I identified myself and explained to him what had occurred involving [REDACTED] Robert Silva. I also told him that I had spoken with [REDACTED] who had came to the police department to report "Robert" missing.

Written By:
Sr. Inspector M.D. Wastenev 

Date: 5/31/2006

**Contra Costa County District Attorney's Office
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Suspect / Defendant:
SILVA, ROBERT ANDREW

Docket / Report No.
C06-2143-Martinez Police Department

██████████ told me that "Roberts" ██████████ and currently resides in Henderson Nevada. ██████████ provided me with the cell phone number of "Roberts" ██████████ and his address in Henderson. I told ██████████ that my intention was to notify ██████████ of "Roberts" death in person, and I was making arrangements with Detective Busciglio to travel to Las Vegas later in the afternoon. ██████████ agreed not to notify ██████████ until I arrived to Las Vegas.

After explaining to ██████████ what had occurred regarding ██████████ "Robert", he asked me to describe the gun. I told ██████████ that the weapon looked like an assault pistol, but was later determined to be some type of "Air-Soft" pistol. I described the pistol to ██████████ who told me he was pretty sure that this gun belonged to ██████████ and added he remembered seeing the gun lying on the living room floor of their Richardson Street apartment a few days before this incident occurred. ██████████ said that ██████████ has had this gun for awhile, but for the most part it has remained in their apartment. ██████████ was in Oakland at the time we had this conversation, and I told him that I would contact him on his return to show him a photograph of the weapon to make a determination if we were talking about the same gun. This concluded my contact with ██████████

Following this conversation with ██████████ I made travel arrangements for Detective Busciglio and myself to travel to Las Vegas to make contact with S-Silva's ██████████ and ██████████ who he resided with in Las Vegas at ██████████

Detective Busciglio and myself departed from Oakland Airport Wednesday afternoon at 5:30pm, and we arrived to Las Vegas where we proceeded to our hotel. On arriving to our hotel later that evening, I called ██████████ on the cell phone number provided to me by ██████████ I managed to make contact with ██████████ at which time I identified myself and explained why I was calling him. ██████████ told me that he had heard from family members what had occurred, and agreed to speak with me and Detective Busciglio in person. ██████████ told us that he was currently at ██████████ apartment in Las Vegas which was just a few block from our hotel, so we agreed to meet there. This provided us an opportunity to interview both "Roberts" ██████████ in addition to ██████████ who drove him to Martinez.

When we arrived to this location which was ██████████ we met with ██████████ and "Roberts" ██████████ who he shared the apartment with previous to this incident. Both were very cordial during our contact, and I explained to both of them what had occurred. Both ██████████ acknowledged that "Robert" had been acting strangely previous to this incident, and ██████████ told me that ██████████ had not eaten for approximately seven days before this incident occurred. ██████████ told me that he tried to get ██████████

Written By:
Sr. Inspector M.D. Wasteney

Date: 5/31/2006

**Contra Costa County District Attorney's Office
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Suspect / Defendant: SILVA, ROBERT ANDREW	Docket / Report No. C06-2143-Martinez Police Department
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"Robert" to eat, but he said he was fasting. [REDACTED] told me that [REDACTED] would not even drink water. (**Refer to attached supplemental report of Detective Busciglio for additional information regarding interviews with [REDACTED])

Following our interviews with both [REDACTED] we left the location, and on returning to our vehicle were stopped by a female who asked if we were the police. We told the female we were the police, at which time she identified herself as [REDACTED] of the deceased Robert Silva. [REDACTED] told us she also resides in the same complex as [REDACTED] who told her earlier this date that [REDACTED] was killed. [REDACTED] then agreed to speak with us about [REDACTED] at her nearby apartment. (**Refer to supplemental report of Detective Busciglio regarding interview with [REDACTED])

Additional follow-up in this matter is pending, in which Detective Busciglio and myself, have arranged to meet with [REDACTED] and [REDACTED] to show them both a photograph of the weapon recovered from the scene the date of this incident. This is to ascertain if the gun recovered from the scene, is the same gun which both [REDACTED] had earlier indicated belongs to [REDACTED] and was located inside of their residence. I will supplement the results of this contact on a later date.

****Nothing Further****


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Written By: Sr. Inspector M.D. Wasteney 	Date: 5/31/2006
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CONTRA COSTA COUNTY
Office of the District Attorney

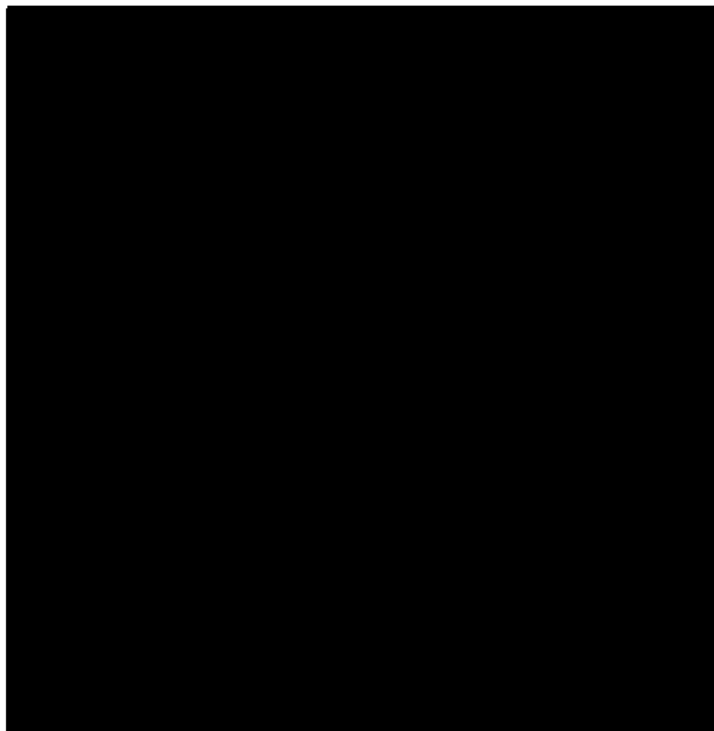
INVESTIGATIVE REPORT

Type of Investigation:	Docket / File / Police Report No.
LEIFI Protocol	06-2143 (Martinez PD)
Subject / Defendant:	
Robert Silva	
Inspector Assigned:	Date Assigned:
Mark Ernst <i>me</i>	May 10, 2006

Suspect: Silva, Robert

Investigative Team: Officer Mike Estanol ID #101
Martinez Police Department
525 Henrietta St
Martinez, CA 94553
(925) 372-3440

Witness(es):



Written By:
Inspector Mark Ernst

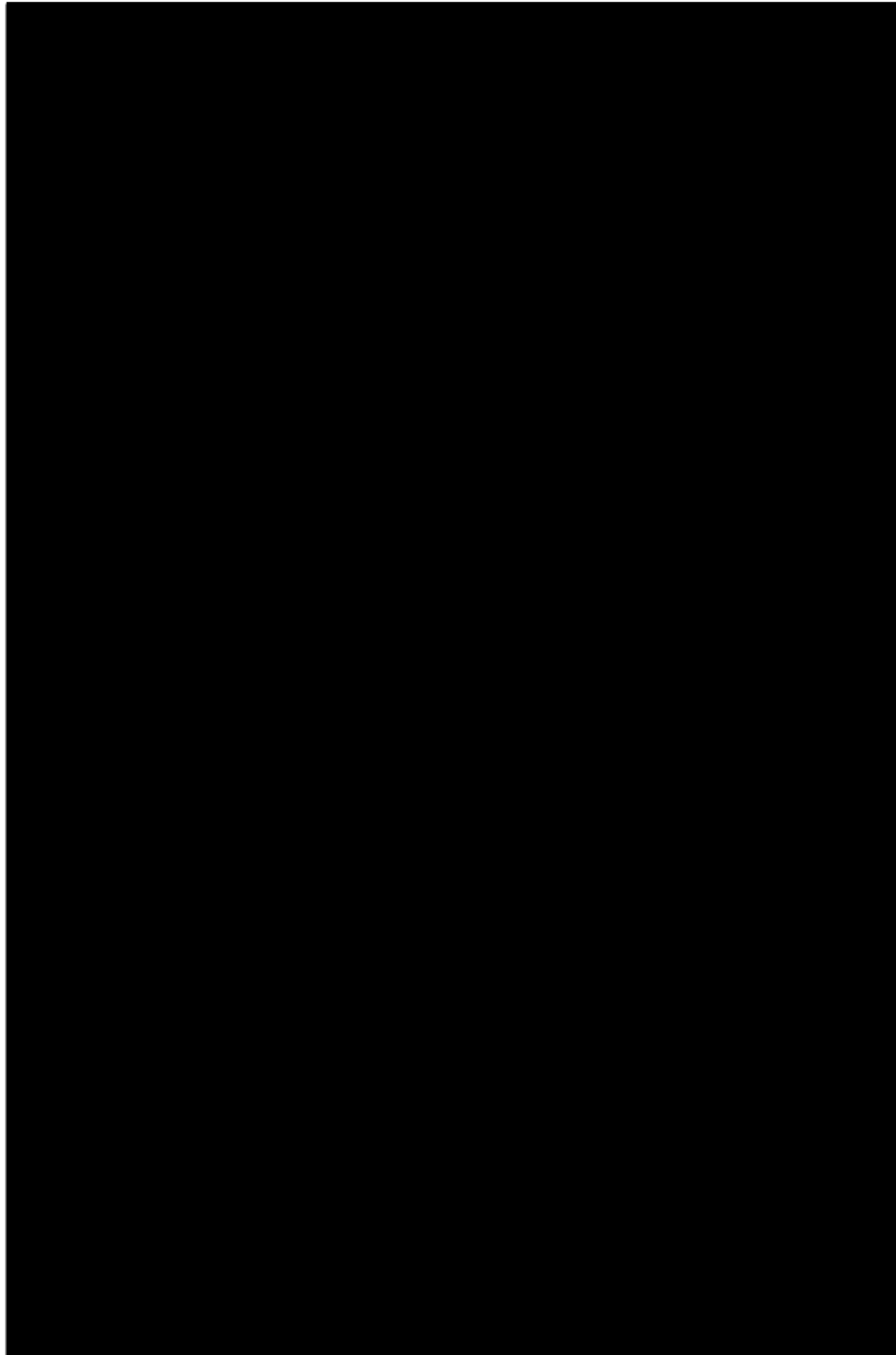
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	x

Subject / Defendant: Silva, Robert	Docket / Report No. 06-2143 (Martinez PD)
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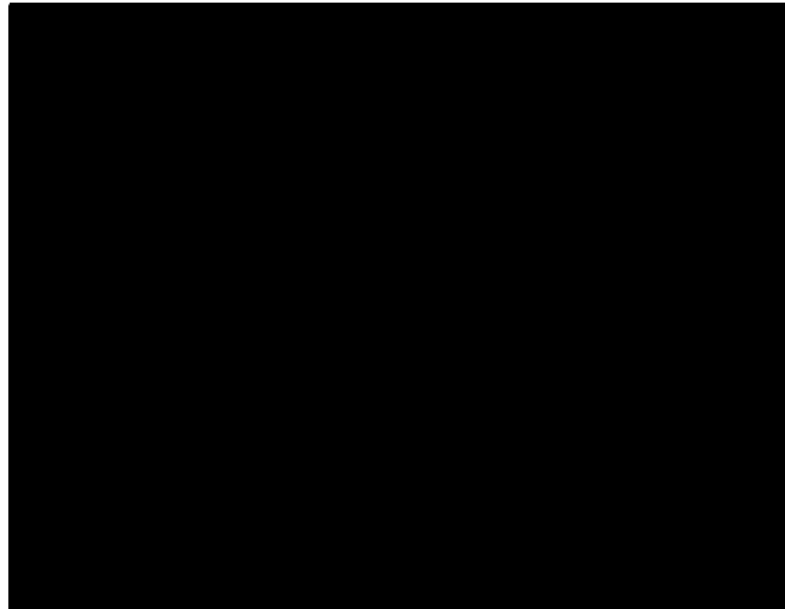
Written By:
Inspector Mark Ernst

Date: 5/19/2006

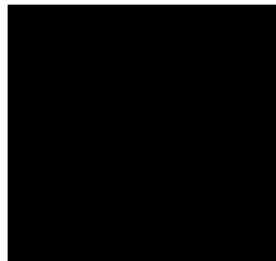
**Contra Costa County District Attorney's Office
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Continuation	x

Subject / Defendant: Silva, Robert	Docket / Report No. 06-2143 (Martinez PD)
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Other addresses where we attempted contact but no one was home:



Evidence: Item #ME-1 One CD digital recording of interviews with the listed witnesses.

Narrative:

This report documents interviews with residents living near the area of the shooting.

At approximately 0915 hours I received a telephone call from Chief of Inspectors Greenwald advising me of a protocol investigation. Two officers of the Martinez Police Department had

Written By: Inspector Mark Ernst	Date: 5/19/2006
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**Contra Costa County District Attorney's Office
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Subject / Defendant: Silva, Robert	Docket / Report No. 06-2143 (Martinez PD)
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confronted an armed subject and subsequently shot and killed him. I was instructed to respond to the area of the shooting, Berrellesa St and Buckley St., and assist in the investigation. I arrived at the location at 0930 hours.

After observing the crime scene, the investigators went to the Martinez Police Department for a briefing and investigative assignments. I was teamed with Officer Estanol of the Martinez Police Department. We were assigned to interview residents near the location of the shooting.

All of the interviews were audio tape recorded by Officer Estanol and myself. Eleven of the interviews took place at the witness' homes, except for [REDACTED] this interview took place at her place of employment.

Our neighborhood canvas resulted in contact with 11 individuals. Most of these individuals heard what they thought sounded like firecrackers, or gunshots, but they did not see anything unusual.

The twelfth interview, [REDACTED] took place at the Martinez Police Department. [REDACTED] [REDACTED] who had encountered the suspect in downtown Martinez, approximately 15 minutes prior to the shooting.

A synopsis of all the interviews will be included in Officer Estanol's report.

No further action was taken by this investigator.

Written By:
Inspector Mark Ernst

Date: 5/19/2006



CONTRA COSTA COUNTY
Office of the District Attorney

INVESTIGATIVE REPORT

Type of Investigation:	Docket / File / Police Report No.
LEIFI PROTOCOL	MPD 06-2143
Subject / Defendant:	
SILVA, Robert	
Inspector Assigned:	Date Assigned:
Isaias Menchaca	05/10/2006

Investigative Team: CCCDA Investigator I. Menchaca

Suspect: SILVA, Robert
DECEASED

Witness(es): [REDACTED]

Narrative: 05/10/06 1055 hours

I received a phone call from Lt. J. Sanchez concerning a "LEIFI Protocol" call out. I was asked to respond to the Martinez Police Department to assist in this investigation. Apparently, those investigators already involved in this case needed additional assistance so I was called out after the initial call out and missed the in field briefing.

1100 hours:

I arrived at the Martinez Police Department where I met with Deputy DA Clark and Sr. Inspector Paul Peterson. They advised me of the circumstances and details of this investigation.

I was assigned to assist Peterson conduct interviews at the construction site, 550 Alhambra Ave, in the city of Martinez. Those persons to be interviewed would be construction workers who were working at the new building located at 55 Escobar Street. This site is next to the area where Witness [REDACTED] observed the deceased, Robert SILVA.

Investigation: 1150 hours

I arrived at the construction site and meet with [REDACTED] The following is a summary [REDACTED] statement:

Witness [REDACTED]

[REDACTED] said that he is employed by Taber Construction. They are working on the job site adjacent to their property of #55 Escobar Street in the city of Martinez. They have been working

Written By: im
Inspector Isaias Menchaca

Date: 6/13/2006

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**Contra Costa County District Attorney's Office
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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD #06-2143
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at the construction site for the past year. The employees who are currently working at that site are employed by various contractors.

