

and \*\*\*\*\* appears confused and frightened. As they were coming out of the residence you could hear Officer Clifton asking \*\*\*\*\* "Is your last name \*\*\*\*\*" \*\*\*\*\* responded back, "\*\*\*\*\*" Officer Clifton asked \*\*\*\*\* "Do you work for Brandt Farms?" \*\*\*\*\* responded, "No." Officer Clifton responded and asked, "No, where do you work at." \*\*\*\*\* replied, "I work at (unintelligible word) Cold Storage." Officer Clifton asks, "Not at Brandt Farms?" As \*\*\*\*\* and \*\*\*\*\* were standing in front of him, Deputy Montoya asked in a loud voice, "He said someone broke into your house." \*\*\*\*\* responded, "I have no idea, we have all been up." Deputy Montoya asks, "You have all been up, have you heard anything?" Deputy Montoya asks if anyone broke into their house, and \*\*\*\*\* and \*\*\*\*\* both responded no. \*\*\*\*\* said, "I know there were cops around the area but that was about it. Deputy Montoya asked again if anyone broke into their house and \*\*\*\*\* and \*\*\*\*\* both said no. Deputy Montoya asked if there was anyone else in the residence, \*\*\*\*\* said her mom was inside asleep.

At 2:48:02 AM, Deputy Montoya asks for everyone to exit the residence. Deputy Montoya asked if there were any loose dogs inside the residence, and \*\*\*\*\* said only in the backyard. Deputy Montoya told \*\*\*\*\* that they were going clear the residence to make sure nobody was inside. Deputy Montoya asked \*\*\*\*\* to tell her father (\*\*\*\*\* what they were doing. \*\*\*\*\* explained to \*\*\*\*\* in Spanish that they needed to get out because they were going to check the residence. The last person to exit was \*\*\*\*\*'s mother.

At 2:48:32 AM, Deputy Montoya made two announcements prior to entering the residence with his K-9 partner. As Deputy Montoya enters the residence he draws his hand gun and begins clearing the residence. In the background, Officer Clifton is heard saying, "Black pants and grey shirt."

At 2:48:59 AM, Deputy Montoya enters what appears to be a bedroom and he says, "I got black pants and white shirt right here."

**NOTE:** This appears to be \*\*\*\*\*'s bedroom.

Officer Clifton is seen with a flashlight looking at the clothes lying on the couch where Deputy Montoya said he saw black pants and a white shirt. Deputy Montoya says something to the affect, "There are grey ones or shorts." Officer Clifton says unknown words and Deputy Montoya replies, "Oh, they were black...black."

At 2:49:16 AM, both Officer Clifton and Deputy Montoya exit the bedroom. Deputy Montoya then enters into the garage of the residence. Deputy Montoya exits the

garage and comes back into the living area and into the kitchen. At that time, Officer Clifton says from a distance that he was in the bathroom. It sounds like Deputy Durkee says there is a dog back there. Deputy Montoya enters into the hallway bathroom and the shower/bath has a plastic curtain less than a quarter open. Deputy Montoya opens up the curtain about half way and clears it. Deputy Montoya exits this bathroom.

At 2:50:09 AM, Deputy Montoya enters the master bedroom and into the master bathroom. Inside the bathroom, on the floor there appears to be a black pair of pants. Also, a light blue/green plastic clothes hamper is seen. A pair of white female's underwear and blue striped shirt are on the top resting on the edge of the hamper. The shower curtain in this bathroom is almost fully closed. Deputy Montoya exits this bedroom.

At 2:50:49 Deputy Montoya clears another bedroom and exits and says, "Nothing." Deputy Montoya then asks if there is any other room that needs to be cleared, then Deputy Montoya says, "Okay." Deputy Montoya says, "There were...I think they are girl pants though but there are some black jeans in the bathroom on this side." Officer Clifton replies, "Okay."

At 2:51:03 AM, Deputy Montoya begins walking in the residence and enters into a bedroom (This appears to be \*\*\*\*\*'s bedroom). Deputy Montoya lights his flashlight into the closet then makes his way back out of this bedroom. Deputy Montoya walks back into the hallway and flashes his flashlight momentarily into the hallway bathroom. The shower curtain to this bathroom is a little over half opened. A dark large thick cloth is resting on the sink counter which appears to be a towel. Deputy Montoya walks to the master bedroom.

At 2:51:59 AM, Deputy Durkee is seen inside the master bedroom. Deputy Durkee if flashing his light into the master bathroom. A shadow on the door to the bathroom shows what appears to be clothing been shuffled around or thrown around. You can slightly see what appears to be Officer Clifton holding something that appears to be a black pair of pants and Deputy Durkee says, "It's small." Deputy Durkee then walks away.

At 2:52:19 AM, Deputy Montoya walks away and says, "Which one is his bedroom here?" Deputy Montoya walks down the hallway into another bedroom. Deputy Montoya shines his light into this bedroom and walks out back into the hallway. Deputy Montoya enters into a bathroom off the hallway and on the floor there is a pair of black basketball type black shorts. Deputy Montoya opens the cabinets



located in the bathroom and quickly exits. Deputy Montoya begins walking again back through the kitchen and living area.

At 2:53:15 AM, Deputy Montoya enters what was later confirmed to be \*\*\*\*\* Jr's bedroom. Deputy Montoya walks over to a small dresser drawer and opens the top drawer. Deputy Montoya grabs a wallet from the drawer he opened and looks inside the wallet. Deputy Montoya places the wallet on top of the dresser drawer and quickly retrieves it and places it back inside the drawer. It appears Deputy Montoya left the drawer open before walking away. Deputy Montoya walks back through the kitchen and into the living area. As he is walking back into the hallway Officer Clifton is seen inside the hallway restroom and then is seen walking out.

At 2:54:04 AM, while in the living room, \*\*\*\*\* is seen at the entrance of the front residence door. \*\*\*\*\* asks if she could use the restroom and Deputy Montoya says, "Okay, give us a second okay." Deputy Montoya walks back into the hallway and says, "She needs to use the restroom apparently." Deputy Montoya walks back through the kitchen and into the living area. As he is walking back into the hallway Officer Clifton is seen inside the hallway restroom and then is seen walking out. Officer Clifton is seen walking into a bedroom near the restroom as Deputy Durkee stands in the hallway. Deputy Montoya whispers to Deputy Durkee, "I didn't see anything." Deputy Durkee nods his head as to indicate no. Officer Clifton walks out of the room and all three appear to be in the hallway. Deputy Montoya asks Deputy Durkee if they found anything. Deputy Durkee says, "He's got some black pants and some shorts." As Deputy Durkee is saying this, Officer Clifton also replies, "He's got a bunch of black pants in there so...I mean...I don't know which ones are which, but it's got to be him...It's him."

At 2:54:46 AM, Officer Clifton tells Deputy Montoya that it's him and Deputy Montoya says, "He was sweating." Then Officer Clifton responds, "Well the shower was on...It was all wet in there...so." Deputy Montoya asks, Officer Clifton, "Did you get to see him?" Officer Clifton replies, "Oh yeah it's him." Deputy Montoya says, "Oh, Okay." Officer Clifton tells Deputy Montoya, "One hundred percent" and Deputy Montoya says, "Hu, perfect." Officer Clifton says to Deputy Montoya as he walks away, "That dog is amazing."

At 2:55:00, Deputy Montoya exits the residence. As he is walking a Dinuba Police unit is seen parked in the street in front of the residence.

**NOTE:** This officer was later identified as Officer Juan Guzman of the Dinuba Police Department.

Officer Guzman is standing next to the driver side door. As Deputy Montoya walks away from \*\*\* Gloria Avenue, Deputy Durkee is seen walking behind him. Also, from this view, Officer Clifton is seen walking behind \*\*\*\*\* as they enter into the residence. Deputy Montoya tells Officer Guzman that he was going back to his car and asked if Officer Clifton needed anything else. Officer Guzman walks towards Deputy Montoya and tells him unknown words and Deputy Montoya says, "Okay." Deputy Montoya tells Officer Guzman and Deputy Durkee, "Right to the door, did you see how he reacted." Someone says unknown words and Deputy Montoya says, "He was in the area...cause...that's why I told you guys to check the trees real quick...as soon as he got the smell, right to the door."

At 2:56:44 AM, Deputy Montoya turns off the audio from the camera as he stands on the sidewalk just south of \*\*\* Gloria Avenue. Deputy Montoya, Deputy Durkee and Officer Guzman congregate for about a minute before Deputy Montoya walks away at around 2:58.08 AM.

At 3:00:40 AM, Deputy Montoya arrived at his patrol unit and is seen placing his K-9 in the patrol unit. Deputy Montoya walks to the location where the suspect vehicle was left abandoned.

At 3:01:09 AM, Deputy Montoya, and Deputy Durkee are standing around the suspect vehicle and Sergeant John George Ayala of the Dinuba Police Department is seen standing near the suspect vehicle. Officer Alexander Cordell from the Dinuba Police Department appears to be processing the suspect vehicle for evidence.

At 3:04:00 AM, Deputy Montoya appears to be speaking with Sergeant Ayala. The audio to the recording remained off at this time.

At 3:04:56 AM, Officer Clifton arrives and is in front of Deputy Montoya. It appears that Officer Clifton gives Deputy Montoya a Dinuba Police Department business card. Officer Clifton writes notes on a notepad and then places it in his carrier vest pocket. Officer Clifton and Sergeant Ayala are having a conversation while Deputy Montoya is writing in a notepad. It is unknown what Officer Clifton and Sergeant Ayala are saying. At 03:06:57 AM, the camera is turned off.

On October 3, 2019, at approximately 1:30 PM, I received the video from Deputy Christopher Durkee's body camera. The following is information pertaining to the video:

#### DEPUTY DURKEE'S VIDEO CAMERA



Deputy Christopher Durkee's camera produced a similar video as Deputy Montoya's camera. Deputy Durkee's video starts at 2:36:15 AM. At the beginning of the video, it appears that Deputy Durkee was standing next to the suspect vehicle.

At 2:36:46 AM, Deputy Durkee turns on the audio to his camera and Deputy Montoya could be seen at his patrol unit retrieving his K-9.

At 2:37:11 AM, Deputy Montoya is walking his K-9 on Parkway Avenue near the suspect vehicle. A short time later, Officer Clifton is seen following behind Deputy Montoya. Officer Guzman is standing by his patrol unit while Sergeant Ayala is walking by. Officer Guzman's patrol unit lights are facing the alley away between Gloria and Crawford Avenue.

At 2:38:00 AM, Deputy Montoya is in the alley way behind the residence of \*\*\*\* Parkway. Deputy Montoya begins looking at some fence boards that have been moved or broken at this residence backyard.

At 2:38:22 AM, Deputy Montoya removes a fence board from the fence. Deputy Montoya begins lighting his flashlight into the backyard of the residence through two gaps of fence boards. Deputy Durkee asks Deputy Montoya if he sees the dog. Deputy Montoya tells Deputy Durkee that he does not know if there is a dog, but there is a doghouse.

At 2:39:00 AM, Deputy Montoya makes announcements to let anyone who may be in the backyard that the Sheriff's Department is present. Deputy Montoya begins flashing his flashlight into the back yard of the residence. Deputy Durkee walks south in the alleyway and flashes his light on a green sign that has the numbers \*\*\*\*.

At 2:39:41 AM, a noise is made as if Deputy Montoya just removed a fence board off the fence. The video then shows Deputy Montoya looking in the fence and three fence boards are now missing from the fence.

At 2:39:56 AM, Deputy Montoya begins to make entry into the backyard. Once Deputy Montoya enters, he makes an announcement to let anyone who may be in the backyard that the Sheriff's Department is present.

At 2:40:34 AM, Deputy Montoya and Officer Clifton are in the backyard of the residence while Deputy Durkee is behind them.

At 2:41:42 AM, Deputy Durkee exits the backyard and is trailing Deputy Montoya. Deputy Montoya is walking south along the east sidewalk while his K-9 is tracking in front of him. As they are walking, Officer Clifton is advising Deputy Montoya they have a police unit on Gloria Avenue, Echo and another unit one street to the west.

At 2:42:49 AM, Deputy Montoya is seen in the front yard of a residence and the K-9 quickly leads him away from it. This appears to be the residence south of \*\*\* Gloria Avenue. Deputy Montoya's K-9 loops around some vehicles parked in front of \*\*\* Gloria Avenue and goes directly towards the area and begins moving around on the porch area. Deputy Durkee says, "That address has been busted off." Deputy Durkee and Officer Clifton walk to the curb in front of the residence and Deputy Durkee says, "Two-seventy-two." At the same time, Officer Clifton says via police radio, "Sixteen the dog is hitting at the front door of two-seventy-two...we are going to attempt to make contact."

At 2:44:17 AM, Deputy Durkee takes a position on the south side of the front yard at \*\*\* Gloria Avenue and his flashlight is seen flashing in this area. Deputy Montoya radios his location to dispatch and that they will be making contact at the front door. Deputy Montoya asks Deputy Durkee to cover the side of the residence. Deputy Durkee walks towards the side of the backyard of the residence to the south and lights his flashlight over the fence. Deputy Durkee then moves over to the side of the backyard of \*\*\* Gloria and flashes his light into the backyard.

At 2:46:00 AM, voices are heard coming from the front of the residence and at this time Deputy Durkee quickly walks to the front of the residence. As Deputy Durkee comes around the side of the residence to the front, \*\*\*\* \*\*\*\* is outside the residence with his hands up.

At 2:46:16 AM, Officer Clifton asks \*\*\*\* Jr, "What's your name?" \*\*\*\* \*\* replies, "\*\*\*\* \*\*\*\*\*". Officer Clifton asks, "\*\*\*\*\*?" and \*\*\*\* \*\* says, "No." Deputy Montoya in a raised voice asks \*\*\*\* \*\*\*\*, "Why are you all sweaty?" \*\*\*\* \*\* replied, "I just got out of the shower." Deputy Durkee, tells \*\*\*\* \*\*\*\* to turn away from him and put his hands on his head.

At 2:47:45 AM, while \*\*\*\* \*\* is being handcuffed, Officer Clifton asked \*\*\*\* \*\* "Is your last name \*\*\*\*\*." \*\*\*\* \*\* responded back, "\*\*\*\*\*". Officer Clifton asked \*\*\*\* \*\* "Do you work for Brandt Farms?" \*\*\*\* \*\* responded, "No." Officer Clifton responded and asked, "No, where do you work at." \*\*\*\* \*\* replied, "I work (unintelligible word) Cold Storage." Officer Clifton asks, "Not at Brandt Farms?" \*\*\*\* \*\* Jr responds "No" and nods his head to indicate no.



At 2:48:31 AM, Deputy Montoya makes two announcements prior to entering the residence with his K-9 partner. Officer Clifton tells a Dinuba Police Officer something to the effect of, "Put him in that unit right there...take him...just throw him in the back of the car." \*\*\*\* \*\* is seen escorted away by an unknown officer. Deputy Montoya enters the residence followed by Officer Clifton then Deputy Durkee.

At 2:48:49 AM, while in the living room area of the residence, Officer Clifton says, "Look for black pants, grey shirt." Deputy Durkee replies, "copy." Officer Clifton leaves the camera view as Deputy Durkee is in the dining room area.

At 2:50:01 AM, Deputy Durkee enters into a bedroom and makes an announcement, "Sheriff's department, if you are in here come out with your hands up!"

At 2:50:53, AM, Deputy Montoya says, "Nothing...any other room that needs to be cleared?" Deputy Durkee replies, "That's it." Officer Clifton says, "I just have to look for the clothes." Deputy Montoya is heard saying, "I think they are girl pants though but there are some black jeans in the bathroom on this side."

At 2:51:03 AM, Deputy Durkee enters into the master bedroom and begins flashing his flashlight in the room. While flashing his flashlight in the direction of a closet, Deputy Durkee says, "Regular jeans...here's jeans right...right here in the laundry. Officer Clifton enters the bedroom and Deputy Durkee says, "Something like that...and the black in the bathroom as well." Deputy Durkee was standing away from the bedroom's bathroom when he said this and had not entered the bathroom. Deputy Durkee, says, "He was all wet, I don't know if it was from the shower or what."

At 2:51:28 AM, Officer Clifton is seen going into the master bathroom and Durkee says, "Black pants right there on the." Officer Clifton reaches down on the floor of the bathroom and grabs something.

**Note:** In Deputy Montoya's video recording a pair of black pants is seeing lying in the location where Officer Clifton reached.

Half of Officer Clifton's body is seen bending over inside the bathroom and appears as he is moving something around. As Officer Clifton is in the bathroom moving something around, Deputy Durkee says, "Yeah those are like chick pants, there like panties all over. Officer Clifton replies, "Yeah." From the hall way, Deputy Montoya asks, "Nothing?" Deputy Durkee replies, "No." Then Officer Clifton replies, here

they are. Officer Clifton pulls out a pair of pants and begins to unfold them. Deputy Durkee asks, "Are they like a thirty eight or something?" Officer Clifton begins to look at the size of the pants and says, "thirty-three." Officer Clifton holds up the pants and Deputy Durkee says, "Yeah, they are kind of small." Deputy Montoya asks, "Which one is his bedroom here?" Deputy Durkee leaves the bedroom, walks into another room and back into the hallway.

At 2:52:49 AM, Deputy Durkee walks back into the master bedroom were Officer Clifton is located. Officer Clifton is looking at what appears to be an envelope and says, "He must go by a different last name." Officer Clifton is looking at other papers resting on top of a small dresser while holding the envelope in his hand. Officer Clifton places the envelope on top of the dresser and opens the top drawer. He flashes his flashlight on the dresser drawer as to scan for something. During this time Officer Clifton says, "Pretty ballsy for him to answer the door" and Deputy Durkee replies, "Yeah." Officer Clifton opens the second drawer on the dresser and quickly closes it. Officer Clifton skips the third drawer and opens the fourth one which is the last one and quickly closes it. Officer Clifton says, "I'm pretty sure he probably stuffed them somewhere." Deputy Durkee says, "It's pretty bad ass what the dog can do right?" Officer Clifton says, "That's pretty awesome...that needs to be commended right there."

At 2:53:26 AM, Officer Clifton moves to the bedroom area of the master bedroom and removes a pillow, some covers and begins flashing his flashlight. Officer Clifton pulls up the mattress and looks in between the bedspring before quickly setting it down. Deputy Durkee says, "All the way from down the street to the guys house." Officer Clifton says, "I mean that's ridiculous." Officer Clifton begins looking into the closet and says, "Our dogs would have never done that." Deputy Durkee laughs. Officer Clifton reaches on the top of the closet and pulls down a pair of black jeans and said, "Bunch of black jeans." Deputy Durkee replies, "Yeah." Officer Clifton is analyzing the pants and Deputy Durkee says, "He obviously wears a lot of black pants." Officer Clifton says, "Yeah." Officer Clifton drops the pants and moves over to another location and says, "These them right here?" Officer Clifton moves some other clothing items including some purple pants and some papers. At this time from a distance you could hear \*\*\*\*\* say she needs to use the restroom. Clifton walks out of the bedroom into the hallway. Deputy Montoya from the hallway says, "She needs to use the restroom apparently." Officer Clifton says, "Okay."

At 2:54:18 AM, Officer Clifton walks into the hallway bathroom where the pair of black shorts were located on the floor. Deputy Durkee walks behind Officer Clifton.



Officer Clifton steps over the shorts that were last seen lying on the bathroom floor. Deputy Durkee tells Officer Clifton "Shorts" and Officer Clifton replies, "No, they were pants." Deputy Montoya is heard talking with Deputy Durkee but the words could not be understood. Deputy Durkee responds, "He's got some black pants and shorts." Officer Clifton also replies, "He's got a bunch of black pants in there so...I mean...I don't know which ones are which, but it's got to be him...It's him." Deputy Montoya says, "He was sweating." Then Officer Clifton responds, "Well the shower was on...It was all wet in there...so." Deputy Montoya asks, Officer Clifton, "Did you get to see him?" Deputy Montoya says, "Oh, Okay." Officer Clifton tells Deputy Montoya, "One hundred percent" and Deputy Montoya says, "Huh, perfect." Officer Clifton says to Deputy Montoya as he walks away, "That dog is amazing."

At 2:55:00 AM, Deputy Montoya advises that he is coming out of the residence and he is seen walking towards the front door with his K-9. Officer Clifton advises via police radio, "It's Code-four to break down perimeter."

At 2:55:15 AM, Deputy Durkee walks out of the residence and \*\*\*\*\* asks, "Is there a reason why you guys were searching without a warrant? It is unknown which officer or deputy \*\*\*\*\* asked this question, as a response was not heard due to Deputy Durkee's radio was transmitting Deputy Montoya's disposition to his dispatch center. Deputy Durkee walks from the area and onto the sidewalk where he meets up with Deputy Montoya. At this time, Officer Juan Guzman of the Dinuba Police Department is seen walking towards Deputy Montoya and Deputy Durkee. Deputy Durkee says, "That was insane, right to the door." Deputy Montoya says, "Right to the door, did you see how he reacted." Deputy Durkee says, "That was incredible, yeah." Soon as he was in the area...he started to smell...that's why I told you guys, check the trees real quick...as soon as he got the smell again, right to the door." At this time Officer Guzman asked, "He trailed it from way over there?" Deputy Montoya replied, "Yeah." Deputy Durkee said, "Through the yard all the way down the block and through the front door." Officer Guzman asked, "Oh did you guys do it, did you have him sniff the car." Deputy Montoya nods his head and says "Na, no, just where he started yeah. Officer Guzman responds, "Oh Dang." The video ends shortly at 2:56:33AM.

#### **SERGEANT JOHN GEORGE AYALA**

On October 8, 2019 at approximately 2:22 PM, I interviewed Sergeant John George Ayala in my office. The following is a summary of Sergeant Ayala's statement:



I asked Sergeant Ayala if he was working on July 7<sup>th</sup> 2019, and he said yes. Sergeant Ayala said he was working under the capacity of watch commander (supervisor on duty). I asked Ayala what shift he worked on this day, and he said graveyards which are from 7:00 PM to 7:00 AM. I asked Sergeant Ayala if he was aware of Dinuba PD case DF1902030, and he said yes. I asked Sergeant Ayala if he had an opportunity to read the report, and he said no. I asked Sergeant Ayala if he learned that Officer Clifton arrested the wrong person in this case, and he said yes. I asked Sergeant Ayala when he found out, and he had to think about it before saying he was not sure if it was the next shift or the Monday after.

I asked Sergeant Ayala to tell me what he recalls about the incident. Sergeant Ayala said he recalls it was late in the swing shift, when he recalls hearing Officer Clifton calling out a vehicle pursuit over police radio going southbound on Crawford Avenue. Sergeant Ayala said all officers began responding as Officer Clifton was giving updates. Sergeant Ayala said he recalls hearing the suspect vehicle was stopped at the corner of Crawford Avenue and Park Way. Sergeant Ayala said he responded and when he arrived he saw the suspect vehicle at the corner of Crawford Avenue and Park Way. Sergeant Ayala said he saw Officer Clifton's unit just west on Parkway with the front facing north toward the alleyway. Sergeant Ayala said he can't recall if the name of the street is Echo. Sergeant Ayala said his units emergency lights were on.

Sergeant Ayala said Officer Clifton told him he observed the suspect enter into the backyard of one of the residences. Sergeant Ayala said officers began setting up a perimeter. Sergeant Ayala said Officer Cardenas placed his unit on Park Way and the street which he could not recall if it was Echo or not. I asked Sergeant Ayala if he was referring to Gloria Avenue and he said yes. Sergeant Ayala said Officer Cardenas sat his perimeter on Park Way and Gloria Avenue, while Officer Gonzalez sat perimeter on Echo and later moved him to Echo and Crawford Avenue. Sergeant Ayala said he had Officer Cordell deal with the suspect vehicle.

Sergeant Ayala said Officer Clifton said the suspect had broken a fence board and had gone into one of the residence's backyard. Sergeant Ayala said he does not recall if he called Tulare County Sheriff's Department or if he had someone else do it and request a K-9. Sergeant Ayala said he recalls Officer Clifton saying the suspect had thrown items out of the vehicle while in pursuit, so he had Officer Cordell go check and retrieve any items thrown.

Sergeant Ayala said he told Officer Clifton and Officer Guzman to do a house to house check with the Sheriff's Office as soon as they arrived. Sergeant Ayala said



two sheriff deputies arrived, one with a K-9. Sergeant Ayala said they started the house to house search beginning with the residence where Officer Clifton saw the suspect enter. Sergeant Ayala said he remained on perimeter so he did not see, but believed that Officer Guzman was not able to fit through the fence so he stood behind. Sergeant Ayala said that nobody was located in that backyard, so they began the house to house search on Gloria Avenue.

Sergeant Ayala said he recalls hearing an officer who he believes was Cardenas advising over police radio that a vehicle was leaving on Gloria northbound towards Echo. Sergeant Ayala said he later found out that Officer Gonzalez had actually stopped this vehicle and searched it to see if anyone (suspect) was in it. Sergeant Ayala said no suspect was in the vehicle so they continued the house to house search. Sergeant Ayala said he was not sure if it was the second or third house that they arrived at but they made contact with someone at the residence door. Sergeant Ayala said he remained on perimeter so he did not see which house they made contact with. Sergeant Ayala said he recalls hearing they had someone detained or in custody from at that location. Sergeant Ayala said he recalls hearing they were going to search the backyard. Sergeant Ayala said he did not know exactly what they were doing at that time other than what he was hearing on the police radio. Sergeant Ayala said he did not know if they searched the backyard or the rest of the residence for other subjects.

Sergeant Ayala said after a brief time, he is not sure if he asked over police radio or he heard they were code-4 (Okay). Officer Ayala said he believes Officer Guzman transported the suspect to the police department and Officer Clifton walked towards his direction to brief him. Sergeant Ayala said Officer Clifton told him the K-9 "hit on the residence." Sergeant Ayala said he asked Officer Clifton if he identified the suspect and Officer Clifton told him he did and that it was him. Sergeant Ayala said he is not exactly sure but believes Officer Clifton said the suspect came out of the shower. Sergeant Ayala said after Officer Clifton briefed him, they broke down the perimeter. Sergeant Ayala said Officer Cordell had located some paperwork that was thrown out of the suspect vehicle and recalls he stored the suspect vehicle.

Sergeant Ayala said after Officer Clifton interviewed the suspect, Officer Clifton told him the suspect was denying being involved. Sergeant Ayala said he told Officer Clifton to finish up his paperwork and continue his investigation. Sergeant Ayala said Officer Clifton was pretty positive he arrested the correct subject, so he told him he could go ahead have the suspect transported to the county jail. Sergeant



Ayala said he is not sure if Officer Clifton transported the suspect or if it was another officer.

Sergeant Ayala said as the shift continued, at some point Officer Clifton told him he was doubting himself and was not sure. Sergeant Ayala said he asked Officer Clifton what he meant and Officer Clifton told him the name on the paperwork is different from the name he is giving him. Sergeant Ayala said Officer Clifton continued his investigation because he believes by this time the suspect was already at the county jail. Sergeant Ayala said he told Officer Clifton that he needed to make sure he had the right guy because it was "His ID."

**Note:** Sergeant Ayala was referring to "His ID" to Officer Clifton identifying the suspect with his own observation.

Sergeant Ayala said he told Officer Clifton it was "His ID" so he needed to tell him if it was him or not. Sergeant Ayala said Officer Clifton told him, "The dog hit on him and he had the pants and the clothing." Sergeant Ayala said he told Officer Clifton that he needed to tell him because he was the only one in the pursuit and was the only one that saw him leg bail. Sergeant Ayala said he told Officer Clifton he was the only one that could ID him. Sergeant Ayala said he told Officer Clifton he needed to tell him if he had the right guy or not. Sergeant Ayala said Officer Clifton told him he believed he had the right guy but his story was not adding up.

Sergeant Ayala said he was not sure at what point Officer Clifton started to doubt because at first he was saying he was positive it was him and then later as his investigation continued he was having doubts. Sergeant Ayala said he told Officer Clifton he needed to know for sure because if he was not sure, they needed to get the suspect out of jail. Sergeant Ayala said he was not sure if Officer Gonzalez told Officer Clifton that the vehicle Officer Gonzalez had stopped earlier while on perimeter had some involvement with the suspect Officer Clifton arrested. Sergeant Ayala said he told Officer Clifton to continue the investigation and to make sure he had the right suspect or else he needed to have him 849(b).

Sergeant Ayala said, by the time Officer Clifton came back to him he believes it was shift change as he recalls speaking with his relief, Sergeant Kent. Sergeant Ayala said he told Officer Clifton he needed to stay over and work on the case and make sure he had the right suspect. Sergeant Ayala said he told Officer Clifton he needed to make sure because it was his ID. Sergeant Ayala said he told Officer Clifton he had to stay late and investigate and figure it out. Sergeant Ayala said Sergeant Kent was there for that briefing and this is about the time he left.



Sergeant Ayala said when he came back to work that night he asked Sergeant Kent what happened with the suspect. Sergeant Ayala said Sergeant Kent told him Officer Clifton stayed late and worked on the case and was coming back tomorrow to work on it some more. Sergeant Ayala said he asked Sergeant Kent how far Officer Clifton got in the investigation, but does not remember if Sergeant Kent knew how far he went on the investigation. Sergeant Ayala said he believes he found out that Monday that the suspect had been "849b from jail." I asked Sergeant Ayala if he found out the following day and he said he was not sure if it was actually Monday or one or two days later.

I asked Sergeant Ayala if two deputies from the Tulare County Sheriff's Office arrived to assist, and he said yes. I asked Sergeant Ayala if he knew the names of the deputies, and he said no. I asked Sergeant Ayala if he maintained his perimeter when the search began, and he said yes. I asked Sergeant Ayala where he was on the perimeter, and he said he was on Parkway; the first alleyway west of Crawford Avenue. At this time, I introduced photo 1A-19-02 #1 to Sergeant Ayala and asked him to show me where he was on perimeter. Sergeant Ayala pointed to the alley way on the south between Gloria Avenue and Crawford Avenue. Sergeant Ayala said he was facing north. Sergeant Ayala said Officer Cordell was with the suspect vehicle once the search for the suspect began. Sergeant Ayala said the suspect vehicle was at the corner of Park Way and Crawford Avenue.

Sergeant Ayala said Officer Cardenas was on Park Way and Gloria Avenue, facing north towards Gloria Avenue. Sergeant Ayala said Officer Gonzalez was first on Echo but he had him move to Echo and Crawford Avenue. Sergeant Ayala said Officer Guzman was on scene with him and was to be part of the search with Officer Clifton and the deputies. I asked Sergeant Ayala if there was anyone else on scene, and he said he could not recall. I asked Sergeant Ayala if Officer Cardenas would have had visual of all Gloria Avenue from his position, and he said yes.

I asked Sergeant Ayala if he knows exactly which residence the suspect was located at, and he said no. Sergeant Ayala said he heard it over police radio, but he just does not remember the address. I had Sergeant Ayala refer to Dinuba Police Department report DF1902030 and check the address where the suspect was arrested which he acknowledged it was \*\*\* Gloria Avenue. Utilizing photo 1A-19-02 # 1, I pointed to photo where \*\*\* Gloria Avenue is located. I asked Sergeant Ayala if he was aware during the search that entry was made into a residence on Gloria and he said yes. I asked Sergeant Ayala if he knew why they had made entry into the residence, and he said he did not recall. Sergeant Ayala said he believes they



made contact with someone and there was radio silence. Sergeant Ayala said he recalls hearing over the radio that one was detained or in custody. Sergeant Ayala said then there was more police radio silence. Sergeant Ayala said then he heard they were going to check the residence. I asked Sergeant Ayala if he had no idea why they were checking the residence, and he said correct. Sergeant Ayala said he was not sure if there was more than one suspect in the suspect car at the time. I asked Sergeant Ayala if he maintained his perimeter, and he said yes. I asked Sergeant Ayala if he was alone then, and he said at that point, yes.

I asked Sergeant Ayala if Officer Clifton told him he located anything after entering the residence. Sergeant Ayala said he believes Clifton said clothing, but was not sure. Sergeant Ayala said at one point, he believes Officer Clifton told him he located clothing. I asked Ayala if Officer Clifton told him this while on scene, and he said no, and that it was sometime after. I asked Sergeant Ayala if Officer Clifton told him he positively identified the suspect, and he said yes. I pointed out to \*\*\*\* Parkway on the photo 1A-19-02 #1 and asked Sergeant Ayala if he saw broken fence boards to this residence backyard. Sergeant Ayala said yes.

I asked Sergeant Ayala if he knew what happened in the interrogation with Officer Clifton and \*\*\*\* \*\*, and he said Officer Clifton told him that \*\*\*\* \*\* was basically lying to him. Sergeant Ayala said Officer Clifton told him that \*\*\*\* \*\* was telling him he had arrested the wrong person. I asked Sergeant Ayala if at that time he believed Officer Clifton, and he said yes.

I asked Sergeant Ayala if he knew \*\*\*\* \*\* was claiming he was in a vehicle with his girlfriend parked in front of his residence when police arrived. He said way after. I asked Sergeant Ayala what he meant by way after. Sergeant Ayala said he believes he learned this after Officer Gonzalez was with Officer Clifton and believes this was near shift change. Sergeant Ayala said this is when Officer Clifton briefed him. Sergeant Ayala said this is when Officer Clifton was having doubts and this is when he told him he needed to continue investigating. I asked Sergeant Ayala if he knew this prior would he had allowed \*\*\*\* \*\* to be transported to the county jail, and he said no.

I asked Sergeant Ayala if he was aware \*\*\*\* \*\* claimed he exited the vehicle he was in and entered his residence while police were on scene, and he paused for a moment saying he was not sure. Sergeant Ayala said he believes that information came out after the fact. Sergeant Ayala said this possibly came out when Officer Clifton was briefing or he heard it from Officer Gonzalez. Sergeant Ayala said he was not sure because it might be mixed in with what he knows now.



I asked Sergeant Ayala if he knew the vehicle that was stopped by Gonzalez was driven by \*\*\*\*\* Jr's girlfriend. Sergeant Ayala said he was aware that a vehicle with a female was stopped, but did not know the relationship to \*\*\*\*\* at the time of the stop. Sergeant Ayala said he didn't learn about the relationship till early morning nearing shift change. I asked Sergeant Ayala if he knew that \*\*\*\*\* claimed he received a telephone call from his girlfriend after she arrived home and told him she was stopped or detained by police. Sergeant Ayala said yes, and it was during the same briefing he had with Officer Clifton. I asked Sergeant Ayala if Officer Clifton told him he had looked in \*\*\*\*\*'s phone, and he said he did not recall that. Sergeant Ayala said he may have told him, but he did not recall. I asked Sergeant Ayala if he knew \*\*\*\*\* claimed he went to Liquor Locker with his girlfriend the night he was arrested and his girlfriend drove them there. Sergeant Ayala paused for a moment and said he believes he heard about this after. Sergeant Ayala said he believes Officer Clifton told him that this was part of \*\*\*\*\*'s girlfriend's story line.

I asked Sergeant Ayala if he knew \*\*\*\*\* was adamant that he was with his girlfriend (\*\*\*\*\* the entire time and he asked that she be contacted to confirm his story. Sergeant Ayala said no, he did not know he was adamant about it. Sergeant Ayala said Officer Clifton told him that the guy (\*\*\*\*\* was lying.

I asked Sergeant Ayala if he was aware that Officer Clifton interviewed \*\*\*\*\*'s girlfriend (\*\*\*\*\* that morning at approximately 5:50 AM, and he said yes, but did not know what time. I asked Sergeant Ayala if he was aware that Officer Clifton interviewed a friend of \*\*\*\*\* by the name of \*\*\*\*\* at approximately 8:30 AM, and he said no. Sergeant Ayala said he was already gone for the day. I asked Sergeant Ayala if Officer Clifton told him \*\*\*\*\*'s girlfriend told him that she drove \*\*\*\*\* to a friend's house that night. Sergeant Ayala paused for a moment and said he does not remember that.

I asked Sergeant Ayala if he was aware that check stubs were being thrown out of the vehicle that Officer Clifton was pursuing, and he said he did learn that later. I asked Sergeant Ayala if he recalls if the name of the check stubs was \*\*\*\*\* , and he said he does not recall the name, but it was different from the person arrested. I asked Sergeant Ayala if Officer Clifton told him the person he arrested was \*\*\*\*\* and not \*\*\*\*\* . Sergeant Ayala said he believes he did tell him that. Sergeant Ayala said this was during a conversation he had with Officer Clifton in where Officer Clifton believed he might be using different names. Sergeant Ayala said he told Officer Clifton to make sure by checking for information







recall if Officer Gonzalez told him this. Sergeant Ayala said the briefing was mostly from Officer Clifton and does not recall Officer Gonzalez briefing him. I asked Sergeant Ayala if he was under the impression that Officer Clifton made a proper arrest. Sergeant Ayala said yes because Officer Clifton told him he identified the suspect and he was the only one that was in pursuit with him and the only one that saw the suspect run. Sergeant Ayala said he asked Officer Clifton several times, "Is that him" and Officer Clifton told him yes. Sergeant Ayala said he believed Officer Clifton, based on Officer Clifton's point of view. I asked Sergeant Ayala if he ever thought there was a false arrest. Sergeant Ayala said he did not believe there was a false arrest until the investigation showed that it was a false arrest.

At this time, I had Sergeant Ayala read and review report DF1902030 to see if there were any questions he may have or questions that I could have asked. After Sergeant Ayala read and reviewed the report, he said he did not have any questions or comments. This concluded the interview with Sergeant Ayala.

On October 8, 2019 at approximately 4:52 PM, I interviewed Officer Juan Guzman in my office. The following is a summary of Officer Guzman's statement.

#### **OFFICER JUAN GUZMAN**

I asked Officer Guzman if he recalls working on July 7, 2019, and he said he believes he was working. Officer Guzman said he was working under the capacity of a police officer. I asked Officer Guzman which shift he was working, and he said swing shift. Officer Guzman said swing shift is from 4:30 PM to 2:30 AM. I asked Officer Guzman if he was aware of an incident were Officer Clifton was involved in a vehicle pursuit, and he said yes. I asked Officer Guzman to tell me what role he took in the incident. Officer Guzman said he recalls arriving on scene and setting up a perimeter in the alleyway where the suspect was last seen running. Officer Guzman said he stood by until TCSO (Tulare County Sheriff's Office) arrived with their K-9. I asked Officer Guzman exactly where was he positioned in the perimeter, and he said he was on Park Way just east of Gloria Avenue. Officer Guzman said he was in the alleyway between Gloria Avenue and Crawford Avenue. At this time I introduced photo IA-19-02 #1 to Officer Guzman and asked him to show me where he took up position at the crime scene. The photo is a Google photo of the area of Crawford Avenue, Parkway and Gloria Avenue; placed on a Word document and printed out in color. Officer Guzman pointed at the location where he mentioned, in the alleyway between Gloria Avenue and Crawford Avenue.



I asked Officer Guzman what he observed when he arrived, and he said there where multiple officers already on scene. Officer Guzman said he was directed by the on duty watch commander to take a position where he did in the alleyway. I asked Officer Guzman if the Sheriff's Department arrived, and he said yes. Officer Guzman said two deputies arrived and one had a K-9. I asked Officer Guzman if he was part of the search for the suspect. He said he was going to begin searching with them, but he was not able to go through the fence. So he stood by. I asked Officer Guzman who searched for the suspect, and he said Officer Clifton and the two deputies. Officer Guzman said he stood by in the alley until they gave word on the radio. Officer Guzman said after several minutes, he believes he heard on the police radio that they had possible contact with the subject at a residence on Gloria Avenue. Officer Guzman said a couple of minutes later he heard over the radio that a suspect was being taken into custody. Officer Guzman said he was directed by the watch commander to go to their location and help transport the suspect.

Officer Guzman said he responded to the residence in his patrol unit and parked in front. I asked Officer Guzman what he observed when he arrived. He said he saw what he assumed to be family members of the subject in custody standing outside the residence. Officer Guzman said he observed the two deputies standing in front of the residence door and Officer Clifton was walking the subject to his location so that he could be placed in his patrol unit. Officer Guzman said he placed the subject in his patrol unit until he was directed by Officer Clifton to transport him to the police station. I asked Officer Guzman if he stood by or if he left, and he said he stood by. I asked Officer Guzman what he was able to see from his location. He said he saw the family members gathering around asking questions. I asked Officer Guzman if he spoke with anyone, and he said he told the family to speak with the primary officer regarding the investigation. I asked Officer Guzman if anyone asked him anything, and he said they asked him why he was arrested and he told them he was not too sure.

I asked Officer Guzman if he saw the officers (deputies) go into the residence, and he said he did not see them go in. Officer Guzman said a short time later, Officer Clifton asked him to transport the subject to the police station at which time he did. I asked Officer Guzman if the subject (\*\*\*\* \*\*) told him anything, and he said he does not recall. Officer Guzman said if anything, he asked him why he was being arrested, so he told him to speak with the primary officer. I asked Officer Guzman if he had a conversation with any officer regarding the incident afterwards. Officer Guzman paused for a moment and said he did not recall.



Officer Guzman said he recalls still being at the police station when Officer Clifton was trying to figure out if the subject was actually there in front of his house when the incident happened. I asked Officer Guzman what he meant, and he said he was packing up and getting ready to go home when Officer Clifton came from booking the subject. Officer Guzman said he heard Officer Clifton say, the subject had told him he was in front of his residence the whole time and the subject had said he was not sure why he was being arrested. Officer Guzman said other than that he did not have a conversation with anyone. Officer Guzman said he didn't speak with anyone after and he left to go home.

I asked Officer Guzman what he heard or learned after the fact, and he said he heard the wrong subject had been arrested. I asked Officer Guzman if he spoke with anyone about that, and he said no. This concluded the interview with Officer Guzman.

On October 11, 2019 at approximately 10:15 AM, I interviewed Officer Alexander Cordell in my office. The following is a summary of Officer Cordell's statement.