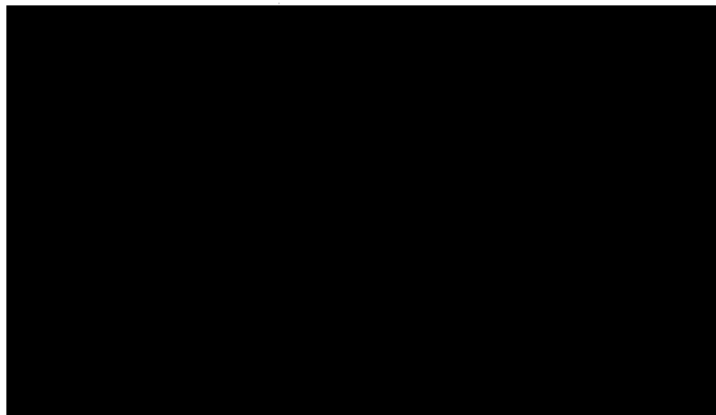
When asked about today's activities, [REDACTED] said he arrived on site this morning at approximately 6:45 am. He said his first job responsibility is to check the job site and assist employees at the beginning of their day. When he arrived this morning, [REDACTED] said there were only a few workers already on the job site.

[REDACTED] said he wasn't aware of this incident until after the fact. He said didn't hear any shots fired nor did he see the responsible. Additionally, [REDACTED] said it was his boss, [REDACTED] that he told him what had happened to [REDACTED]. [REDACTED] said [REDACTED] told him that someone had pointed a gun at [REDACTED]. [REDACTED] was interviewed by Sr. Inspector Paul PETERSON

I then asked [REDACTED] if I could speak with the employees where were working at #55 Escobar Street. [REDACTED] agreed but stated that I would have to speak with them at the job site. Since the job site was noisy due to running compressors and electrical equipment, I was not able to record those interviews.

Those workers interviewed were construction workers who were on site at the time of this incident. All of the workers were busy working within the building and were not aware of the incident, nor did they see the suspect or heard gun shots. These interviews were done separately.

The following are the names of those Construction workers who were interviewed and at the job site during the time span of this incident:



Written By: [REDACTED]
Inspector Isaias Menchaca

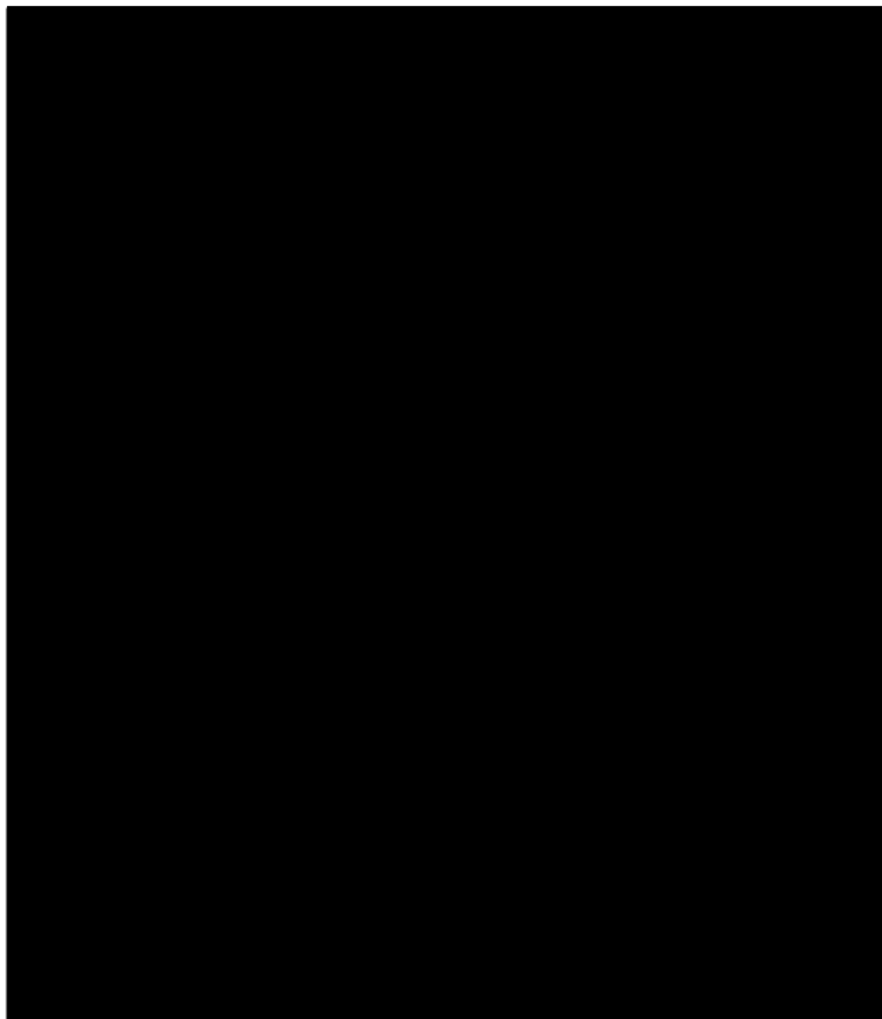
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Subject / Defendant:
SILVA, Robert

Docket / Report No.
MPD #06-2143



At the conclusion of the interviews, I returned to the Martinez Police Department and advised Sr. Inspector Peterson of my findings.

End of report

Written By: 
Inspector Isaias Menchaca

Date: 6/13/2006



CONTRA COSTA COUNTY
Office of the District Attorney

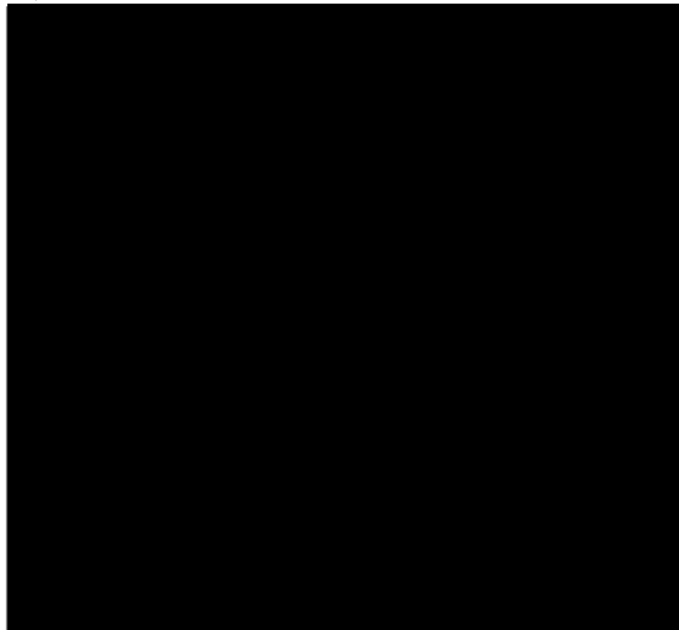
INVESTIGATIVE REPORT

Type of Investigation: LEIFI Protocol	Docket / File / Police Report No. Martinez P.D. Case# 06-2143
Suspect/ Defendant: Robert SILVA	
Inspector Assigned: Senior Inspector Steve Lynn	Date Assigned: 05-10-06

Suspect: **SILVA, Robert
Deceased**

Investigative Team:
Sr. Inspector Steve Lynn and MPD Detective Aaron Roth

Witness (es):



Written By:
Sr. Inspector Steve Lynn

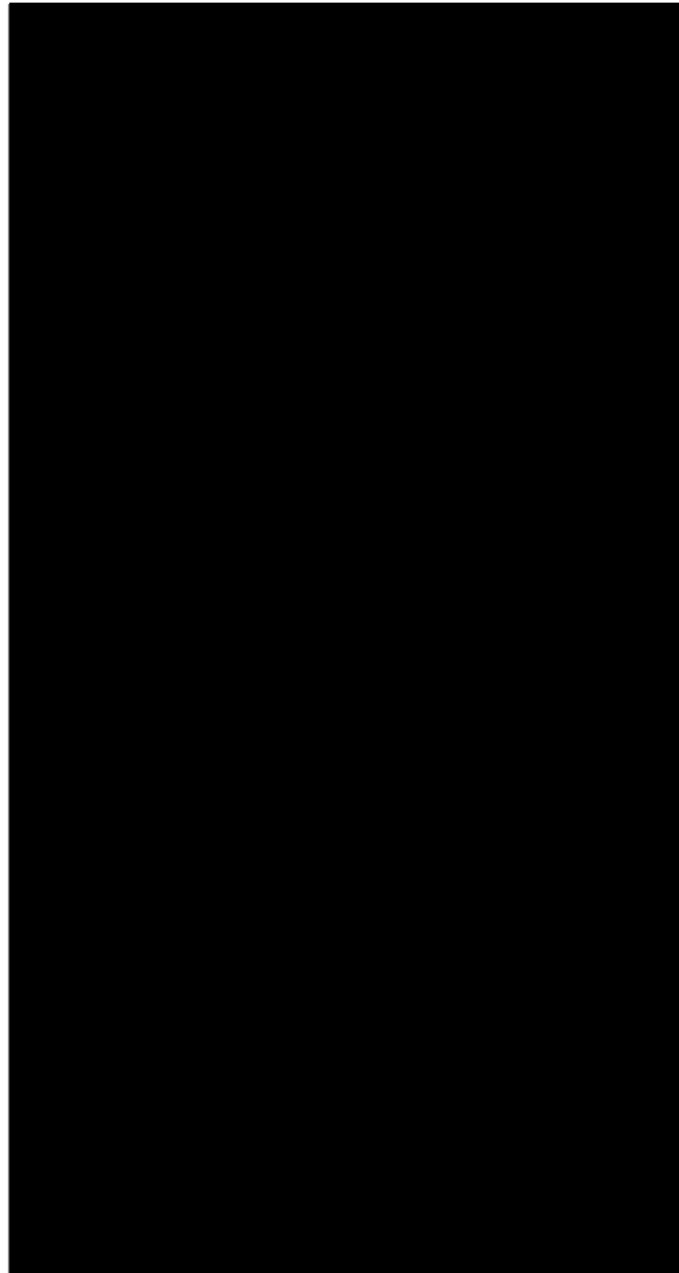
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**Contra Costa County District Attorney's Office
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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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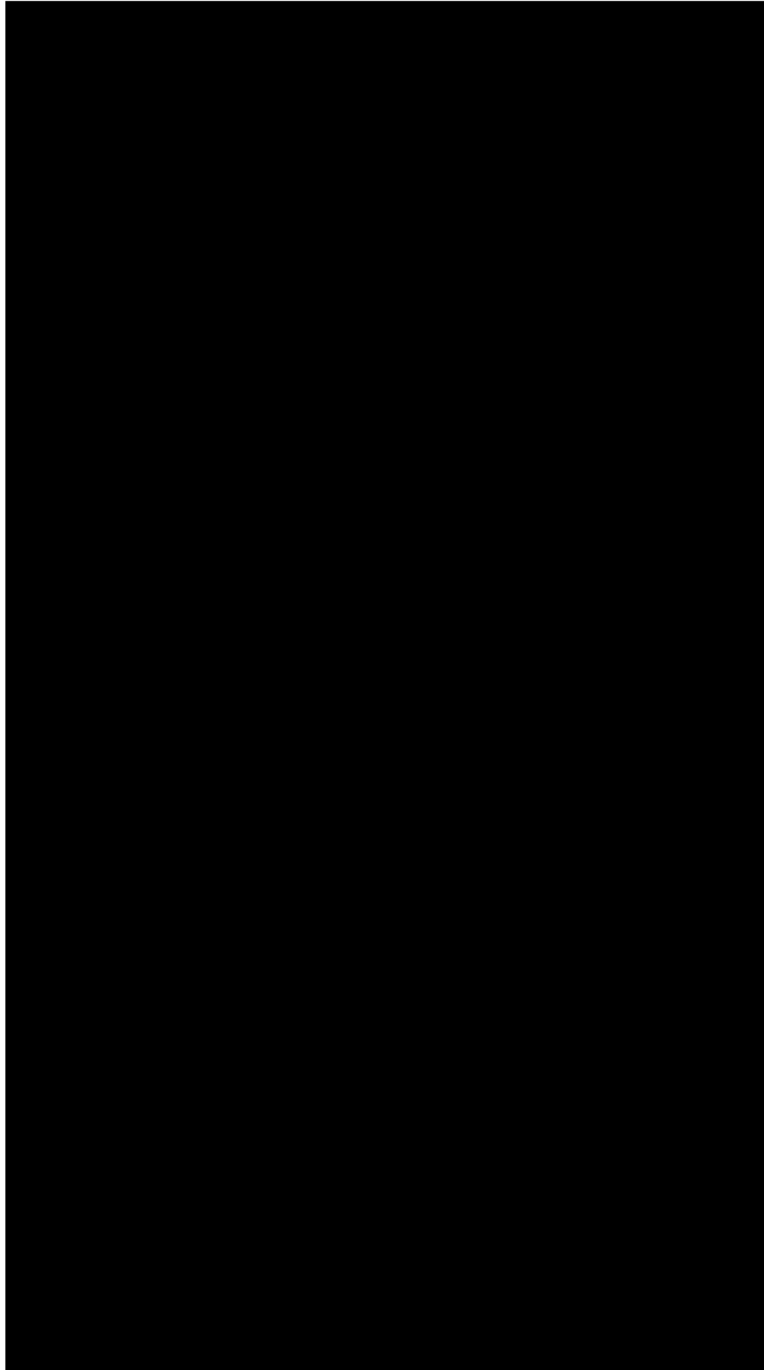


Written By: Sr. Inspector Steve Lynn	Date: 6/1/2006
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**Contra Costa County District Attorney's Office
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Continuation	X

Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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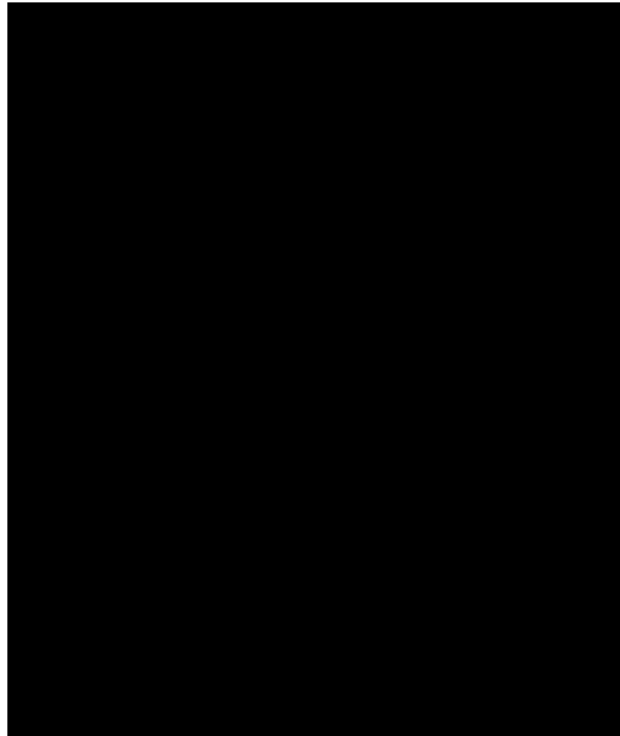
Written By:
Sr. Inspector Steve Lynn

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**Contra Costa County District Attorney's Office
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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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Evidence: (1) Two CD's of interviews with suspects and one CD containing photos taken at [REDACTED] residence. The CD's were tagged and submitted with report.

Vehicle(s): None

Attachment(s): One drawing of weapon sketched by witness [REDACTED]

Narrative: On 05-10-2006, at approximately 0930 hours, I received a telephone call from CCC DA Lieutenant of Inspectors Jerry Sanchez instructing me to respond to the Martinez Police Department (MPD). A Protocol had been invoked as a result of the shooting death of Robert SILVA by Officer(s) of MPD. I

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

**Contra Costa County District Attorney's Office
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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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ultimately responded to the corner of Berrellesa and Buckley Streets, Martinez, where I was teamed with MPD Detective Aaron Roth. After walking the crime scene with and being briefed by responding Protocol Attorneys, Detectives and MPD scene coordinators, we were assigned to interview all the Tenants/staff of Scenic View (State License #075600001) who were present during the time of the incident. Scenic View is a care center for mentally ill patients. We ultimately identified several additional witnesses who had information significant to the investigation. Refer to witness list for specific names of witnesses. I recorded all interviews on a digital recorder. The recordings were transferred to three CD's which were submitted to evidence with this report. Detective Roth made cassette recordings of the interviews sans the interviews of [REDACTED]. Detective Roth submitted his recordings into MPD evidence.

This report reflects the interviews of [REDACTED]. Refer to Detective Roth's report for the interviews of Scenic view patients.

At 1139 hours we began interviewing [REDACTED]. [REDACTED] is an employee of Scenic View and [REDACTED] Scenic view Administrator. [REDACTED] said that at the time of the shooting he was asleep in the second floor north/west bedroom/office. [REDACTED] was awake and working in the same room. The office window looks out to Buckley and is approximately 20 yards west and above where Silva was ultimately shot.

[REDACTED] was awakened by six or seven gunshots at about 0845 hours. He knows because he looked at the clock by his bed within one or two minutes of hearing the shots. I checked the time on the clock and found the time was identical to the time on my cell phone which is set by GPS.

[REDACTED] said he walked to the north window shortly after hearing the shots. [REDACTED] was already looking out the window. [REDACTED] could see Silva lying on his back, his feet up and into the hedge, at the bottom of the stairs on the east side of building. [REDACTED] saw Silva's left arm drop to the ground when he initially

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Sr. Inspector Steve Lynn

Date: 6/1/2006

**Contra Costa County District Attorney's Office
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saw Silva but otherwise saw no movement from Silva. Additionally he could see 3 to 5 police officers standing to the east by a police SUV that was parked in the middle of the street some 25 yards to the east. [REDACTED] could see the officers were pointing their weapons in the direction of the house. After a few minutes, [REDACTED] saw the officer's move toward Silva using a "riot shield" for cover.

[REDACTED] said he and [REDACTED] were concerned the victim might be one of their residences so he went outside to the top of the stairs to see. He could see the subjects face, which was already discolored to the point where [REDACTED] could not tell if the subject was white or Hispanic, and did not recognize the subject. While looking, [REDACTED] saw what appeared to be a gun on the ground next to the right side of the subjects head. [REDACTED] could also he what appeared to be a bullet whole in the chest of the subject.

[REDACTED] remembers hearing the officers speaking but does not recall what they might have been saying. [REDACTED] saw the officers cuff the subject as they reached him. [REDACTED] could not see the subjects head at that time and does not know if the subject was receiving medical attention at that time. It was after the officers reached Silva that [REDACTED] went outside to determine if he knew the subject.

Silva recalls seeing medical personnel arrive and begin providing medical assistance to Silva about 10 minutes after the shooting occurred. At no time did [REDACTED] see any law enforcement personnel act inappropriately. I reviewed [REDACTED] statement with him and concluded the interview at 1145 hours.

We then interviewed [REDACTED] who is the Administrator at Scenic View. [REDACTED] oversees all the activities and care at Scenic View. He states Scenic View is a licensed board and care home for mentally ill patients with schizophrenic and bipolar disorders. He states all of the patients are diagnosed with one or both of the disorders. At the time of this interview, there were 15 patients staying at the facility. Two of the patients, [REDACTED] and [REDACTED] were checked out to outside

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Sr. Inspector Steve Lynn

Date: 6/1/2006

Contra Costa County District Attorney's Office
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facilities prior to and during the incident. [REDACTED] states that most if not all of the patients have the ability to see and remember incidences, at least on a short term basis. The Patients have come and go privileges with evening curfews.

[REDACTED] told us he was at his desk working on the northwest corner of the second floor at about 0845 hours when he heard 8 to 12 gunshots. [REDACTED] was asleep in the same room at the time. [REDACTED] said he jumped straight up and immediately went to the north window to see what was occurring. [REDACTED] first saw several officers in and around a police SUV, all pointing their guns in the direction of the house. The vehicle was in the street about 25 yards down Buckley to the east. Upon seeing the officers with there weapons pointed in his general direction, [REDACTED] immediately moved away from the window and had all the tenants who were awake and upstairs move into the office area.

After sequestering many of the tenants, which took "a couple minutes" and he felt there were going to be no more shots, [REDACTED] looked back out the window. He said [REDACTED] looked out the window at the same time. It was then he first saw Silva at the north east corner of his building. He said Silva's feet were facing east; [REDACTED] could not see Silva's head. [REDACTED] said Silva's left arm was "half way up in the air". [REDACTED] said he saw the arm drop to the ground which was the last movement he saw from Silva. The Officers were still positioned at the Police vehicle with their guns drawn. [REDACTED] does not believe, based on where the officers were, and the position Silva was on the ground, that the officers had a clear view of Silva. [REDACTED] moved away from the window to deal with the tenants before the officers moved forward to Silva. [REDACTED] was at the window and told [REDACTED] the officers were moving forward.

After things had calmed down, [REDACTED] went outside to the top of the stairs. [REDACTED] looked down and could see Silva. He said he saw an unknown object lying on the ground next to the right side of Silva's head.

In recalling the shots he heard, [REDACTED] felt they were of

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	X

Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
---------------------------------------	--------------------------------------

different calibers because of the difference in sound of the shots. [REDACTED] remembers medical personnel arrived on scene and begin medical treatment. He said Silva was handcuffed in the front at the time. [REDACTED] did not hear any commotion prior to hearing the gunshots. He said the window was closed and the air conditioner was on at the time which drowns out most of the noise from outside. [REDACTED] did not open the window until the second time he went to the window. We concluded the interview at 1202 hours.

After concluding the interviews inside we went outside at which time [REDACTED] pointed out an individual who was standing at the southwest corner of Buckley and Richardson. [REDACTED] said the individual had been watching for quite some time and may have known Silva. Detective Roth and I went across the street and contacted [REDACTED]. [REDACTED] was, at first, very hesitant to talk with us. It appeared he had an unknown issue with MPD. I convinced Fachin that I just needed a little of his time so we could conduct a thorough and complete investigation into the incident.

[REDACTED] told us he did not know the decedent personally but had met him briefly the night before. He believes the decedent is [REDACTED]. [REDACTED] said he had gone over to his friend, [REDACTED] house at about 2000 hours on the 9th. [REDACTED] does not know [REDACTED] address, only that he lives a block from [REDACTED] residence. [REDACTED] said Robert Silva was in the house when [REDACTED] arrived. They greeted each other as two strangers would and went into separate areas of the house. [REDACTED] did not see the decedent with any possessions. [REDACTED] said he stayed at [REDACTED] playing video games until around 2230 hours then left to go home. He did not interact or converse with the decedent the entire time sans their initial salutations. [REDACTED] then spontaneously mentioned he saw the decedent again this morning with a "toy cap gun that I could tell was a toy from two blocks away" [REDACTED] described the gun as black with a orange round tip, clear plastic piece before the tip and "looked like a little mini machine gun". [REDACTED] continued to say he could tell it was a toy "plastic" cap gun

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

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Continuation	X

Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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from two blocks away. He described the individual as a thin Mexican male approximately 5 foot 10 inches tall with glasses and wearing a black short sleeved t-shirt. The front of the T-shirt had an impression of a persons face. The individual on the T-shirt wore a bandana.

██████████ said he was in front of his house smoking a cigarette and talking with ██████████ when he saw Robert Silva. ██████████ was leaning against his house facing south on Berrellesa Street when he first saw Silva walking north bound two blocks away at Green street on the east side of Berrellesa. ██████████ said he made no gestures toward Silva, said nothing to Silva and received no acknowledgment from Silva. ██████████ was adamant that I document the gun was a toy and that anyone could tell from a great distance it was a toy.

As ██████████ stood at the corner after the incident he said he saw the coroner's office personnel move the decedent. At that time ██████████ said he recognized the decedent to be the same person he had seen walking with the "toy" gun earlier that morning. My impression of ██████████ was that he was not being complete in his answers as well a little deceptive because of his disdain for MPD officers.

At approximately 1258 hours, Sr. Inspector Ike Menchaca and I went to ██████████ house to recontact and him and attempt to gain a clearer perspective of where he first saw the suspect and at what distances. I brought Sr. Inspector Menchaca instead of Det. Roth because ██████████ had made it very clear he did not like or trust Martinez Police Officers. I felt ██████████ would be more open and honest about what he had seen.

██████████ explained again how he had briefly met the Silva the night before but had no extended contact or conversation with Silva. He also said he did not nor had ever seen the airsoft gun Silva was carrying that morning when ██████████ saw Silva walking north on Berrellesa. ██████████ took us outside and explained/showed us when and where he had seen Silva. ██████████ leaned against the side of his house facing south. From this position one could see

Written By: Sr. Inspector Steve Lynn	Date: 6/1/2006
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Contra Costa County District Attorney's Office
Continuation/Supplemental Report

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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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over two blocks south on Berrellesa and across the street to the east but not North on Berrellesa without moving. [REDACTED] explained how he first saw Silva walking on the east side of the street at Green Street which is two blocks south. This time [REDACTED] said he could only see Silva and not the gun. [REDACTED] pointed out a gray van approximately 50 yards away. He stated when he saw Silva reach that point he recognized Silva as the person he met the night before. As Silva was crossing the street and reaching the northeast corner of Berrellesa, [REDACTED] recognized Silva was carrying a toy gun. [REDACTED] said he then mentioned to [REDACTED] "why is that kid carrying a toy gun". [REDACTED] stated "it wasn't the first thing he expected to see early in the morning" a man in his mid twenties walking with a toy gun.

I had [REDACTED] draw me a picture of the gun he saw Silva carrying and label the picture as far as color. See attached drawing for details.

He said Silva was wearing the same black short sleeve shirt as the night before. [REDACTED] said he first noticed Silva had something in his left hand as Silva neared Main Street, four car lengths from the corner. [REDACTED] said Silva simply walked northbound always looking forward; the gun being held in his left hand, arm extended straight down swinging with the motion of his forward gait. Silva never looked across the street and once Silva reached a point directly east of [REDACTED] did not readjust himself to continue watching Silva. Besides the five minutes [REDACTED] had seen Silva the night before that was the only time [REDACTED] saw Silva. [REDACTED] said he heard about the shooting and went the area of the shooting to see if it was Silva who had been shot.

I asked [REDACTED] why he had a dislike of MPD. He said when he returned from the store that morning and learned from [REDACTED] that the guy they had seen earlier that morning had been "shot five times." [REDACTED] said that seemed kind of "shady". He continued to say that he knew of a MPD officer who had killed someone in "cold blood" and that officer is still on the force.

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

**Contra Costa County District Attorney's Office
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I spoke to [REDACTED] She told me she had no knowledge of the incident and in fact had been at work at the time of the incident. She said [REDACTED] and [REDACTED] had told her about seeing an individual with a toy gun and that person had been shot 5 times for waving the gun at police officers. She does not know Silva. She said [REDACTED] and he is approximately 45 years old. He rents a room from the [REDACTED] I left [REDACTED] my business card with instructions for [REDACTED] to contact me at his earliest convenience.

During a follow-up telephone conversation with [REDACTED] in an attempt to speak with [REDACTED] she told me [REDACTED] was out of town working. [REDACTED] said she does not know the name of his company and his cell phone number had been disconnected. Besides the fact [REDACTED] rents a room from [REDACTED] she knows little about [REDACTED] She states he will be moving out in the near future but even that date is unknown because of her lack of knowledge of [REDACTED] current location or how long he will be out of town on his current job.

On 05-11-06, Detective Roth and I returned to 405 Richardson to complete our interviews of the tenants. Roth had been informed by another Martinez detective that [REDACTED] of [REDACTED] Buckley Street had been on the news the night before. [REDACTED] had told the press she had witnessed the entire incident. We walked up to [REDACTED] Buckley and contacted [REDACTED] [REDACTED] lives at the location with [REDACTED] [REDACTED] was just leaving the house for work as we arrived. We did determine that [REDACTED] had been at work on the 10th during the time of the shooting.

[REDACTED] told us that she was in the house at about 0830 to 0840 in the morning of the 10th. She heard 6 or 7 gunshots coming from somewhere down the street (east). [REDACTED] said she woke [REDACTED] after hearing the shots. [REDACTED] frequently stays at the house but actually lives in Antioch. [REDACTED] got out of bed and within two minutes they went out to the second story

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

**Contra Costa County District Attorney's Office
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Supplemental	
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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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deck. [REDACTED] said they could see officers pointing guns. I checked the view from this area. I could see just to the point where the MPD SUV had been parked just prior to the shooting. The house is set back from the others and the view is partially obstructed by various post plants etc. A person could see people in the street from this distance, which was almost two full blocks, but you cannot see 405 Richardson or the actual street much past Berrellesa. It would be difficult to make out weapons from this distance. [REDACTED] said after about five ten minutes she saw the "SWAT team or something come out with their shields". [REDACTED] said she could not see anyone other than the police and never saw the suspect. [REDACTED] and [REDACTED] continued to go in and out of the house to watch. She made several other statements regarding events that happened but when questioned it was revealed that most of what she knew was from what she was told and not what she actually saw.

At approximately hours we returned to [REDACTED] Buckley and met with [REDACTED] [REDACTED] confirmed [REDACTED] story that she had been asleep at the time the shooting occurred. [REDACTED] woke up and went outside to the landing with [REDACTED] [REDACTED] said she could see officers with guns but could not see what they were doing or who they were confronting. Most of the information that [REDACTED] had was what she learned from others. Even though [REDACTED] told the press she had seen the entire incident she actually saw very little and was giving the press the information second hand.

I did not record this interview. The interview was recorded by Detective Roth on a cassette recorder. He booked this recording along with all the backup cassette recordings he made into Martinez evidence.

End of Report

Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

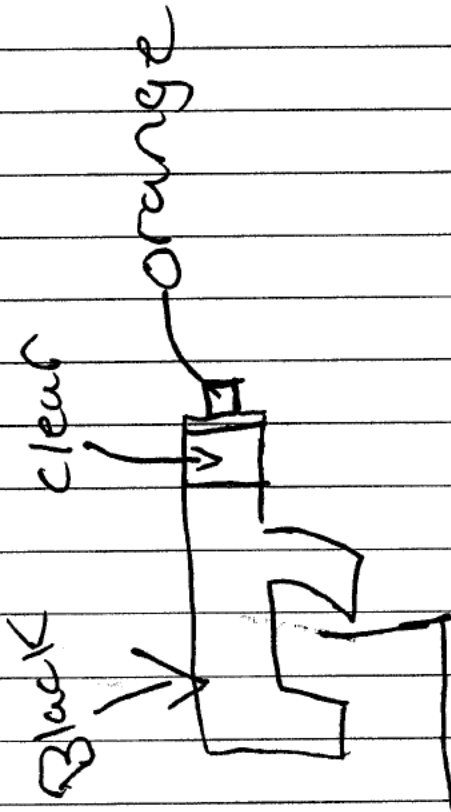
Supplemental	
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Subject / Defendant: SILVA, Robert	Docket / Report No. MPD # 06-2143
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ATTACHMENT A

DRAWING BY [REDACTED]

5-10-06



Written By:
Sr. Inspector Steve Lynn

Date: 6/1/2006



Martinez Police Department

525 Henrietta Street, Martinez, CA 94553

FAX TRANSMITTAL

TO: Sgt Jon Sylvia - Martinez Police **DATE :** 7/20/06

ATTENTION: _____

RECEIVING FAX NUMBER: (619) 299-1619

FROM: Irene Merkel - Records Supervisor (925) 372-3435

COMMENTS: Per your request - documents from crime lab

SENDING FAX NUMBER: (925) 228-3753

TOTAL NUMBER OF PAGES, INCLUDING COVER: _____

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE VIA THE UNITED STATES POSTAL SERVICE.

OFFICE OF THE SHERIFF**Contra Costa County**

Criminalistics Laboratory Division

1122 Escobar St., Martinez, California 94553

Tel. (925) 335-1600 FAX (925) 646-2913

**FAX TRANSMITTAL FORM**Date: 7/20/06 Time: 08:55To: Martinez PDAttn: Sgt. Sylvia via IreneFAX #: 228-3753From: Norman MaddenTotal # of Pages (including face sheet): 7**MESSAGE**

Lab Reports for your case # 06-2143
(Lab # 06-5481-1, 2, 4) Lab report 06-5481-3
not available, liquid blood report.

CRIMINALISTICS LABORATORY
 Contra Costa County Office of the Sheriff
REPORT OF LABORATORY EXAMINATION

Laboratory Number 06-05481-1	Offense(s) Officer Involved Incident	Date(s) Examined 5/10-22/06
Requesting Agency & Case Number Martinez 06-2143	Date of Request 5/10/06	Examinations Requested By Sergeant Simonette
Complainant(s) VanderMeulen, Jeff (Ofc); Carter, Brian (Ofc)	Subject(s) Silva, Robert (d)	

REPORT OF FIELD SERVICES:


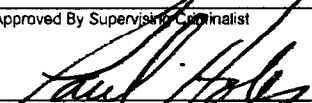
On 5/10/06, at approximately 0930 hours I was informed by Senior Clerk Patricia Olmstead of an officer involved shooting in Martinez. Sergeant Simonette requested our assistance to document the scene and collect evidence.