#### **OFFICER ALEXANDER CORDELL**

I asked Officer Cordell if he was working on July 7, 2019, and he said yes. Officer Cordell said he was working in the capacity of a patrol officer and working the swing shift. Officer Cordell said swing shift begins at 4:30 PM and ends at 2:30 AM. I asked Officer Cordell if he recalls an incident where Officer Ryan Clifton was involved in a vehicle pursuit on this date, and he said yes. I asked Officer Cordell if he took a roll in the incident, and he said he did. I asked Officer Cordell to tell me what happened. Officer Cordell said he heard Officer Clifton over the radio that he had a failure to yield. Officer Cordell said he and other units responded to assist. Officer Cordell said Officer Clifton advised over the radio that some items were tossed out of the suspect vehicle on North Crawford Avenue. Officer Cordell said he responded to North Crawford Avenue to collect the items and found the items to be check stubs. Officer Cordell said once he collected the items, he responded back to the scene where the suspect vehicle was left abandoned.

Officer Cordell said he stood by the suspect vehicle and helped with getting the vehicle towed from the scene. At this time I introduced photo IA-19-02 #1 to Officer Cordell so that he could show me where he took up position at the crime scene. The photo is a Google photo of the area of Crawford Avenue, Parkway, and Gloria Avenues placed on a Word document and printed out in color. Officer Cordell said he was positioned at the intersection of North Crawford and Park Way. Officer



Cordell said he took this position and this was the same location where the suspect vehicle was located. I asked Officer Cordell if this was the position he took after he collected the check stubs, and he said yes.

I asked Officer Cordell to tell me more about the check stubs. Officer Cordell said he collected the check stubs on the roadway which were thrown out of the window. The check stubs has the name of \*\*\*\* on them. Officer Cordell said this is the name of the person whom they believed was the suspect. Officer Cordell said he collected the check stubs in about the 600 block of North Crawford, outside of Dinuba Downs (Senior Mobile Home Park).

I asked Officer Cordell if he responded to \*\*\* Gloria Avenue, and he said he did not. I asked Officer Cordell if he stored the vehicle, and he said yes. I asked Officer Cordell if he photographed the vehicle, and he said yes. I asked Officer Cordell if he searched or inventoried the vehicle, and he said he did. I asked Officer Cordell if he recalls what he located. He said he does not recall much of anything other than a hat and some check stubs. I asked Officer Cordell if Officer Clifton assisted in inventorying the vehicle, and he said he believes he looked through the vehicle for investigative leads, but not with the actual inventory. I asked Officer Cordell if Officer Clifton collected anything from the vehicle, and he said no.

I asked Officer Cordell if he learned that Officer Clifton arrested the wrong person, and he said yes. I asked Officer Cordell when he learned this, and he said a few days after the incident. I asked Officer Cordell if he spoke with Officer Clifton the day of or after the arrest regarding the incident. Officer Cordell said no. I asked Officer Cordell if he spoke with Officer Gonzalez the day of or after the arrest regarding the incident. Officer Cordell said no. I asked Officer Cordell if he spoke with Officer Cardenas the day of or after the arrest regarding the incident. Officer Cordell said they talked the day after, but it was in regards to a comment Officer Clifton made saying that he wanted to get into a pursuit that night. Officer Cordell said they talked about how Officer Clifton actually did get into a pursuit after saying this. I asked Officer Cordell when Officer Clifton said that he wanted to get into a pursuit. He said this information was relayed to him by Officer Cardenas after the pursuit. Officer Cordell said Officer Clifton told Officer Cardenas about 2 hours before he was actually in the pursuit. I asked Officer Cordell if he spoke with anyone else regarding the incident that is employed by the Dinuba police department the day of or after the arrest. Officer Cordell said no. This concluded the interview with Officer Cordell.



On October 14, 2019 at approximately 8:40 AM, I interviewed Officer Miguel Cardenas in my office. The following is a summary of Officer Cardenas's statement to me.

#### **OFFICER MIGUEL CARDENAS**

I asked Officer Cardenas if he was working on July 7, 2019, and he said he was. Officer Cardenas said he was working under the capacity of a police officer on patrol. Officer Cardenas said he was working swing shift which starts at 4:30 PM and ends at 2:30 AM. I asked Officer Cardenas if he recalls an incident where Officer Clifton was involved in a pursuit, and he said yes. I asked Officer Cardenas if he took a role in the incident, and he said he did. I asked Officer Cardenas to tell me what occurred.

Officer Cardenas said that it was towards the end of his shift when he heard Officer Clifton over the radio mention a vehicle failing to yield. Officer Cardenas said he heard over radio that the vehicle was traveling southbound on Crawford then he heard the vehicle T-C (Traffic Collision) at the west corner of Crawford Avenue and Olive. Officer Cardenas said Officer Clifton broadcasted over radio that the subject in the vehicle leg bailed and provided a brief description of what the subject was wearing. Officer Cardenas said he believes Officer Clifton broadcasted that the subject had jumped over a fence.

Officer Cardenas said a perimeter was set in the area and he assisted by blocking off traffic at East Park Way and Gloria Avenue. Officer Cardenas said he was set at this location watching for anyone within the area that tried to break the perimeter. Officer Cardenas said he had constant visual of northbound Gloria and also west/east.

At this time I introduced photo IA-19-02 #1 to Officer Cardenas, so that he could show me where he took up position at the crime scene. The photo is a Google photo of the area of Crawford Avenue, Parkway, and Gloria Avenue; placed on a Word document and printed out in color. While viewing the photo, Officer Cardenas pointed to the middle of the intersection of East Park Way and Gloria Avenue. Officer Cardenas said he had visual of northbound Gloria and both east and west on Park Way. Officer Cardenas marked the location with a pen. Officer Cardenas said he had his police unit takedown lights and spotlights on and was facing them on Gloria Avenue.

**NOTE:** Takedown lights are lights located on the light bar on top of the police unit. They are LED type lights which are very bright.

Officer Cardenas said his role was to maintain his location and keep visual as the Sheriff's Office arrived to assist with a K-9 yard to yard search of a suspect. Officer Cardenas said he was watching Gloria Avenue to Echo Avenue like a "hawk."

On photo IA-19-02 #1, I identified \*\*\* Gloria Avenue to Officer Cardenas. I asked Officer Cardenas if he responded to \*\*\* Gloria Avenue during the incident, and he said no. I asked Officer Cardenas if he saw a vehicle move from the area of Gloria Avenue, and he said he did. Utilizing the photo IA-19-02 #1, Officer Cardenas said he could not confirm if the vehicle was directly in front of \*\*\* Gloria Avenue, but from his location he observed that it was near \*\*\* Gloria Avenue. Officer Cardenas said he notified Officer Gonzalez over the radio that the vehicle was moving as he was positioned on Crawford Avenue and Echo. Officer Cardenas said he observed the vehicle traveling northbound on Gloria Avenue towards Echo. Officer Cardenas said the vehicle made an eastbound turn on Echo towards Crawford Avenue. Officer Cardenas said he believed that the Sheriff's deputies were conducting the yard to yard search when the vehicle moved. Officer Cardenas said Officer Clifton was with the deputies doing the yard to yard search. I asked Officer Cardenas if Officer Gonzalez stopped or detained the vehicle, and he said he did make contact with it. I asked Officer Cardenas how he knew, and he said he heard Officer Gonzalez over the radio.

I asked Officer Cardenas if he saw anyone outside the vehicle before the vehicle drove off. Officer Cardenas said he did see what he believed to be two people. I asked Officer Cardenas if he was able to distinguish if the people were male or female from his distance, and he said he could not. I asked Officer Cardenas where the two persons were standing, and he said near the vehicle that drove off. I asked Officer Cardenas if he saw anyone walk into a house or move around the area. Officer Cardenas said he did not and only saw them in front of the vehicle. I asked Officer Cardenas if he saw them in front of the vehicle, and he said he saw them on the sidewalk. Officer Cardenas said the vehicle was facing north and the people were east of the vehicle on the sidewalk. I asked Officer Cardenas how long the two people were there, and he said five to ten minutes. I asked Officer Cardenas if he saw them for five to ten minutes outside the vehicle, and he said correct. Officer Cardenas said he thought they were just being 'nosey.'

I asked Officer Cardenas if he saw someone enter the vehicle before it drove off, and he said he did not. I asked Officer Cardenas why he radioed to Officer



Gonzalez that the vehicle was driving off. He said he thought it was suspicious. I asked Officer Cardenas if he had seen the people standing there when the yard to yard search began. Officer Cardenas said they were standing outside the vehicle when the search had already begun. I asked Officer Cardenas if he ever found out who the person was that left in the vehicle, and he said no.

I asked Officer Cardenas if he found out that Officer Clifton arrested the wrong person, and he said yes. I asked Officer Cardenas when he found out, and he said about two weeks later. I asked Officer Cardenas if he spoke with Officer Clifton the day of or after the incident. Officer Cardenas said he did not speak with him specifically, but said he does recalls Officer Clifton saying he is probably going to get written up for the wrong arrest that he did. I asked Officer Cardenas when did this occur, and he said he does not recall for sure. I asked Officer Cardenas if Officer Clifton told him this or did he hear it from someone else. Officer Cardenas said Officer Clifton told him.

Officer Cardenas said he was in a conversation with Officer Clifton and he told Officer Clifton, "Hey, let's get into a pursuit." Officer Cardenas said Officer Clifton said, "With my luck I'm bound to do a wrongful arrest." Officer Cardenas said this is when Officer Clifton told him that he was probably going to get written up for the arrest. I asked Officer Cardenas if he spoke with Officer Gonzalez the day of or after the incident, and he said no. I asked Officer Cardenas if he spoke with Officer Cordell the day of or after the incident, and he said no. I asked Officer Cardenas if he spoke with anyone the day of or after about the incident and he said no.

I asked Officer Cardenas if he recalls Officer Clifton telling him that he wanted to get into a pursuit on the night of the incident, and he said yes. Officer Cardenas said he recalled talking to Officer Clifton about this, but not in detail. Officer Cardenas said they were talking about pursuits. He said about five minutes after talking with Officer Clifton he was involved in a pursuit. I asked Officer Cardenas where the conversation took place, and he said he was not sure but believed it was out in the field. I asked what he meant by getting into a pursuit. Officer Cardenas said he meant, finding a pursuit, like a ten-eight-five-one. Officer Cardenas said he was referring to a rolling ten-eight-five-one. Officer Cardenas said he wanted to get into a pursuit because he never experienced one and wanted it for the experience. Officer Cardenas said he wants to know how he would react and how he would do on the radio.



**NOTE:** Ten-eight-five-one is a word used by some police officers and it refers to the California Vehicle Code section 10851, which is stolen vehicle. A rolling ten-eight-five-one, is a stolen vehicle that is occupied and being driven.

This concluded the interview with Officer Cardenas.

On October 14, 2019, at approximately 2:33 PM, I interviewed Officer Jorge Gonzalez in my office. I provided Officer Gonzalez with a copy of his notice of IA#19-02, which was originally issued on September 23, 2019. I provided Officer Gonzalez with Lybarger Admonishment and his rights per Miranda which he invoked. Officer Gonzalez did not have a representative present nor did he request one when asked if he desired one. The following is a summary of Officer Gonzalez's statement to me.

On October 14, 2019, at approximately 2:33 PM, I interviewed Officer Jorge Gonzalez in my office. I provided Officer Gonzalez with a copy of his notice of IA#19-02, which was originally issued on September 23, 2019. I provided Officer Gonzalez with Lybarger Admonishment and his rights per Miranda which he invoked. Officer Gonzalez did not have a representative present nor did he request one when asked if he desired one. The following is a summary of Officer Gonzalez's statement to me.

#### **OFFICER JORGE GONZALEZ**

I asked Officer Gonzalez if he was working on July 7, 2019, and he said he yes. Officer Gonzalez said he was working in the capacity of a police officer and on patrol. Officer Gonzalez said he was working the graveyard shift from 9:30 PM to 7:30 AM. I asked Officer Gonzalez if he recalls an incident where Officer Clifton was involved in a vehicle pursuit, and he said yes. I told Officer Gonzalez that Officer Clifton authored report DF1902030 regarding the pursuit and asked if he had an opportunity to review the report. Officer Gonzalez said he did. I asked Officer Gonzalez if he needed another opportunity to review the report, and he said no. I asked Officer Gonzalez if he took a role in the incident regarding the pursuit, and he said he did. I asked Officer Gonzalez to tell me what happened.

Officer Gonzalez said he recalls hearing the pursuit over the radio so he responded to assist. Officer Gonzalez said Officer Clifton called for a perimeter and believes he may have been first on scene. Officer Gonzalez said he responded to the cul-de-sac of Gloria Avenue and the other street which name he could not recall at the moment.



I introduced photo IA-19-02 #1 to Officer Gonzalez so he could show me where he took position at the scene. The photo is a Google photo of the area of Crawford Avenue, Park Way, and Gloria Avenue placed on a Word document and printed out in color. Officer Gonzalez reviewed the photo and confirmed he was familiar with the area shown on the photo. Officer Gonzalez said he drove on Park Way to Gloria Avenue and he took position in the cul-de-sac of Gloria and Echo Avenue. I asked Officer Gonzalez if he recalls hearing over radio that a vehicle was driving from the area and heading towards his location. Officer Gonzalez said he does recall, but does not recall which officer advised. I asked Officer Gonzalez if he stopped or detained that vehicle, and he said yes. I asked Officer Gonzalez if he recalls who he contacted. Officer Gonzalez said he remembers it was the girlfriend of the suspect. While utilizing the photo, Officer Gonzalez said he had repositioned his unit when he stopped her. Officer Gonzalez said she was on Echo Avenue and stopped her at the intersection of Crawford Avenue. I asked Officer Gonzalez if he recalled the driver's name and he said no. Officer Gonzalez said he only recalls that it was the suspect's girlfriend because he found out later in the investigation.

I asked Officer Gonzalez what he told her when he stopped her. He said he told her they were looking for someone who was involved in a pursuit and ran from them. Officer Gonzalez said he asked her if there were any other persons in her vehicle and she told him no. Officer Gonzalez said he asked her if it would be okay if he looked in her vehicle and she told him yes. Officer Gonzalez said he looked inside her vehicle, including the trunk and did not locate anyone. I asked Officer Gonzalez if he ran any checks on her for wants or warrants or check the vehicle for registration information, and he said no. I asked Officer Gonzalez if he did a "Field Interview" or any entry into Trac Net (Department Computer System), regarding the contact, and he said no.

I asked Officer Gonzalez if he responded to \*\*\* Gloria Avenue, and he said he did not. I asked Officer Gonzalez if he was familiar with that residence, and he said he was not. Utilizing photo IA-19-02 #1, I showed Officer Gonzalez where \*\*\* Gloria Avenue was located. I asked Officer Gonzalez if he was aware that the vehicle he stopped was parked in front of \*\*\* Gloria Avenue, and he said no.

I asked Officer Gonzalez if he had a conversation with Officer Clifton while in the booking room regarding \*\*\*\*\* I told Officer Gonzalez that \*\*\*\*\* was the subject whom was taken into custody. Officer Gonzalez said he did have a conversation with him and told him about the vehicles that had come through. Officer Gonzalez said he told Officer Clifton about a conversation he had with a



neighbor in the area whom he asked if he had seen anyone running in the area. Officer Gonzalez said a neighbor said he was outside and did not see anyone running in the area. Officer Gonzalez said that nobody had made it north of him because the neighbor did not see anyone.

I asked Officer Gonzalez if he knows who \*\*\*\*\* is and he said yes. I asked Officer Gonzalez how he knows him, and he said because he transported him to jail and from report DF1902030. Officer Gonzalez said he did not know who \*\*\*\*\* was prior to the incident. I asked Officer Gonzalez if he knows who \*\*\*\*\* is and he said that it's \*\*\*\*\*'s girlfriend. I asked Officer Gonzalez if he knows that \*\*\*\*\* was the individual whom he had stopped in the vehicle, and he said yes.

I asked Officer Gonzalez if he recalls anything else regarding his conversation he had with Officer Clifton. Officer Gonzalez said he does not recall anymore and said he only briefed him on what he observed at his location.

I asked Officer Gonzalez if \*\*\*\*\* told him anything when he transported him to county jail. Officer Gonzalez said \*\*\*\*\* was rambling about a lot of stuff, like about his work and how he was going to lose his job. Officer Gonzalez said \*\*\*\*\* continued saying, "It wasn't me...I was with my girlfriend." Officer Gonzalez said \*\*\*\*\* told him that he stopped his girlfriend. Officer Gonzalez said he said things like that and nothing about the case itself. I asked Officer Gonzalez what he thought when \*\*\*\*\* told him that he had stopped his girlfriend. Officer Gonzalez paused for a moment and he said he does not recall what his thoughts were at that moment. Officer Gonzalez said he was not working the case with Officer Clifton so he did not know much of what his investigation consisted of. Officer Gonzalez said he was working his shift while Officer Clifton was investigating the case. I asked Officer Gonzalez if he arrested and transported someone else to jail that night unrelated to the pursuit incident. Officer Gonzalez said he does not recall.

NOTE: Officer Gonzalez did arrest another adult male not related to this case and transported him to jail together with \*\*\*\*\*

I asked Officer Gonzalez if \*\*\*\*\* told him anything while he was transported him, and he said yes. Officer Gonzalez said when he initially took possession of \*\*\*\*\* , he was rambling about numerous things. Officer Gonzalez said \*\*\*\*\* was very angry with Officer Clifton and very angry with the K-9 officers from the Sheriff's Department. Officer Gonzalez said \*\*\*\*\* was just angry. I asked Officer Gonzalez if he believed what \*\*\*\*\* was telling him, and he said no.



I asked Officer Gonzalez if he told Officer Clifton that it was \*\*\*\*'s girlfriend who he had stopped, and he said he did. I asked Officer Gonzalez if he recalls what Officer Clifton's reply was. Officer Gonzalez said when Officer Clifton sent him to \*\*\*\*'s address to contact her, he told him that \*\*\*\* and \*\*\*\* were in the back seat of the vehicle. Officer Gonzalez said he recalls someone telling him that they saw him drive by and set up post, but he does not recall who. Officer Gonzalez said he recalls he mentioned to Officer Clifton, that he never saw them in the vehicle. Officer Gonzalez said, "I did discuss it with Clifton that I hadn't seen them...Haa...that you know...It was the same lady that I had...I had stopped and she said she was at her friend's house." I asked Officer Gonzalez what was Officer Clifton's response. He said Officer Clifton told him that they needed to talk to her.

I asked Officer Gonzalez if he contacted \*\*\*\*, and said he did. Officer Gonzalez said that Officer Clifton told him to go contact her and he contacted her at her residence. Utilizing the information from report DF1902030, I asked Officer Gonzalez if he contacted her at 1650 East Magnolia Way, #2 and he said yes. I asked Officer Gonzalez what he told \*\*\*\* when he contacted her. Officer Gonzalez said he believes he told her \*\*\*\* had been arrested because it was determined he was the one who ran from Officer Clifton, but during the interview he had provided a different story citing he was with her. Officer Gonzalez said he asked \*\*\*\* if she could come in for an interview and she said yes. Officer Gonzalez said \*\*\*\* also mentioned that it was not \*\*\*\* who ran from the officer because he was with her. I asked Officer Gonzalez if he believed her, and he said no, because he didn't know much about the case. I asked Officer Gonzalez if he gave \*\*\*\* a business card, and he said he believes he did.

I asked Officer Gonzalez if \*\*\*\* was the same person who he stopped on Echo and Crawford Avenue, and he said yes. I asked Officer Gonzalez if \*\*\*\* responded to the police department, and he said she did. I asked Officer Gonzalez if he was in the interview with Officer Clifton and \*\*\*\*, and he said he was providing translation services. I asked Officer Gonzalez if \*\*\*\* spoke Spanish, and he said yes. I asked Officer Gonzalez if he speaks Spanish, and he said he does. I asked Officer Gonzalez if he recalls what was asked, and he said he recalls bits and pieces of the interview.

I asked Officer Gonzalez if \*\*\*\* said she was dating \*\*\*\*, during the interview, and he said yes. I asked Officer Gonzalez if \*\*\*\* said she was with \*\*\*\* the night of to the arrest, and he said yes. I asked Officer Gonzalez if \*\*\*\* said she was with \*\*\*\* the entire night till she went home, and he said he did



not recall. I asked Officer Gonzalez if \*\*\*\*\* said she was in her vehicle with \*\*\*\*\* \*\* parked in front of his residence, and he said yes. I asked Officer Gonzalez if \*\*\*\*\* said they were in her car when police units began arriving in the area, and he said yes. I asked Officer Gonzalez if \*\*\*\*\* said \*\*\*\*\* \*\* was wearing a white shirt and shorts, and he said yes. I asked Officer Gonzalez if \*\*\*\*\* said where \*\*\*\*\* \*\* worked, and he said he did not recall. I asked Officer Gonzalez if \*\*\*\*\* said what type of vehicle \*\*\*\*\* \*\* drove, and he said yes, but did not recall what type she said.