Lab Aide Rosary Marcelo and I gathered our equipment and responded to the scene. The scene is located on Buckley Street between Berrellesa and Richardson in Martinez. The scene was secured by Officers, crime scene tape, and patrol cars.

Various officers and DA investigators briefed us on what had occurred:

At roughly 0845 hours Richard Silva approached a man in a car in the parking lot by the corner of Alhambra and Escobar. Silva knocked on the window and the man opened the door. Silva pointed a gun at the man and said "Today is your last day on earth". Silva then pulled the trigger twice and the man ducked down to avoid the gun. The man said the gun did not go off and Silva ran away. The man said the gun looked like a Tec-9 or something similar. The man said he heard the gun click twice but it did not fire. The man yelled to others in the construction crew office to call 911. Martinez police responded and found Silva on Buckley. One officer was on foot the other driving a SUV. As the officers approached Silva he pointed a firearm at them and they fired at him. They took cover behind the SUV and waited for a shield to approach Silva who had disappeared behind a hedge. They approached and found Silva dead behind the hedge.

We did a quick survey of the scene. Three fired cartridge cases were observed in the north gutter east of the SUV. Three cartridge cases were located in the SUV and another cartridge case under the SUV. Suspected bullet impacts were observed on the stucco wall of the house on the southeast corner of Buckley and Richardson. Silva's body was present on his back below the rear staircase next to the wall. Criminalist Alex Taflya and Crime Scene Investigator Carolyn Crain arrived to assist. Taflya began taking overall photographs. I rendered both officers' guns safe and packaged them for transport. I received the guns from the Watch Commander's car at the scene. All four of us searched Buckley Street for bullets and bullet fragments. A fired bullet was located in the intersection of Buckley and Richardson. A rusty ball bearing was also located and collected, but is most likely not involved. No other bullets or fragments were recovered.

Signature & Date  7-10-06	Distribution 1 - File 1- DA's Office 1- Martinez PD
Reported By & Title Christopher Lee Coleman, Criminalist	Cc: Sgt. Sylvia, faxed 7/20/06
Approved By Supervising Criminalist  7/20/06	For Additional Information Call (925) 335-1600

06-05481-1

7/10/06

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The Coroner arrived and Silva's body was examined. He has a bullet entrance wound to the center of his chest. He was rolled over and an exit wound and a grazing wound were observed on his back. We assisted the coroner's in placing Silva in a body bag and he was removed from the scene to the Morgue.

We used Lead Check Swabs to test the impacts to the wall. The Lead Check Swabs tested positive with known lead and negative on control areas on the wall. Several of the impacts tested positive. A couple suspected areas tested negative as did two of the impact sites. The two impacts that tested negative did so due to the amount of material ejected from the impact site after being struck (transferred lead ejected out with stucco). We marked evidence with numbered cones and took photographs. We then marked evidence locations and bullet impacts on the wall with blue paint. Crain and Marcelo then departed the scene to meet with a helicopter from East Bay Regional Parks. The helicopter took them up and Crain took aerial photographs of the scene. Tafly and I collected the evidence and took measurements of the scene. Rough sketches of the scene and wall were prepared.

Both officers were brought back to the scene and told me from where they fired shots. I noted where they said they were with where evidence was located. The evidence corresponds very closely to where the officers said they were.

With nothing further we departed the scene.

DESCRIPTION OF EVIDENCE:

Item #	Description	Location
#006	Plastic pellet gun	By suspects head at bottom of stairs
#007	Beretta 96 .40 S&W pistol, S/N: BER275377	From trunk of Watch Commander's Car
#008	Colt M-4 .223 Rem carbine, S/N: A0188656	From trunk of Watch Commander's Car
#008	Four fired .40 S&W casings, three fired .223 casings, fired bullet, live cartridge, ball bearing.	From inside and under SUV, from gutter, from street, from SUV, from street.

The Beretta pistol had one cartridge in the chamber and seven in the magazine (total of 8 out of a possible 12 rounds). Standard procedure at Martinez PD is to top off magazine after charging pistol for 12 rounds. With the four fired rounds 12 rounds accounted for.

The Colt carbine had one cartridge in the chamber and 23 in the magazine (total of 24 out of a possible 31). Standard procedure at Martinez PD is to down load magazine two rounds and leave chamber empty until needed for 28 rounds. With the three fired rounds 27 rounds accounted for. Magazine has good, tight springs so 27 rounds is possible.

EXAMINATION:

The pellet gun was transferred to Lead Fingerprint Examiner Cindy Hull for latent print processing on 5/10/06. She returned the pellet gun to me on 5/11/06. The pellet gun was examined. It was plugged with dirt. The dirt was cleared from the barrel. I examined the pellet gun with a borescope and discovered that one of the pellets was stuck in the feed area and that pellets were not feeding into the barrel so they would fire. The pellet was

06-05481-1

7/10/06

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dislodged and the pellet gun worked normally after that. The pellet gun is not very powerful and pellets only travel about 10 feet once fired from the gun.

Both the Beretta pistol and the Colt carbine were test-fired at the Sheriff's Range to determine approximate ejection patterns when held normally with two handed grips. Both eject cartridge cases slightly back and to the right. Ejection patterns are consistent with what was observed at the scene and with what officers told us.

DISPOSITION:

On 5/11/06, the pellet gun was placed into Escobar Return for pickup.

On 5/15/06, the officer's guns were placed into Escobar Return for pickup.

On 5/19/06, the other evidence was placed into the Evidence Room pending additional analysis. The images were burned to CD's and a copy was placed into the Photograph File and a copy was sent to Martinez Police Department Investigations.

CRIMINALISTICS LABORATORY
 Contra Costa County Office of the Sheriff
REPORT OF LABORATORY EXAMINATION

Laboratory Number 06-5481-2	Offense(s) Officer Involved Shooting	Date(s) Examined 05/11/06
Requesting Agency & Case Number Martinez Police Department 06-2143	Date of Request 05/10/06	Examinations Requested By Sgt. T. Simonette
Complainant(s) Carter, Brian (Officer); VanderMullen, Jeff (Officer)	Subject(s) Silva, Robert	

REPORT OF FIELD SERVICES:

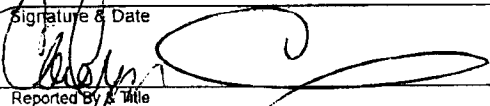
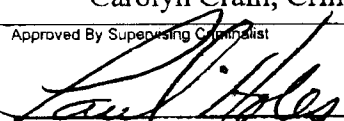
On May 11, 2006, I was requested by Supervising Criminalist P. Holes to document the autopsy of Robert Silva who had reportedly been shot while brandishing a weapon at police on Buckley Street in Martinez. Refer to Laboratory report 06-5481-1 for details regarding the scene processing. Laboratory Aide R. Marcelo was assigned to assist. We arrived at the Coroner's Office at approximately 7:50 AM. The autopsy was performed by Dr. B. Peterson and Pathologist Assistant S. Jagoda.

According to Martinez P.D. Sergeant T. Simonette, Silva had a handgun, approached a construction worker who was seated in his vehicle, and threatened to shoot him. Silva reportedly fled on foot from this area and confronted a Martinez P.D. Officer who saw the weapon and requested backup. Silva reportedly headed down Buckley Street and brandished his weapon while running across the street. At that time, Martinez P.D. Officers fired at Silva and he was struck several times. He was found lying at the bottom of a staircase behind a bush.

Silva, a White male adult with short brown hair, green eyes, no facial hair and intact teeth, was lying on his back in a blue body bag. His hands were in front of his body with handcuffs around both wrists and fingerprint powder on the palms and fingers. A toe tag was attached to his left great toe. He was wearing: a black "Ernesto Che Guevara" t-shirt, a white t-shirt, black "NYC" jeans with a black belt, white "Ralph Lauren" gym shoes and white ankle socks, and blue patterned boxer shorts. A rosary without a cross was around his neck. His prescription glasses were bent and lying in the body bag along with a pair of black gloves. The gloves were removed at the scene in order to obtain fingerprints for identification. Two monochrome tattoos were visible on his upper arms: "USMC" and an eagle on his right and "Silva" and a dragon on his left. ECG patches were attached to his left and right forearm.

Three apparent bullet wounds were visible on the body. A circular shaped apparent bullet entry wound, labeled hole "A", was on the upper chest near the midline. An irregular shaped apparent bullet exit wound, labeled "B", was on the lower right side of the back. An apparent graze type wound, labeled "C", was located on the upper back near the left shoulder area. The trajectory for wounds A and B appeared to be from front to back, left to right and downward. See Coroner's Report 06-1111 for further details regarding the wounds and trajectory. No bullets or fragments were recovered.

The overall appearance of the body and close-up details of the injuries were recorded with a series of photographs. Head and pubic hair standards, as well as nail clippings were collected. A liquid blood standard

Signature & Date  June 7, 2006	Distribution 1 - File
Reported By & Title Carolyn Crain, Crime Scene Investigator	1 - Martinez P.D.
Approved By Supervising Criminalist  6/27/06	<i>Cc: Sgt. Sylvia, faxed 7/20/06</i>
	For Additional Information Call (925) 335-1600

06-5481-2

6/7/06

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was collected for potential DNA analysis. Central Identification Services was notified to obtain additional fingerprints. We left the Coroner's Office at approximately 10:20 AM and returned to the Laboratory.

EVIDENCE INVENTORY:

Item #	Description	Location	Lab Evid. #
2-1	Liquid Blood Evidence Kit	Body of Robert Silva	1
2-2	Head hair standard	Body of Robert Silva	2
2-3	Pubic hair standard	Body of Robert Silva	2
2-4	Nail clippings	Right hand of Robert Silva	2
2-5	Nail clippings	Left hand of Robert Silva	2
2-6	Peerless handcuffs Serial #530091 and etched with Martinez PD #64	Hands of Robert Silva	3
2-7	Rosary without cross	Neck of Robert Silva	4
2-8	Eyeglasses	Body of Robert Silva	5
2-9	White and gray Ralph Lauren gym shoes, size 8 and white ankle socks	Body of Robert Silva	5
2-10	Black "NYC" jeans size 32/32	Body of Robert Silva	5
2-11	Blue patterned boxer shorts	Body of Robert Silva	5
2-12	White "Stafford" t-shirt size M	Body of Robert Silva	5
2-13	Black "Che Guevara" t-shirt size XL	Body of Robert Silva	5
2-14	Black gloves	Body of Robert Silva	5

- One CD containing 75 color images.

DISPOSITION OF EVIDENCE:

The Liquid Blood Evidence Kit, Item 2-1, was submitted to the Forensic Biology Unit of the Laboratory for dry stain preparation (Laboratory Evidence #1).

The remaining evidence was submitted to Martinez P.D. for storage, pending any further requests for analysis.

Seventy-five images were transferred to a CD which will be stored in the Laboratory Photograph File.

06-5481-4



Forensic Services Division
Contra Costa County Office of the Sheriff
1122 Escobar St. Martinez, Ca. 94553
Telephone: (925) 335-1600 Fax: (925) 646-2913

I hereby certify that the above information is true and correct to the best of my knowledge.

REPORT OF LABORATORY EXAMINATION

Laboratory No.	06-5481-4	Agency:	Martinez Police Department
Report Date:	5/18/2006	Agency Case No.:	06-2143
Service:	Post-Mortem	Requested by:	Gary D. Peterson
Request Date:	5/12/2006	Case Type:	Death
Suspects:	Silva, Robert Andrew	Complainant(s):	None Listed
Related Agencies:	06-1111		Coroner's Office

Examination Results

Central Identification Services was requested to collect major case prints. The results of this process are stated below.

One set of post-mortem fingerprints collected for coroner's case # 06-1111 to be sent to the California Department of Justice.

cc: Sgt. Sylvia, faxed & 7/20/06
Examined By: *[Signature]*

Approved By:

Michelle A. Drew

Michelle A Drew, Fingerprint Technician

Debbie Clark

Debra Clark, Lead Fingerprint Technician

Date: May 18, 2006

06-5544-2



Forensic Services Division
Contra Costa County Office of the Sheriff
1980 Muir Road, Martinez, Ca. 94553

REPORT OF LABORATORY EXAMINATION

Laboratory No: 06-5544-2 Agency: Coroner's Office
Report Date: 5/16/2006 Agency Case No.: 06-1111
Service: Alcohol Analysis Requested by: Peterson
Request Date: 5/11/2006 Case Type: Death
Decased: Silva, Robert Andrew
Related Agencies: 06-2143 Martinez Police Department

Offenses:

Death

Description of Evidence (Initial package(s) were submitted tape sealed unless otherwise stated)

Lab Evid #1: Coroner blood alcohol envelope

Test Subject: Silva, Robert Andrew
Type of sample: Coroner
Collected By: Peterson

Container No.: C3287

Blood Alcohol Results:

Negative

Date of analysis: 5/16/2006

Reported By:

Stephanie Williams

Stephanie Williams, Forensic Toxicologist
(Forensic Alcohol Supervisor)

Date: May 16, 2006

Executed in Martinez, Contra Costa County, California

Approved By:

Nivanjit Gill

Nivanjit Gill, Supervising Toxicologist
(Forensic Alcohol Supervisor)

FAKED
7/21/09
Km

FORENSIC SERVICES DIVISION
Office of the Sheriff, Contra Costa County
REPORT OF TOXICOLOGY EXAMINATION

Page 1 of 3

Laboratory Number 06-005544 - 0003	Type of Case Death	Date(s) of Examination 5/15 - 5/31/06
Requesting Agency & Case Number Coroner's Office 06-1111	Date of Request 05/11/2006	Examination Requested By Peterson
Complainant(s) PEOPLE	Suspect(s) -----	

DESCRIPTION OF EVIDENCE:

The following evidence was received from Sandy Jagoda by Eve Marie Clancy on 5/11/2006

Submission #002:

- | | | |
|--|--|--|
| <input type="checkbox"/> One tape sealed sample envelope Kit # | <input type="checkbox"/> Blood Alcohol/Drug(s) | <input type="checkbox"/> Urine Alcohol/Drug(s) |
| <input checked="" type="checkbox"/> One tape sealed plastic bag containing Coroner's | <input checked="" type="checkbox"/> Blood HEART | <input type="checkbox"/> Urine |
| | | <input type="checkbox"/> Vitreous <input type="checkbox"/> Other |

EXAMINATION RESULT(S):

☒ The sample was **NEGATIVE** for the following drug classes:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Amphetamines | <input type="checkbox"/> Acid/Neutral Drugs |
| <input checked="" type="checkbox"/> Cocaine/Cocaine Metabolite | <input type="checkbox"/> Basic Drugs |
| <input checked="" type="checkbox"/> Opiates (Codeine/Morphine) | |
| <input checked="" type="checkbox"/> Benzodiazepines | <input type="checkbox"/> Other: _____ |

Test Subject's Name

Silva, Robert

☐ The following drug(s) were **IDENTIFIED** in the sample:

☒ The sample **SCREENED POSITIVE** for the following drug(s):

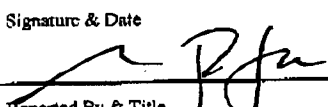
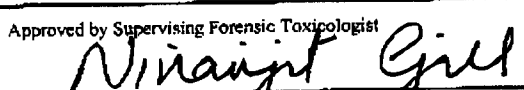
		mcg/ml		mcg/ml
<input type="checkbox"/> Amphetamines	Methamphetamine	_____	Amphetamine	_____
	MDMA*	_____	MDA**	_____
<input type="checkbox"/> Cocaine/Cocaine Metabolite	Cocaine	_____	Coc. Metabolite	_____
<input type="checkbox"/> Opiates (Codeine/Morphine)	Morphine	_____	Codeine	_____
	Hydrocodone	_____	Hydromorphone	_____
<input type="checkbox"/> Benzodiazepines	Diazepam	_____	Nordiazepam	_____
	Oxazepam	_____	Temazepam	_____
<input checked="" type="checkbox"/> Carboxy-Tetrahydrocannabinol		_____		
<input type="checkbox"/> Gamma-Hydroxybutyrate (GHB)		_____		
<input type="checkbox"/> Acid-Neutral Drug(s)		_____		
<input type="checkbox"/> Basic Drug(s)		_____		
<input type="checkbox"/> Other		_____		

*Methylenedioxyamphetamine

**Methylenedioxyamphetamine

If a drug is not reported as positive, it indicates either that it was not detected or, if a drug was detected, it was present at a concentration less than this Laboratory's established cut-off levels. All confirmations, if required, are done by Gas Chromatography/Mass Spectrometry.