I asked Officer Gonzalez if \*\*\*\*\* said that she had telephoned \*\*\*\*\* \*\* to tell him that she had been detained or stopped by police, and he said yes. I asked Officer Gonzalez if \*\*\*\*\* said she was the one who telephoned \*\*\*\*\* \*\*, and he said he does not recall. I asked Officer Gonzalez if \*\*\*\*\* said she told \*\*\*\*\* \*\* on the phone that police were looking for someone, and he said yes.

I asked Officer Gonzalez if \*\*\*\*\* said she and \*\*\*\*\* \*\* went to Liquor Locker to buy some chips and snacks, and he said yes. I asked Officer Gonzalez if he recalls what time she said they went, and he said no. I asked Officer Gonzalez if he recalls what car \*\*\*\*\* said they were in, and he said no. I asked Officer Gonzalez if \*\*\*\*\* said that police stopped her and searched her car, and he said yes.

I asked Officer Gonzalez if \*\*\*\*\* said they were looking for \*\*\*\*\* \*\*'s cellphone when police arrived, and he said yes. I asked Officer Gonzalez if \*\*\*\*\* said she had asked \*\*\*\*\* \*\* to go inside his residence to look for his cellphone. Officer Gonzalez paused for a moment and said he believes she did. I asked Officer Gonzalez if he recalled asking \*\*\*\*\* why \*\*\*\*\* \*\* worked under a different name, and he said no. I asked Officer Gonzalez if he recalls asking \*\*\*\*\* if she knew \*\*\*\*\* \*\* by his name, \*\*\*\*\* or any other name. Officer Gonzalez said he only remembers the conversation but does not recall specifics.

I asked Officer Gonzalez if \*\*\*\*\* said they went to \*\*\*\*\* \*\*'s friend's house to pick up some money, and he said yes. I asked Officer Gonzalez if he recalls asking \*\*\*\*\* on behalf of Officer Clifton about going to Jack in the Box. Officer Gonzalez said he believes he did.

I asked Officer Gonzalez if Officer Clifton mentioned anything about a Jack in the Box receipt outside the interview with \*\*\*\*\*. Officer Gonzalez said he recalls Officer Clifton mentioning a bunch of pay stubs and receipts, but not specifically a Jack in the Box receipt.

I asked Officer Gonzalez if he typed a supplemental report to case DF1902030, and he said he did not. I asked Officer Gonzalez why, and he said he asked Officer Clifton if he wanted him to type a supplemental report and he said no. Officer Gonzalez said that Officer Clifton told him he would document in his report that he translated for him and that he transported \*\*\*\* \*\* to county jail.

I asked Officer Gonzalez again if he believed \*\*\*\* \*\*'s story at the time he contacted him, and he said no. Officer Gonzalez said he has been lied to so much that he does not believe someone until he sees the facts. Officer Gonzalez said that Officer Clifton was so sure that \*\*\*\* \*\* was the one who ran from him. Officer Gonzalez said that Officer Clifton was his field training officer, so if he says something he will believe him.

I asked Officer Gonzalez if Officer Clifton told him anything about arresting the wrong person after July 7, 2019. Officer Gonzalez said he did not, but he was in the room when he was talking with someone else about it. Officer Gonzalez said it may have been during briefing, and recalls Officer Clifton telling someone that he went to "Pre-trial" to pick up \*\*\*\* \*\* and brought him back. I asked Officer Gonzalez if he found out that Officer Clifton arrested the wrong person. Officer Gonzalez said he did not know Officer Clifton had arrested the wrong person and believed it was an ongoing investigation and felt he may have needed more evidence. Officer Gonzalez said he did not want to infringe in Officer Clifton's investigation and he does not question Officer Clifton because he was his F-T-O (Field Training Officer).

I asked Officer Gonzalez if he ever found out that Officer Clifton arrested the wrong person, and he said yes as it was being rumored around. I asked Officer Gonzalez if he read the report after he found out Officer Clifton arrested the wrong person. He said he did not review the report until he was served with the internal investigation notice and after he asked if it was okay to review it.

NOTE: Officer Gonzalez asked me if it was okay to review report DF1902030 after he received notice of IA-19-02 at which time I told him yes.

I asked Officer Gonzalez if he spoke with \*\*\*\* over the phone after he and Officer Clifton interviewed her. Officer Gonzalez said he is not sure if it was \*\*\*\* who called the police department and asked if \*\*\*\* \*\* was still in custody. He said he does not know if it was \*\*\*\* and believes he did not speak with her.

I asked Officer Gonzalez if Officer Clifton or someone else told him that Officer Clifton wanted to get into a pursuit on the night of the incident. Officer Gonzalez



paused for a moment and said there have been conversations like that, but does not recall if it was that night. Officer Gonzalez said those conversations usually occur during briefing when officers are all amped up and ready to go out in the streets. Officer Gonzalez said conversations in briefing usually consist of "Let's go find the bad guy, let's go find the gun, let's go find the dope, let's go find the pursuit," or something of that nature.

I asked Officer Gonzalez if \*\*\*\*\* told him that Officer Clifton was claiming that \*\*\*\*\* was not pulled over by police, and he said no. Officer Gonzalez said he recalls \*\*\*\*\* was very mad at Officer Clifton. I asked Officer Gonzalez when he was preparing to transport him to jail, did \*\*\*\*\* tell him he was in a maroon car with \*\*\*\*\* in front of his residence when police arrived. Officer Gonzalez said he does recall him saying that but does not recall him saying it was a maroon car. I asked Officer Gonzalez if \*\*\*\*\* said they were inside the car in front of the house the entire time when the police showed up. Officer Gonzalez said he did not recall that.

I asked Officer Gonzalez if he told \*\*\*\*\* that he could not do anything because Officer Clifton outranked him, and he said no. Officer Gonzalez said he does recall trying to ease him up because he was pretty agitated and he was a good size guy. Officer Gonzalez said he did not want to fight him or something like that because he was pretty agitated with police and with Officer Clifton. Officer Gonzalez said he told \*\*\*\*\* if he did not do what he is being charged with, the investigation would reveal the facts of the case. Officer Gonzalez said he told \*\*\*\*\* that he will have options and if he felt he was treated wrong, he could file a complaint. Officer Gonzalez said he was trying to give \*\*\*\*\* a perspective that this was not the end of the line. Officer Gonzalez said he was trying to explain the investigation process to \*\*\*\*\* Officer Gonzalez said he recalls \*\*\*\*\* saying that he allowed Officer Clifton to look through his phone and he still arrested him. I asked Officer Gonzalez if \*\*\*\*\* told him what was found in his phone, and he said no.

I asked Officer Gonzalez if he recalls if \*\*\*\*\* told him that \*\*\*\*\* called him after she was pulled over, and he said yes. Officer Gonzalez said he believes \*\*\*\*\* brought it up in the interview. I told Officer Gonzalez that he was not in the interview with \*\*\*\*\* Officer Gonzalez said he meant that it was brought up by \*\*\*\*\* in her interview with Officer Clifton. I asked Officer Gonzalez if he recalls \*\*\*\*\* telling him that \*\*\*\*\* telephoned him after she was stopped by police, and he said he did not recall that.



I asked Officer Gonzalez if he told \*\*\*\*\* that she was the only one that could help \*\*\*\*\* out when he made contact with her at her residence. Officer Gonzalez said he believes he told \*\*\*\*\* that \*\*\*\*\* claimed he was with her during the time they were looking for someone and if that was correct, she was the only one that could prove his statement. I asked Officer Gonzalez if he recalls if \*\*\*\*\* telling him that he was in the vehicle with \*\*\*\*\* when police arrived and that he saw him driving by. Officer Gonzalez said he recalls \*\*\*\*\* rambling about something like that. Officer Gonzalez said he recalls \*\*\*\*\* saying he was in the car, in the back seat and he believes they were having sex. Officer Gonzalez said he does not recall \*\*\*\*\* saying "You saw me." Officer Gonzalez said it would be hard to see him because he had his unit spot lights facing Gloria and Echo Avenue. Officer Gonzalez said he recalls \*\*\*\*\* said he saw police cars.

I asked Officer Gonzalez if he believed \*\*\*\*\* after he told him all of this, and he said no. Officer Gonzalez said, "I hate to say it, but I heard that story a million times." I asked if he ever believed \*\*\*\*\*, and he said no. Officer Gonzalez said he felt a little more convinced during the interview with \*\*\*\*\* but he recalls Officer Clifton saying that they had time to communicate with each other. I asked Officer Gonzalez when did Officer Clifton tell him this, and he said it was said during the interview with \*\*\*\*\*. Officer Gonzalez said he recalls Officer Clifton "drilling her" during the interview regarding speaking with \*\*\*\*\* over the phone. Officer Gonzalez said he recalls \*\*\*\*\* saying that she did speak with \*\*\*\*\* over the phone because he wanted to make sure she got home safe.

I asked Officer Gonzalez if he spoke with Officer Clifton after the investigation. He said no, they did not debrief. I asked Officer Gonzalez if Officer Clifton convinced him or try to convince him that \*\*\*\*\* was guilty or not guilty. Officer Gonzalez said no, and said Officer Clifton knew at the time that he had the right guy. Officer Gonzalez said he mentioned to Officer Clifton that \*\*\*\*\* was extremely mad at him and he was mad about going through his cell phone. Officer Gonzalez said he did not believe \*\*\*\*\*

I asked Officer Gonzalez if he recalls anything else. Officer Gonzalez said he recalls Officer Clifton saying \*\*\*\*\* was wearing a white shirt and black shorts or something like that, and that he was wearing the same clothing when he was caught. Officer Gonzalez said he recalls Officer Clifton saying \*\*\*\*\* ran towards that location (where he was caught) and the dog went directly to that house. Officer Gonzalez said that Officer Clifton said he recognized \*\*\*\*\* as the one who ran from him, so this is why he never questioned Officer Clifton.



Officer Gonzalez said Officer Clifton said he had the right guy, so he trusted him. I told Officer Gonzalez that according to report DF1902030, Officer Clifton indicated that the suspect was wearing black pants and a grey shirt. Officer Gonzalez said he meant to say that Officer Clifton said the suspect's clothing matched \*\*\*\*\*'s clothes. I asked Officer Gonzalez when did this conversation take place, and he said he was not really sure but believed it was during morning briefing or right before briefing. Officer Gonzalez said he is not buddies with Officer Clifton and these are things he overheard being said by him to others. Officer Gonzalez said by hearing all these things he was telling others, he believed Officer Clifton had the right guy. This concluded the interview with Officer Gonzalez.

On October 24, 2019, at approximately 4:43 PM, I called \*\*\*\*\* (559-\*\*\*\*\*), in attempt to contact him, but I was met with negative results. I called \*\*\*\*\* right after, and she answered. I asked \*\*\*\*\* if she could get her cellular telephone records for the month of July 2019, so that I could check for information regarding the call she made to \*\*\*\*\* on July 7, 2019. \*\*\*\*\* said she will try to contact her cellular phone provider, Sprint. After concluding the call with \*\*\*\*\* , I called \*\*\*\*\* again and he answered. I asked \*\*\*\*\* if he could get his cellular telephone records for the month of July 2019, so I could check for information regarding the call he received from \*\*\*\*\* on July 7, 2019. \*\*\*\*\* told he would contact his cellular provider, Verizon, and request the information.

On October 29, 2019, at approximately 3:57 PM, I called \*\*\*\*\* to inquire about her telephone records. \*\*\*\*\* said she called, and they sent her the telephone statement, but it did not have the calls on it. \*\*\*\*\* said she told Sprint she needed the actual calls with date/times, and she said she was told she would have to go to a Sprint store for that. \*\*\*\*\* said the closest Sprint store for her would be in Fresno, and she had not gotten a chance to do so. \*\*\*\*\* said she attempted to log onto the Sprint website to get her records that way, but she could not figure it out. \*\*\*\*\* said she would ask her daughter for assistance when she gets home.

On October 29, 2019, at approximately 4:03 PM, I called \*\*\*\*\* to ask him about the telephone records, but I was met with negative results.

On October 30, 2019, at approximately 4:30 PM, I called and spoke with \*\*\*\*\* regarding his telephone records for July 2019, and particularly July 7, 2109. \*\*\*\*\* told me he had contacted his cellular phone provider and requested the records. \*\*\*\*\* said he was told that they'll be mailing him the records and it would be about a week. \*\*\*\*\* said he would call me when he receives them.



On November 4, 2019, at approximately 4:41 PM, I called \*\*\*\* Jr, but I was met with negative results. I was unable to leave a voice message as his telephone voicemail is not set up.

On November 4, 2019, at approximately 4:43 PM, I called \*\*\*\*, but I was met with negative results. I left a voice message asking for her to call me back.

On November 6, 2019, at approximately 4:04 PM, I called \*\*\*\* \*\*, but I was met with negative results. I was unable to leave a voice message, as his telephone voicemail is not set up. I called \*\*\*\* at 4:06 PM, but her telephone would not take calls.

On November 7, 2019, at approximately 8:59 AM, I responded to 133 South Palm Drive and made contact with \*\*\*\*. I introduced myself to \*\*\*\* as Lieutenant, Abel Iriarte from Dinuba Police Department, and told her I was inquiring about the arrest of her son \*\*\*\*. \*\*\*\* invited me into her residence and related the following information to me.

\*\*\*\*\*

I asked \*\*\*\* if \*\*\*\* Lopez was home, and she told me that she was not and that she no longer resided at this location. \*\*\*\* said \*\*\*\* is her son \*\*\*\*'s common-law wife and they have children in common. While at the residence a boy approximately 5-6 years old was present and \*\*\*\* told me this was \*\*\*\* and \*\*\*\*'s son who was home sick. I asked \*\*\*\* if she knew what had occurred with her son \*\*\*\* and the police; and she said she was aware that \*\*\*\* "ran" from the police. I told \*\*\*\* that a person who was not involved in what \*\*\*\* did was arrested by the Dinuba Police Department. I told \*\*\*\* this was the main reason why I was here, to gather information on the matter. \*\*\*\* said she understood.

I asked \*\*\*\* if \*\*\*\* was currently incarcerated in state prison in Delano, and she said yes. I told \*\*\*\* that one of the main questions I had for her and \*\*\*\* was if \*\*\*\* had facial hair or a beard, and \*\*\*\* quickly answered no. \*\*\*\* said \*\*\*\* always shaved his face and his head. \*\*\*\* said she use to tell \*\*\*\* to let his hair grow out, but he would not. \*\*\*\* said \*\*\*\*'s beard did not grow out naturally or normal so he would shave it. \*\*\*\* said \*\*\*\* would grow his beard in patches so he would rather have it shaved off. \*\*\*\* said who knows now that if he is in prison if he has his facial hair grown out.



I asked \*\*\*\*\* if she saw \*\*\*\* \*\*\*\*\* when he turned himself in, and she said she did see him and she was the one who convinced him to turn himself in to police.

\*\*\*\*\* said that police arrived at her residence and spoke with \*\*\*\*\*, and during that time they threatened to have her children taken away if \*\*\*\*\*, did not turn himself in. \*\*\*\*\* said she told \*\*\*\*\* the police cannot take her children from her because she was not involved in whatever \*\*\*\*\*, had done.

\*\*\*\*\* said she had spoken with \*\*\*\*\*, and told him to turn himself in and she said he told her that he wanted to, but needed to work to provide an income for his family. \*\*\*\*\* said she told him that they could manage while he took care of what he needed to take care of. \*\*\*\*\* said her fear was that he may end up getting hurt by police or something, as bad as being shot by police. \*\*\*\*\* said she convinced \*\*\*\*\*, to turn himself in, and after speaking with his kids and \*\*\*\*\*, he turned himself in. \*\*\*\*\* said \*\*\*\*\*, pled guilty to whatever he was involved in, because he did not want to have \*\*\*\*\* dragged into whatever he did in court fearing she may get in trouble at her job. \*\*\*\*\* said \*\*\*\*\*, was transferred to Delano in August 27, 2019, and has been there since. \*\*\*\*\* said she has not visited him and has submitted paperwork twice to visit him.

\*\*\*\*\* said \*\*\*\*\* and \*\*\*\*\*, where in the process of moving out of her residence when he turned himself in. \*\*\*\*\* said \*\*\*\*\* moved out with her children while \*\*\*\*\*, went to prison. \*\*\*\*\* said \*\*\*\*\* and their two kids were living with them, and \*\*\*\*\*, was living with a friend just before he turned himself in. \*\*\*\*\* said \*\*\*\*\*, moved out because he had a warrant and didn't want to bring problems to their house. \*\*\*\*\* said \*\*\*\*\*, would visit his kids often.

\*\*\*\*\* said the day after police arrived at her residence, \*\*\*\*\*, turned himself in. Again, I asked \*\*\*\*\* about \*\*\*\*\*,s facial hair, grabbing my chin with my hand to indicate facial hair. \*\*\*\*\* said \*\*\*\*\*, did not wear facial hair and would shave. \*\*\*\*\* said there was only one time long, long ago were \*\*\*\*\*, allowed his facial hair to grow but the majority of the time he was shaved. I told \*\*\*\*\* my main concern was if he had facial hair during the month of July, and she said he was shaved during the month of July and did not have facial hair.

\*\*\*\*\* showed me a photo in her phone, which she indicated was taken on Father's Day, June 16, 2019. The photo is that of \*\*\*\*\*, her daughter, her husband and \*\*\*\*\*, is wearing a baseball cap in the photo. \*\*\*\*\*, has a partial mustache, with hair on only half of his upper lip on each side. He appears to have very little facial hair and no goatee. \*\*\*\*\* said that \*\*\*\*\*, had similar

facial hair in the photo, as he did when she last saw him before turning himself in. \*\*\*\*\* allowed me to retrieve this photo, by emailing it to my police department issued email address. I later attached the photo to IA-19-02. This concluded the contact with \*\*\*\*\*.

On November 8, 2019, at approximately 3:30 PM, I responded to \*\*\* Gloria Avenue and made contact with \*\*\*\* \* and \*\*\*\*\*.

\*\*\*\* \*

I asked \*\*\*\* \* in regards to his cell phone bill, and he said he was still having problems receiving the calls for July 2019. He said he was told that he needed to go into an office and request the records there. I asked \*\*\*\* \* if he would allow me to enter his residence so I can get a visual layout, and he said yes. Once I entered the residence, I contacted \*\*\*\* \*, \*\*\*\* \* said the account is under \*\*\*\*\*'s name so I asked \*\*\*\*\* if she would be able to go and obtain the phone records. \*\*\*\*\* and \*\*\*\* \* said they would go today.

I observed that the residence consists of four bedrooms and two bathrooms. One bathroom is located in the master bedroom which, \*\*\*\* \* indicated was his parents' bedroom. The hallway bathroom is located next to the master bedroom. As we were standing outside of this bathroom in the hallway, I asked \*\*\*\* \* if he recalls where he placed his clothes before he took a shower. \*\*\*\* \* said, "My clothes were right here on the floor." \*\*\*\* \* was pointing to the bathroom floor when he said this. This is consistent with Deputy Durkee's video camera where a pair of black shorts is seen in the hallway bathroom on the floor.

While in the master bedroom, \*\*\*\* \* said his parents and his two younger sisters shower in this bathroom. \*\*\*\* \* said \*\*\*\* \* and he use the hallway bathroom. \*\*\*\* \* said his father is much slimmer than he is and when Officer Clifton was telling him he found the black pants that he was wearing, he could not believe that Officer Clifton could not tell the pants he was talking about could not fit him. \*\*\*\* \* said he was wearing about a size 34 waist during the time of the incident and believes his father wears a size 30. \*\*\*\* \* said he has not lost any weight since the incident, and currently weighs about 220 lbs.

We walked to the backyard door and noticed two small dogs that appeared friendly. \*\*\*\* \* said when he was arrested, he had his car parked in the backyard. Before I left, \*\*\*\* \* said he would go with \*\*\*\*\* and attempt to get his phone records for July 7, 2019, at a Verizon store.



On November 14, 2019, at approximately 4:31 PM, I called \*\*\*\*\* Jr, but I was met with negative results. I was unable to leave a voice message due to his telephone continued ringing with no answer. Right after, I called \*\*\*\*\* and asked her in regards to the telephone records, and she said they didn't go. \*\*\*\*\* said \*\*\*\*\* forgot. \*\*\*\*\* said she was going to try and get a hold of \*\*\*\*\* so that he may call me.

On November 14, 2019, at approximately 4:39 PM, I called \*\*\*\*\* but I was met with negative results. I left a voice message to be called back.

#### VERIZON TELEPHONE STATEMENT

On November 15, 2019, at approximately 10:16 AM, I contacted \*\*\*\*\* and asked her about the telephone records. \*\*\*\*\* said she was able to get them using her cell phone. \*\*\*\*\* took a "snapshot" of the phone records with her cellphone and emailed them to me. The image sent to me by \*\*\*\*\* of the telephone bill is a snapshot from her telephone. She told me she did not know how else to retrieve it from her cell phone. The image is of one billing page of Verizon cell number 559-\*\*\*\*\*. This cell number is the number that \*\*\*\*\* provided as his, when he was booked and on his original city complaint form. The billing is from July 6, 2019 to July 11, 2019. The telephone call pertaining to the one claimed to have been made by \*\*\*\*\* is on line 6 of 46 in the statement. It is the only telephone call listed for July 7, 2019, for this telephone number. The call is an incoming call from telephone number 559-\*\*\*\*\*. This is the telephone number that \*\*\*\*\* claimed to be her number and was documented in report DF1902030 by Officer Clifton. The call shows to have lasted 3 minutes.