REMARKS: The sample was forwarded to National Medical Services for Cannabinoids analyses. Attached are the results of their examinations.

Signature & Date  MAY 31 2006	Distribution: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> District Attorney <input type="checkbox"/> Other <input checked="" type="checkbox"/> File
Reported By & Title Arsenio Ricafrente, Forensic Toxicologist	FAKED 7/21/06 <i>km</i>
Approved by Supervising Forensic Toxicologist 	
For Additional Information, Call: (925) 313-2800	

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2560
RECIPIENT ADDRESS	16192991619
DESTINATION ID	
ST. TIME	07/20 12:25
TIME USE	01'17
PAGES SENT	8
RESULT	OK



Martinez Police Department

525 Henrietta Street, Martinez, CA 94553

FAX TRANSMITTAL

TO: Sgt Jon Sylvia - Martinez Police

DATE : 7/20/06

ATTENTION: _____

RECEIVING FAX NUMBER: (619) 299-1619

FROM: Irene Merkel - Records Supervisor (925) 372-3435

COMMENTS: Per your request - documents from crime lab

OFFICE OF THE SHERIFF**Contra Costa County**

Criminalistics Laboratory Division

1122 Escobar St., Martinez, California 94553

Tel. (925) 335-1600 FAX (925) 646-2913

**FAX TRANSMITTAL FORM**Date: 7/20/06 Time: 08:55To: Martinez PDAttn: Sgt. Sylvia via IreneFAX #: 228-3753From: Norman MaddenTotal # of Pages (including face sheet): 7**MESSAGE**

Lab Reports for your case # 06-2143
(Lab # 06-5481-1, 2, 4) Lab report 06-5481-3
not available, liquid blood report.

CRIMINALISTICS LABORATORY
 Contra Costa County Office of the Sheriff
REPORT OF LABORATORY EXAMINATION

Laboratory Number 06-05481-1	Offense(s) Officer Involved Incident	Date(s) Examined 5/10-22/06
Requesting Agency & Case Number Martinez 06-2143	Date of Request 5/10/06	Examinations Requested By Sergeant Simonette
Complainant(s) VanderMeulen, Jeff (Ofc); Carter, Brian (Ofc)	Subject(s) Silva, Robert (d)	

REPORT OF FIELD SERVICES:

On 5/10/06, at approximately 0930 hours I was informed by Senior Clerk Patricia Olmstead of an officer involved shooting in Martinez. Sergeant Simonette requested our assistance to document the scene and collect evidence.

Lab Aide Rosary Marcelo and I gathered our equipment and responded to the scene. The scene is located on Buckley Street between Berrellesa and Richardson in Martinez. The scene was secured by Officers, crime scene tape, and patrol cars.

Various officers and DA investigators briefed us on what had occurred:

At roughly 0845 hours Richard Silva approached a man in a car in the parking lot by the corner of Alhambra and Escobar. Silva knocked on the window and the man opened the door. Silva pointed a gun at the man and said "Today is your last day on earth". Silva then pulled the trigger twice and the man ducked down to avoid the gun. The man said the gun did not go off and Silva ran away. The man said the gun looked like a Tec-9 or something similar. The man said he heard the gun click twice but it did not fire. The man yelled to others in the construction crew office to call 911. Martinez police responded and found Silva on Buckley. One officer was on foot the other driving a SUV. As the officers approached Silva he pointed a firearm at them and they fired at him. They took cover behind the SUV and waited for a shield to approach Silva who had disappeared behind a hedge. They approached and found Silva dead behind the hedge.

We did a quick survey of the scene. Three fired cartridge cases were observed in the north gutter east of the SUV. Three cartridge cases were located in the SUV and another cartridge case under the SUV. Suspected bullet impacts were observed on the stucco wall of the house on the southeast corner of Buckley and Richardson. Silva's body was present on his back below the rear staircase next to the wall. Criminalist Alex Taflya and Crime Scene Investigator Carolyn Crain arrived to assist. Taflya began taking overall photographs. I rendered both officers' guns safe and packaged them for transport. I received the guns from the Watch Commander's car at the scene. All four of us searched Buckley Street for bullets and bullet fragments. A fired bullet was located in the intersection of Buckley and Richardson. A rusty ball bearing was also located and collected, but is most likely not involved. No other bullets or fragments were recovered.

Signature & Date <i>Chris Coleman</i> 7-10-06	Distribution 1 - File 1 - DA's Office 1 - Martinez PD
Reported By & Title Christopher Lee Coleman, Criminalist	Cc: Sgt. Sylvia, faxed 7/20/06
Approved By Supervising Criminalist <i>Paul Hales</i> 7/20/06	For Additional Information Call (925) 335-1600

06-05481-1

7/10/06

Page 2 of 3

The Coroner arrived and Silva's body was examined. He has a bullet entrance wound to the center of his chest. He was rolled over and an exit wound and a grazing wound were observed on his back. We assisted the coroner's in placing Silva in a body bag and he was removed from the scene to the Morgue.

We used Lead Check Swabs to test the impacts to the wall. The Lead Check Swabs tested positive with known lead and negative on control areas on the wall. Several of the impacts tested positive. A couple suspected areas tested negative as did two of the impact sites. The two impacts that tested negative did so due to the amount of material ejected from the impact site after being struck (transferred lead ejected out with stucco). We marked evidence with numbered cones and took photographs. We then marked evidence locations and bullet impacts on the wall with blue paint. Crain and Marcelo then departed the scene to meet with a helicopter from East Bay Regional Parks. The helicopter took them up and Crain took aerial photographs of the scene. Taflya and I collected the evidence and took measurements of the scene. Rough sketches of the scene and wall were prepared.

Both officers were brought back to the scene and told me from where they fired shots. I noted where they said they were with where evidence was located. The evidence corresponds very closely to where the officers said they were.

With nothing further we departed the scene.

DESCRIPTION OF EVIDENCE:

Item #	Description	Location
#006	Plastic pellet gun	By suspects head at bottom of stairs
#007	Beretta 96 .40 S&W pistol, S/N: BER275377	From trunk of Watch Commander's Car
#008	Colt M-4 .223 Rem carbine, S/N: A0188656	From trunk of Watch Commander's Car
#008	Four fired .40 S&W casings, three fired .223 casings, fired bullet, live cartridge, ball bearing.	From inside and under SUV, from gutter, from street, from SUV, from street.

The Beretta pistol had one cartridge in the chamber and seven in the magazine (total of 8 out of a possible 12 rounds). Standard procedure at Martinez PD is to top off magazine after charging pistol for 12 rounds. With the four fired rounds 12 rounds accounted for.

The Colt carbine had one cartridge in the chamber and 23 in the magazine (total of 24 out of a possible 31). Standard procedure at Martinez PD is to down load magazine two rounds and leave chamber empty until needed for 28 rounds. With the three fired rounds 27 rounds accounted for. Magazine has good, tight springs so 27 rounds is possible.

EXAMINATION:

The pellet gun was transferred to Lead Fingerprint Examiner Cindy Hull for latent print processing on 5/10/06. She returned the pellet gun to me on 5/11/06. The pellet gun was examined. It was plugged with dirt. The dirt was cleared from the barrel. I examined the pellet gun with a borescope and discovered that one of the pellets was stuck in the feed area and that pellets were not feeding into the barrel so they would fire. The pellet was

06-05481-1

7/10/06

Page 3 of 3

dislodged and the pellet gun worked normally after that. The pellet gun is not very powerful and pellets only travel about 10 feet once fired from the gun.

Both the Beretta pistol and the Colt carbine were test-fired at the Sheriff's Range to determine approximate ejection patterns when held normally with two handed grips. Both eject cartridge cases slightly back and to the right. Ejection patterns are consistent with what was observed at the scene and with what officers told us.

DISPOSITION:

On 5/11/06, the pellet gun was placed into Escobar Return for pickup.

On 5/15/06, the officer's guns were placed into Escobar Return for pickup.

On 5/19/06, the other evidence was placed into the Evidence Room pending additional analysis. The images were burned to CD's and a copy was placed into the Photograph File and a copy was sent to Martinez Police Department Investigations.

CRIMINALISTICS LABORATORY
 Contra Costa County Office of the Sheriff
REPORT OF LABORATORY EXAMINATION

Laboratory Number 06-5481-2	Offense(s) Officer Involved Shooting	Date(s) Examined 05/11/06
Requesting Agency & Case Number Martinez Police Department 06-2143	Date of Request 05/10/06	Examinations Requested By Sgt. T. Simonette
Complainant(s) Carter, Brian (Officer); VanderMullen, Jeff (Officer)	Subject(s) Silva, Robert	

REPORT OF FIELD SERVICES:

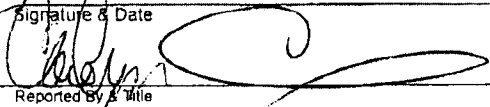

On May 11, 2006, I was requested by Supervising Criminalist P. Holes to document the autopsy of Robert Silva who had reportedly been shot while brandishing a weapon at police on Buckley Street in Martinez. Refer to Laboratory report 06-5481-1 for details regarding the scene processing. Laboratory Aide R. Marcelo was assigned to assist. We arrived at the Coroner's Office at approximately 7:50 AM. The autopsy was performed by Dr. B. Peterson and Pathologist Assistant S. Jagoda.

According to Martinez P.D. Sergeant T. Simonette, Silva had a handgun, approached a construction worker who was seated in his vehicle, and threatened to shoot him. Silva reportedly fled on foot from this area and confronted a Martinez P.D. Officer who saw the weapon and requested backup. Silva reportedly headed down Buckley Street and brandished his weapon while running across the street. At that time, Martinez P.D. Officers fired at Silva and he was struck several times. He was found lying at the bottom of a staircase behind a bush.

Silva, a White male adult with short brown hair, green eyes, no facial hair and intact teeth, was lying on his back in a blue body bag. His hands were in front of his body with handcuffs around both wrists and fingerprint powder on the palms and fingers. A toe tag was attached to his left great toe. He was wearing: a black "Ernesto Che Guevara" t-shirt, a white t-shirt, black "NYC" jeans with a black belt, white "Ralph Lauren" gym shoes and white ankle socks, and blue patterned boxer shorts. A rosary without a cross was around his neck. His prescription glasses were bent and lying in the body bag along with a pair of black gloves. The gloves were removed at the scene in order to obtain fingerprints for identification. Two monochrome tattoos were visible on his upper arms: "USMC" and an eagle on his right and "Silva" and a dragon on his left. ECG patches were attached to his left and right forearm.

Three apparent bullet wounds were visible on the body. A circular shaped apparent bullet entry wound, labeled hole "A", was on the upper chest near the midline. An irregular shaped apparent bullet exit wound, labeled "B", was on the lower right side of the back. An apparent graze type wound, labeled "C", was located on the upper back near the left shoulder area. The trajectory for wounds A and B appeared to be from front to back, left to right and downward. See Coroner's Report 06-1111 for further details regarding the wounds and trajectory. No bullets or fragments were recovered.

The overall appearance of the body and close-up details of the injuries were recorded with a series of photographs. Head and pubic hair standards, as well as nail clippings were collected. A liquid blood standard

Signature & Date  June 7, 2006	Distribution 1 - File
Reported By & Title Carolyn Crain, Crime Scene Investigator	1 - Martinez P.D.
Approved By Supervising Criminalist  6/27/06	Cc: Sgt. Sylvia, faxed 7/20/06 For Additional Information Call (925) 335-1600

06-5481-2

6/7/06

Page 2 of 2

as collected for potential DNA analysis. Central Identification Services was notified to obtain additional fingerprints. We left the Coroner's Office at approximately 10:20 AM and returned to the Laboratory.

EVIDENCE INVENTORY:

Item #	Description	Location	Lab Evid. #
2-1	Liquid Blood Evidence Kit	Body of Robert Silva	1
2-2	Head hair standard	Body of Robert Silva	2
2-3	Pubic hair standard	Body of Robert Silva	2
2-4	Nail clippings	Right hand of Robert Silva	2
2-5	Nail clippings	Left hand of Robert Silva	2
2-6	Peerless handcuffs Serial #530091 and etched with Martinez PD #64	Hands of Robert Silva	3
2-7	Rosary without cross	Neck of Robert Silva	4
2-8	Eyeglasses	Body of Robert Silva	5
2-9	White and gray Ralph Lauren gym shoes, size 8 and white ankle socks	Body of Robert Silva	5
2-10	Black "NYC" jeans size 32/32	Body of Robert Silva	5
2-11	Blue patterned boxer shorts	Body of Robert Silva	5
2-12	White "Stafford" t-shirt size M	Body of Robert Silva	5
2-13	Black "Che Guevara" t-shirt size XL	Body of Robert Silva	5
2-14	Black gloves	Body of Robert Silva	5

- One CD containing 75 color images.

DISPOSITION OF EVIDENCE:

The Liquid Blood Evidence Kit, Item 2-1, was submitted to the Forensic Biology Unit of the Laboratory for dry stain preparation (Laboratory Evidence #1).

The remaining evidence was submitted to Martinez P.D. for storage, pending any further requests for analysis.

Seventy-five images were transferred to a CD which will be stored in the Laboratory Photograph File.



06-5481-4

Forensic Services Division
Contra Costa County Office of the Sheriff
1122 Escobar St. Martinez, Ca. 94553
Telephone: (925) 335-1600 Fax: (925) 646-2913

**REPORT OF LABORATORY EXAMINATION**

Laboratory No 06-5481-4

Agency: Martinez Police Department

Report Date: 5/18/2006

Agency Case No.: 06-2143

Service: Post-Mortem

Requested by: Gary D. Peterson

Request Date: 5/12/2006

Case Type: Death

Suspects: Silva, Robert Andrew

Complainant(s): None Listed

Related Agencies:

06-1111

Coroner's Office

Examination Results

Central Identification Services was requested to collect major case prints. The results of this process are stated below.

One set of post-mortem fingerprints collected for coroner's case # 06-1111 to be sent to the California Department of Justice.

cc: Sgt. Sylvia, faxed 6/7/20/06

Examined By

Approved By:

Michelle A. Drew, Fingerprint Technician

Debra Clark, Lead Fingerprint Technician

Date: May 18, 2006

CRIMINALISTICS LABORATORY
Contra Costa County Office of the Sheriff
REPORT OF LABORATORY EXAMINATION

Laboratory Number 06-5481-2	Offense(s) Officer Involved Shooting	Date(s) Examined 05/11/06
Requesting Agency & Case Number Martinez Police Department 06-2143	Date of Request 05/10/06	Examinations Requested By Sgt. T. Simonette
Complainant(s) Carter, Brian (Officer); VanderMullen, Jeff (Officer)	Subject(s) Silva, Robert	

REPORT OF FIELD SERVICES:


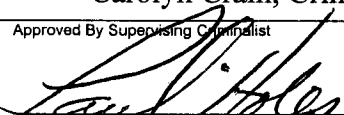
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According to Martinez P.D. Sergeant T. Simonette, Silva had a handgun, approached a construction worker who was seated in his vehicle, and threatened to shoot him. Silva reportedly fled on foot from this area and confronted a Martinez P.D. Officer who saw the weapon and requested backup. Silva reportedly headed down Buckley Street and brandished his weapon while running across the street. At that time, Martinez P.D. Officers fired at Silva and he was struck several times. He was found lying at the bottom of a staircase behind a bush.

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Signature & Date  June 7, 2006	Distribution 1 - File
Reported By & Title Carolyn Crain, Crime Scene Investigator	1 - Martinez P.D.
Approved By Supervising Criminalist  4/27/06	For Additional Information Call (925) 335-1600

was collected for potential DNA analysis. Central Identification Services was notified to obtain additional fingerprints. We left the Coroner's Office at approximately 10:20 AM and returned to the Laboratory.

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MARTINEZ POLICE DEPARTMENT

Page 55

525 HENRIETTA ST MARTINEZ, CA 94553 925-372-3440

SUPPLEMENT 12

06-2143

On 8/1/2006, the Martinez Police Department received the Coroner's Report, Verdict of Coroner's Jury and Toxicology Report concerning the death of Robert SILVA. The Coroner's Report documented that SILVA received a Graze gun shot wound to the Left Shoulder and Perforating gun shot wound to the chest. The cause of death is documented as gun shot wound of the chest. The Coroner's Jury found that SILVA's death was as a result of "at the hands of another, other than by accident". The Toxicology report documented that SILVA's body contained no blood alcohol but showed a positive result for Delta-9 THC (Active ingredient for Marijuana). The above reports were placed into the case file for this report.

Prepared By:

96 O'NEAL, JIM

Date:

08/02/2006

File 8-2 L4

[Signature]



CONTRA COSTA COUNTY
OFFICE OF THE SHERIFF - CORONER
CORONER'S REPORT



CLASSIFICATION: Homicide/Gunshot **CASE:** 06-1111

DECEDENT: SILVA ROBERT ANDREW
Last First Middle

DATE REPORTED: 05/10/2006 **TIME REPORTED:** 1104 **HOURS**

DATE OF DEATH: 05/10/2006 **TIME OF DEATH:** 0900 **HOURS**

AKA: _____ **Other I.D.:** [REDACTED]

DOB: 01/08/1979 **AGE:** 27 **YEARS** (**UNDER 1 YEAR:** 0 **MONTHS** 0 **DAYS**)

SEX: Male **RACE:** Caucasian **EST HGT:** 5-9 **EST WGT:** 103

HAIR: Brown **EYES:** Blue **SOCIAL SEC#:** _____

USUAL ADDRESS: 1601 E Katie Ave #243

CITY STATE ZIP: Las Vegas, NV **PHONE#:** _____

IDENTIFIED BY: [REDACTED] **DATE:** 05/10/2006 **TIME:** _____ **HOURS**

ADDRESS and PHONE#: [REDACTED]

OTHER INVESTIGATING AGENCY: Martinez PD

AGENCY FILE#: 06-2143 **ASSIGNED OFFICER:** Det. Maloney

NEXT OF KIN

[REDACTED] [REDACTED]
NAME OF LEGAL NEXT OF KIN RELATIONSHIP TO DECEASED

ADDRESS: [REDACTED]

RESIDENCE PHONE #: [REDACTED] **BUSINESS PHONE#:** _____

AUTHORIZED ALTERNATE NEXT OF KIN RELATIONSHIP TO DECEASED
ADDRESS: _____

RESIDENCE PHONE #: _____ **BUSINESS PHONE#:** _____

LEGAL NOK NOTIFIED BY: Insp. Wasteney **AGENCY:** CCC DA's Office

NOTIFIED DATE: 05/10/2006 **TIME:** 1900 **HOURS HOW:** In Person

REPORTED BY DEPUTY CORONER: D. O'Brien

DECEDENT: SILVA, ROBERT ANDREW **CASE #:** 06-1111

FUNERAL HOME

F. D. O. C.: Connolly and Taylor Mortuary

ADDRESS, PHONE: 4000 Alhambra Ave., Martinez, CA 94553

(925) 228-4700

PLACE OF DEATH

LOCATION: Public Roadway

(i.e., Residence/Hospital - ER or IP/ Public or Private Roadway, etc.,)

ADDRESS: Buckley St. @ Richardson St.

CITY and STATE: Martinez, CA 94553 CORONER'S SEAL? No

PRONOUNCED AND / OR DETERMINED BY: AMR Unit ID 6159

REPORTED BY: Martinez PD Dispatch PHONE #: 925-372-3440

DECEASED DISCOVERED BY: PHONE #:

ADDRESS:

BODY REMOVED TO: Coroner's Office ORDERED BY: O'Brien

MEDICAL HISTORY

REGULAR PHYSICIAN: PHONE #:

ADDRESS:

DATE LAST SEEN: MEDICAL NUMBER:

MEDICAL HISTORY:

DECEDENT: SILVA, ROBERT ANDREW CASE #: 06-1111

INJURY INFORMATION

DATE OF INJURY: 05/10/06 TIME OF INJURY: 0845 HOURS

LOCATION OF INJURY: Public Roadway
(i.e., Residence/ Hospital -ER or IP / Public or Private Roadway, etc.,)

ADDRESS INJURY OCCURRED: Buckley St. @ Richardson St.
Martinez, CA 94553

MAP LOCATION: _____ AT WORK: No

HOW INJURY OCCURRED: Gunshot wound to Chest

IF APPLICABLE, TYPE OF GUN AND/OR WEAPONS: AR-15 and 40 Cal Berretta

VEHICLE MAKE, MODEL, YEAR, LIC#: _____

MV STATUS: _____ REG. TO: _____

ADDRESS: _____

TOWED TO: _____ ORDERED BY: _____

WITNESSES:

(NAME, ADDRESS, TELEPHONE)

1. Inspector Wasteney Contra Costa County DA's Office 925-250-8867
2. _____
3. _____
4. _____

IDENTIFIABLE INFORMATION

(i.e. scars, marks, tattoos)

INVESTIGATIVE REPORT

CASE#: 06-1111

Date: 05/10/2006 Time: 1100 Hours

I received a phone call from Martinez Police Department Dispatch in regards to an Officer involved shooting that occurred on this date. Dispatch requested the Coroner's presence (per Sgt Richardson Martinez PD) at Buckley St @ Richardson Street in the City of Martinez.

Deputy Biggs and I arrived onscene at 1135 hrs. While on scene I noticed the decedent laying on the sidewalk near some concrete steps near an apartment building. I also noticed that near the decedent was a weapon (laying on the step), upon closer inspection of the weapon it appeared to be a black in color handgun(possible replica). After looking at the scene, I asked the Contra Costa County Crime lab to determine if the decedent had been identified. The Crime Lab and Martinez PD told me that the decedent had not been identified at this time. I then spoke with Martinez Police Sgt. Princs in regards to this detail and Deputy Biggs provided assistance by taking photographs of the scene. Also Sgt. Forsyth (Coroner's supervisor) arrived and took photographs of this incident.

Sgt. Princs told me that earlier this morning the decedent (later identified as Robert Andrew Silva) brandished a weapon at Corporal Carter (Martinez Police Department) at the corner of Alhambra Ave and Escobar Street in the City of Martinez. After the weapon was brandished, the decedent fled the scene, Corporal Carter advised Dispatch that a weapon was brandished at him and radioed for assistance (Code 3 cover). Shortly after he (Carter) and Officer Vandermeulen canvassed the area for the decedent. The decedent was then seen at the corner of Buckley Street and Richardson Street (City of Martinez, approximately 1 block from Alhambra and Escobar). The Martinez Police Officers attempted to make contact with the decedent. Shortly after making contact with the decedent, the Martinez Officer engaged the decedent and fired upon the decedent. Sgt. Princs could not provide details in regards to what led the Officers to fire upon the decedent. Sgt. Princs told me that Corporal Carter's weapon was an AR-15 and that Officer Vandermeulen's weapon was a 40 caliber Beretta. Sgt. Princs could not provide any information on how many rounds (bullets) were fired in this incident.

Sgt. Princs had no other information to provide at this time. I was not able to speak to Detective Sgt. Peterson and Detective Maloney due to the fact that they were not on scene and was busy with other aspects of this Officer involved incident.

After I was finished speaking to Sgt Princs, I made contact with the Office of the Sheriff Crime Lab technicians who were on scene. I was advised that the decedent was fingerprinted and palm printed for identification purposes. I asked the Techs if they would also measure the distance from where the Officer's vehicle was at it's point of rest to where the decedent was laying. The distance to where the Martinez Officer's vehicle was at (where the Officer's engaged the decedent) and where the decedent was laying was

INVESTIGATIVE REPORT

CASE#: 06-1111

approximately seventy feet and one inches (the measurement was taken via roll-a-tape).

After the measurement was taken, Inspector Hole and Deputy DA Clark wanted to see where rounds (bullets) entered the decedent. Inspection of the decedent showed that a round entered the upper center chest area and an exit wound was present in the right lower part of the decedent's shoulder blade area. There was a tear on the back of the decedent's right shoulder area and internal body pieces within the shirt area.

Prior to leaving the scene, Deputy D.A Clark told me that Inspector Wasteney was in the process of getting the decedent identified and believed that the decedent was a Robert Andrew Silva. Clark said that [REDACTED] photo identified the decedent. Clark then provided me with Wasteney's contact information and advised that I could get information from him.

After the District Attorney inspectors looked at the decedent, they advised that there was no other need for the decedent to still be on scene. I verified that Martinez PD did not need the decedent. After all information was gathered, and verifying that all agencies were finished with the decedent, Deputy Biggs and I gathered the decedent and transported the decedent back to the Coroner's office.

While at the Coroner's office the decedent was weighed, tagged and x-rayed prior to being stored for examination on 05/11/06.

After storing the decedent I contact Inspector Wasteney in regards to the identification of the decedent. Wasteney told me that [REDACTED] was [REDACTED] to the decedent and that [REDACTED] identified the decedent via a photograph identification. Wasteney also told me that [REDACTED] just recently came back from Las Vegas and that while in Las Vegas the decedent left his wallet there. [REDACTED] brought the wallet back to Martinez and was going to give it to Robert. Wasteney told me that [REDACTED] gave him the wallet and within the wallet was a photo of Robert Andrew Silva.

Wasteney also provided me with next of kin information and that he was going to fly to Henderson Nevada to contact the decedent's [REDACTED] Wasteney told me that he would contact the Coroner's Office when he made official notification. Wasteney had no other information to provide at this time.

After speaking to Wasteney I checked RMS for any identification information pertaining to the decedent. I was able to find an expired/surrendered (to Nevada) California DMV information pertaining to the decedent. I asked Sgt. Forsyth to provide me with a California DMV Photo /Soundex information so I could see a photo of the individual assigned to this license. Shortly after, Sgt Forsyth provided me the photograph, fingerprint

INVESTIGATIVE REPORT

CASE#: 06-1111

and information pertaining to the license. The photo looked liked the decedent.

I contacted Debbie Clark of the Crime Lab in regards to the fingerprints taken of the decedent, and provided her with the name and date of birth of the decedent. Shortly after Debbie Clark called back and verbally told me that the decedent was a Robert Andrew Silva (DOB: 01/08/1979) and that the decedent's fingerprint matched the DMV fingerprint.

I advised Inspector Wasteney of the positive identification of the decedent.

No other information at this time.

Deputy D O'Brien

Date: 05/12/2006 Time: 0800 Hours

I reviewed this report and determined that this death meets the requirements for a Coroner's Inquest. An Inquest date will be set at a later time when the investigation is completed and the manner of death determined by a Coroner's Jury.

Deputy C. Kay

Date: 05/13/2006 Time: 1430 Hours

A representative from Connolly and Taylor Funeral Directors presented a release signed by the next of kin, [REDACTED] of the deceased. I released the remains to the representative. There was no property and clothing was taken by Martinez PD.

Deputy M. McDonald

Date: 07/25/2006 Time: 1450 Hours

On this date a Coroner's Inquest was held into the decedent's death. A Coroner's jury, after hearing sworn testimony from witnesses called before Hearing Officer Stuart Willis, found that the decedent's death was as a result of "at the hands of another, other than by accident" (Homicide).

An amended Certificate of Death will be prepared and filed reflecting the finding of the Coroner's Jury.

Deputy C. Kay

INVESTIGATIVE REPORT

CASE#: 06-1111

APPROVED BY SUPERVISOR: Chris Forsyth

OFFICE OF THE SHERIFF-CONTRA COSTA COUNTY
CORONER'S DIVISION

WARREN E. RUPF, SHERIFF-CORONER

NAME: SILVA, ROBERT ANDREW

AUTOPSY REPORT 2006-1111

POSTMORTEM AT: CENTRAL MORGUE

DATE: 05/11/06 TIME: 0915 HR.

FINISH TIME: 1030 HR.

PLACE OF DEATH: MARTINEZ, CALIFORNIA

DATE: 05/10/06 TIME: 0900 HR.

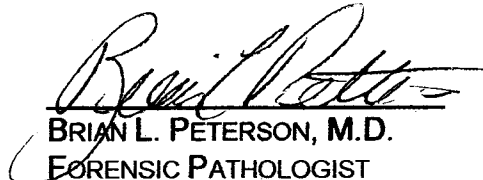
AUTOPSY DIAGNOSES

1. Perforating gunshot wound, chest:
 - A. Indeterminate range entrance wound, mid anterior chest.
 - B. Perforation of chest wall, inferior vena cava and right atrium, right middle and lower lung lobes, and posterior chest wall.
 - C. Exit wound, right lower posterior chest wall.
 - D. Trajectory; left to right, downward, and front to back.
 - E. No cutaneous evidence of close range firing.
2. Graze wound, left shoulder.

CAUSE OF DEATH: GUNSHOT WOUND OF CHEST

DATE: 5-17-06

BLP/ICA


BRIAN L. PETERSON, M.D.
FORENSIC PATHOLOGIST

X-RAYS

Five digital x-rays are reviewed, including a film of the left side of the chest and upper arm, right side of the chest and upper arm, mid torso, and two films of the head. With the exception of jewelry, no additional metallic densities are identified.

The body is received in an intact pouch. The body is in the supine position, with the hands handcuffed over the anterior surface of the torso. In the bag with the body is a pair of eyeglasses. The neck is encircled by a necklace, consisting of light brown wooden beads and yellow metal. Also within the bag but not on the body are a pair of black cloth gloves.

CLOTHING

The body is clad in a black short sleeved tee shirt with "Che Guevera" photographed on the chest; a bullet hole is in the center portion of Che's beret. Beneath the black short sleeved tee shirt is a white tee shirt. Additional clothing consists of blue denim trousers secured by a dark brown leather belt, multicolored boxer shorts, white socks, and gray and white athletic shoes. The shoe and sock have been previously removed from the left foot to allow placement of a body identification tag. Additional holes on the posterior surface of the tee shirt correspond to gunshot injuries to be described further below.

EVIDENCE OF MEDICAL THERAPY

EKG patches are on the forearms.

EXTERNAL EXAMINATION

The fully clad, cool, unembalmed body is that of a mildly cachectic, well developed, male, which measures approximately 69 inches, weighs 103 pounds, and appears consistent with the listed age of 27 years. The scalp hair is brown, straight and up to 1 inch in length. The irides are gray the corneas are clear, and the sclerae and conjunctivae are unremarkable. The dentition is natural and in good repair. There is no external injury of the ears, nose, or lips. The neck is unremarkable externally. Injuries of the chest will be described below. The abdomen is scaphoid. The external genitalia are those of a circumcised adult male with bilaterally descended testes. Examination of the extremities reveals a monochrome tattoo on the right shoulder consisting of an eagle and the letters USMC. On the left shoulder is a tattoo of a dragon and the letters SILVA. The extremities are otherwise unremarkable, specifically; there is no evidence of old or recent incision on the wrists or forearms. The anus is unremarkable. Lividity is dorsal and fixed except in areas exposed to pressure, and rigor mortis is full in the extremities, but easily overcome.

EVIDENCE OF INJURY

The following numbers and/or letters are assigned to the following injuries for record keeping purposes and do not necessarily reflect order of fire.

1. Perforating Gunshot Wound, Chest: 16 inches below the vertex, 3 ½ inches below the suprasternal notch, ¼ inch above a line connecting the nipples, and beginning at the anterior midline extending slightly to the right is an oval, indeterminate range, gunshot wound of entrance. The circular portion of the wound measures ½ inch in diameter, and is surrounded by elliptical tearing and abrasion from 2 o'clock to 8 o'clock, making the total measurement of the wound in this axis 1 ¼ inches. This abrasion pattern indicates that passage into the chest is left to right and downward. This entrance wound is designated letter **A**. 22 inches below the vertex, 11 inches below the right acromioclavicular joint and 5 inches to the right of the posterior midline is a stellate exit wound, designated letter **B**. This injury measures ½ inch in greatest dimension. The trajectory from letter **A** to **B** is downward, front to back, and left to right.

2. Graze Wound, Left Shoulder: 12 inches below the vertex, 4 inches below the left acromioclavicular joint and 4 ½ inches to the left of the posterior midline is an elliptical graze-type gunshot wound. This wound is designated letter **C**. The range is indeterminate, and it measures 3 x 1 ½ inches. Examination of skin tags at the margins of the injury indicates the bullet passage is right to left.