On November 15, 2019 at approximately 11:12 AM, I responded to Brandt Farms located at 6040 Avenue 430, Reedley CA. I contacted office personnel and asked for \*\*\*\*\* . I contacted \*\*\*\*\* in an office and she related the following information to me.

\*\*\*\*\*

\*\*\*\*\* , identified herself as the site supervisor for Brandt Farms. I told \*\*\*\*\* that I was investigating an incident involving \*\*\*\*\* and Officer Clifton. I told \*\*\*\*\* that \*\*\*\*\* was arrested and is now in prison. I told her I was investigating if Officer Clifton followed procedures when he contacted her regarding his investigation into \*\*\*\*\* . \*\*\*\*\* said she understood and did recall contacting Officer Clifton. I told \*\*\*\*\* that according to the report which Officer

Clifton authored, he made contact with her on July 8, 2019, in the morning. I then attempted to confirm the statements made by \*\*\*\*\* according to Officer Clifton in the report.

I asked \*\*\*\*\* if they have surveillance and she said they do. I asked \*\*\*\*\* if the surveillance video still exists, and she said she believed so. \*\*\*\*\*, later checked with her personnel and said they don't have any video and it recycles in about a week's time.

\*\*\*\*\* said, "I remember when he first...when we were doing all this, the officer had brought up a picture and they had arrested the wrong guy...I'm like that is not my employee. He's like are you sure because we..." \*\*\*\*\* said she went back and forth with Officer Clifton, and they pulled up an employee picture of \*\*\*\*\*. I asked \*\*\*\*\* if Officer Clifton told her they arrested the wrong person, and she said it's not that he said they arrested the wrong person, but she was telling him that was not their employee. \*\*\*\*\* said Officer Clifton showed her a photo from his phone and told her this is \*\*\*\*\*. \*\*\*\*\* said she told him that is not the \*\*\*\*\* who works at Brandt Farms. \*\*\*\*\* said Officer Clifton told her it was him and she again told him that it was not him. \*\*\*\*\* said it was not until she showed him a Brandt Farms photo of \*\*\*\*\* and told him this was their employee. \*\*\*\*\* said Officer Clifton then realized he had arrested the wrong guy. \*\*\*\*\* said he told her that a person whom he showed her a photo of was currently in custody.

I showed \*\*\*\*\* a copy of the Brand Farms ID of \*\*\*\*\* which I obtained from Dinuba PD case DF1902030 and asked her if that was \*\*\*\*\*. \*\*\*\*\* said it was \*\*\*\*\* and it was the same photo that she showed Officer Clifton. I asked \*\*\*\*\* if she remembers \*\*\*\*\* as far as how he looks, and she said yes. \*\*\*\*\* said \*\*\*\*\* was shaved down a little bit more while he was working as compared to the copy of the Brandt Farms photo ID of \*\*\*\*\*. \*\*\*\*\* said \*\*\*\*\* had more hair on his face in the ID compared to when he was working with them.

**NOTE:** \*\*\*\*\* brought the facial hair to me as appose to me asking her first.

I told \*\*\*\*\* since she brought up the subject of facial hair, I asked her to look at two photos that I had brought with me of \*\*\*\*\* . One of the photos, I retrieved from Case DF1902030 which Officer Clifton obtained from Full Steam Staffing. This is a color photo of \*\*\*\*\* on a piece of paper, which was emailed to Officer Clifton on July 8, 2019, at 9:15 AM, by \*\*\*\*\* from Full Steam Staffing. It is



unknown when this photo was taken but according to report DF1902030, \*\*\*\*\* worked through Full Steam Staffing from May 13, 2019 to May 31, 2019. I explained to \*\*\*\*\* that \*\*\*\*\* was employed by SeaCa through Full Steam Staffing in the Month of May 2019. I showed \*\*\*\*\* and she said he had facial hair like, "In between these two." When \*\*\*\*\* said this she was pointing and referring to the two photos, one from Brandt Farms and the other from Full Steam Staffing.

\*\*\*\*\* said \*\*\*\*\*'s hair was about the same as in the photo of Full Steam staffing, as the last time she saw him. \*\*\*\*\* said he didn't have as much facial hair as in the Brandt Farms photo, saying it was not as dark. When \*\*\*\*\* said "not as dark", she was pointing at \*\*\*\*\*'s face in the Brandt Farms ID photo and referring to his facial hair. \*\*\*\*\* said \*\*\*\*\*'s facial hair was more like the Full Steam Staffing photo, but had a little bit more facial hair than the photo.

I introduced the second photo to \*\*\*\*\* . This photo is of \*\*\*\*\* taken on July 10, 2019, when he was booked at the police department. \*\*\*\*\* said he had more facial hair than this photo, but stubble and not an actual beard. \*\*\*\*\* said most of the time that \*\*\*\*\* worked for Brandt Farms, he had facial hair. \*\*\*\*\* said she would see \*\*\*\*\* once in a while when he worked for Brandt Farms. \*\*\*\*\* said to herself, she remembers for some reason, she always saw \*\*\*\*\* with stubble on his face.

\*\*\*\*\* said she does not recall seeing \*\*\*\*\* with that much hair on his face as shown in the Brandt Farms photo. \*\*\*\*\* said \*\*\*\*\* looked to have as much facial hair between the photo of Full Steam Staffing and the booking photo taken on July 10, 2019.

I asked \*\*\*\*\* if she told Officer Clifton that \*\*\*\*\* had less hair on the photo taken by Brandt Farms, and she said yes. \*\*\*\*\* said the Brandt Farms photo of \*\*\*\*\* is dark and he is wearing a dark shirt. \*\*\*\*\* said she believes she told Officer Clifton that \*\*\*\*\* did not have that much darkness (referring to his facial hair) on his face. \*\*\*\*\* said she believes she said less hair and not more hair. \*\*\*\*\* said, "Unless I said more, I don't know why I would say more." I asked \*\*\*\*\* if she would say less or more, and she said less. I asked \*\*\*\*\* if she recalls if \*\*\*\*\* ever had like a goatee, and she said, "I just remember this." When \*\*\*\*\* said this, she motioned her hand toward the sides of her face. \*\*\*\*\* said she just remembers around his face.

I asked \*\*\*\*\* about \*\*\*\* \*\*\*\*\*'s hair on his head, and she said the most hair she remembers seeing on \*\*\*\*\* was like the one on the Brandt Farms photo.

\*\*\*\*\* said \*\*\*\* \*\*\*\*\* called her and told her he had gotten into something and the police were looking for him. \*\*\*\*\* said \*\*\*\* \*\*\*\*\* told her he was not going to come back to work because he could not be locked up. \*\*\*\*\* said \*\*\*\* \*\*\*\*\* was a good worker.

I asked \*\*\*\*\* if Officer Clifton requested a copy of the surveillance video, and she said he did not request it but she recalls he looked at it. I asked \*\*\*\*\* if Officer Clifton took photos or recorded the video surveillance with his telephone. \*\*\*\*\* said she did not think he did and was only looking to see what type of clothing \*\*\*\*\* was wearing. This concluded the interview with \*\*\*\*\*.

On December 16, 2019 at approximately 10:32 AM, I interviewed Officer Ryan Clifton at the Mayor's Office located at Dinuba City Hall. Present in the interview was Officer Clifton's representative, Attorney Sarah Tobias. I provided Officer Clifton with a copy of his notice of IA#19-02, which was originally issued on September 23, 2019. I also provided Officer Clifton and Tobias each a copy of Dinuba Police Department DF1902030. I provided Officer Clifton with Lybarger Admonishment and his rights per Miranda which he invoked. The following is a summary of Officer Clifton's statement to me.

#### OFFICER RYAN CLIFTON

I asked Officer Clifton if he was working on July 7, 2019, and he said yes. Officer Clifton said he was working under the capacity of a police officer and on patrol. I asked Officer Clifton what shift was he working during this time, and he said graveyard shift which begins at 9:30 PM and ends at 7:30 AM. I asked Officer Clifton if he began his shift on July 6, 2019 at 9:30 PM, and he said yes. I asked Officer Clifton if he recalls when his shift ended and he said he was not sure because he had held over. I asked Officer Clifton if it was supposed to end on July 7, 2019 at 7:30 AM, and he said yes. I asked Officer Clifton if he was involved in a vehicle pursuit, and he said yes. I asked Officer Clifton if he authored Dinuba Police Department report DF1902030, and he said yes. I asked Officer Clifton if had an opportunity to review report DF1902030 before coming to the interview, and he said yes. I asked Officer Clifton if he needed any more time to review the report before continuing the interview, and he said no.



I asked Officer Clifton to tell me what occurred with the incident, and he said he observed a vehicle coming in his direction with a front headlight out. Officer Clifton said he was going to immediately make a U-turn, but there was another vehicle behind him. Officer Clifton said once he was clear to make a U-turn, the initial vehicle which had the headlight out pulled into an apartment complex. Officer Clifton said as he was observing the initial vehicle, a second vehicle caught his attention. Officer Clifton said this second vehicle appeared to be accelerating and attempting to gain distance from him. Officer Clifton said his attention now shifted to the second vehicle, which is the suspect vehicle in this case (DF1902030). Officer Clifton said the suspect vehicle failed to stop at a posted stop sign at Crawford Avenue and Nebraska Avenue. Officer Clifton said he immediately activated his emergency lights in order to conduct a traffic stop on the suspect vehicle. Officer Clifton said the suspect vehicle continued driving south on Crawford Avenue at a high rate of speed. Officer Clifton said it was evident to him the suspect was fleeing from him. Officer Clifton said he made notification that he was in pursuit of a vehicle.

Officer Clifton said the vehicle continued southbound on Crawford Avenue and crossed over to the second lane which was the northbound lane. Officer Clifton said the vehicle failed to stop at another posted stop sign and proceeded southbound on Crawford Avenue. Officer Clifton said when the driver of the suspect vehicle reached about the 500 block of North Crawford Avenue, he observed the driver throwing out items out the window. Officer Clifton said he notified dispatch of what was taking place. Officer Clifton said the suspect continued driving southbound and failed to stop at the stop light at Crawford Avenue and El Monte Way. Officer Clifton said the suspect continued driving a short time more and attempted to make a turn, but could not do so. Officer Clifton said the suspect exited the vehicle and fled on foot. Officer Clifton said he made good observation of the suspect and set up a perimeter.

Officer Clifton said he requested a K-9 to respond to their location. Officer Clifton said TCSO (Tulare County Sheriff's Office) arrived on scene and they began a yard to yard search which led them to the house on Gloria. Officer Clifton said a subject answered the door and through his belief, he was the suspect who had driven the vehicle based on his observation. Officer Clifton said this subject was placed under arrest.

I asked Officer Clifton if the suspect vehicle which he was pursuing was a Mitsubishi Eclipse, and he said yes. I asked Officer Clifton if the driver of the Mitsubishi



Eclipse jump a fence at \*\*\*\* East Parkway, and he said yes. I asked Officer Clifton if he saw the subject jumped the fence, and he said yes. I asked Officer Clifton which fence, and he said it was the backyard fence that faced the alleyway. I asked Officer Clifton if he observed damage to the fence, and he said yes. I asked Officer Clifton if he could describe the damage to the fence, and he said he believed it was two of the boards were broken off. I asked Officer Clifton if he confirmed the fence boards were freshly broken fence boards, and he said yes. I asked Officer Clifton if he photographed the damage to the fence, and he said he did not but believed someone else did. Officer Clifton began looking through the report and said "Maybe I did." I told Officer Clifton that there were no photos of the fence attached to the report. I told Officer Clifton that I had the photos to the case packet and that I would allow him to look at them later.

**NOTE:** There are no photos of the backyard fence to \*\*\*\* Parkway attached or uploaded to Dinuba PD case DF1902030.

I asked Officer Clifton, based on his training, experience and observation if he believes that the person whom he saw jumped the fence could have been cut, scraped or received any kind of injury by jumping the fence. Officer Clifton said, "It's possible."

I asked Officer Clifton if he contacted TCSO for assistance, and he said yes. I asked Officer Clifton if they arrived, and he said yes. I asked Officer Clifton if he recalls who arrived, and he said two deputies. Officer Clifton said he only knows the name of Deputy Montoya and not the other deputy. I asked Officer Clifton if they had a K-9, and he said yes. Officer Clifton said Deputy Montoya had the K-9.

I asked Officer Clifton if the Mitsubishi Eclipse was still on scene when the deputies arrived, and he said yes. I asked Officer Clifton if he got an opportunity to search the vehicle, and said, "Prior to TCSO arriving, yes." I asked Officer Clifton under what authority did he search the vehicle, and he paused for a moment and asked if we could come back to this question. I told Officer Clifton that it was not a trick question, and then he answered based on the fact that it was involved in a crime. I asked Officer Clifton if he searched the vehicle because he had been in a pursuit with it, and he said yes.

I asked Officer Clifton what he located inside the vehicle. Officer Clifton said he located a check stub and a red hat. I asked Officer Clifton if he was referring to a baseball hat, and he said yes. I asked Officer Clifton if he located anything else, and he said the title to the vehicle. I asked Officer Clifton how he knew it was the



title to the vehicle, and he said because it matched the VIN (Vehicle Identification Number). I asked Officer Clifton if he recalls the name on the title. He said he does not recall the name, but recalls the person whom it was registered had an address in Farmersville. Officer Clifton said the title was signed in the back by a \*\*\*\*\*. I asked Officer Clifton if it was dated, and he said it might have been but he does not recall.

I asked Officer Clifton if Officer Alexander Cordell advised him that he also located some items that he (Clifton) observed thrown from the Mitsubishi Eclipse in the 500 block of North Alta Avenue, and he said yes. Officer Clifton said Officer Cordell located check stubs.

**NOTE:** I meant to ask Officer Clifton if it was the 500 block of North Crawford Avenue and not Alta Avenue. The check stubs were located on Crawford Avenue and not Alta Avenue.

I asked Officer Clifton what he remembers seeing on the check stubs, and he said the name of \*\*\*\*\* and the employer Brandt Farms. Officer Clifton said he also remembers some of the check stubs were from Full Steam Staffing.

I asked Officer Clifton if he recalls if the keys to the Mitsubishi were in the ignition or anywhere inside the vehicle, and he said, "Not off the top of my head, I don't." I asked Officer Clifton if he remembers seeing any car keys or recovering any. Officer Clifton paused for a moment and began looking through report DF1902030. I told Officer Clifton that I did not see any information in the narrative of the report regarding car keys and I was asking him if he recalls seeing any and did not document that information. Officer Clifton said he did not want to guess and wants to be sure and will say he does not recall.

I asked Officer Clifton if the items located by Officer Cordell and the items located in the Mitsubishi were booked into evidence, and he said yes. I asked Officer Clifton who booked them into evidence, and he paused for a moment again looking through report DF1902030. Officer Clifton said he believes he booked them.

I asked Officer Clifton to give me more detail on what occurred after the TCSO deputies arrived. Officer Clifton said he advised them of the situation and that a perimeter had been set up prior to the search. I asked Officer Clifton if he advised the deputies of the vehicle he was in pursuit with, and he said yes. I asked Officer Clifton if the Mitsubishi was visible to the deputies when they arrived, and he said

yes. Officer Clifton said the Mitsubishi was only a short distance from where they were and said it was just "Caddy corner" across the street from the fence.

I asked Officer Clifton if he was involved in the search, and he said yes. I asked Officer Clifton if he recalls where they began the search, and he said at the backyard fence where the suspect was last seen. I asked Officer Clifton if that was \*\*\*\*\* East Park Way, and he said yes. I asked Officer Clifton if Deputy Montoya brought his K-9 to the suspect vehicle to pick up some type of scent, and he said not that he could recall. I asked Officer Clifton if they started right at \*\*\*\*\* Park Way, and he said yes. Officer Clifton said if Deputy Montoya did that prior, he did not know. I asked Officer Clifton if he saw Deputy Montoya take his K-9 to the suspect vehicle, and he said he did not see that.

I asked Officer Clifton if there was an officer around the Mitsubishi Eclipse during this time. Officer Clifton said he was originally around the vehicle and believes Officer Cordell stood by with the vehicle. I asked Officer Clifton if there was a breakage in the chain of custody of the suspect vehicle, and he said there was no breakage.

I asked Officer Clifton if he entered the backyard at \*\*\*\*\* East Park Way, and he said he did along with the deputies and K-9. Officer Clifton said they entered through the broken fence boards. I asked Officer Clifton if the suspect left any traces or evidence that he had entered the backyard of \*\*\*\*\* East Park Way, and he said he knows he entered because he saw him enter. I asked Officer Clifton if there was any trace that he entered the backyard other than the broken fence, and he said not that he could recall. I asked Officer Clifton what happened after they didn't locate anyone at \*\*\*\*\* East Park Way, and he said they exited the front side gate of the residence which leads to Gloria Avenue. Officer Clifton said the front of this residence faces Park Way and the side faces Gloria Avenue. Officer Clifton said the K-9 led them out onto Gloria Avenue.

Officer Clifton said the K-9 proceeded onto the sidewalk of Gloria Avenue and just took off northbound. Officer Clifton began looking at case DF1902030 and said that K-9 stopped at \*\*\* Gloria Avenue. Officer Clifton said the K-9 went directly to \*\*\* Gloria Avenue. I asked Officer Clifton if they made contact at \*\*\* Gloria, and he said yes. Officer Clifton said prior to that, Deputy Montoya told them to start looking around that area because the way the K-9 was acting. Officer Clifton said that Deputy Montoya believed the suspect was in the general area. Officer Clifton said Deputy Montoya told them to start looking up and down because the suspect is in the area. I asked Officer Clifton if this led him to believe that the suspect was in the



general area, and he said yes. I asked Officer Clifton if the deputies or he attempted to make contact at the residence located at \*\*\* Gloria Avenue, and said yes. Officer Clifton said Deputy Montoya knocked on the front door. I asked Officer Clifton if Deputy Montoya make an announcement as well, and he said yes.

I asked Officer Clifton if someone opened the door to the residence, and he said yes. Officer Clifton said it was a male subject who opened the door. I asked Officer Clifton who that subject was, and he said at first, he identified himself as \*\*\*\*. I asked Officer Clifton if he identified the subject who opened the door, and he said he did. Officer Clifton said he identified him as the subject who ran from the vehicle. I asked Officer Clifton what this person's name is, and he said his real name is \*\*\*\*. I told Officer Clifton that this person is \*\*\*\* \*\*\*\* and his father is also named \*\*\*\* \*\*\*\*. I told Officer Clifton that I would be referring to this subject as \*\*\*\* \*\*\*\* and he said he did not know he was a junior, but he understood.

I asked Officer Clifton if \*\*\*\* \*\*\*\* told them that someone was trying to break into his residence, and he said yes. I asked Officer Clifton if he believed \*\*\*\* \*\*\*\* when he said this, and he said no. I asked Officer Clifton why, and he said he was certain he was the suspect that they were looking for. Officer Clifton said at that time, he believed \*\*\*\* \*\*\*\* was trying to get them to believe he was not the suspect. I asked Officer Clifton if he believed at the time, \*\*\*\* \*\*\*\* was trying to say that to distract them, and he said yes.

I asked Officer Clifton if he asked \*\*\*\* \*\*\*\* for his name, and he said yes. Officer Clifton said he said his name is \*\*\*\* \*\*\*\*. I asked Officer Clifton if he asked \*\*\*\* \*\*\*\* if his last name was \*\*\*\*\*, and he said yes. I asked Officer Clifton why, and he said because of the check stubs they had found. I asked Officer Clifton if he asked \*\*\*\* \*\*\*\* where he worked, and he said he does not believe he asked him on scene, but at a later time he did. I asked Officer Clifton if he asked \*\*\*\* \*\*\*\* if he worked at Brandt Farms, and he said he does not believe he asked him on scene. Officer Clifton said he knows he asked him in the interview, but he could be mistaken. I asked Officer Clifton if \*\*\*\* \*\*\*\* told him he worked at Mountain View Cold Storage. Officer Clifton said the only time he remembers \*\*\*\* \*\*\*\* telling him that was in the interview and not at \*\*\* Gloria Avenue.

I asked Officer Clifton if he arrested \*\*\*\* \*\*\*\* and he said he personally did not. I asked Officer Clifton if \*\*\*\* \*\*\*\* was arrested under his authority, and he said yes.

I asked Officer Clifton how many people were inside the residence of \*\*\* Gloria Avenue when \*\*\*\* \*\*\*\* was arrested, and he said five to six, and then said four to



six. I asked Officer Clifton if \*\*\*\* \*\* would be included in the four to six, and he said yes. Officer Clifton said he was trying to think back while on scene, and he said, "I would probably say six, max." I asked Officer Clifton what were the age ranges, and he said he believes \*\*\*\* \*\* was probably the youngest. Officer Clifton said he recalls \*\*\*\* \*\*'s sister and parents were there and does not recall anyone young.

I asked Officer Clifton if he searched the residence at \*\* Gloria Avenue, and he said yes. I asked Officer Clifton why he searched, and he said, "He asked us to." Officer Clifton said the deputy asked, if he wanted them to search because he thought someone was breaking into his house and he said yes. I asked Officer Clifton which deputy asked, and he said Deputy Montoya. I asked Officer Clifton if he heard Deputy Montoya ask him that. Officer Clifton paused for a moment and said, "I believe so." I asked Officer Clifton if he was not sure, and said, "I mean, one hundred percent, I can see it in my head, but...I know it was on video...so, I mean...if we needed to...If I needed to pull that to confirm, I would, but. I don't see how we would have without him asking us to." I told Officer Clifton, "Okay, because the next question was under what authority did you search the residence?" Officer Clifton said he knows \*\*\*\* \*\* said he thought that someone was inside the residence, and Deputy Montoya asked him if he wanted them to clear the house. Officer Clifton said Deputy Montoya asked for everyone to come out of the house due to the fact that he had his K-9.

I asked Officer Clifton if he had authority to search the residence, and he said other than to clear the house, no. I asked Officer Clifton if he at least felt he had authority to clear the residence, and he said yes. I asked Officer Clifton if he thought this for safety reason, and he said yes because \*\*\*\* \*\* said he thought someone was trying to break into his residence. I asked Officer Clifton if he himself ever ask to enter the residence, and he said personally no. I asked Officer Clifton if he entered the residence, and he said yes. I asked Officer Clifton who entered the residence with him, and he said Deputy Montoya, his K-9, and the other deputy. I asked Officer Clifton what was he looking for, and he said a suspect that was possibly breaking into his house. I asked Officer Clifton if he, Deputy Montoya, the K-9 and the other deputy clear the residence and make it safe, and he said yes.

I asked Officer Clifton approximately how long did it take them to make the residence safe, and he said approximately 2 to 3 minutes. I asked Officer Clifton after they made the residence safe, did he search the residence for items not related to the search of a person, and he said no. I asked Officer Clifton if they



remained in the residence after they made it safe, and he said no. Officer Clifton said he came outside of the residence and spoke with everyone in the driveway.

I asked Officer Clifton, "So you didn't locate anything in the residence?" Officer Clifton said, "Oh yeah, I did but it was not searching for those items." Officer Clifton said he was not searching for those items and it was during the clearing of the residence that he observed those items. Officer Clifton said he didn't collect any items. I told Officer Clifton the report indicates he located a black pair of jeans and asked him if he recalls that. Officer Clifton said yes. I asked Officer Clifton if he recalls what size waist the pants were, and he said, yes, thirty three. I asked Officer Clifton if he remembers the length of the pants, and he said no. I asked Officer Clifton if he checked the black pants pockets for items such as car keys or anything like that, and he said he does not believe he did check them.

I asked Officer Clifton where he located the black pair of pants, and he said right on top of the hamper. I asked Officer Clifton if he collected the black pair of pants, and he said no. I asked Officer Clifton why not, and he said, "Well, we weren't in there to look for evidence, it was more like a visual observation kind of thing." I asked Officer Clifton if the visual observation was good enough to pick them up or touch them or anything like that. Officer Clifton said it was just confirming it was the pants that had just come off the subject. Officer Clifton said that was his thinking at the time. I asked Officer Clifton if that was his thinking, why he didn't collect them. Officer Clifton said, "I couldn't...I couldn't...I couldn't...Ha what is the proper word I'm looking for...I couldn't...Ha, I mean one hundred percent say they were his...it was more a visual observation to confirm my visual observation that the suspect...that it was him." I asked Officer Clifton if he had to move the pants to confirm the waist size thirty-three, and he said, "I'm sure it did." I asked Officer Clifton if he photographed the black pants, and he said no. I asked Officer Clifton why not, and he said because he could not prove that they were his.

I asked Officer Clifton if he said his scope of the search of the residence was for a person, and he said yes. I asked Officer Clifton if clothing was part of the scope of his search, and he said no. I asked Officer Clifton if he opened any containers or drawers within the residence, he paused and said, "Not that I recall." I asked Officer Clifton why he didn't do that, and he said, "We were looking for a suspect only."

I asked Officer Clifton if he interrogated \*\*\*\*\* at the police department, and he said yes. I asked Officer Clifton if he advised \*\*\*\*\* of his rights per Miranda, and he said yes. I asked Officer Clifton if \*\*\*\*\* agreed to talk with him, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him he was in a maroon vehicle



parked in front of his residence when the police arrived, and he said yes. I asked Officer Clifton if \*\*\*\* told him that he was inside the vehicle with his girlfriend \*\*\*\*, and he said yes. I asked Officer Clifton if \*\*\*\* told him this multiple times, and he said yes.

I asked Officer Clifton if \*\*\*\* told him he had just gotten off the phone with \*\*\*\* right when he arrived to his front door, and he said yes. I asked Officer Clifton if \*\*\*\* told him that \*\*\*\* said to him on the phone that the police were looking for someone, and he said yes. I asked Officer Clifton if \*\*\*\* told him this multiple times, and he said possibly. I asked Officer Clifton if \*\*\*\* told him more than once, and he said probably. I asked Officer Clifton if \*\*\*\* told him that he was pretty sure that police saw the vehicle he was in, and he said yes.

I asked Officer Clifton if \*\*\*\* told him where he worked, and he said yes. Officer Clifton said \*\*\*\* told him he worked at Mountain View Cold Storage. I asked Officer Clifton if \*\*\*\* told him he just started working at Mountain View Cold Storage, and he said yes. Officer Clifton said \*\*\*\* told him he had been working there for a few weeks. I asked Officer Clifton if \*\*\*\* told him where he worked prior, and he said \*\*\*\* told him it was at a packing house in Reedley, but was not sure of the name. I asked Officer Clifton if the name of the packing house sounded like Brevante, and he said correct. I asked Officer Clifton if he asked \*\*\*\* if he filled out an application at Mountain View Cold Storage, and he said, "I believe so." I asked Officer Clifton if he asked \*\*\*\* if he placed his last two places of employment on the Mountain View Cold Storage application. Officer Clifton said he does not recall if he asked that.

I asked Officer Clifton if \*\*\*\* told him he saw a cop with a bright light on Crawford Avenue and Gloria Avenue, and he said I believe so. I asked Officer Clifton if \*\*\*\* told him the cop was flashing the bright light when he exited his girlfriend \*\*\*\*'s car, and he said, "I believe so." I asked Officer Clifton if \*\*\*\* told him it was false identification on his part. Officer Clifton said he believes he said something like he had the wrong guy.

I asked Officer Clifton if he told \*\*\*\* that he found a pair of black pants and a grey shirt in his room. Officer Clifton said he told him that he found it in the bathroom. I asked Officer Clifton if he said black pants and a grey shirt, and he said correct. I asked Officer Clifton if what he told \*\*\*\* was true, and he said the black pants, yes. I asked Officer Clifton what about the grey shirt, and he paused and said "Ha man, now I'm starting to...I don't recall exactly what I told him." I asked



Officer Clifton if he recalls telling \*\*\*\* \*\* that he found a pair of black pants and grey shirt. Officer Clifton said he could listen to the recording to know for sure, but he does not recall if he did. Officer Clifton said he is not saying he didn't, but he does not recall.

I asked Officer Clifton if \*\*\*\* \*\* told him what he had found was a pair of black shorts and a white shirt. Officer Clifton said, "Correct, he said he was wearing black shorts and a white shirt." I asked Officer Clifton if he told \*\*\*\* \*\* that he located a pair of black pants that he was wearing, and he said correct. I asked Officer Clifton if \*\*\*\* \*\* told him the pair of pants that he located were freshly washed. Officer Clifton said \*\*\*\* \*\* said that he had several pairs of black pants, but they were all clean and in the closet. I asked Officer Clifton if he told \*\*\*\* \*\* that he has several pairs of black pants or did \*\*\*\* \*\* tell him that. Officer Clifton said according to his report it states that he has several pairs of black pants. I asked Officer Clifton if he observed several pairs of black pants, and he said, "In the basket just the one." I asked Officer Clifton if \*\*\*\* \*\* stated he had multiple pairs of black pants, and he said, "That's what he stated, yes." I asked Officer Clifton if \*\*\*\* \*\* state, he only has two pairs of black pants, and he said, "I recall...I put several...I don't know exactly how many he stated." I asked Officer Clifton if he is saying what he stated in the report is true because he put in the report several pairs versus two pairs. Officer Clifton said he does not recall if he stated two pairs or not. I asked Officer Clifton if according to him, \*\*\*\* \*\* had multiple pairs of black pants because that is what he documented, and he said correct.

I asked Officer Clifton if he told \*\*\*\* \*\* he has black pants stacked up in his closet, and he said I believe so. I asked Officer Clifton if \*\*\*\* \*\* told him they were a pair of black pants and a pair of sweat pants, and he said he may have and does not remember. Officer Clifton said he does not recall anything about sweat pants. I asked Officer Clifton if \*\*\*\* \*\* told him those pants were freshly washed and he was not wearing them today, and he said yes.

I asked Officer Clifton if \*\*\*\* \*\* told him he has not used any other name other than \*\*\*\* \*\* for employment, and he said yes. I asked Officer Clifton if \*\*\*\* \*\* told him he has always used his legit identity including his social security number, and he said yes.

I asked Officer Clifton if he asked \*\*\*\* \*\* if his girlfriend, \*\*\*\* was pulled over by police. Officer Clifton said he does not recall asking \*\*\*\* \*\* that, but does recall asking \*\*\*\* \*\*.

I asked Officer Clifton if he checked \*\*\*\* \*\* for any injuries to include scratches, bruises or anything like that. Officer Clifton paused for a moment and said not that he could recall. Officer Clifton said it may have been discussed in the interview but he does not recall. I asked Officer Clifton if \*\*\*\* \*\* had a shirt on when he was interrogating him, and he said no.

I asked Officer Clifton if he asked \*\*\*\* \*\* where he banks, and he said yes. Officer Clifton said \*\*\*\* \*\* told him where but he does not recall. I asked Officer Clifton if he recalls telling \*\*\*\* \*\* if he showed him a video of the bank where he banks, if it would show him cashing a check or checks belonging to \*\*\*\* \*\*. Officer Clifton said he did ask this and \*\*\*\* \*\* told him that he would not see him in that video cashing those checks.

I asked Officer Clifton if he asked \*\*\*\* \*\* if he had ever been arrested, and he said, "I believe so." I asked Officer Clifton if \*\*\*\* \*\* told him what he was arrested for, and he said yes, but does not recall what he said. I asked Officer Clifton if \*\*\*\* \*\* told him he was arrested for burglary, and he said, "It's possible."

I asked Officer Clifton what property \*\*\*\* \*\* had in his possession when he was arrested, and he said, "I don't recall any property." I asked Officer Clifton what about a cell phone, and he said, "Oh yeah he did have a cell phone because we looked through it." I asked Officer Clifton if he asked \*\*\*\* \*\* if he had any ID after he was placed under arrest. Officer Clifton said he is sure he did, but does not recall when or what. Officer Clifton said he does not know why he would have not asked, but does not personally recall. I asked Officer Clifton if he ever obtained an ID such as a California ID or a driver's license. Officer Clifton paused for a moment and said, "Hum." I asked Officer Clifton if he knew why I was asking this, and he said, "Yeah, I...don't recall."

I asked Officer Clifton if he looked in \*\*\*\* \*\*'s cellular telephone for information, and he said, "I had asked him." I asked Officer Clifton if he looked in his cellphone, and he said yes. I asked Officer Clifton if \*\*\*\* \*\* gave him permission to look in his cell phone, and he said yes. I asked Officer Clifton if \*\*\*\* \*\*'s cellphone was prisoner property, and he said yes. I asked Officer Clifton if he grabbed \*\*\*\* \*\*'s cellphone from his prisoner property, and he said, "Yeah, I believe we did it in the interview room." I asked Officer Clifton what information did he find, and said, "He had made a phone call to...hum, his girlfriend." I asked Officer Clifton if he located any other information like someone else's phone number, and he said yes. Officer Clifton said \*\*\*\* \*\* had given him his friend's number as well. I asked Officer



Clifton if \*\*\*\* \*\* told him which numbers to look up and which ones were which, and he said correct.

I asked Officer Clifton if he had stated that he had seen a phone call from \*\*\*\*\* to \*\*\*\* \*\*\*, and he said correct. I asked Officer Clifton if he discussed this phone call with \*\*\*\* \*\*\*, and he said yes. Officer Clifton said \*\*\*\*\* told him he had called her to make sure she had gotten home. I asked Officer Clifton when he saw the phone call, did he see a name. Officer Clifton said he knows that call was to her, but said he does not know how he knew. Officer Clifton said he does not recall if her name was personally there or not. I asked Officer Clifton if he had a conversation with \*\*\*\* \*\*\* when he was looking through his phone, and he said yes.

**NOTE:** Officer Clifton answered "Correct" to the question above when I asked him if he had stated he had seen a phone call from \*\*\*\*\* to \*\*\*\* \*\*. So I told him that he said that so I clarified it with him. Officer Clifton said that he believed the question was if there was a telephone call between the two, so he answered correct. Officer Clifton said the telephone call was 2.5 minutes in duration and was from \*\*\*\* \*\*\* to \*\*\*\* \*\*. Officer Clifton said \*\*\*\* \*\*\* told him he called her to make sure she got home okay.

I asked Officer Clifton if he called \*\*\*\* \*. Officer Clifton paused for a moment and said he believed Officer Gonzalez just went by her residence. Officer Clifton said he does not recall if he called her and believes he did not call her. Officer Clifton said he does not see why he would have called her if he had Officer Gonzalez go by her house.

I asked Officer Clifton if \*\*\*\*\* arrived at the police department, and he said yes. Officer Clifton said Officer Gonzalez went to her residence and notified her to come in. Officer Clifton said he recalls she was Spanish speaking. I asked Officer Clifton how he knew where she lived, and he said \*\*\*\* \*\*\* told them. Officer Clifton said he did not believe \*\*\*\* \*\*\* said the exact address but said the general vicinity.

I asked Officer Clifton if he interviewed \*\*\*\*\* at the police department, and he said yes. I asked Officer Clifton if \*\*\*\*\* said she was dating \*\*\*\* \*\*, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him she was with \*\*\*\* \*\*\* the night prior, and he said yes.

**NOTE:** We clarified that I was referring to the night of July 6<sup>th</sup> 2019, when I said the night prior.

At approximately 11:37 AM, we took a break at the request of Attorney Tobias. At approximately 11:47 AM, we continued the interview.

I asked Officer Clifton if \*\*\*\*\* told him she was with \*\*\*\*\* the whole night till she went home, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him she was in her car with \*\*\*\*\* parked in front of \*\*\*\*\*'s residence, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him that while they were in the car, they saw that something had occurred with police and they saw police units in the area. Officer Clifton said he did not recall. I asked Officer Clifton if Officer Jorge Gonzalez assisted in the interview with \*\*\*\*\* with translation due to \*\*\*\*\* only speaking Spanish, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him her and \*\*\*\*\* were in her vehicle when police arrived in the area, and he said he did not recall.

I asked Officer Clifton if \*\*\*\*\* told him what \*\*\*\*\* was wearing, and he said yes. Officer Clifton said \*\*\*\*\* said he was wearing black shorts and a white shirt. I asked Officer Clifton if \*\*\*\*\* told him where \*\*\*\*\* worked, and he said he remembers vaguely talking about it because that is where they met, but he did not make it a point to put it in his report. I asked Officer Clifton if he recalls what employer it was, and he said no.

I asked Officer Clifton if \*\*\*\*\* told him what type of vehicle \*\*\*\*\* drove, and he said that she told him he drives a BMW.

I asked Officer Clifton if \*\*\*\*\* told him that she called \*\*\*\*\* and told him that she was stopped by police. Officer Clifton paused and began looking through report DF1902030, and asked me to repeat the question. I repeated the question, and Officer Clifton said that in his opinion it was the other way around, and he did not recall that she called him, but it was \*\*\*\*\* that called her. Officer Clifton said he believes it was the opposite, but he does not want to say she called him. Officer Clifton said he put in the report that \*\*\*\*\* called her. I told Officer Clifton that I would be visiting this topic later, and he said okay. Officer Clifton said he did not want to say something and be wrong. Officer Clifton said he knows they talked (on the phone).

I asked Officer Clifton if \*\*\*\*\* told him the phone call that was made between \*\*\*\*\* was in her phone (listed), and he said, "I believe so." Officer Clifton said \*\*\*\*\* may have shown them the phone call, but was not 100% sure. I asked Officer Clifton if he asked \*\*\*\*\* to look in her phone, and he said, "I'm almost positive, yes." I asked Officer Clifton if he did ask to look in her phone, why did he



ask. Officer Clifton said to confirm he called or that a call between the two was made.

I asked Officer Clifton if \*\*\*\*\* told him she had told \*\*\*\* \*\*\*\*\* that police were looking for someone while speaking with him on the phone, and he said correct. I asked Officer Clifton if \*\*\*\*\* told him she had driven \*\*\*\* \*\*\*\*\* to his friend's house to pick up some money, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him her and \*\*\*\*\* went to Liquor Locker to buy some snacks and chips, and he said yes. I asked Officer Clifton if he recalls what time \*\*\*\*\* said they went to Liquor Locker, and he said he does not recall what time she said. Officer Clifton said information may have been given by \*\*\*\*\* , but when you get a translator you may not get the full information. I asked Officer Clifton if \*\*\*\*\* told him they drove in her vehicle to Liquor Locker. Officer Clifton said he remembers her saying they were in her car while in front of \*\*\*\*\*'s residence, but does not recall about which vehicle they went to Liquor Locker.

I asked Officer Clifton if \*\*\*\*\* told him police stopped her and searched her car, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him they were looking for \*\*\*\*\*'s cellphone when police arrived. Officer Clifton said he recalls \*\*\*\*\* said \*\*\*\*\* went inside his residence to look for his cellphone, but is not sure if she said it when police arrived. While reviewing report DF1902030, Officer Clifton said he wrote in his report, "\*\*\*\*\* said that \*\*\*\* lost his phone and went into his residence for a while to look for it and then returned." I asked Officer Clifton if \*\*\*\*\* said how long \*\*\*\*\* was inside his residence looking for his phone, and he said he only documented for a while.

I asked Officer Clifton if he recalls asking \*\*\*\*\* why \*\*\*\* \*\*\*\*\* worked under a different name, and he said he is sure that was asked. I asked Officer Clifton why he asked \*\*\*\*\* this, and he said he was trying to see if \*\*\*\* \*\*\*\*\* was tied into the check stubs. I asked Officer Clifton if he was using deception when he asked her this, and he said yes. I asked Officer Clifton if he recalls what \*\*\*\*\*'s response was, and he said she said something but could not recall it verbatim. I asked Officer Clifton if \*\*\*\*\* told him that this was the first time she had heard \*\*\*\*\* was working under a different name. Officer Clifton said it sounded like something he heard, but was not sure. I asked Officer Clifton if \*\*\*\*\* told him she knew \*\*\*\*\* by the name of \*\*\*\*\* and no other name, and said he believes so.

I asked Officer Clifton if he located a Jack in the Box receipt, and he paused for a moment and said yes. I asked Officer Clifton where he located the receipt, and he



paused for a moment and said he does not recall. I asked Officer Clifton what was the relevance of the Jack in the Box receipt. Officer Clifton said, "I think we were trying to...we could have later looked at video from Jack in the Box...Haa...It was more or less...I think we used it as a deception thing as well. I believe she stated she did not know anything about Jack in the Box." I asked Officer Clifton if he did locate a Jack in the Box receipt, and he said he did but just does not recall where. I asked Officer Clifton where would be the probable locations where he could have located the Jack in the Box receipt, Officer Clifton paused for a moment and said he did not recall.

I asked Officer Clifton if he recalls the relevance of the Jack in the Box receipt, and he said no, because he did not do any further follow up on it. I asked Officer Clifton if he recalls the date, or time on the receipt. Officer Clifton said he does recall looking at it but does not recall the date and time on it. I asked Officer Clifton if he recalls for which location the receipt was, and he said Dinuba. I asked Officer Clifton if the Jack in the Box receipt was for the night of the incident, and he said it was possible, but he does not recall. Officer Clifton said he had forgotten about the Jack in the Box receipt until I brought it up. I asked Officer Clifton if he asked \*\*\*\*\* if she or anyone else went to Jack in the Box on the night of the incident, and he said he believes he did.

I asked Officer Clifton if he interviewed \*\*\*\*\* , and he said yes. I asked Officer Clifton when, and he said the morning of July 7<sup>th</sup>. I asked Officer Clifton how he got in contact with \*\*\*\*\* , and said via telephone. I asked Officer Clifton where he got \*\*\*\*\*'s telephone number, and he said \*\*\*\*\* gave it to him. I asked Officer Clifton if \*\*\*\*\* told him he had received a text message from \*\*\*\*\* asking to borrow twenty dollars. Officer Clifton said he does not recall how they communicated, but only remembers they had a conversation. I asked Officer Clifton if their conversation was regarding borrowing twenty dollars, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him he was at another friend's house on Gerald Avenue when \*\*\*\*\* arrived to pick up the money, and he said yes. I asked Officer Clifton if \*\*\*\*\* told him \*\*\*\*\* was with a "girl" and he said he does not recall if he said who he was with.

I asked Officer Clifton if he asked \*\*\*\*\* what type of vehicle \*\*\*\*\* drives, and he said he does not recall if he asked him that. I asked Officer Clifton if he recalls asking \*\*\*\*\* if he has seen \*\*\*\*\* drive another car as appose to his own car, and he said he does not recall. I asked Officer Clifton if he recalls if \*\*\*\*\* told him \*\*\*\*\* drives his dad's car, and he said he may have, but does not recall. I



asked Officer Clifton if \*\*\*\*\* told him he saw \*\*\*\* \*\*\*\*\* driving his father's Malibu, and he said he may have. I asked Officer Clifton if he asked \*\*\*\*\* if he had seen \*\*\*\*\* drive a silver two door car, and he said he does not remember. I asked Officer Clifton if he asked \*\*\*\*\* if he had seen \*\*\*\* \*\*\*\*\* driving an Eclipse. Officer Clifton said he would imagine he did ask him, but does not specifically remember that.

I asked Officer Clifton if he asked \*\*\*\*\* what \*\*\*\* \*\*\*\*\* was wearing when he arrived to pick up the money, and he said yes. I asked Officer Clifton what did \*\*\*\*\* say, and Officer Clifton said, "He stated he was unsure due to the fact he was intoxicated." I asked Officer Clifton if \*\*\*\*\* told him \*\*\*\* \*\*\*\*\* was wearing shorts, and he paused for a moment and said, "I would say no because he stated he does not remember." I asked Officer Clifton if he remembers \*\*\*\*\* telling him that he was wearing shorts or if he was not wearing them. Officer Clifton said he could not see how he was wearing shorts if he stated he does not recall. Officer Clifton said, "I would say no." I asked Officer Clifton if \*\*\*\*\* told him \*\*\*\* \*\*\*\*\* is always wearing shorts, and he said, "I don't believe so, I don't recall."

I asked Officer Clifton if he asked \*\*\*\*\* what name he knows \*\*\*\* \*\*\*\*\* by, and he said he does not recall that. I asked Officer Clifton if he asked \*\*\*\*\* if \*\*\*\*\* goes by any other names or aliases, and he said he does not remember asking him that.

I asked Officer Clifton if he collected the Jack in the Box receipt, and he paused for a while and said, "I, I don't remember." I asked Officer Clifton if he does not remember collecting it, and he said he knows he had to have collected it because he remembers looking at it. Officer Clifton said he does not understand why he does not remember where the receipt came from. I asked Officer Clifton if he booked a Jack in the Box receipt in evidence, and he paused for a moment and began looking in report DF1902030. Officer Clifton said according to the report he did not book a Jack in the Box receipt into evidence. I asked Officer Clifton why he didn't book the Jack in the Box receipt into evidence, and he said he's assuming, later the receipt did not have any evidentiary value. I asked Officer Clifton why he did not document the Jack in the Box receipt in the report, and he said he believes it was used more as a deception thing and did not have any evidentiary value. I asked Officer Clifton if he was assuming or if this is what happened. Officer Clifton said he was not assuming and that's what happened.

I asked Officer Clifton if he went to Jack in the Box to look if there was any surveillance, and he said no. I asked Officer Clifton if he felt it was not relevant to



go to Jack in the Box, and he said, "Because I believed at the time I had some other investigation that turn out to...that, that...not...yeah correct it wasn't relevant at the end."

I asked Officer Clifton why he did not document that \*\*\*\* \*\* told him he was on the phone with \*\*\*\*\* when police arrived at his residence. Officer Clifton paused and began looking through report DF1902030. Officer Clifton said he documented they were on the phone. I told Officer Clifton that earlier in the interview before we took a break, he answered yes to the question that \*\*\*\* \*\* told him multiple times that he was on the phone with \*\*\*\*\* when police arrived. I asked Officer Clifton if there was any reason why he did not document that \*\*\*\* \*\* told him while he was being interrogated that he was on the phone with \*\*\*\*\* when police arrived. Officer Clifton said \*\*\*\* \*\* had just gotten out of the shower and he was all wet. Officer Clifton said he does not know how \*\*\*\* \*\* could have been on the phone. I told Officer Clifton that I understand his reasoning, but asked him why he did not document \*\*\*\* \*\*'s statement which was his defense that he was providing to him. I told Officer Clifton that to me it appears that \*\*\*\* \*\* was giving him his defense during the interrogation, and by documenting it would show \*\*\*\* \*\*'s "Voice" in the report. I asked Officer Clifton if I was making sense on my questions, and he said yes. Officer Clifton said he felt he touched on the phone call in the report but did not write enough detail. I asked Officer Clifton if he did not provide enough detail in the report but he touched on it, and he said yes, based on seeing the phone call between the two for 2.5 minutes.

**NOTE:** At this time, it appeared there was a possible misunderstanding to these questions regarding not documenting what \*\*\*\* \*\* told him during the interrogation, as it pertains to \*\*\*\* \*\* telling him he was on the phone with \*\*\*\*\* while the police arrived. Attorney Tobias said she believes there might be a disconnect in the understating how it is relevant to it being a defense for \*\*\*\* \*\* I told Officer Clifton and Tobias that I would visit this question later if need be. Both Officer Clifton and Tobias agreed.

I asked Officer Clifton if he ran a RAP Sheet (Criminal History Check) on \*\*\*\* \*\*, and he said yes. I asked Officer Clifton if the RAP Sheet confirmed \*\*\*\* \*\* was arrested for burglary. Officer Clifton said without looking at the RAP Sheet he could not remember. I told Officer Clifton the reason that I ask this question was because earlier in the interview he said yes to the question regarding \*\*\*\* \*\* telling him he had been arrested for burglary in the past. Officer Clifton said he just does not recall when he ran the RAP. I asked Officer Clifton if the RAP Sheet had any



AKA's, aliases or any other names that \*\*\*\* \*\* uses, and he said he did not recall.

I asked Officer Clifton if he checked out the local Dinuba Police Department computer system Trac Net, for information on \*\*\*\* \*\* for a photo or any history with the department. Officer Clifton said he is sure he did when he booked him, but he does not personally recall how much research was done. Officer Clifton said it is his experience that people in California use other people's names to work under. Officer Clifton said he never doubted that \*\*\*\* \*\* was his real name, but he was under the impression he may have been working under a different name. Officer Clifton said if he had been arrested under the name of \*\*\*\* \*\* that would have clarified his identity, but it would have not clarified that he may have been using another name.

I asked Officer Clifton if Trac Net would have helped him if he located a photo of \*\*\*\* \*\*, and he said it would have confirmed his real name, which he was already giving him. I asked Officer Clifton if the RAP Sheet would have also confirmed his real name, his real identity and his real photo, and he said yes. I asked Officer Clifton if the RAP Sheet would have helped if he checked if \*\*\*\* \*\* used any aliases like \*\*\*\* \*\*, and he said not if he had never given that name to law enforcement. Officer Clifton said that some people give their real name to law enforcement but work under a different name.

I asked Officer Clifton if he checked Trac Net for information, like a photo on a subject name \*\*\*\* \*\* with the approximate age of 20's or early 30's as he indicated his approximate age in his report narrative. Officer Clifton said he does not recall if he checked or not. I asked Officer Clifton if he had checked Trac Net and saw a photo of \*\*\*\* \*\*, would he have been able to identify him. Officer Clifton said, "Well I believed I had the right guy, so my, my mind would have been playing tricks on me then...so I can't say yes or no. I think it's a hypothetical question if I would have or would not have identified him." I told Officer Clifton that it is probably a hypothetical question and probably not a fair one. Officer Clifton said he thought he had done a thorough check, but now that all these questions were coming up, he didn't.

I asked Officer Clifton if he went to Liquor Locker to look for a potential surveillance video, and he said no. I asked why not, and Officer Clifton paused for a moment and said he believed he had more leads that would have clarified it. Officer Clifton said he would have eventually possibly gone there, but he found other information and didn't believe it was relevant. I asked Officer Clifton if he would have in fact



checked and found out they in fact went to Liquor Locker would it have helped him make a better determination. Officer Clifton said no, because it was several hours prior and many things could have happened in that amount of time. I asked Officer Clifton what if in the video he could have seen \*\*\*\*\* wearing black shorts and a white shirt, and he said, "Like I said he could have been wearing that prior and changed." I asked Officer Clifton what if he saw the video and it showed what type of car \*\*\*\*\* was in, and he said they already knew what type of vehicle \*\*\*\*\* drove, so that was not in question. I asked Officer Clifton if he had seen \*\*\*\*\* in a Mitsubishi Eclipse in the video would it have confirmed he was the suspect, and he said correct. Officer Clifton said he had further leads to follow up on. Officer Clifton said the check stubs and his place of employment were the most up to date leads. Officer Clifton said if they showed up to Liquor Locker in \*\*\*\*\*'s car it would have not given him as much evidence as the check stubs. At this time, Attorney Tobias asked Officer Clifton if he would have not found out what he found out about the check stubs, would he have checked Liquor Locker. Officer Clifton said he would have checked, and would have also checked Jack in the Box.

I asked Officer Clifton if he attempted to contact the registered owner of the Mitsubishi Eclipse, Officer Clifton paused for a moment and said, "I want to say yes, but what I did I don't recall." I asked Officer Clifton if he was aware the registration to the vehicle was expired, and he said he's sure they told him on scene when he 'ran' the plate. Officer Clifton said he believes he may have called to have Farmersville Police respond to the registered owner's address, but is not sure.

I asked Officer Clifton if \*\*\*\*\* was transported to the county jail, and he said yes. I asked Officer Clifton if \*\*\*\*\* was transported to jail prior to him speaking with \*\*\*\*\* or \*\*\*\*\* , and he said yes, prior. I asked Officer Clifton what was the reason he had \*\*\*\*\* transported to jail prior to speaking to them, and he said he believed he had the right guy. Officer Clifton said he was 100% positive. Officer Clifton said all the evidence that led up to the arrest made him believe he had the right guy. Officer Clifton said in his opinion even after talking with \*\*\*\*\* , he would have still transported \*\*\*\*\* to jail. I asked Officer Clifton even after he spoke with \*\*\*\*\* , and he said yes. I asked Officer Clifton if he had any reason why he did not first wait till he spoke with \*\*\*\*\* and \*\*\*\*\* , and he said he didn't believe he needed to. Officer Clifton said he felt he had enough with the positive visual.

I asked Officer Clifton how many people did he interview that were located at \*\*\* Gloria Avenue, and he said just the one. Officer Clifton said he only interviewed \*\*\*\*



\*\*\*\* \*\*'s sister (\*\*\*\* \*\*\*\*). I asked Officer Clifton if he took notes while he interviewed \*\*\*\*\*, and he said that's his normal procedure. I told Officer Clifton I needed an answer, of yes, no or I don't know. Officer Clifton said he remembers writing something down, and believes he did take note because he does not know how he would type something without notes. I asked Officer Clifton what does he physically take notes on, and he said on Dinuba Police Department note pads. Officer Clifton said he remembers writing her name down on the note pad. I asked Officer Clifton if he only spoke with \*\*\*\*\*, and he said correct. I asked Officer Clifton if he recalls speaking with \*\*\*\* \*'s mother, and he said, "I believe she was Spanish speaking." Officer Clifton said he does not recall her name. Officer Clifton said the only reason he only spoke with \*\*\*\*\* was because she was the only one that stated she saw. Officer Clifton said he may have spoken to \*\*\*\* \*'s mother to only tell her he was being transported, but does not recall interviewing her. I asked Officer Clifton again if he remembers speaking with \*\*\*\* \*'s mother, and he said briefly.

I told Officer Clifton that \*\*\*\* \*'s mother is \*\*\*\*\* and she goes by \*\*\*\*\*. I asked Officer Clifton if \*\*\*\*\* asked him or the deputies if they had a warrant to enter her residence, and he said he does not remember her asking that. Officer Clifton said he does not recall what she looks like. I asked Officer Clifton if he asked \*\*\*\*\* for \*\*\*\* \*'s name and date of birth, and he said he does not recall. At this time, we took a break at approximately 12:36 PM. We resumed at approximately 12:47 PM.

I asked Officer Clifton if he asked \*\*\*\*\* what vehicle \*\*\*\* \* drives, and he said he does not recall asking her that. I asked Officer Clifton if he recalls \*\*\*\*\* telling him \*\*\*\* \* drives the car that is in the patio which was full of dust, and he said he does not recall that either. I asked Officer Clifton if he asked \*\*\*\*\* when was the last time she had seen \*\*\*\* \*, and he said he does not recall that either. I asked Officer Clifton if he recorded \*\*\*\*\*'s statement in report DF1902030, and he said no. I asked Officer Clifton why not, and he said he does not recall talking with \*\*\*\*\*.

I asked Officer Clifton if he asked \*\*\*\*\* what type of vehicle \*\*\*\* \* drives, and he began looking in the report. Officer Clifton said if he did, he did not document it. Officer Clifton said he does not recall if he asked her. I asked Officer Clifton if he asked \*\*\*\*\* what time \*\*\*\*\* arrived home, and he said yes. Officer Clifton said \*\*\*\*\* told him he had arrived approximately fifteen minutes ago. I asked Officer Clifton if he asked \*\*\*\*\* where \*\*\*\*\* worked, and he said he does not



recall. I asked Officer Clifton if he asked \*\*\*\*\* what type of car \*\*\*\*\* drives, and he said, not that he could recall. I asked Officer Clifton if he interviewed anyone else at \*\*\* Gloria Avenue, and he said, "Not to my knowledge." I asked Officer Clifton why not, and he said because \*\*\*\*\* was the only one that stated she saw \*\*\*\*\* enter into the residence. I asked Officer Clifton if he asked anyone else if they saw anything. Officer Clifton said he is assuming he asked everyone, and \*\*\*\*\* was the only one that said she saw something because she was on the couch.

I asked Officer Clifton if he took notes when he interrogated \*\*\*\*\* , and he said briefly. I asked Officer Clifton if the notes would have been taken on a Dinuba Police Department note pad, and he said yes. I asked Officer Clifton if he took notes when he interviewed \*\*\*\*\* , and he paused for a moment and said "I don't recall...or...or, a lot of times when I interview people, I always just go back and watch the recording, so I can make more eye contact...so if I did or didn't, I don't recall. I asked Officer Clifton if he took notes when he interviewed \*\*\*\*\* , and he said he does not recall. I asked Officer Clifton if he took notes, where would the notes be, and he said he usually shreds his notes after he utilizes them. Officer Clifton said he has some notes in his drawer and he could look to see if he has any left.

I asked Officer Clifton if he utilized a body camera during the incident, and he said no. Officer Clifton said he stopped utilizing his body camera beginning July 1, 2019, because of the new law that passed.

I asked Officer Clifton if he 'ran a plate' when he arrived in the area of \*\*\* Gloria Avenue, and he said he believes he checked for registration information on a vehicle that was in the driveway. I asked Officer Clifton if he recalls what the information came back to, and he said he believes it came back to that residence. I asked Officer Clifton if he recalls who it was registered to, and he said he does not remember.

I asked Officer Clifton when did he begin typing the narrative to DF1902030, and he said he does not recall the exact date or time. I asked Officer Clifton if he recalls typing any of the narrative on July 7, 2019, and he said he does not believe he typed any of the narrative till Monday morning. We started looking at a Dinuba Police Department patrol schedule to find out if he worked Monday morning. As we were looking, Officer Clifton said, he remembers the 7<sup>th</sup> being a Sunday, because he could not do any follow up investigation. Officer Clifton said he must have been working overtime on the 6<sup>th</sup> of July. I asked Officer Clifton if he believes he typed



any of the narrative on July 7<sup>th</sup>, and he said he does not believe he typed anything on the 7<sup>th</sup>, because of the further follow up that needed to be done on the 8<sup>th</sup>.

I asked Officer Clifton if he recalls what time he logged off on July 7<sup>th</sup> and he said he was not sure, but agreed that it was in the morning and after 8:30 AM. I asked Officer Clifton if he recalls when he returned to duty, and he said he returned on July 8<sup>th</sup>, but it was for 'Motors.'

I asked Officer Clifton if he recalls what position each officer took after the pursuit concluded, and he said he did not remember that at all. Officer Clifton said he only recalls seeing one officer to his left which would have been to the west, but does not recall who he was.

At this time, I introduced photo 1A-19-02 #1 to Officer Clifton and Attorney Tobias so that Officer Clifton may show me where the suspect vehicle came to a rest. The photo is a Google photo of the area of Crawford Avenue, Park Way and Gloria Avenues placed on a Word document and printed out in color. Officer Clifton pointed at a location on the photo and marked it with a pen. Officer Clifton marked the corner of Park Way and Crawford Avenue and more specifically the southwest corner of Park Way and Crawford Avenue. Officer Clifton indicated this is where the suspect vehicle ended up.

I asked Officer Clifton if he recalls hearing over police radio, Officer Cardenas advising Officer Gonzalez that a vehicle was leaving from Gloria Avenue and headed to his direction, and he said yes. I asked Officer Clifton what did that indicate to him, and he said, "That there was someone in the area...I think they were just checking it." Utilizing photo 1A-19-02 #1, I told Officer Clifton that there were between 8 and 9 houses on Gloria Avenue and asked what it indicate to him upon hearing that a vehicle was driving on Gloria Avenue. Officer Clifton said it indicated that it was a possible suspect vehicle, but he never learned what became of the vehicle. I asked Officer Clifton if he recalls where he was when this police radio transmission took place, and he said he was in the alleyway of the fence where he saw the suspect jump the fence. Officer Clifton said he did not have a view of Gloria Avenue at this time. I asked Officer Clifton if he recalls if the deputies were already there, and he said he does not recall.

I asked Officer Clifton if the sheriff deputies searched for any items at \*\*\* Gloria Avenue, and he said, "Not that I recall." I asked Officer Clifton if he searched for anything, and he asked, "In specific?" I replied yes, and he said he did not. Officer Clifton said, "Other than the subject." I asked Officer Clifton if he asked the deputies



to search for anything, and he said, "They were actually in front of me, so they were more or less the ones that were..." I asked Officer Clifton again if he requested the deputies to search for anything, and he said, "Yeah, I'm sure I said lets search for the subject." I asked Officer Clifton if he recalls telling the deputies to search for a specific item. Officer Clifton paused for a moment and Attorney Tobias asked, "Other than the subject?" I asked Officer Clifton if he instructed any of the deputies to search for something other the a person, and he said, "Haa, I don't know, I might have said, see if there's black pants on...Haa, I don't want to say I did or didn't."

At this time, I asked Officer Clifton to look at the narrative of report DF1902030, page 3 of 9, second to last paragraph which reads: As I was placing \*\*\*\* under arrest he advised me that he heard something in his backyard and it sounded like someone was trying to break into his residence. At the time of the incident and based on the circumstances it appeared to me that \*\*\*\* was making this statement in a manner to take the focus off of him as the suspect and re-direct it towards someone else.

I read this paragraph portion to Officer Clifton and asked him if he did not believe \*\*\*\* \*\* when he told him he heard something in his backyard and it sounded like someone was trying to break in. Officer Clifton said no. I asked Officer Clifton if he did not believe \*\*\*\* \*\* why did he proceed to search the residence for a suspect. Officer Clifton said \*\*\*\* \*\* told them to search. I asked Officer Clifton if \*\*\*\* \*\* told him to search, and he said, "From what I can recall...or he asked us to." Officer Clifton said from what he recalls, Deputy Montoya asked \*\*\*\* \*\* if he wanted for them to search and he said yes. I asked Officer Clifton if this was to search for a person, and he said correct.

I asked Officer Clifton if he was certain \*\*\*\* \*\* was the one he identified as the one running from the vehicle, why did he search the residence. Officer Clifton said it was for the same reason they went in to search because he was under the impression that Deputy Montoya got permission from \*\*\*\* \*\*

I asked Officer Clifton to look at the narrative of report DF1902030, page 3 of 9, the last paragraph which reads: Due to the fact that \*\*\*\* stated someone was possibly trying to break into the residence we had all of the occupants exit the residence and we began clearing each room.

I read this paragraph portion to Officer Clifton and asked him if this paragraph contradicted the prior paragraph. Officer Clifton paused and began looking at the report narrative. Officer Clifton then answered, "I mean...what I believed what he



asked me to do...I mean...I don't...I was certain that it was him and he asked me to do something...so." I re-read the sentence and told Officer Clifton that it contradicted the prior paragraph and he put the words, "Due to the fact." At this time, Attorney Tobias asked what is the question. I told Tobias and Officer Clifton the question is if the two paragraphs contradict each other. Officer Clifton said in his opinion the two paragraphs do not contradict. I asked Officer Clifton to tell me what he means. Officer Clifton said, "Just because I believed he was the subject that ran from me doesn't mean that someone also was not in the backyard trying to break into the house...whether that seems farfetched it could have been that...technically it could have been at the exact same time that someone was trying to break into his house and he was the same suspect that I believe ran from me. So since even though I believe he was the suspect doesn't mean that someone else isn't breaking into his house." I asked Officer Clifton "At the same time" and he said, "I mean that is what he had stated, so." I asked Officer Clifton if this was the reason he had everyone clear out of the house, and he said yes, to make sure nobody was trying to break into their house. I asked Officer Clifton if this is what he believed, why did he not search the backyard. At this time Officer Clifton paused for a moment and said, "I'm not sure."

I told Officer Clifton if someone was trying to break into the house but did not succeed in breaking into house because they cleared the house, would not the subject who was trying to break into the house possibly be in the backyard. I asked Officer Clifton if he knows why they did not search the backyard, and he said no. Officer Clifton said, "I don't know why, really." I asked Officer Clifton if they searched the backyard and he said not to his knowledge.

I asked Officer Clifton how many bedrooms were located at \*\*\* Gloria Avenue, and he said three or four. I asked Officer Clifton if this was a guess, and he said yes. I asked Officer Clifton how many bathrooms were located at \*\*\* Gloria Avenue, and said he believes there were two. I asked Officer Clifton if he ever established which bedroom belonged to \*\*\*\*, and he said he believes \*\*\*\* stated he stayed in the front one.

I asked Officer Clifton to look at the narrative of report DF1902030, page 3 of 9, the last paragraph, second sentence which reads: As we entered into the master bedroom of the residence I entered the bathroom and noticed that the shower had recently been used due to the walls being wet.

I read this paragraph portion to Officer Clifton and asked him if this was the actual master bedroom. Officer Clifton said it was the one he believed to be the master



bedroom because a house like this one usually only has one bathroom attached to one bedroom. Officer Clifton said the other bathroom was in the hallway.

I asked Officer Clifton to look at the narrative of report DF1902030, page 3 of 9, the last paragraph, third sentence which reads: Inside the bathroom was a hamper with clothes at which time I located a black pair of jeans size 33 that seem to match the jeans that the suspect was wearing as he fled on foot.

I read this paragraph portion to Officer Clifton and asked him if the hamper mentioned was located inside the same master bedroom, and he said correct. I asked Officer Clifton if the shower was 'running' and he said no. I asked Officer Clifton if a shower was 'running' in any of the bathrooms, and he said, "Not that I recall." I asked Officer Clifton if any of the showers appeared to have been recently used, and he said yes. Officer Clifton said the one in the master bedroom appeared to be.

I asked Officer Clifton where in the hamper did he locate the black pair of jeans, and he said, "On top." I asked Officer Clifton if it was not top, middle, bottom, and he said, "Not from what I recall...they were just right here on top...just grabbed them." I asked Officer Clifton if he searched the hamper or remove any other clothing. Officer Clifton answered, "Remove any other clothing, no." I asked Officer Clifton if he removed any other clothing to find the black pair of pants, and he said, "Hugh, I don't recall." I asked Officer Clifton if he does not recall or if he did not do it. Officer Clifton said, "I don't recall...from what I could recall, they were on top...but I'm...I mean now I'm second guessing myself on everything."

I asked Officer Clifton if he located a grey shirt, and he said "Not that I remember." I asked Officer Clifton if Deputy Montoya brought to his attention that a white shirt was resting on a couch while in a different room of the residence. Officer Clifton said, yes, but he thought maybe he said it was on the bed, or maybe on the couch. Officer Clifton said it was in the front room. I asked Officer Clifton if he recalls what he replied to Deputy Montoya, and he said he does not recall.

I asked Officer Clifton if \*\*\*\* was wearing a shirt when he was brought to the police department, and he said no. I asked Officer Clifton if \*\*\*\* had his upper body exposed, and he said yes. I asked Officer Clifton if \*\*\*\* appear to wear the size jeans he located in the bathroom, size 33. Officer Clifton paused for a moment and said, "I mean...I would say yes." I asked Officer Clifton if he recalls what \*\*\*\*'s booking weight, and he said no. I asked Officer Clifton if he recalls \*\*\*\*'s body shape, and he said, "I mean, he wasn't supper fat, but." I



asked Officer Clifton if he didn't mind me asking him what size does he wears, and he said, "Thirty four." I asked Officer Clifton if \*\*\*\* \*\* was bigger than him, and he said, "I don't think so."

I asked Officer Clifton to look at the narrative of report DF1902030, page 3 of 9: After observing the jeans in the bathroom it led me to believe that the suspect entered the residence removed the jeans and entered the shower in an attempt to conceal that he was just fleeing on foot.

I read this sentence to Officer Clifton and asked him if he believed that \*\*\*\* \*\* placed the pants where he located them in the hamper in attempt to conceal that he was fleeing on foot. Officer Clifton said, "I feel that he took off his clothes, got in the shower and threw on shorts. That's kind of what I was...that was my mindset." I asked Officer Clifton if he believed that \*\*\*\* \*\* put the pants in the hamper in attempt to conceal them, and he said yes. I asked Officer Clifton if he felt that by putting the pants on top of the hamper \*\*\*\* \*\* was concealing them. Officer Clifton said, "Oh, I mean like in the residence...that's kinda...I wasn't saying...I see what you are saying...but." I told Officer Clifton the reason I was telling him this was because "where is the gray shirt," and he said, "Yeah." I told Officer Clifton that my next question is, where is the grey shirt. I asked Officer Clifton if not locating the gray shirt in the same location a factor if he was attempting to conceal the pants and not the shirt. Officer Clifton paused for a moment and said, "I mean...I guess."

I asked Officer Clifton if he located other black pants, and he said he did in the closet. I asked Officer Clifton which closet, and he said the same master bedroom. I asked Officer Clifton where they were and he said, "I don't recall exactly...I thought they were...I don't remember." I asked Officer Clifton if he did locate other black pants, and he said yes because he recalls talking about it with \*\*\*\* \*\* I asked Officer Clifton if they were in plain view, and he said, "Um Hum." Attorney Tobias asked Officer Clifton if the answer was yes, and Officer Clifton said yes. I asked Officer Clifton if he knew where, and he said somewhere in the closet.

I asked Officer Clifton again which closet he located the black pants, and he said the same room, the master bedroom. I asked Officer Clifton which room was \*\*\*\* \*\*'s bedroom and Officer Clifton said \*\*\*\* \*\* said he lived in the front. I asked Officer Clifton if he believes that \*\*\*\* \*\* utilized the master bedroom, and he said, "I mean it's possible. I believed those were his jeans, so"

I asked Officer Clifton if he ever told the deputies that he did not know which pants were which. Officer Clifton said he did not understand the question. I told Officer



Clifton that he located one pair of black pants on top of the hamper, size 33, and he located at least two other pairs somewhere in the bedroom closet. I asked Officer Clifton, out of the three pairs of pants, did he tell the deputies he did not know which pair of pants \*\*\*\* \*\* had been wearing. Officer Clifton said he may have. I asked Officer Clifton if he believed at the time he located the black pants, size 33 that they were the ones the suspect was wearing when he ran from him, took them off and placed them on the hamper. Officer Clifton said, "I mean now that you are saying, that kinda..." Attorney Tobias told Officer Clifton, "I think the question is what did you believe at the time that you saw them." Officer Clifton said, "Well at the time that I saw them I believed they were them but I also found other ones at another time so...I might have been second...second guessed or what at the time...but when I initially saw them in the hamper, I believed they were the correct ones. I told Officer Clifton to take in mind what we are reading, and he said correct. I told Officer Clifton what he typed is supposed to be the truth. Officer Clifton said, "Uh Hum."

I asked Officer Clifton what led him to believe that \*\*\*\* \*\* was wearing the pants he located in the hamper as oppose to the two other pair of pants he located. Officer Clifton said, "Based off, come in take them off, and get in the shower...that's kind of my mindset." I asked Officer Clifton if he believed that \*\*\*\* \*\* was not trying to conceal the pants, but that he was trying to conceal that he was the one that ran from him by taking a shower. Officer Clifton said correct. I asked Officer Clifton if he could not know for sure the pants he located on the hamper were the pants \*\*\*\* \*\* was wearing. Officer Clifton said he did not have a 100% certainly those were the pant he was wearing and that is why he said "Led me to believe." At 1:32 PM we took a break and resumed at approximately 2:03 PM.

I asked Officer Clifton if there were any indicators in the master bedroom where he located the jeans that led him to believe it was \*\*\*\* \*\*'s room. Officer Clifton said, "I didn't really feel like that was any...no." I asked Officer Clifton if there were any papers, documents, envelopes that he looked at in this bedroom, and he said not that he could recall. I asked Officer Clifton if there was anything in the residence that indicated that a person with the last name of \*\*\*\*\* resided there, and he said, "Not that I remember."

I asked Officer Clifton after they cleared the residence of any persons, if they continued searching for a grey shirt or anything else. Officer Clifton said, "Hum, not that I remember doing." I asked Officer Clifton if he entered the hallway bathroom, and he said, "Haaa...I remember seeing it, but I don't remember walking in or



not...I'm not sure...I'm trying to replay it in my head, but I don't remember." I asked Officer Clifton if the hallway bathroom appear to have been recently used, and he said not that he could recall. I asked Officer Clifton if observed a black pair of shorts on the floor in the hallway bathroom. Officer Clifton paused for a moment and said, "I don't remember that." I asked Officer Clifton if he doesn't remember seeing that or does not remember. Officer Clifton said he does not remember seeing that of looking for black shorts on the floor.

I told Officer Clifton that there were two deputies, one was named Montoya and the other was named Durkee. I asked Officer Clifton if he recalls Deputy Durkee bringing to his attention that there was a pair of black shorts on the hallway bathroom floor. Officer Clifton said if he did he does not remember. I asked Officer Clifton if he remembers stepping over a pair of black shorts in the bathroom, and he asked, "Stepping over them?" I told Officer Clifton yes, and he said he does not remember that. I asked Officer Clifton if he recalls if the hallway bathroom floor was wet, and he said he does not remember that.

I asked Officer Clifton if recalls \*\*\*\* \*\* telling him that he was wearing black shorts and that he was taking a shower when police arrived. Officer Clifton said he remembers \*\*\*\* \*\* saying he just got out of the shower. Officer Clifton said \*\*\*\* \*\* stated he had black shorts and a white shirt as well. Officer Clifton said if Deputy Durkee told him there were shorts on the floor, he would have not known what it may have meant because he had not interviewed \*\*\*\* \*\* yet.

I asked Officer Clifton if he recalls after exiting \*\*\* Gloria Avenue, being asked by \*\*\*\*\* asking him if there was a reason why they searched the residence without a warrant. Officer Clifton said he does not really remember talking with \*\*\*\*\*.

I asked Officer Clifton to look at the narrative of report DF1902030, page 4 of 9, second paragraph where it reads: \*\*\*\*\* stated that \*\*\*\* arrived home approximately 15 minutes ago and went straight to the room to take a shower.

I read this sentence to Officer Clifton and asked him what he meant when he wrote that she said he went straight to the room. I asked Officer Clifton if \*\*\*\*\* meant that he went straight to the master bedroom to take a shower. Officer Clifton said, "I guess I never clarified it with her." I asked Officer Clifton if that is what \*\*\*\*\* told him, and he said that is what he believes she had stated. Officer Clifton said, "That's what I put down, so."

I asked Officer Clifton to look at the narrative of report DF1902030, page 5 of 9, second paragraph where it reads: I observed a call to \*\*\*\*\* at 0225 for approximately 2 ½ minutes.

I read this sentence to Officer Clifton and asked him 0225 means 0225 hours, and he said yes. I asked Officer Clifton if it was the same as 2:25 AM and he said yes. I told Officer Clifton that I asked him this question before but I would asked it again. I asked Officer Clifton if the call was from \*\*\*\*\* Jr to \*\*\*\*\* or was the call from \*\*\*\*\* to \*\*\*\*\* \*\* Officer Clifton said, "Like I stated earlier, I personally believe like from remembering that I put I observed a call from \*\*\*\*\* or to \*\*\*\*\* ...so...you know without looking at the phone again I would say that...that would be correct what I put in my report." I asked Officer Clifton if he remembers if he took notes on this information. Officer Clifton said, "Haa, not specific...I wrote down the...time...I mean I have the time so...it had to been jotted down or talked about somewhere." I asked Officer Clifton if he knew, and he said he did not recall. I asked Officer Clifton if he recalls when he typed this portion of the report, and he said he did not recall. I told Officer Clifton that he said he did not type any of the narrative on the seventh and Officer Clifton said, "I feel it was all done on the eighth, but." I told Officer Clifton that it could have not been all because he arrested \*\*\*\*\* later, and he said that's true. Officer Clifton said now that I brought up the arrest of \*\*\*\*\* , he is thinking it was all probably written on the ninth and then he said it was the tenth. I asked Officer Clifton to look at report DF1902030 and see when he arrested \*\*\*\*\*.

NOTE: \*\*\*\*\* turned himself in on July 10, 2019.

I asked Officer Clifton if he believed he typed most of his narrative on the tenth, and he said, "So most of this stuff was probably typed on the tenth." I asked Officer Clifton if this would include the portioned he documented that \*\*\*\*\* \*\* called \*\*\*\*\* at 2:25 AM. Officer Clifton said, "Yeah I would...I'm...I mean I don't...I can't really recall when the whole thing was written...that is something I don't think about when I write things." I told Officer Clifton the reason that I was asking him if he recalls when he typed the narrative is because he wrote in the report the time of 2:25 AM and if he didn't type it right away he more than likely took notes unless he could remember exactly what he observed. I asked Officer Clifton if he recalled taking notes regarding the time the call was received or sent from \*\*\*\*\*'s phone. Officer Clifton said he does not recall if he took notes on that exact "call."

I asked Officer Clifton if he is certain he did not type the narrative on July 7, 2019. Officer Clifton said he is pretty certain he did not type it on the 7<sup>th</sup> and believes he



typed it on the 10<sup>th</sup>. Officer Clifton believes he typed the narrative on the 10<sup>th</sup> because this is when \*\*\*\*\* was arrested. I asked Officer Clifton if he did not type this portion of the narrative, did he write notes regarding it on a piece of paper, note pad or anything. Officer Clifton said it had to have been recalled on something because he would have not remembered the exact time. Officer Clifton said he would have not remember the exact time from his memory so he does not know if it was talked about in the recorded interview or written down. I asked Officer Clifton if the statement he wrote was correct and accurate, and he said, "To the best of my knowledge it is." I asked Officer Clifton if the time 2:25 AM was the actual time, and he said, "That's what I."

I asked Officer Clifton if he believes at this moment that \*\*\*\*\* is not the subject who ran from him, and he said correct. I told Officer Clifton that the time does not match the time stamp from when the vehicle was reported moving on Gloria Avenue over police radio. I told Officer Clifton that the radio transmission is date and time stamped. I told Officer Clifton that the time of 2:25 AM is inaccurate. Officer Clifton said to the best of his knowledge it was 2:25 AM and he would not just put any time that he wanted. Officer Clifton said he does not know if he took notes on it or if he recalled it coming from the recorded interview with \*\*\*\*\* Officer Clifton said he did not make up the time. Officer Clifton said he would look to see if he has notes regarding the incident and he would let me know if he wrote this information down.

NOTE: In the recorded interrogation there is no mention of the time the call was made other than \*\*\*\*\* stating that \*\*\*\*\* called him after she arrived at her residence and had driven from Gloria Avenue.

I asked Officer Clifton to look at the proceeding sentence of the narrative of report DF1902030, page 5 of 9 which reads: This phone call led me to believe that \*\*\*\*\* may have called \*\*\*\*\* once he was inside his residence to tell her what had taken place and advised her to state that she was with him the entire night.

I read this sentence to Officer Clifton and asked him how could the sentence be true if the time of 2:25 AM is not accurate. Officer Clifton said he was not trying to write a false statement, and said he wrote 0225 because it was the correct time which would make it a correct statement.

I asked Officer Clifton to look at the narrative of report DF1902030, page 5 of 9, last paragraph which reads: \*\*\*\*\* stated \*\*\*\*\* then called her to see if she made it home at which time she told him that she was stopped and her vehicle was searched for a suspect.



I read this sentence to Officer Clifton and asked him whether \*\*\*\*\* called \*\*\*\*\* or did \*\*\*\*\* call \*\*\*\*\* Officer Clifton said based on what he could remember \*\*\*\*\* called \*\*\*\*\* I asked Officer Clifton if it would be relevant if it was the other way around, \*\*\*\*\* calling \*\*\*\*\* instead. Officer Clifton said he does not know.

I asked Officer Clifton to look at the narrative of report DF1902030, page 6 of 9, second paragraph which reads: \*\*\*\*\* stated that he was unsure what \*\*\*\*\* was wearing due to the fact that he was intoxicated and does not remember.

I read this sentence to Officer Clifton and asked him if \*\*\*\*\* told him he was drinking. Officer Clifton said, "I'm assuming he did...put in his the statement." I told Officer Clifton not to assume and that I wanted him to tell me if he said it, didn't say it or does not remember. Officer Clifton said, "It must have been mentioned or else I would have not put it in there." I told Officer Clifton that this was not the question that I asked. I asked Officer Clifton if \*\*\*\*\* told him or did he not tell him or does he not remember. Officer Clifton said, "I don't recall then." I told Officer Clifton he put in the narrative that \*\*\*\*\* told him he was too intoxicated to remember. I asked Officer Clifton if \*\*\*\*\* actually told him he was too intoxicated to remember, and he said, "I hate to say that I put it in there if he didn't...so I mean...I don't recall the exact...unless I have written down. I have to look for my notes if I have them still." I asked Officer Clifton if \*\*\*\*\* told him that \*\*\*\*\* was wearing shorts, and he said he did not recall.

I asked Officer Clifton to look at the narrative of report DF1902030, Page 2 of 9, first sentence: As the driver exited the door he ran north towards the back of the vehicle at which time I got a good look at him and was able to provide dispatch with a description.

I read this sentence to Officer Clifton and re-introduced photo IA-19-02 #1. I told Officer Clifton he mentioned the suspect vehicle ended up at the corner of Park Way and Crawford Avenue. Officer Clifton said "correct." I showed Officer Clifton IA #19-02 #29 which is a condensed Google version photo of Crawford Avenue and Parkway which is placed on Word document and printed on a piece of white paper. I asked Officer Clifton to draw a rectangle which would represent the suspect vehicle and draw a triangle inside the rectangle to show the front of the vehicle. I told Officer Clifton to draw it in IA #19-02 #29 to indicated where the suspect vehicle came to a rest. While Officer Clifton drew the rectangle, I showed Officer Clifton all the photos which were uploaded to Trac Net report DF1902030. Each of these



photos was individually placed on a Word Document and each on a separate piece of white paper. These photos are IA #19-02 #8 to IA #19-02 #26.

I asked Officer Clifton if he knows who took photos of the crime scene, and he said he believed it might have been Officer Cordell but he may have taken some of them. Officer Clifton and Attorney Tobias looked over the photos.

I read the above statement again; As the driver exited the door he ran north towards the back of the vehicle at which time I got a good look at him and was able to provide dispatch with a description. I asked Officer Clifton where did the suspect run to after he exited the vehicle. Officer Clifton said he ran towards the back of the vehicle, and I asked him what direction was that. Officer Clifton said north. I asked Officer Clifton for his position while the suspect exited the vehicle and ran north. I asked Officer Clifton to draw the location of his unit similar to the way he drew the suspect vehicle in a shape of a rectangle. I asked him to draw it on IA #19-02 #29. Officer Clifton asked, "The exact location?", and I told him the best that he could remember.

I told Officer Clifton he indicated in his report that he was right behind him (the suspect). Before proceeding, Officer Clifton began looking at the narrative of report DF1902030. I asked Officer Clifton to show me where he was in accordance to photo IA #19-02 #29 and he said, "I was pulling up as he was getting out of the vehicle and when he fled on foot." I asked Officer Clifton if the suspect vehicle came to a rest, and he said yes. I told Officer Clifton to give me an estimated guess where he was, and he said, "Man, I was pretty close cause I saw him come to a rest and exit the vehicle...but I mean...whether it was here or here...I don't...I mean I can." Attorney Tobias suggested to Officer Clifton to describe approximately. Officer Clifton drew on IA #19-02 #29 and said, "I mean...I would say...I mean...I don't know...like...there...I wasn't bumper to bumper but I wasn't far away that I didn't see what was going on."

I grabbed IA-19-02 #9 and asked Officer Clifton if the suspect ran westbound on Park Way after he ran towards the back of the vehicle, and he said yes. Officer Clifton said the suspect ran straight into the alley and said right on the corner of the fence. Officer Clifton said once the suspect went over the fence he stopped. I told Officer Clifton that in the report he wrote he was directly behind the suspect. I asked Officer Clifton what he meant by that, and he said he was in his unit. I asked Officer Clifton when did he exit his unit, and he said shortly after that.