INTERNAL EXAMINATION

BODY CAVITIES

The body is opened using the usual Y-shaped and intermastoid incisions, and the chest plate is removed. There are no adhesions in the pericardial, pleural, or peritoneal spaces. All body organs are in the normal anatomic position. The midline anterior abdominal fat layer measures ½ inch.

INTERNAL EVIDENCE OF INJURY

Once the soft tissue of the chest is reflected, a gunshot injury is found involving the lateral sternum and proximal cartilage of right rib #4. A hemorrhagic wound passes through the pericardial sac, the junction of the inferior vena cava, and right atrium, right middle lobe, right lower lobe, to exit through rib #11 posteriorly, again, the trajectory is front to back, downward, and right to left. There is a right hemothorax.

SYSTEMS REVIEW

CENTRAL NERVOUS SYSTEM

Removal of the calvarium reveals an intact dura mater, with no evidence of epidural or subdural hemorrhage. The external surface of the 1400 gram brain is symmetrical, with no evidence of subarachnoid hemorrhage. Coronal sections through the cerebrum reveal no focal lesions, and transverse sections through the cerebellum and brainstem are unremarkable. The structures at the base of the brain, including blood vessels and cranial nerves are intact.

NECK

Examination of the soft tissues of the neck, including strap muscles, thyroid gland, and large vessels, reveals no abnormalities. The hyoid bone, thyroid and cricoid cartilages are intact.

GASTROINTESTINAL TRACT

The mucosa of the esophagus, stomach, and duodenum is intact; the gastric lumen is empty. The small and large bowel are unremarkable. The appendix is present.

CARDIOVASCULAR SYSTEM

See "Evidence of Injury". The external surface of the 190 gram heart is otherwise unremarkable. Serial sections through the right dominant coronary arteries reveal that they are patent, without significant atherosclerosis or thrombus. Sections through the myocardium reveal that the uninjured myocardium is uniformly red-brown and firm. With the exception of the gunshot injury, the chambers and valves are unremarkable. The great vessels exit and return to the heart in a normal distribution and are unobstructed.

RESPIRATORY SYSTEM

See "Evidence of Injury". The mucosal of the larynx, trachea, and bronchi are pink-tan and unremarkable. The normally lobated lungs are covered by glistening pleural surfaces except where injured. Sections on the left reveal a dry well-aerated parenchyma, while sections on the right reveal a hemorrhagic parenchyma in keeping with bullet passage. The pulmonary arteries and veins are normally distributed and unobstructed. The right lung weighs 210 grams and the left lung weighs 240 grams.

HEPATOBIILIARY SYSTEM

The liver weighs 750 grams and is covered by a glistening, intact capsule. Sections reveal a dark red-brown uniform parenchyma. The extrahepatic biliary tree is normally distributed and unobstructed. The

gallbladder contains approximately 20 ml of yellow liquid bile. The pancreatic parenchyma is yellow-tan and lobular and the ducts are clear.

RETICULO-LYMPHATIC SYSTEM

The 110 gram spleen is covered by a wrinkled, intact, gray capsule. Sections reveal a normal parenchyma with a normal distribution of white and red pulp. The regional lymph nodes and bone marrow are grossly unremarkable.

GENITOURINARY SYSTEM

The renal capsules are smooth, thin, and semi-transparent, and strip with ease to reveal a smooth, red-brown cortical surface. The cortex is slightly congested and measures up to 0.6 cm in thickness, and is sharply delineated from the unremarkable medulla and collecting system. The ureters follow the normal course to the urinary bladder, which contains approximately 20 ml of yellow, clear urine. Each kidney weighs 120 grams. The prostate gland and testes are normal to palpation.

MUSCULOSKELETAL SYSTEM

There are no bone or joint abnormalities. The skeletal muscle is red-brown and firm.

ENDOCRINE SYSTEM

The pituitary, thyroid, and adrenal glands are normal in size, shape, and location.

SPECIMENS RETAINED

Heart blood, stock tissue sections in formalin and urine. Syva Rapid test d.a.u.9 performed on the urine is positive for THC.

PRESENT

S. Jagoda, Pathologist's Assistant
G. Peterson, Martinez Police Department
M. Estanol, Martinez Police Department
P. Mulligan, Martinez Police Department
B. Clad, Contra Costa County District Attorney's Office
B. Hole, Contra Costa County District Attorney's Office
R. Marels, Contra Costa County Sheriff's Office, Criminalistics Laboratory
C. Crain, Contra Costa County Sheriff's Office, Criminalistics Laboratory

06-5544-2



Forensic Services Division
Contra Costa County Office of the Sheriff
1960 Muir Road, Martinez, Ca. 94553

REPORT OF LABORATORY EXAMINATION

Laboratory No: 06-5544-2 Agency: Coroner's Office
Report Date: 5/16/2006 Agency Case No.: 06-1111
Service: Alcohol Analysis Requested by: Peterson
Request Date: 5/11/2006 Case Type: Death
Deceased: Silva, Robert Andrew
Related Agencies:
06-2143 Martinez Police Department

Offenses:

Death

Description of Evidence (Initial package(s) were submitted tape sealed unless otherwise stated)

Lab Evid #1: Coroner blood alcohol envelope

Test Subject: **Silva, Robert Andrew**

Type of sample: **Coroner**

Container No.: C3287

Collected By: Peterson

Blood Alcohol Results:

Negative

Date of analysis: 5/16/2006

Reported By:

Stephanie Williams

Stephanie Williams, Forensic Toxicologist
(Forensic Alcohol Supervisor)

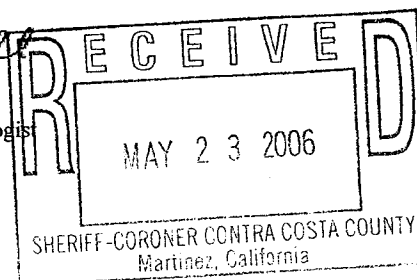
Date: May 16, 2006

Executed in Martinez, Contra Costa County, California

Approved By:

Nivanjit Gill

Nivanjit Gill, Supervising Toxicologist
(Forensic Alcohol Supervisor)



FORENSIC SERVICES DIVISION
Office of the Sheriff, Contra Costa County
REPORT OF TOXICOLOGY EXAMINATION

Page 1 of 3

Laboratory Number 06-005544 - 0003	Type of Case Death	Date(s) of Examination 5/15 - 5/31/06
Requesting Agency & Case Number Coroner's Office 06-1111	Date of Request 05/11/2006	Examination Requested By Peterson
Complainant(s) PEOPLE	Suspect(s) _____	

DESCRIPTION OF EVIDENCE:

The following evidence was received from Sandy Jagoda by Eve Marie Clancy on 5/11/2006

Submission #002:

- | | | |
|--|---|--|
| <input type="checkbox"/> One tape sealed sample envelope Kit # | <input type="checkbox"/> Blood Alcohol/Drug(s) | <input type="checkbox"/> Urine Alcohol/Drug(s) |
| <input checked="" type="checkbox"/> One tape sealed plastic bag containing Coroner's | <input checked="" type="checkbox"/> Blood
HEART | <input type="checkbox"/> Urine |
| | | <input type="checkbox"/> Vitreous <input type="checkbox"/> Other |

EXAMINATION RESULT(S):

☒ The sample was **NEGATIVE** for the following drug classes:

Test Subject's Name

Silva, Robert

- | | |
|--|---|
| <input checked="" type="checkbox"/> Amphetamines | <input type="checkbox"/> Acid/Neutral Drugs |
| <input checked="" type="checkbox"/> Cocaine/Cocaine Metabolite | <input type="checkbox"/> Basic Drugs |
| <input checked="" type="checkbox"/> Opiates (Codeine/Morphine) | |
| <input checked="" type="checkbox"/> Benzodiazepines | <input type="checkbox"/> Other: _____ |

☐ The following drug(s) were **IDENTIFIED** in the sample:

☒ The sample **SCREENED POSITIVE** for the following drug(s):

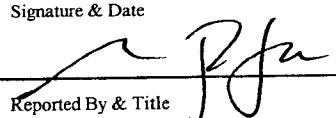
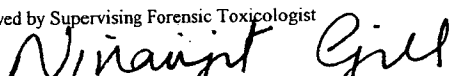
		mcg/ml		mcg/ml
<input type="checkbox"/> Amphetamines	Methamphetamine	_____	Amphetamine	_____
	MDMA*	_____	MDA**	_____
<input type="checkbox"/> Cocaine/Cocaine Metabolite	Cocaine	_____	Coc. Metabolite	_____
<input type="checkbox"/> Opiates (Codeine/Morphine)	Morphine	_____	Codeine	_____
	Hydrocodone	_____	Hydromorphone	_____
<input type="checkbox"/> Benzodiazepines	Diazepam	_____	Nordiazepam	_____
	Oxazepam	_____	Temazepam	_____
<input checked="" type="checkbox"/> Carboxy-Tetrahydrocannabinol	_____			
<input type="checkbox"/> Gamma-Hydroxybutyrate (GHB)	_____			
<input type="checkbox"/> Acid-Neutral Drug(s)	_____			
<input type="checkbox"/> Basic Drug(s)	_____			
<input type="checkbox"/> Other	_____			

*Methylenedioxymethamphetamine

**Methylenedioxyamphetamine

If a drug is not reported as positive, it indicates either that it was not detected or, if a drug was detected, it was present at a concentration less than this Laboratory's established cut-off levels. All confirmations, if required, are done by Gas Chromatography/Mass Spectrometry.

REMARKS: The sample was forwarded to National Medical Services for Cannabinoids analyses. Attached are the results of their examinations.

Signature & Date  MAY 31 2006	Distribution: <input type="checkbox"/> Agency <input type="checkbox"/> District Attorney <input type="checkbox"/> Other <input checked="" type="checkbox"/> File
Reported By & Title Arsenio Ricafrente, Forensic Toxicologist	
Approved by Supervising Forensic Toxicologist 	For Additional Information, Call: (925) 313-2800

**National Medical Services Inc.**

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437

Phone: (215) 657-4900 Fax: (215) 657-2972

e-mail: nms@nmslab.com

Robert A. Middleberg, PhD, DABFT, DABCC, Laboratory Director

06 5544 3

CONFIDENTIAL

MAY 31 2006 *μ 2/3***Toxicology Report**

Report Issued 05/19/2006 09:00

Patient Name SILVA, ROBERT

Patient ID 06-5544-3-S2

Chain 10571092

Age 27 Y Gender M

21C

Contra Costa Cty. Crime Lab

Attn: Nivanjit Gil

1960 Muir Road

Martinez, CA 94553

Workorder 06471162

Received 5/17/2006

This analysis was performed under chain of custody. The chain of custody documentation is on file at National Medical Services.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded six (6) weeks from the date of this report; and generated data will be discarded five (5) years from the date of this report.

Lab Sample ID: 06471162-001 Patient Name: SILVA, ROBERT Matrix: Blood

Collect Date/Time	Container Type	Approx Volume/Weight
05/11/06 10:00 AM	Gray Top Tube	9 mL

Receipt Notes None Entered

Analysis and Comments	Result	Units	Reporting Limit	Notes
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Specimen Source: Cardiac Blood

0960B Cannabinoids Panel, Blood

Analysis by Gas Chromatography/Mass Spectrometry (GC/MS)

Delta-9 THC	2.2	ng/mL	1.0
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Synonym(s): Active ingredient of Marijuana

The concentrations in Blood are usually about one-half of Serum/Plasma concentrations.

Usual peak levels in Serum for 1.75% or 3.55% THC marijuana cigarettes:

50 - 270 ng/mL at 6 to 9 minutes after beginning smoking, decreasing to less than 5 ng/mL by 2 hours.
Passive inhalation: Up to 2 ng/mL.

Delta-9 Carboxy THC	14	ng/mL	5.0
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Synonym(s): Inactive Metabolite

OFFICE OF THE SHERIFF
06 MAY 26 PM 1:33
FORENSIC SVCS DIV.

**National Medical Services Inc.**

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437

Phone: (215) 657-4900 Fax: (215) 657-2972

e-mail: nms@nmslab.com

Robert A. Middleberg, PhD, DABFT, DABCC, Laboratory Director

06 5544 3

CONFIDENTIAL

MAY 31 2006 1:33

Lab Sample ID: 06471162-001

Patient Name: SILVA, ROBERT

Matrix: Blood

Analysis and Comments	Result	Units	Reporting Limit	Notes
-----------------------	--------	-------	-----------------	-------

Usual peak levels in Serum for 1.75% or 3.55% THC
marijuana cigarettes: 10 - 101 ng/mL about 32 to 240 minutes after
beginning smoking, with a slow decline.
Usually not detectable after passive inhalation.

11-Hydroxy Delta-9 THC

None Detected

ng/mL

5.0

Synonym(s): Active Metabolite

Usual peak levels: Less than 10% of THC levels after
smoking.

OFFICE OF THE SHERIFF
05 MAY 26 PM 1:33
FORENSIC SVCS DIV.

**Contra Costa County
Coroner's Office**

VERDICT OF CORONER'S JURY

In the matter of the inquest on the body of **Robert Andrew Silva**

Before Stuart Willis, Hearing Officer.

Inquisition was taken on this date in Contra Costa County, State of California on the body of the above named person, at which time and place a duly summoned Coroner's Jury was sworn to inquire into the circumstances attending said death, and in what manner, where and when said death occurred.

We, the members of the Coroner's Jury, certify that our verdict is as follows:

Name of Deceased: **Robert Silva**

Sex: **Male** Age: **27** Race: **Caucasion**

Date of Death: **5/10/06** Time of Death: **0900**

Place of Death: **Public Roadway**

Medical Cause of Death: **Gunshot wound of chest**

Death was caused by: **At the hands of another person other than by accident**

Dated: 7/25/06

Approved: **WARREN E. RUPF, Sheriff-Coroner**
Contra Costa County

By Cynthia Kay
Cynthia Kay
Deputy Sheriff-Coroner



CONTRA COSTA COUNTY
OFFICE OF THE SHERIFF - CORONER
CORONER'S REPORT



CLASSIFICATION: Homicide/Gunshot **CASE:** 06-1111

DECEDENT: SILVA ROBERT ANDREW
Last First Middle

DATE REPORTED: 05/10/2006 **TIME REPORTED:** 1104 **HOURS**

DATE OF DEATH : 05/10/2006 **TIME OF DEATH :** 0900 **HOURS**

AKA: _____ **Other I.D.:** _____

DOB: 01/08/1979 **AGE:** 27 **YEARS** (**UNDER 1 YEAR:** 0 **MONTHS** 0 **DAYS**)

SEX: Male **RACE:** Caucasian **EST HGT:** 5-9 **EST WGT:** 103

HAIR: Brown **EYES:** Blue **SOCIAL SEC#:** _____

USUAL ADDRESS: 1601 E Katie Ave #243

CITY STATE ZIP: Las Vegas, NV **PHONE#:** _____

IDENTIFIED BY: _____ **DATE:** 05/10/2006 **TIME:** _____ **HOURS**

ADDRESS and PHONE#: _____

OTHER INVESTIGATING AGENCY: Martinez PD

AGENCY FILE#: 06-2143 **ASSIGNED OFFICER:** Det. Maloney

NEXT OF KIN

NAME OF LEGAL NEXT OF KIN *RELATIONSHIP TO DECEASED*

ADDRESS: _____

RESIDENCE PHONE #: _____ **BUSINESS PHONE#:** _____

AUTHORIZED ALTERNATE NEXT OF KIN *RELATIONSHIP TO DECEASED*

ADDRESS: _____

RESIDENCE PHONE #: _____ **BUSINESS PHONE#:** _____

LEGAL NOK NOTIFIED BY: Insp. Wasteney **AGENCY:** CCC DA's Office

NOTIFIED DATE: 05/10/2006 **TIME:** 1900 **HOURS** **HOW:** In Person

REPORTED BY DEPUTY CORONER: D. O'Brien

DECEDENT: SILVA, ROBERT ANDREW CASE #: 06-1111

INJURY INFORMATION

DATE OF INJURY: 05/10/06 TIME OF INJURY: 0845 HOURS

LOCATION OF INJURY: Public Roadway
(i.e., Residence/ Hospital -ER or IP / Public or Private Roadway, etc.,)

ADDRESS INJURY OCCURRED: Buckley St. @ Richardson St.
Martinez, CA 94553

MAP LOCATION: _____ AT WORK: No

HOW INJURY OCCURRED: Gunshot wound to Chest

IF APPLICABLE, TYPE OF GUN AND/OR WEAPONS: AR-15 and 40 Cal Berretta

VEHICLE MAKE, MODEL, YEAR, LIC#: _____

MV STATUS: _____ REG. TO: _____

ADDRESS: _____

TOWED TO: _____ ORDERED BY: _____

WITNESSES:

(NAME, ADDRESS, TELEPHONE)

1. Inspector Wasteney Contra Costa County DA's Office 925-250-8867
2. _____
3. _____
4. _____

IDENTIFIABLE INFORMATION

(i.e. scars, marks, tattoos)

INVESTIGATIVE REPORT

CASE#: 06-1111

approximately seventy feet and one inches (the measurement was taken via roll-a-tape).

After the measurement was taken, Inspector Hole and Deputy DA Clark wanted to see where rounds (bullets) entered the decedent. Inspection of the decedent showed that a round entered the upper center chest area and an exit wound was present in the right lower part of the decedent's shoulder blade area. There was a tear on the back of the decedent's right shoulder area and internal body pieces within the shirt area.

Prior to leaving the scene, Deputy D.A Clark told me that Inspector Wasteney was in the process of getting the decedent identified and believed that the decedent was a Robert Andrew Silva. Clark said that [REDACTED] photo identified the decedent. Clark then provided me with Wasteney's contact information and advised that I could get information from him.

After the District Attorney inspectors looked at the decedent, they advised that there was no other need for the decedent to still be on scene. I verified that Martinez PD did not need the decedent. After all information was gathered, and verifying that all agencies were finished with the decedent, Deputy Biggs and I gathered the decedent and transported the decedent back to the Coroner's office.

While at the Coroner's office the decedent was weighed, tagged and x-rayed prior to being stored for examination on 05/11/06.

After storing the decedent I contact Inspector Wasteney in regards to the identification of the decedent. Wasteney told me that [REDACTED] to the decedent and that [REDACTED] identified the decedent via a photograph identification. Wasteney also told me that [REDACTED] just recently came back from Las Vegas and that while in Las Vegas the decedent left his wallet there. [REDACTED] brought the wallet back to Martinez and was going to give it to Robert. Wasteney told me that [REDACTED] gave him the wallet and within the wallet was a photo of Robert Andrew Silva.

Wasteney also provided me with next of kin information and that he was going to fly to Henderson Nevada to contact the decedent's father, Joey Silva. Wasteney told me that he would contact the Coroner's Office when he made official notification. Wasteney had no other information to provide at this time.

After speaking to Wasteney I checked RMS for any identification information pertaining to the decedent. I was able to find an expired/surrendered (to Nevada) California DMV information pertaining to the decedent. I asked Sgt. Forsyth to provide me with a California DMV Photo / Soundex information so I could see a photo of the individual assigned to this license. Shortly after, Sgt Forsyth provided me the photograph, fingerprint

INVESTIGATIVE REPORT

CASE#: 06-1111

APPROVED BY SUPERVISOR: Chris Forsyth

X-RAYS

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The body is received in an intact pouch. The body is in the supine position, with the hands handcuffed over the anterior surface of the torso. In the bag with the body is a pair of eyeglasses. The neck is encircled by a necklace, consisting of light brown wooden beads and yellow metal. Also within the bag but not on the body are a pair of black cloth gloves.

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EVIDENCE OF MEDICAL THERAPY

EKG patches are on the forearms.

EXTERNAL EXAMINATION

The fully clad, cool, unembalmed body is that of a mildly cachectic, well developed, male, which measures approximately 69 inches, weighs 103 pounds, and appears consistent with the listed age of 27 years. The scalp hair is brown, straight and up to 1 inch in length. The irides are gray the corneas are clear, and the sclerae and conjunctivae are unremarkable. The dentition is natural and in good repair. There is no external injury of the ears, nose, or lips. The neck is unremarkable externally. Injuries of the chest will be described below. The abdomen is scaphoid. The external genitalia are those of a circumcised adult male with bilaterally descended testes. Examination of the extremities reveals a monochrome tattoo on the right shoulder consisting of an eagle and the letters USMC. On the left shoulder is a tattoo of a dragon and the letters SILVA. The extremities are otherwise unremarkable, specifically; there is no evidence of old or recent incision on the wrists or forearms. The anus is unremarkable. Lividity is dorsal and fixed except in areas exposed to pressure, and rigor mortis is full in the extremities, but easily overcome.

SYSTEMS REVIEW

CENTRAL NERVOUS SYSTEM

Removal of the calvarium reveals an intact dura mater, with no evidence of epidural or subdural hemorrhage. The external surface of the 1400 gram brain is symmetrical, with no evidence of subarachnoid hemorrhage. Coronal sections through the cerebrum reveal no focal lesions, and transverse sections through the cerebellum and brainstem are unremarkable. The structures at the base of the brain, including blood vessels and cranial nerves are intact.

NECK

Examination of the soft tissues of the neck, including strap muscles, thyroid gland, and large vessels, reveals no abnormalities. The hyoid bone, thyroid and cricoid cartilages are intact.

GASTROINTESTINAL TRACT

The mucosa of the esophagus, stomach, and duodenum is intact; the gastric lumen is empty. The small and large bowel are unremarkable. The appendix is present.

CARDIOVASCULAR SYSTEM

See "Evidence of Injury". The external surface of the 190 gram heart is otherwise unremarkable. Serial sections through the right dominant coronary arteries reveal that they are patent, without significant atherosclerosis or thrombus. Sections through the myocardium reveal that the uninjured myocardium is uniformly red-brown and firm. With the exception of the gunshot injury, the chambers and valves are unremarkable. The great vessels exit and return to the heart in a normal distribution and are unobstructed.

RESPIRATORY SYSTEM

See "Evidence of Injury". The mucosal of the larynx, trachea, and bronchi are pink-tan and unremarkable. The normally lobated lungs are covered by glistening pleural surfaces except where injured. Sections on the left reveal a dry well-aerated parenchyma, while sections on the right reveal a hemorrhagic parenchyma in keeping with bullet passage. The pulmonary arteries and veins are normally distributed and unobstructed. The right lung weighs 210 grams and the left lung weighs 240 grams.

HEPATOBIILIARY SYSTEM

The liver weighs 750 grams and is covered by a glistening, intact capsule. Sections reveal a dark red-brown uniform parenchyma. The extrahepatic biliary tree is normally distributed and unobstructed. The

06-5544-2



Forensic Services Division
Contra Costa County Office of the Sheriff
1960 Muir Road, Martinez, Ca. 94553



REPORT OF LABORATORY EXAMINATION

Laboratory No:	06-5544-2	Agency:	Coroner's Office
Report Date:	5/16/2006	Agency Case No.:	06-1111
Service:	Alcohol Analysis	Requested by:	Peterson
Request Date:	5/11/2006	Case Type:	Death
Deceased:	Silva, Robert Andrew		
Related Agencies:	06-2143 Martinez Police Department		

Offenses:

Death

Description of Evidence (Initial package(s) were submitted tape sealed unless otherwise stated)

Lab Evid #1: Coroner blood alcohol envelope

Test Subject:	Silva, Robert Andrew		
Type of sample:	Coroner	Container No.:	C3287
Collected By:	Peterson		

Blood Alcohol Results:

Negative

Date of analysis: 5/16/2006

Reported By:

Stephanie Williams

Stephanie Williams, Forensic Toxicologist
(Forensic Alcohol Supervisor)

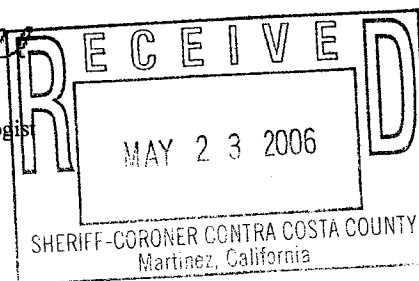
Date: May 16, 2006

Executed in Martinez, Contra Costa County, California

Approved By:

Nivanjit Gill

Nivanjit Gill, Supervising Toxicologist
(Forensic Alcohol Supervisor)



**National Medical Services Inc.**

3701 Welsh Road, PO Box 433A, Willow Grove, PA 19090-0437

Phone: (215) 657-4900 Fax: (215) 657-2972

e-mail: nms@nmslab.com

Robert A. Middleberg, PhD, DABFT, DABCC, Laboratory Director

06 5544 3

CONFIDENTIAL

MAY 31 2006 *m 2/3***Toxicology Report****Report Issued** 05/19/2006 09:00**Patient Name** SILVA, ROBERT**Patient ID** 06-5544-3-S2**Chain** 10571092**Age** 27 Y **Gender** M

21C

Contra Costa Cty. Crime Lab

Attn: Nivanjit Gil

1960 Muir Road

Martinez, CA 94553

Workorder 06471162**Received** 5/17/2006

This analysis was performed under chain of custody. The chain of custody documentation is on file at National Medical Services.

Unless alternate arrangements are made by you, the remainder of the submitted specimens will be discarded six (6) weeks from the date of this report; and generated data will be discarded five (5) years from the date of this report.

Lab Sample ID: 06471162-001**Patient Name:** SILVA, ROBERT**Matrix:** Blood**Collect Date/Time****Container Type****Approx Volume/Weight**

05/11/06 10:00 AM

Gray Top Tube

9 mL

Receipt Notes None Entered

Analysis and Comments	Result	Units	Reporting Limit	Notes
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Specimen Source: Cardiac Blood

0960B Cannabinoids Panel, Blood

Analysis by Gas Chromatography/Mass Spectrometry (GC/MS)

Delta-9 THC

2.2

ng/mL

1.0

Synonym(s): Active ingredient of Marijuana

The concentrations in Blood are usually about one-half of Serum/Plasma concentrations.

Usual peak levels in Serum for 1.75% or 3.55% THC marijuana cigarettes:

50 - 270 ng/mL at 6 to 9 minutes after beginning smoking, decreasing to less than 5 ng/mL by 2 hours.

Passive inhalation: Up to 2 ng/mL.

Delta-9 Carboxy THC

14

ng/mL

5.0

Synonym(s): Inactive Metabolite

OFFICE OF THE SHERIFF
06 MAY 26 PM 1:33
FORENSIC SVCS DIV

From: MERCY CABRAL
To: DAVE CUTAIA; IRENE MERKEL
Date: 9/28/2006 9:18:50 AM
Subject: Fwd: RE: Claim for [REDACTED]

Claim was received from [REDACTED] re: shooting of [REDACTED] Robert Silva on May 10, 2006. I need a copy of the Police Report 06-1111.

Thanks. Mercy
>>> "Rick Buys" <RBuys@mpa-nc.com> 09/28/06 07:33AM >>>
Mercy

Yes, please get me a copy of the police report as well.

Thanks,
Rick

-----Original Message-----

From: MERCY CABRAL [<mailto:MCABRAL@cityofmartinez.org>]
Sent: Wednesday, September 27, 2006 11:09 AM
To: Rick Buys
Subject: Claim for [REDACTED]

We received a claim re [REDACTED] death; it will go out today. Do you need or do you have copies of the police report? Let me know so that I can request them from Chief Dave Cutaia.

Mercy G. Cabral, Deputy City Clerk
City of Martinez
(925) 372-3512

06-5481-5



Forensic Services Division
 Contra Costa County Office of the Sheriff
 1122 Escobar St. Martinez, Ca. 94553
 Telephone: (925) 335-1600 Fax: (925) 646-2913



REPORT OF LABORATORY EXAMINATION

Laboratory No:	06-5481-5	Agency:	Martinez Police Department
Report Date:	1/4/2007	Agency Case No.:	06-2143
Service:	Identification	Requested by:	Peterson, Gary
Request Date:	5/10/2006	Case Type:	Death
Suspects:	Silva, Robert Andrew	Complainant(s):	None Listed
Related Agencies:	06-1111	Coroner's Office	

Summary:

The evidence .40 S&W cartridge casings and bullet were fired from the Beretta pistol. The evidence .223 Rem cartridge casings have similar class characteristics and some individual characteristics but an insufficient amount for identification.

Both the Beretta pistol and Colt rifle functioned normally when test-fired.

Evidence: (Outer package(s) are tape sealed unless otherwise stated)

Lab Evid #	Other ID	Evidence from Laboratory #:06-005481
007		CB cont. Beretta 96G .40 S&W semi-auto pistol, S/N: BER275377.
008		CB cont. Colt M4 .223 Rem full-auto carbine, S/N: A0188656.
009		BPB cont. fired cartridge cases, fired bullet, and misc. firearms evidence.

Examination Results:

The Beretta pistol was examined and no unusual wear, damage, or alterations were found. The designed safeties and controls functioned normally. The measured single action trigger pull was 5¼ pounds; the double action pull was 10 pounds. The pistol functioned normally when test-fired and the test-fires were retained by the laboratory. The pistol has 6 right rifling and a hemispherical firing pin.

The Colt rifle was examined and no unusual wear, damage, or alterations were found. The designed safeties and controls functioned normally. The measured single action trigger pull was 7 pounds. The rifle functioned normally when test-fired and the test-fires were retained by the laboratory. The rifle has 6 right rifling and a hemispherical firing pin.

The fired bullet was examined and determined to be a 180 grain, .40 caliber HST copper jacketed hollow point bullet marketed by Federal with 6 right rifling impressions.

Examined By:

Chris Coleman, Criminalist

Date: January 04, 2007

Approved By:

Forensic Services Division
Contra Costa County
Office of the Sheriff

06-5481-05
Chris Coleman
1/4/2007
Page 2 of 2

The fired cartridge cases were examined. Items #9-3 to 9-6 were determined to be .40 S&W cartridge cases marketed by Federal with hemispherical firing pin impressions. Items #9-7 to 9-9 were determined to be .223 Remington cartridge cases marketed by Lake City Arsenal with hemispherical firing pin impressions. All of the cases are nickel plated brass with nickel plated brass primers.

The evidence bullet was compared to the test-fired bullets from the Beretta pistol. Sufficient agreement in class and individual characteristics was observed between the land impressions to conclude that the bullet was fired from the Beretta pistol.

The evidence .40 S&W cartridge cases were microscopically compared to the test-fired cases from the Beretta pistol. Sufficient agreement in class and individual characteristics was observed between the firing pin impressions and magazine marks to conclude that the cases were fired from the Beretta pistol.

The evidence .223 Remington cartridge cases were microscopically compared to the test-fired cases from the Colt rifle. All class characteristics agree and there is some agreement in individual characteristics but an insufficient amount for a conclusive identification. The test-fires from the Colt rifle exhibited the same quality of individual marks as the evidence cases.

Disposition:

On 5/15/06, the pistol and rifle were placed into Escobar Return for pickup.

On 11/9/06, the other evidence from the scene was placed into Escobar Return for pickup.

The test-fires from the pistol and rifle will be retained by the laboratory.

06-5481-3



Forensic Services Division
Contra Costa County Office of the Sheriff
1122 Escobar St. Martinez, Ca. 94553
Telephone: (925) 335-1600 Fax: (925) 646-2913

1 10/20/06 10:00 AM 10/20/06 10:00 AM 10/20/06 10:00 AM 10/20/06 10:00 AM 10/20/06 10:00 AM 10/20/06 10:00 AM 10/20/06 10:00 AM 10/20/06 10:00 AM

REPORT OF LABORATORY EXAMINATION

Laboratory No:	06-5481-3	Agency:	Martinez Police Department
Report Date:	9/28/2006	Agency Case No.:	06-2143
Service:	Liquid Blood	Requested by:	Peterson, Gary
Request Date:	5/11/2006	Case Type:	Death
Suspects:	Silva, Robert Andrew	Complainant(s):	None Listed
Related Agencies:	06-1111	Coroner's Office	

Summary:

A dried blood whole sample was prepared from the liquid blood kit listed below and will be maintained in the Laboratory's frozen reference collection. This sample may be used for typing at a later time.

Evidence: (Outer package(s) are tape sealed unless otherwise stated)

<u>Lab Item #</u>	<u>Other ID</u>	<u>Description:</u>
001		One TS Liquid Blood Evidence Kit Item 2-1
001-01		coin envelope: Dried blood sample from Robert Andrew Silva

Disposition:

The liquid blood kit will be returned to the submitting agency.

The dried blood sample prepared from the liquid blood kit will be maintained in the laboratory's frozen reference blood collection.

Examined By:

Rosary Marcelo, Laboratory Aide

Date: September 28, 2006

Approved By: