

ORIGINAL

McMURRAY HENRIKS, LLP  
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5 5670 Wilshire Blvd., Suite 1450  
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7 Attorneys for Plaintiffs

**FILED**  
Superior Court of California  
County of Los Angeles

AUG 27 2015

Sherri B. Carter, Executive Officer/Clerk  
By Raul Sanchez Deputy

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11  
12 RODONNA LAFFITTE, an individual;  
13 TIERRA LAFFITTE, an individual; TIFFANY  
MONIQUE LAFFITTE, an individual;  
14 TYZHANE LAFFITTE, a Minor Through His  
Parent and Guardian Ad Litem Phoenicia  
15 Sanders; SANDRA COTTON, an individual;  
SUMMER KEY, a Minor Through Her Parent  
16 and Guardian Ad Litem Sandra Cotton;  
SAMONE SEALS, a Minor Through Her  
17 Parent and Guardian Ad Litem Sandra Cotton;  
QUINCY WILLIAMS, an individual;  
18 ANTWANETTE STONE, an individual;  
STEPHANIE McMILLAN, an individual;

19 Plaintiffs,

vs.

20  
21 COUNTY OF LOS ANGELES, a municipal  
organization; LEROY BACA, individually and  
in his Official Capacity as Sheriff of Los  
22 Angeles County; RANDY BARRAGAN, an  
individual; DEPUTY CARDENAS, an  
23 individual; and DOES 1-25, inclusive;

24 Defendants.

CASE NO.: BC526786  
Assigned to Hon. Treu, Dept. 58

**PLAINTIFF'S SEPARATE VOLUME OF  
DOCUMENTARY EVIDENCE IN  
OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT/SUMMARY  
ADJUDICATION**

[FILED CONCURRENTLY WITH  
OPPOSITION TO MOTION FOR SUMMARY  
JUDGMENT, RESPONSE TO SEPARATE  
STATEMENT, SUPPLEMENTAL SEPARATE  
STATEMENT, REQUEST FOR JUDICIAL  
NOTICE, COMPENDIUM OF FEDERAL  
AUHTORITIES, EVIDENTIARY OBJECTIONS  
PROPOSED ORDER and PROOF OF  
SERVICE]

Date: September 10, 2015  
Time: 8:30 a.m.  
Dept.: 58

Complaint Filed: November 6, 2013

McMURRAY HENRIKS, LLP  
5670 Wilshire Blvd., Suite 1450  
Los Angeles, California 90036

08/27/2015

1 **TO THE ABOVE-ENTITLED COURT AND TO ALL PARTIES, THROUGH THEIR**  
2 **ATTORNEYS OF RECORD:**

3 Please take notice that pursuant to California Rules of Court, Rule 3.1350(g), please find  
4 documentary evidence attached filed in support of Plaintiffs' opposition to Defendants' motion for  
5 summary judgment.

- 6 • Declaration of Timothy Williams
- 7 • Declaration of Lawrence Sowers, Ph.D.
- 8 • Declaration of Peter G. Haber, Esq.

9 Exhibit 1: Photograph of Decedent Terry Laffitte's bicycle (with reflectors)

10 Exhibit 2: Deposition of Antwanette Stone (January 22, 2015)

11 Exhibit 3: Deposition of Oscar Barrios (April 15, 2015)

12 Exhibit 4: Deposition of Jason Zabala (April 14, 2015)

13 Exhibit 5: Deposition of Quincy Williams (December 11, 2014)

14 Exhibit 6: Deposition of Sandra Cotton (December 12, 2014)

15 Exhibit 7: Deposition of Salvador Martinez (July 31, 2015)

16 Exhibit 8: Deposition of Marriann Shea (July 24, 2015)

17 Exhibit 9: Los Angeles County Sheriff's Department's Scientific Services Bureau's DNA  
18 ANALYSIS REPORT dated June 8, 2015

19 Exhibit 10: Deposition of Stephanie McMillan (December 10, 2014)


20 Exhibit 11: Los Angeles County Sheriff's Department's Foot Pursuit Policy (5-09/220.50)

21 Exhibit 12: Deposition of Mari Johnson (July 17, 2015)

22 Exhibit 13: Email dated May 7, 2015 from Marian Shea to Teri L. Bernstein

23 DATED: August 27, 2015

McMURRAY HENRIKS, LLP

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26 By:   
27 RANDY H. McMURRAY, ESQ.  
28 YANA G. HENRIKS, ESQ.  
PETER G. HABER, ESQ.  
Attorneys for Plaintiffs

08 / 27 / 2015

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6 Attorneys for Plaintiffs  
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES**

11  
12 RODONNA LAFFITTE, an individual; TIERRA  
LAFFITTE, an individual; TIFFANY  
13 MONIQUE LAFFITTE, an individual;  
TYZHANE LAFFITTE, a Minor Through His  
14 Parent and Guardian Ad Litem Phoenicia  
Sanders; SANDRA COTTON, an individual;  
15 SUMMER KEY, a Minor Through Her Parent  
and Guardian Ad Litem Sandra Cotton;  
16 SAMONE SEALS, a Minor Through Her Parent  
and Guardian Ad Litem Sandra Cotton; QUINCY  
17 WILLIAMS, an individual; ANTWANETTE  
STONE, an individual; STEPHANIE  
18 McMILLAN, an individual;

19 Plaintiffs,

20 vs.

21 COUNTY OF LOS ANGELES, a municipal  
organization; LEROY BACA, individually and  
in his Official Capacity as Sheriff of Los Angeles  
22 County; RANDY BARRAGAN, an individual;  
DEPUTY CARDENAS, an individual; and  
23 DOES 1-25, inclusive;

24 Defendants.  
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CASE NO.: BC526786

*Assigned to Hon. Treu, Dept. 58*

**DECLARATION OF LAWRENCE  
SOWERS, Ph.D., IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

*[Served concurrently with Opposition to Motion  
for Summary Judgment, Separate Statement of  
Disputed Facts, Separate Statement of  
Additional Material Facts; Declaration of Peter  
G. Haber, Declaration of Timothy Williams, and  
Request for Judicial Notice]*

Complaint Filed: November 6, 2013

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**DECLARATION OF LAWRENCE SOWERS, Ph.D.**

I, Lawrence Sowers, do hereby declare and state as follows:

1. I am a biochemist, pharmacologist and toxicologist. Primarily, my work has involved the chemistry and biology of DNA. As part of my background, training, and experience, I have done significant work in collecting and analyzing DNA. Specifically, I have over 30 years of experience in DNA analysis and have testified or served as a consultant at least twelve times in the last ten years.

2. I have personal knowledge of all facts contained within this declaration, and if called as a witness, I could and would competently testify thereto.

3. I am submitting this Declaration in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment.

4. I received my A.B. degree from Earlham College in Richmond, Indiana in 1978. I received my Ph.D. from Duke University in Durham, North Carolina in Physical Biochemistry in 1983. I was also a Post-doctoral fellow at Harvard University, Department of Medicine. A true and correct copy of my curriculum vitae is attached to this declaration.

5. I have reviewed several documents in connection with my retention in this matter. Among them are the following:

- a. The Homicide Book in connection with the shooting death of Terry Laffitte which contains an extensive narrative of the investigation and facts surrounding the death of Terry Laffitte.
- b. The deposition of Mariann Shea. Ms. Shea served as the Person Most Knowledgeable regarding DNA collection and analyzing in this matter and was tasked with testing the weapon allegedly found with Terry Laffitte. I also reviewed her report and file which she produced at deposition.

6. My understanding of the events are as follows:

- a. Los Angeles County Sheriff's Deputies Zabala and Barrios observed Terry Laffitte riding his bicycle eastbound on 60th Street about 9:00 P.M. on May 18, 2013. Mr. Laffitte turned right on Miramonte Avenue and began heading south. The deputies

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- decided to follow him until he began to approach his residence at 6102 Miramonte, about a block and a half from where he turned right.
- b. Mr. Laffite began to go eastbound into the driveway and at some point, Mr. Laffite dismounted from his bicycle and continued into the backyard of 6102 Miramonte to his place of residence located in the back.
  - c. The deputies decided to follow him into the backyard. After entering the rear area behind 6102 Miramonte they observed Mr. Laffite continuing to head to the residence. Deputy Barrios made some physical contact with Mr. Laffite and a struggle ensued which lasted several minutes.
  - d. It is my understanding that the deputies contend that at some point, Mr. Laffite grabbed the barrel of Deputy Zabala's weapon.
  - e. It is my further understanding that the deputies contend that Mr. Laffite produced a weapon from his back waistband, a .38 caliber Smith and Wesson, and pointed it at Deputy Barrios.
  - f. Both weapons were tested. Mr. Laffite's DNA was found on the textured portion of the barrel of Deputy Zabala's weapon, but not on the smooth portion of the barrel. The DNA of Mr. Laffite could have transferred to Deputy Zabala's weapon either by Mr. Laffite touching the weapon with his hand or as the result of the close range/contact gunshot wound to the rear of Mr. Laffite's head. Upon the basis of the DNA testing reported thus far, the DNA evidence cannot distinguish between these possible modes of DNA transfer.
  - g. Mr. Laffite's DNA was not found on either side of the grips, or on the trigger, hammer or cylinder release latch of the weapon he allegedly produced from his back waistband, the .38 Smith and Wesson pistol.
  - h. The DNA of at least two other individuals was found on the .38 Smith and Wesson. Mr. Laffite and Deputy Zabala would be excluded as biological contributors to the DNA on the .38 caliber Smith and Wesson. No reference DNA profiles in the documents for this case are consistent with the profiles found on the .38 Smith and

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Wesson, and therefore the individuals who transferred DNA to the .38 Smith and Wesson are at this time unknown.

- i. The DNA test performed by Mariann Shea indicated that at least one male and at least one female had transferred DNA to the weapon, but was unable to amplify enough DNA to obtain an identifiable DNA profile.
- j. The DNA obtained from .38 caliber Smith and Wesson had low levels of amplifiable DNA and the DNA obtained was highly degraded, suggesting the DNA had been on the weapon for a significant period of time. DNA degrades over time due to exposure to the elements.

7. After reviewing the facts and the allegations in this matter, I have formed the following opinions with respect to the DNA to a reasonable degree of scientific probability:

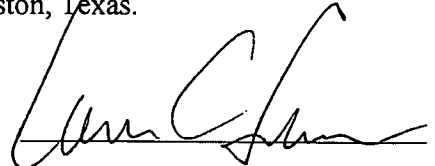
- a. If Mr. Laffitte had indeed kept the weapon in his back waistband while riding a bicycle, it is more likely than not that the weapon would contain an identifiable amount of DNA since close contact with the body and perspiration would have transferred Mr. Laffitte's DNA to the weapon.
- b. If Mr. Laffitte had indeed grasped the weapon in a manner consistent with firing the weapon, it is more likely than not that the weapon would contain an identifiable amount of his DNA. My opinion in this regard is based on the fact that holding the weapon in the palm of his hand long enough to point the weapon should have transferred DNA. Additionally, I would expect that a person who had been in close personal contact with the weapon would have transferred an identifiable amount of DNA to the weapon.
- c. Based on the above, it is more likely than not that Mr. Laffitte did not maintain on his person or grasp the .38 caliber Smith and Wesson weapon on the night of his death.
- d. These opinions are based on the records I have reviewed and my background, training and experience as it relates to DNA collection and analysis.

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I declare under penalty under the laws of the state of California that the foregoing is true and correct. Executed this 23rd day of August 2015 in Galveston, Texas.



Lawrence Sowers, Declarant



## CURRICULUM VITAE

**NAME:** Lawrence C. Sowers, Ph.D.

**PRESENT POSITION AND ADDRESS:**

Professor and Chairman  
Department of Pharmacology and Toxicology  
John Sealy Distinguished Chair for MD/PhD Combined Degree Studies in  
Honor of Dr. Truman G. Blocker  
Director, MD/PhD Combined Degree Program  
The University of Texas Medical Branch  
301 University Boulevard  
Galveston, TX 77555-0617  
Phone: (409) 772-9647  
Fax: (409) 772-9648  
Email: [lasowers@utmb.edu](mailto:lasowers@utmb.edu)

**BIOGRAPHICAL:** Place of Birth: Pittsburgh, Pennsylvania  
United States Citizen

**Education:**

1978 A.B., Earlham College, Richmond, Indiana  
1983 Ph.D., Duke University, Durham, North Carolina  
Physical Biochemistry  
Postdoctoral fellow, Harvard University, Department of Medicine  
Dana Farber Cancer Institute

**PROFESSIONAL WORK HISTORY AND TEACHING EXPERIENCE: (academic; non-academic)**

09/13 – Present Deputy Director, NIEHS Center in Environmental Toxicology  
University of Texas Medical Branch  
Galveston, TX

09/12 – Present Professor, Department of Internal Medicine, WOS  
School of Medicine  
University of Texas Medical Branch  
Galveston, Texas

- 07/12 – present     Director, MD/PhD Combined Degree Program  
School of Medicine  
University of Texas Medical Branch  
Galveston, Texas
- 09/10 - present     Professor and Chair, Department of Pharmacology and Toxicology  
School of Medicine  
University of Texas Medical Branch  
Galveston, Texas
- 2003 – 09/10        Professor of Biochemistry and Medicine  
Associate Dean for Basic Science, Loma Linda School of Medicine  
Chairman, Department of Basic Science (Microbiology and  
Molecular Genetics, Biochemistry, Physiology, Pharmacology)
- 2008 – 2010         Associate Director for Basic Science, Loma Linda Cancer Center
- 2000 – 2010         Adjunct Professor of Chemistry, California Institute of Technology  
Pasadena, CA
- 2001 -2003          Professor and Chairman, Departments of Biochemistry and Microbiology,  
and Professor of Medicine, Loma Linda University School of Medicine,  
Loma Linda, CA
- 1998 - 2001         Director, Program in DNA Damage and Repair  
Comprehensive Cancer Center of the City of Hope
- 1998 - 2001         Professor and Associate Chairman  
Division of Molecular Medicine  
Beckman Research Institute of the City of Hope
- 1993 - 1997         Associate Professor  
Division of Pediatrics  
City of Hope National Medical Center
- 1992 – 2001         Director, NMR Facility  
City of Hope National Medical Center
- 1991- 2001         Section Head  
Section of Biophysics  
City of Hope National Medical Center

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27 / 2015

- 1988-1993      Assistant Professor  
 Division of Pediatrics  
 City of Hope National Medical Center
- 1985-1987      Fellow  
 Comprehensive Cancer Center  
 University of Southern California  
 Los Angeles, CA
- 1984-1987      Research Associate  
 Molecular Biology Division  
 University of Southern California  
 Los Angeles, CA.
- 1983-1984      Fellow  
 Department of Medicine  
 Harvard Medical School  
 Boston, MA.

**RESEARCH ACTIVITIES:**

**Area of Research**

My work has involved the chemistry and biology of DNA damage resulting from both carcinogens and cancer chemotherapy agents. The laboratory is interested in damage to DNA resulting from carcinogen exposure, inflammation-mediated reactive intermediates and cancer chemotherapy agents. Many of the methods used in the laboratory are based in chemistry, including chemical synthesis of nucleoside analogs and ligonucleotides, and the analysis of structural and dynamic properties of these molecules using high field NMR and multiple mass spectrometry methods. My labs have trained numerous Ph.D., M.D. and M.D/Ph.D students over the years and I look forward to training further students within the context of this translational and interdisciplinary program at the University of Texas Medical Branch in Galveston.

**Grant Support**

**Current**

08 / 27 / 2015

- |  |                         |
|--|-------------------------|
| R01 CA 184097-01 Sowers (PI)   | 05/01/2014 – 4/30/2019  |
| NIH/NCI "Oxidation of 5-methylcytosine: DNA damage and epigenetic reprogramming" | \$1,855,125             |
| Moody Foundation (PI: Prough)  | 09/27/2013 – 09/26/2014 |
| Moody Center for Translational Traumatic Brain Injury                            | \$275,000               |

R01 CA 84487-10 Sowers (PI) 05/01/2000-04/31/2017  
NIH/NCI "Infidelity of Cytosine Methylation and Cancer" \$1,233,110

P30 ES006676-17 Elferink (PI) 04/01/1997-03/31/2017  
NIEHS "Cellular response mechanisms to environmental challenge" \$6,189,500  
NIEHS Center in Environmental Toxicology  
Sowers, Lawrence C., Deputy Director (10% effort)

**Past**

**NIGMS R01 GM 50351-13**; "Hydrolytic and Free Radical Mediated DNA Damage"  
PI, Lawrence C. Sowers; 01/01/1994-12/30/2013

**NIGMS R01 GM 41336 – 16**; "Base Pairing and Mutagenesis: an NMR Study"; PI,  
Lawrence C. Sowers; 09/01/1991-12/31/2010

**NCI R01 CA 097043—05**; "Chemical pathology of 5-aza-2'-deoxycytidine" ; PI,  
Lawrence C. Sowers; 07/01/2003-04/30/2010

**NCI R01 CA 112293-05**; "Damaged DNA recognition as a cancer avoidance  
mechanism" ; PI, Lawrence C. Sowers; 02/01/2005-01/31/2010  
(Joint grant with the California Institute of Technology, Pasadena, California)

**NCI R01 CA 85779**; "Carcinogenic Pyrimidines at a DNA Replication Fork"

**ACS #Y 6288** - American Cancer Society Grant; 1988

**NCI CA 33572** - Cancer Center Grant; City of Hope National Medical Center; 1988

**CA-09320** - National Research Service Award; University of Southern California;  
1984-1986

**HL-07574** - National Research Service Award; Harvard University; 1983-1984

**COMMITTEE RESPONSIBILITIES:**

**UTMB**

07/2014 – present SOM Curriculum Committee

01/14 – 05/14	UTMB Blue Ribbon Panel
01/14 – present	AE24 Cores Committee
10/13 – present	Member of the Cell Biology Graduate Program
10/13 – present	Clinical Trials Strategic Planning Committee
10/13 – present	Liaison Committee on Medical Education (LCME)
10/13 – present	Basic Sciences I LCME Subcommittee
10/13 – 01/14	Mitchell Center Director Search Committee
10/13 – present	Center for Environmental Toxicology Committee
09/13 – present	AR 25 Faculty Productivity
09/13 – present	AE26 Trainee Sponsorship Committee
04/13 – present	Vice President of Research and Chief Research Officer Search Committee
03/13 – 10/13	Associate Vice President, Office of Technology Transfer Search Committee
09/12 – present	Research Futures Committee Member
08/12 – present	CTSA Internal Advisory Council Member
04/12 – present	Member of the Biochemistry & Molecular Biology Graduate Program The University of Texas Graduate School of Biomedical Sciences
01/12 – present	Research Executive Committee
05/11 – 2/14	Council of Chairs for Research Committee
2011 - 2012	SCSBMB Director Search Committee (Sealy Center for Structural Biology and Molecular Biophysics)
2011 – present	MD/PhD Recruitment Committee

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- 11/10 – present Member, National Institute Environmental Health Sciences/ Center for Environmental Toxicology (NIEHS CET)
- 11/10 – present Core Member Sealy Center for Structural Biology and Molecular Biophysics (SCSBMB)
- 10/11 – present Neurology Chair Search Committee
- 09/11 –2012 Provost Search Committee
- 08/11- present Committee on Endowed Faculty Positions
- 01/11 – present Member, Internal Advisory Council (IAC) of the Sealy Center for Molecular Medicine (SCMM)

## TEACHING RESPONSIBILITIES

### A. TEACHING RESPONSIBILITIES AT UTMB:

#### a. Teaching:

##### School of Medicine (SOM):

June 2011 Judge for MSSRP Research Poster Session

June 2011 Presentation to Second Year Medical Students  
"Anti-inflammatory agents and Gastrointestinal Pharmacology"

##### Graduate School (GSBS):

June 2012 BBSC 6118 Genes Environment and Disease Course

June 2011 Lecture in Gene Environment and Disease Course  
"The role of epigenetic effects in determination of changes in gene expression and health outcomes"

April 2011 GSBS Dean's Lecture  
"Inflammation-mediated DNA damage and fraudulent epigenetic signals"

#### b. Students/Mentees/Advisees/Trainees:

Post-doctoral fellows:

09/11 – 07/13      Dannelys Perez-Bello  
 12/10 - present      Jason Herring

Summer Undergraduate students:

2013	Eric Yin	Rice University
2013	Alex Bienko	University of Houston
2013	Catherine Sampson	Alvin Community College
2013	Fernanda Vergara	Galveston Community College
2013	Anthony Duncan	Moorehouse College
2013	Jarrett Maldonado	Ball High Grad
2013	Mark Sowers	Johns Hopkins University
2012	Do Hyun Kim	Johns Hopkins University
2012	C. Sampson	Alvin Community College
2012	Danielle Rymer	Galveston College
2012	James Sowers	Johns Hopkins University
2012	Mark Sowers	Johns Hopkins University
2011	Eva Gao	UT Austin
2011	Michaela Huynh	UTMB MD/PhD Program
2011	C. Sampson	Alvin Community College
2011	James Sowers	Johns Hopkins
2011	Karen Tsai	University of Southern California

Summer High School students:

2013	Kristie Tu	Clear Springs High School (HSSRP)
2012	Neer Hazra	Ball High School
2012	Erica Gao	Ball High School
2012	Kristie Tu	Clear Springs High School (HSSRP)
2011	Dennis Cheng	Clear Springs High School, Clear Lake
2011	Victoria Duffoo	Ball High School
2011	Emily Gao	Ball High School/UTMB HSSRP
2011	Melissa Huynh	Stephen F. Austin H.S., Sugarland
2011	Mark Sowers	Webb Schools of California

c. Chair/Member of Ph.D. Supervisory Committee for:

- i. 2011 Alexander Esadze
- ii. 2012 Daniel Jackson
- iii. 2013 Arijit Dutta
- iv. 2013 Malaney O'Connell

- d. Chair/Member of Masters Thesis Supervisory Committee for:
  - i. 2012 Matthew Leitch

**B. TEACHING RESPONSIBILITIES AT LOMA LINDA UNIVERSITY:**

- a. Teaching:

2005 – 2010

Freshman Medical School:

Biochemistry of metabolism (15 lectures)  
DNA replication, damage and repair (5 lectures)  
Molecular genetics and population genetics (10 lectures)

Sophomore Medical School:

Microbiology of pathogenic fungi (4 lectures)  
Mechanisms of action of antimicrobial agents (4 lectures)  
Pharmacology (course coordinator 07/08)  
Pharmacology of cancer chemotherapy agents  
Pharmacology of immunosuppressive agents  
Pharmacogenetics

Director, Medical Scientist training program (M.D./Ph.D)

Graduate School (PhD program)

DNA replication, damage and repair (6 lectures)  
Special graduate seminar class:  
    Reduction of a clinical problem to an NIH grant application  
Forensic science joint graduate program  
    Laboratory methods

- b. Students/Mentees/Advisees/Trainees:

Post-doctoral fellows:

<u>Year</u>	<u>Name</u>	<u>Current Position</u>
2001-2003	Pingfang Liu	Research Associate Harvard Medical
2001-2002	Artur Burdzy	Research Scientist I UTMB



2005-2009	Agus Darwanto	Research Scientist I UTMB
2006-2010	Jacob Theruvathu	Research Scientist II UTMB
2009-present	Jason Herring	Post Doctoral Fellow I UTMB

Ph.D. students:

<u>Year</u>	<u>Name</u>	<u>Current Position</u>
2006-2009	Stephanie Cho	Clinical Rotation Loma Linda University
2001-2008	Joseph I. Kang	Residency Medical Oncology Loma Linda University
2001-2007	Dan Rogstad	Internal Medicine Mayo Clinic
2001-2008	Victoria V. Lao	Surgery Residency University of Washington
2007- 2012	Adides Williams	Post-doctoral Fellow Massachusetts Institute of Technology

**C. TEACHING RESPONSIBILITIES AT CITY OF HOPE NATIONAL MEDICAL CENTER:**

- a. Teaching:  
b. Students/Mentees/Advisees/Trainees:

Post-doctoral fellows:

2000-2001	Pingfang Liu
1999-2001	Artur Burdzy

Ph.D. students:

2001	Joseph I. Kang
2000-2001	Dan Rogstad

**MEMBERSHIP IN SCIENTIFIC SOCIETIES/PROFESSIONAL ORGANIZATIONS:  
(\* denotes elected membership)**

1983 - present                      American Chemical Society

**ADDITIONAL INFORMATION:**

Grant Reviewer for

1994 – 1996	NIH Biomedical Sciences Study Section
1996 – 2000	NIH Chemical Pathology Study Section
2004 – 2008	NIH Cancer Etiology Study Section
2011 -- present	NIH Study Section
07/14 – 06/16	NIH Cancer Etiology Study Section, Center for Scientific Review
July 2014	Grant Reviewer for JSMEF Pilot Grant Applications at UTMB

**PUBLISHED:**

**A. ARTICLES IN PEER-REVIEWED JOURNALS:**

1. **Sowers**, L.C.: DNA Base Modification, Ionized Base Pairs in DNA and Mutagenesis. Ph.D. Dissertation (1983) Duke University.
2. Richards, R.G., **Sowers**, L.C., Laszlo, J., Sedwick, W.D.: The Occurrence and Consequences of Deoxyuridine in DNA. (1984) Adv. in Enzyme Reg. 22, 157-185.
3. **Sowers**, L.C, Shaw, B.R., Sedwick, W.D.: Ionized Base Pairs: A Probable Consequences of Mutagenic Base Alkylation. (1984) Proc. American Assoc. Cancer Res. 25, 20.
4. Petruska, J.P., **Sowers**, L.C., Goodman, M.F.: Comparison of Nucleotide Interactions in Water, Proteins and Vacuum: Model for DNA polymerase Fidelity. (1986) Proc. Natl. Acad. Sci. USA 83, 1559-1562.
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**B: OTHER:**

**Book Chapters**

- 2014 Advances in Experimental Medicine and Biology 816, "*Inflammation and Cancer, Chapter 4: The Role of Inflammation in Colon Cancer*" ISBN: 978-3-0348-0836-1

**C: INVITED LECTURES AT SYMPOSIA AND CONFERENCES:**

- 08/13/14 Department of Neurology Neuroscience Grand Rounds at UTMB "*Epigenetic Programming and Reprogramming in Cancer and Neurogenesis*"
- 07/10/14 Department of Internal Medicine Grand Rounds UTMB at Galveston "*Epigenetics in Cancer*"
- 03/24/14 Mitchell Center for Neurodegenerative Diseases - UTMB Galveston "*Epigenetic Reprogramming in Brain Cells*"
- 10/30/13 3<sup>rd</sup> Annual Mini-Symposium on Brain Malignancies, "*Epigenetic reprogramming in neural stems cells and glioblastoma*", Open Gates, Galveston, Texas

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04/08/11 16<sup>th</sup> Annual Structural Biology Symposium Presented by the Sealy Center for Structural Biology and Molecular Biophysics, "*Structure and Biology of Inflammation-mediated DNA Damage Products*", Hotel Galvez, Galveston, Texas

**INVITED LECTURES – OFF CAMPUS:**

06/30/14 Center for Epigenetics & Disease Prevention "*Epigenetic Reprogramming in Brain Cells*" Texas A&M Health Science Center, Houston, TX

01/20/12 Keck Seminar Speaker, "Structure and biology of inflammation-mediated DNA damage products", BioScience Research Collaborative in the Houston Medical Center, Houston, Texas

05/19/11 MD Anderson Cancer Center, Brain Tumor Center Distinguished Lecture Series "*Inflammation-mediated DNA damage and fraudulent epigenetic signals*", Houston, Texas

10/07/11 Vanderbilt University Center in Molecular Toxicology, "Inflammation-mediated DNA damage and fraudulent epigenetic signals", Nashville, Tennessee

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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

RODONNA LAFFITTE, an individual; TIERRA LAFFITTE, an individual; TIFFANY MONIQUE LAFFITTE, an individual; TYZHANE LAFFITTE, a Minor Through His Parent and Guardian Ad Litem Phoenicia Sanders; SANDRA COTTON, an individual; SUMMER KEY, a Minor Through Her Parent and Guardian Ad Litem Sandra Cotton; SAMONE SEALS, a Minor Through Her Parent and Guardian Ad Litem Sandra Cotton; QUINCY WILLIAMS, an individual; ANTWANETTE STONE, an individual; STEPHANIE McMILLAN, an individual;

Plaintiffs,

vs.

COUNTY OF LOS ANGELES, a municipal organization; LEROY BACA, individually and in his Official Capacity as Sheriff of Los Angeles County; RANDY BARRAGAN, an individual; DEPUTY CARDENAS, an individual; and DOES 1-25, inclusive;

Defendants.

CASE NO.: BC526786  
*Assigned to Hon. Treu, Dept. 58*

**DECLARATION OF TIMOTHY T. WILLIAMS, JR. IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

*[Served concurrently with Opposition to Motion for Summary Judgment, Separate Statement of Disputed Facts, Separate Statement of Additional Material Facts; Declaration of Peter G. Haber, Declaration of Lawrence Sowers, and Request for Judicial Notice]*

Complaint Filed: November 6, 2013

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**DECLARATION OF TIMOTHY WILLIAMS**

I, Timothy T. Williams, Jr. do hereby declare and state as follows:

1. I am currently a Police Procedure and Use of Force expert in Los Angeles, California. I am a retired Los Angeles Police Department Senior Detective Supervisor. I worked in various capacities with the LAPD from 1974-2003, including as a detective, detective supervisor and senior detective supervisor from 1979-2003. I served as a detective supervisor and senior detective supervisor for much of that time. My responsibilities included several investigative, law enforcement, and administrative duties. I am readily familiar with investigative tactics, law enforcement policies/procedures, and police practices and can readily testify thereto. I have testified on these issues or served as a consultant approximately 150 times in the last 10 years.

2. I have personal knowledge of all facts contained within this declaration, and if called as a witness, I could and would competently testify thereto.

3. I am submitting this Declaration in support of Plaintiffs' Opposition to Defendants' Motion for Summary Judgment.

4. A true and correct copy of my curriculum vitae is attached to this declaration.

5. I have reviewed various documents, photographs and audio recordings in connection with my investigation in this matter. Among them are the following:

- a. The Homicide Book in connection with the shooting death of Terry Laffitte which contains an extensive narrative of the investigation and facts surrounding the death of Terry Laffitte.
- b. Defendants' Motion for Summary Judgment, including declarations and supporting evidence
- c. The deposition of Deputy Barrios, defendant in this matter.
- d. The deposition of Deputy Zabala, defendant in this matter.
- e. The deposition Mariann Shea.
- f. The autopsy report of Terry Laffitte
- g. The deposition of Plaintiff Quincy Williams

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- h. Numerous photographs which, to my understanding, were produced through the discovery process between Plaintiff and Defense counsel.
  - i. I also listened to recorded statements made by the following deputies shortly after the shooting death of Terry Laffitte.
    - i. Deputy O. Barrios
    - ii. Deputy J. Zabala
    - iii. Deputy S. Martinez
    - iv. Deputy S. Gomez
  - j. I also reviewed the Los Angeles County Sheriff's Department's foot pursuit policy and the deposition of John Satterfield, Person Most Knowledgeable regarding the foot pursuit policy.
  - k. I have also discussed the matter with the retained DNA expert Dr. Lawrence Sowers.
6. My understanding of the events is as follows:
- a. Los Angeles County Sheriff's Deputies Zabala and Barrios observed Terry Laffitte riding his bicycle eastbound on 60th Street about 9:00 P.M. on May 18, 2013. Mr. Laffitte turned right on Miramonte Avenue and began heading south. The deputies decided to follow him until he began to approach his residence at 6102 Miramonte, about a block and a half from where he turned right.
  - b. The deputies never utilized their red and blue flashing lights. They illuminated Mr. Laffitte with the lamps mounted to their doors when he turned onto Miramonte.
  - c. Mr. Laffite began to go eastbound into the driveway and at some point, Mr. Lafitte dismounted from his bicycle and continued into the backyard of 6102 Miramonte to his place of residence located in the back.
  - d. The deputies decided to follow him into the backyard. They did not alert dispatch or anyone else before following Mr. Laffitte by foot. After entering the rear area behind 6102 Miramonte they observed Mr. Laffitte continuing to head to the

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- residence. Deputy Barrios made the initial physical contact with Mr. Laffitte and a struggle ensued which lasted several minutes.
- e. The deputies contend that Mr. Laffitte produced an unloaded .38 caliber Smith and Wesson revolver from his back waistband with his left hand, which was in a handcuff, and attempted to point it at Deputy Barrios.
  - f. Defendants contend that at this point, Barrios said “he has a gun, he is going to shoot.” Which caused Zabala to fire a round into the back of Mr. Laffitte’s head, while Zabala had his arm around Mr. Laffitte’s neck and Mr. Laffitte was face down.
  - g. The weapon was recovered, and Zabala observed the weapon after the shooting, on the right side of Mr. Laffitte’s body.
  - h. The Smith and Wesson was tested for the DNA of Terry Laffitte. No traces of Terry Laffitte’s DNA was found on the weapon.
  - i. Gunshot residue swabs were taken by the coroner, but it does not appear that any testing was performed.
  - j. At all relevant times, Deputy Zabala was in possession of pepper spray.
  - k. The autopsy report indicated that the majority of the gunpowder found on Terry Laffitte’s head wound and leg wound were found inside the wounds, not around the surface of the body.

7. After reviewing the facts and the allegations in this matter, I have formed the following opinions with respect to the investigative tactics and police practices of this matter:

- a. Initially, the deputies did not bother to contact Mr. Laffitte until he turned south on Miramonte Blvd. Until then, they simply followed him. This is a dangerous tactic in the late night hours, as an individual riding his bike may not be aware that the vehicle following him is a police cruiser. Also, there was no reason to simply follow him without attempting to pull him over.
- b. When the deputies did announce their presence, they did not use flashing blue and red light bar. Instead, they illuminated him with the light mounted on the vehicle

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doors. There was no reason to do this other than to harass Mr. Laffitte. Again, Mr. Laffitte, and any other individual, riding late at night, may be unaware of the fact that the illumination is coming from a police vehicle, making the situation more dangerous for all involved.

c. When the deputies followed Mr. Laffitte into the driveway, they were engaged in a foot pursuit as per the Los Angeles County Sheriff's Department policies. The Foot Pursuit Policy states, in relevant part, that a foot pursuit is, "an attempt by a Department member to **follow or track**, on foot, a fleeing person who is attempting to avoid arrest, detention, or observation." And that if following someone by foot, a deputy "**shall** broadcast the following information over the radio...unit identifier or name of Deputy in pursuit; suspect location and direction; suspect description; **the reason for the pursuit** and whether or not the suspect is armed, if known. Barring extenuating circumstances, if a Deputy is unable to promptly and successfully broadcast this information, the foot pursuit shall be terminated and containment immediately established. The initiating Deputy shall be in field command and bears operational responsibility for the foot pursuit unless relieved by a supervisor." (emphasis added.)

d. The deputies violated the foot pursuit policy because they did not notify dispatch of the foot pursuit and then violated it again when they decided to follow Mr. Laffitte into his backyard instead of exercising containment.

e. If the deputies had contacted dispatch as they were required to do, any reasonable supervisor would have instructed the deputies to stand down and exercise containment rather than follow Mr. Laffitte into his backyard over an infraction without backup. Additionally, a reasonable supervisor could have instructed them to merely give Mr. Laffitte a verbal warning from their location in light of the nature of the infraction, failure to have a bike light. There was nothing emergent about this situation which warranted two deputies to follow this man into his backyard to cite or warn him of the need for a bike light.

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- f. Moreover, in light of the nature of the of the alleged offense, rather than wrestle Mr. Laffitte, down, beat him with a sap, attempt to place him in a carotid restraint, and ultimately shoot him in the back of the head and leg, the deputies could simply have deployed their pepper spray. While the deputies claim that they were in close proximity, I have reviewed the photos and the testimony. There is nothing that would foreclose on the safe deployment of pepper spray, as deputies can easily back up a few feet to protect their eyes. Indeed, I have been in the field and experienced similar close confrontation situations and pepper spray was effectively deployed.
- g. If Mr. Laffitte had indeed kept the weapon in his back waistband while riding a bicycle, it is more likely than not that the weapon would contain an identifiable amount of DNA since close contact with the body and perspiration would have transferred Mr. Laffitte's DNA to the weapon.
- h. Deputy Zabala stated that the weapon was resting on Mr. Laffitte's right side after he was shot. If the weapon was in Mr. Laffitte's left hand when he was shot, as the deputies testify, and Mr. Laffitte was face down on the ground, as the deputies testified, then the weapon would more likely fall to the left at the time the lethal shot was fired. This calls into doubt the testimony of the deputies.
- i. The defendants have failed to corroborate that Mr. Laffitte indeed had a Smith and Wesson. The weapon contained none of his DNA. I have spoken with DNA expert Dr. Lawrence Sowers, who also reviewed this matter. He informed me that he **excluded** Terry Laffitte as a contributor to any DNA found on the Smith and Wesson.
- j. Moreover, the defendants failed to corroborate that Mr. Laffitte had the weapon using gunshot residue tests. While such samples were taken, it does not appear that a test was taken. Mr. Laffitte should have had his hand and shorts tested for gunshot residue.
- k. Gunpowder was found inside Mr. Laffitte's head wound, which indicates that the shot was contact or close to contact range.

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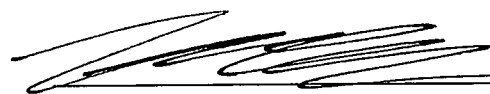
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l. It is my opinion that deputies Zabala and Barrios violated Los Angeles Sheriff Department Foot Pursuit policy and that violation was the cause the death of Terry Laffitte. Even assuming the weapon was present, Zabala and Barrios should not have followed Mr. Laffitte by foot without notifying dispatch, as required. Any reasonable supervisor would have instructed them to **stand down** and engage in containment while back-up arrived.

m. Moreover, Deputy Zabala should not have fired his weapon based solely on the statement of Deputy Barrios. Deputy Zabala was aware that Mr. Laffitte was being restrained. The statement "he has a gun, he's going to shoot" does not justify the shooting of Mr. Laffitte without more. There were multiple people in the area, any one of them could have had a weapon. Deputy Zabala instead decided to employ deadly force against Mr. Laffitte's without further tactical consideration.

n. These opinions are based on the records I have reviewed and my background, training and experience as it relates to Police procedure and Use of Force issues.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed this 25th day of August 2015 in Los Angeles, California.



Timothy T. Williams, Jr. Declarant



**McMURRAY HENRIKS, LLP**

5670 Wilshire Blvd., Suite 1450  
Los Angeles, California 90036

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PROOF OF SERVICE

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## **CURRICULUM VITAE**

### **PROFILE**

- Owner, CEO of T. T. Williams, Jr., Investigations, Inc., a Private Investigations Firm.
- Goal-oriented, proactive problem solver with over 29 years of active law enforcement management expertise in the Los Angeles Police Department, a 12,000 member employee organization
- Proven leadership skills. Recipient of numerous professional and civic awards for outstanding service.
- Experienced trainer; posses over 38 years in design, development, implementation and instruction of seminar and classes.
- Strong interpersonal skills. Sensitive to the needs of the organization, employees and community.
- Outstanding oral and written communication skills.
- Strong public and media relations capabilities.
- Demonstrated ability to make decisions. Proven strategic thinker.

### **OUTSTANDING ACHIEVEMENTS**

- Founder of T. T. Williams, Jr., Investigations, Inc., a Private Investigations Firm.
- Initiated a Domestic Violence time management study for the Los Angeles Police Department related to Crimes Against Persons. As a result, reorganized the Detective functions on the Los Angeles Police Department, creating a singular focus on domestic violence.
- Assumed position of Adjutant as a result of strong human resource administrative skills. Was given administrative control over city-wide detective functions. Administrative control and subject matter expert over the Los Angeles Police Department Domestic Violence Program.
- Human resources administrator, recommending appropriate risk management and disciplinary actions according to current policy.
- Implemented bi-monthly Adjutant meetings to improve communication and productivity. Acted as liaison between the District Attorney's Office, City Attorney's Office and the Los Angeles County Courts. Tracked special projects and resolved problems.
- Managed more than 3,000 – 4,000 sworn and civilian officers in Southern California for the Oscar Joel Bryant (OJB) Police Officers Association/Foundation. Directed 13 Executive Board and 13 Board of Directors.
- Past board member of the National Black Police Officers Association with management responsibility for 30,000 – 40,000 member's nationwide.

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- Published monthly OJB Association/Foundation Newsletter, which had national and international readership.
- Past Chairperson of the Los Angeles Police Department Affirmative Action Advisory Committee. Instrumental in designing and implementing an effective policy that opened upward mobility opportunities for a diverse employee base. Established a proactive policy in 1984 that is still in use.

#### **COMMUNITY RELATIONS (Partial List)**

- Awarded the 1993 Pinnacle Award for achieving business and professional excellence. Received national recognition as 1 of 30 selected for this honor presented by the Gillette Corporation and Being Single Magazine (a national and international publication).
- Implemented a Domestic Violence Program successfully in 1991. Awarded the 1992 Los Angeles City Council Certificate of Commendation for outstanding effort on the project. Honor presented in a citywide televised special City Council meeting.
- Founded OJB Foundation in 1981. Established organization to annually collect donations. Since inception, awarded over \$100,000 in scholarship funds to more than 100 South Los Angeles area high school students.
- Conducted OJB recruitment drives seeking law enforcement candidates. Regularly held forums and workshops in the community.
- Initiated a Neighborhood Watch Program in South Central Los Angeles that significantly bridged the gap between the community and the police department. Recognized by community for efforts.
- Competed for and received a Criminal Justice Planning Grant of \$24,000 annually to be used by OJB Foundation for reducing the crime of burglary in South Central Los Angeles. Showed decrease in burglaries by seven percent.

#### **FISCAL**

- Created and managed budgets for own private investigations firm.
- Managed budget centers for citywide detective divisions (over \$3 million annually). Provided cost reduction recommendations to minimize expenditures.
- Administered budgets for the following cost centers: Training and Development; Newsletter publication; Scholarships; Travel; Clerical Support; Benevolence Fund and Promotional Workshops while serving as Manager of OJB.

#### **EXPERIENCE**

May 13, 1974 – October 13, 2003

1974 – 1975 *Los Angeles Police Academy Training – Recruit*

- Foothill Division - Uniformed Patrol

1975 – 1976 *Hollywood Division – Uniformed Patrol*

Timothy T. Williams, Jr.

Curriculum Vitae

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1976 - 1978 *Employee Opportunity Development Division*

- Recruited Police Officers for the Los Angeles Police Department
- Taught Remedial English for Los Angeles Police Department Recruits
- Taught Physical Training classes to Police Candidates for the Los Angeles Police Department
- Public Speaking engagements representing the Los Angeles Police Department

1978 - 1979 *Southwest Division - Uniformed Patrol*

1979 - 1979 *77<sup>th</sup> Division - Uniformed Patrol (three months)*

1979 - 1983 *77<sup>th</sup> Detective Division - Detective*

- Burglary Section
- Juvenile Section
  - Juvenile I-Car
- Crimes Against Person Section
- Auto Theft Section
- Homicide Section

1983 - 1983 *Southwest Detective Division (five months) - Detective*

- Juvenile Section
- Robbery Section

1983 - 1987 *Juvenile Division - Detective*

- Abused Child Unit
  - Homicide
  - Sexual Abuse
  - Physical Abuse
- Juvenile Narcotics Unit

1987 - 1994 *Southwest Detective Division - Detective / Detective Supervisor*

- Juvenile Unit
- Crimes Against Person Unit
- Supervisor of the Domestic Violence Unit
- Internal Affairs Division (three month loan)
- Adjutant for Southwest Detective Division
- Supervised administrative and fiscal functions

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1994 – 1999 *Detective Services Group (Adjutant) – Senior Detective Supervisor*

- Managed budget (over \$3 million annually) for citywide Detective Divisions
- Administrative control over citywide Detective Functions
- Administrative control and subject matter expert over the Los Angeles Police Department Domestic Violence Program

1999 – 2003 *Robbery Homicide Division – Senior Detective Supervisor*

- Robbery Investigations
- Kidnap Investigations
- Homicide Investigations
- Citywide live line-ups

2003 – Present

CEO, T. T. Williams, Jr., Investigations, Inc.

- Criminal Investigations
- Civil Investigations
- Background Investigations
- Discrimination Investigations
- Sub Rosa / Surveillance

**TEACHING**

Taught for approximately fifteen years at Los Angeles City College, Los Angeles, California. Taught Patrol Procedures and Investigative Procedures, in the Administration of Justice Department.

**EDUCATION / TRAINING**

- California College of Law – Completed one year of law school
- California State University at Los Angeles – Completed four years of undergraduate study – course work in major completed
- Attended University of Southern California Executive Breakfast Series for 1993 and 1995.
- Graduate of Police Officer Standards and Training (P. O. S. T.), Supervisory Leadership Institute, Class 53
- Graduate of West Point Leadership Program, July 13, 1998.

- 1976 - Advanced Officer Training – 40 hours
- 1978 – Equal Employment Opportunity (EEO) Representative School – 8 hours
- 1978 - FBI Instructor Development – 40 hours
- 1978 - Shooting Policy Seminar – 4 hours
- 1978 - Juvenile Procedures School – 24 hours
- 1979 – Defense Representative School – 8 hours
- 1980 – Basic Detective School – 120 hours
- 1980 – Side Handle Baton Training 24 inch – 8 hours
- 1981 – Homicide School – 24 hours
- 1984 – Juvenile Justice Update – 40 hours
- 1985 – Network Communication System – 16 hours
- 1986 – Advanced Field Officers Course – Domestic Violence – 24 hours
- 1987 – MDT / DFAR School – 8 hours
- 1987 – Side Handle Baton – Update Certification – 2 hours
- 1989 – Auto Theft Investigation – 24 hours
- 1989 – CJIS/NCIC Mandated Training – 2 hours
- 1990 – Stolen vehicle recovery network – 4 hours
- 1991 – Missing person training – 2 hours
- 1991 – SIDS training – 2 hours
- 1991 – Advanced field officer course – Tactical Awareness – 24 hours
- 1992 – Gang awareness school – 8 hours
- 1993 – CJIS/NCIC mandatory re-training – 1 hour
- 1993 – Detective Supervisor – 80 hours
- 1993 – Civil Unrest Response Training Phase 1 – 8 hours
- 1993 – Civil Unrest Response Training Phase 2 – 8 hours
- 1994 – Affirmative Action For Supervisors – 4 hours
- 1994 – Leadership Update – 4 hours
- 1995 – Supervisory Update Course – 24 hours
- 1995 – Sexual Harassment – 3 hours
- 1995 – Bloodborne and airborne pathogen – 3 hours
- 1995 – Bloodborne/Airborne pathogen – 4 hours
- 1995 – 1995 CLETS NCIC re-training – 1 hour
- 1996 – Supervisory Leadership Institute – 192 hours
- 1996 – Cultural Awareness – 8 hours
- 1996 – Standardized emergency management system training – 16 hours
- 1996 – Community police problem solving – 8 hours
- 1996 – Polaroid domestic violence training – 3 hours
- 1996 – Cultural awareness – gay/lesbian community – 2 hours
- 1996 – Network communications (LANS) – 16 hours
- 1997 – Affirmative Action for supervisors – 2 hours
- 1997 – RIPP Hobble restraint device – 2 hours

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- 1997 – Internal discipline report format training – 2 hours
- 1997 – Arrest & control techniques – 8 hours
- 1998 – West Point Leadership Program – 136 hours
- 1998 – Injury identification in domestic violence cases – 2 hours
- 1998 – Preventing work place violence – 2 hours
- 1998 – Ethical Decision Making – 2 hours
- 1998 – Injury identification in domestic violence cases – 2 hours
- 1998 – CCHRS (LANS) – 4 hours
- 1998 – 21<sup>st</sup> Century crime control – 8 hours
- 1998 – 1997-1999 CLETS/NCIC training – 1 hour
- 1999 – Cultural division tools for tolerance – 8 hours
- 1999 – CCHRS (LANS) – 4 hours
- 2000 – Civil service rules for supervisors – 4 hours
- 2000 – 1999-2001 CLETS/NCIC training – 1 hour
- 2000 - Sexual Harassment – 2 hours
- 2000 - Legal actions involving police officers: Criminal/Civil – 2 hours
- 2000 – Homicide/death investigation – 2 hours
- 2000 - Tactical Communications – 2 hours
- 2000 - Elder Abuse – 2 hours
- 2000 – 21<sup>st</sup> Century crime control seminar – 8 hours
- 2000 - Elder Abuse – 2 hours
- 2000 - Victim Contact Skills – 2 hours
- 2001 – Field Officer updates – 8 hours
- 2001 – Firearms/tactical handgun – 8 hours
- 2001 – Officer rapid deployment – 8 hours
- 2001 – Terrorism Awareness – 2 hours
- 2001 – Field data capture training – 2 hours
- 2001 – Officer safety/field tactics – 8 hours
- 2002 – Officer safety/field tactics – 8 hours
- 2002 – Electronic surveillance course/wiretap – 8 hours
- 2002 – 2001-2003 CLETS/NCIC training – 1 hour
- 2002 – Consent decree source document training – 4 hours
- 2002 – Managing workplace conflict – 8 hours
- 2003 – Mental illness update – 4 hours
- 2003 – Weapons of mass destruction – 8 hours
- 2003 – Field data capture report update – 2 hours
- 2004 – Capital Case Defense Seminar – 25 hours
- 2004 – California Association of Licensed Investigations Continuing Education – 7 hours
- 2004 – California Association of Licensed Investigations Continuing Education – 15 hours
- 2005 – Capital Case Defense Seminar – 25 hours
- 2005 – Terrorism/ Weapons of Mass Destruction – 4 hours

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- 2005 – Liability/ Legal Issues – 4 hours
- 2005 – California Attorneys for Criminal Justice – Legal updates – 24 hours
- 2006 – Capital Case Defense Seminar – 25 hours
- 2006 – The Validity of Fingerprint and Ballistics Evidence – 2 hours
- 2006 – Recent Trends Involving the Law of Arrest, Search and Seizure – 6 hours
- 2006 – Detecting Deception and Eyewitness Identification Procedures – 8 hours
- 2006 – National Black Police Association International Education and Training Conference – 24 hours
- 2007 – Capital Case Defense Seminar – 21.50 hours
- 2007 – Expert Witness Summit – 22 hours
- 2007 – National Expert Witness Association Conference – 21.50 hours
- 2008 – Capital Case Defense Seminar – 21.50 hours
- 2008 – Expert Witness Summit – 16 hours
- 2009 – Legal Recipes for Successful Expert Consulting – 1 hour
- 2009 – National Expert Witness Association Conference – 19 hours
- 2009 – Expert Witness Pitfalls – 1 hour
- 2009 – Arizona Public Defender Association Seventh Annual Statewide Conference – 18 hours
- 2009 – Effects of Computer Related Evidence – 1 hour
- 2010 – Capital Case Defense Seminar – 18 hours
- 2010 – National Expert Witness Association Conference – 18 hours
- 2010 – Amendments to Federal Rule 26 – 1 hour
- 2011 – Capital Case Defense Seminar – 22.5 hours
- 2011 – Fidler Institute on Criminal Justice – 6 hours
- 2011 – National Black Police Association, Regional Education Conference – 2 hours
- 2012 – Capital Case Defense Seminar – 22 hours
- 2012 – Association of Court Panel Investigator’s, Firearms Update – 1 hour
- 2012 – Association of Court Panel Investigator’s, Gang Awareness Update – 1 hour
- 2013 – Riverside County Public Defender’s Office, Forensic Document Examination – 6.5 Hours
- 2013 – Capital Case Defense Seminar – 21.5 hours
- 2013 – Association of Court Panel Investigators, DNA Update – 1 hour
- 2013 – Association of Court Panel Investigators, Subpoena Service Update – 1 hour
- 2013 – Riverside County Public Defender’s Office, “What all Investigators Need to Know” – 8 hours
- 2014 – Capital Case Defense Seminar – 21 hours
- 2014 – Association of Court Panel Investigators, “Digital Forensics Awareness” – 1 hour
- 2014 – Riverside County Public Defender’s Office, “Death Investigation, Everything You Need to Know” – 8 hours
- 2015 – Capital Case Defense Seminar – 21 hours

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2015 – Riverside County Public Defender’s Office – “ New Laws and Statues, Social Media and Cell Phones, Attorney/Investigator Relations” – 4 hours

**AFFILIATIONS**

- Member of California Association of Licensed Investigators
- Member of Professional Investigators of California
- Member of National Council of Investigations and Security Services
- Member of World Association of Detectives, Inc.
- Member of Los Angeles County Criminal Defense Investigations Association
- Member of California Attorneys for Criminal Justice
- Member of Los Angeles County Bar Association (non attorney member)
- Member of Criminal Courts Bar Association
- Member of National Association of Criminal Defense Lawyers
- Member of the Forensic Expert Witness Association
- Member of Association of Court Panel Investigators
- Member of Defense Investigators Association
- Past member of the National Forensic Expert Witness Association Board of Directors
- Past President, Forensic Expert Witness Association, Los Angeles, California
- Past Vice President, National Forensic Expert Witness Association
- Past National Educational Chairperson, Forensic Expert Witness Association
- Member of Forensis Group
- Past Member of Southern California Minority Business Development Council, Inc. (Certified Minority Business)
- California Innocence Project

**SPEAKING/TEACHING ENGAGEMENTS**

- 2005 – Long Beach, California – National Black Police Association, Spring Regional conference – Keynote Speaker for seminar/workshop on “Private Investigation and Police Procedure Issues”
- 2006 – Manchester, England UK – National Black Police Association International Education and Training Conference – Keynote Speaker for seminar/workshop on “Creating a Private Investigation Firm and Police Procedures”
- 2008 – Wilshire Bar Association – Keynote Speaker on “Ethical Issues in Civil Investigations”
- 2008 – San Fernando Valley Bar Association – Keynote Speaker on “Police Procedures, What To Look For”

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- 2009 – National Forensic Expert Witness Association Conference – Civil Rights Case Presentation – “Winston Hayes v. County of Los Angeles”
- 2009 – Arizona Public Defender Association Seventh Annual Statewide Conference – “Police Procedures and the Use of Force: The Problems”
- 2009 – John M. Langston Bar Association – “Expert Witness at Trial: Find, Prepare and Present”
- 2011 – Phoenix Arizona – National Black Police Association Regional Conference – “Legitimacy v. Legality in the Use of Force”
- 2012 – Association of Los Angeles County Court Private Investigators – “Police Procedure and Use of Force Issues”
- 2013 – Forensic Expert Witness Association – “Expert and Retaining Counsel Roundtable Panel”
- 2013 – Riverside Public Defenders Office – “Police Procedure and Use of Force Issues”
- 2013 – San Diego Public Defenders Office – “Police Procedure and Use of Force Issues”
- 2014 – Association of Los Angeles County Court Private Investigators – “Police Procedure Issues”
- 2014 – Forensic Expert Witness Association – “Courting, Cross Selling and Cross Promoting”
- 2015 – Forensic Expert Witness Association – “Expert Witness Marketing and Business Development”

#### **CERTIFICATIONS**

- P.O.S.T. Basic, Intermediate, Advanced and Supervisor Certificates
- California State Department of Education – Techniques of Teaching Certificate
- Federal Bureau of Investigation – Law Enforcement Instructor Development Certificate
- California Community College Teaching Credential – Lifetime
- Licensed Private Investigator 23399
- Licensed Private Patrol Operator 14771

#### **AWARDS**

- Community and Law Enforcement Legends Award by the Modie Bell Senior Citizens Foundation, with Los Angeles City Council and California State Senate recognitions – November 2009

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5 5670 Wilshire Blvd., Suite 1450  
6 Los Angeles, California 90036  
7 Telephone: (323) 931-6200  
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9 Attorneys for Plaintiffs

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES**

12  
13 RODONNA LAFFITTE, an individual;  
14 TIERRA LAFFITTE, an individual; TIFFANY  
15 MONIQUE LAFFITTE, an individual;  
16 TYZHANE LAFFITTE, a Minor Through Her  
17 Parent and Guardian Ad Litem Phoenicia  
18 Sanders; SANDRA COTTON, an individual;  
19 SUMMER KEY, a Minor Through Her Parent  
20 and Guardian Ad Litem Sandra Cotton;  
21 SAMONE SEALS, a Minor Through Her  
22 Parent and Guardian Ad Litem Sandra Cotton;  
23 QUINCY WILLIAMS, an individual;  
24 ANTWANETTE STONE, an individual;  
25 STEPHANIE McMILLAN, an individual;

26 Plaintiffs,

27 v.

28 COUNTY OF LOS ANGELES, a municipal  
organization; LEROY BACA, individually and  
in his Official Capacity as Sheriff of Los  
Angeles County; RANDY BARRAGAN, an  
individual; DEPUTY CARDENAS, an  
individual; and DOES 1-25, inclusive;

Defendants.

Case No. BC526786  
*[Assigned to Hon. Rolf M. Treu, Dept. 58]*

**DECLARATION OF PETER HABER IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

Date: September 10, 2015  
Time: 8:30 a.m.  
Dept.: 58

Complaint Filed: November 6, 2013  
Trial: October 13, 2015

1 I, Peter Haber, hereby declare as follows:

2 1. I am an attorney licensed to practice law in this state and am counsel for Plaintiffs in  
3 this matter. I have personal knowledge of the facts stated herein and if called to testify thereto I  
4 could and would do so.

5 2. Attached hereto as Exhibit 1 is a true and correct copy of a photograph produced by  
6 Defendant County of Los Angeles in Discovery. The photograph depicts the bicycle that Mr.  
7 Laffitte was riding on the night of May 18, 2013.

8 3. Attached hereto as Exhibit 2 is a true and correct copy of the portions of the  
9 deposition of Antwanette Stone cited in the motion and separate statements, taken on January 22,  
10 2015.

11 4. Attached hereto as Exhibit 3 is a true and correct copy of the portions of the  
12 Deposition of Oscar Barrios cited in the motion and separate statements, taken on April 15, 2015.

13 5. Attached hereto as Exhibit 4 is a true and correct copy of the portions of the  
14 Deposition of Jason Zabala cited in the motion and separate statements, taken on April 14, 2015.

15 6. Attached hereto as Exhibit 5 is a true and correct copy of the portions of the  
16 deposition of Quincy Williams cited in the motion and separate statements, taken on December 11,  
17 2014.

18 7. Attached hereto as Exhibit 6 is a true and correct copy of the portions of the  
19 deposition of Sandra Cotton cited in the motion and separate statements, taken on December 12,  
20 2014.

21 8. Attached hereto as Exhibit 7 is a true and correct copy of the portions of the  
22 deposition of Deposition of Salvador Martinez cited in the motion and separate statements, taken on  
23 July 31, 2015.

24 9. Attached hereto as Exhibit 8 is a true and correct copy of the portions of the  
25 Deposition of Mariann Shea cited in the motion and separate statements, taken on July 24, 2015.

26 10. Attached hereto as Exhibit 9 is a true and correct copy of the Los Angeles County  
27 Sheriff's Department Scientific Services Bureau's DNA ANALYSIS REPORT dated June 8, 2015,  
28 produced by Los Angeles County Sheriff's Department employee Mariann Shea at her deposition.

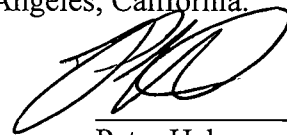
1           11. Attached hereto as Exhibit 10 is a true and correct copy of the portions of the  
2 Deposition of Stephanie McMillian cited in the motion and separate statements taken on December  
3 10, 2014.

4           12. Attached hereto as Exhibit 11 is a copy of the Los Angeles County Sheriff's  
5 Department foot pursuit policy (5-09/220.50), produced by Defendant County of Los Angeles and  
6 Deputy John Satterfield, the defendant's person most knowledgeable, at his deposition.

7           13. Attached hereto as Exhibit 12 is a true and correct copy of the portions of the  
8 deposition of Mari Johnson cited in the motion and separate statements taken on July 17, 2015.

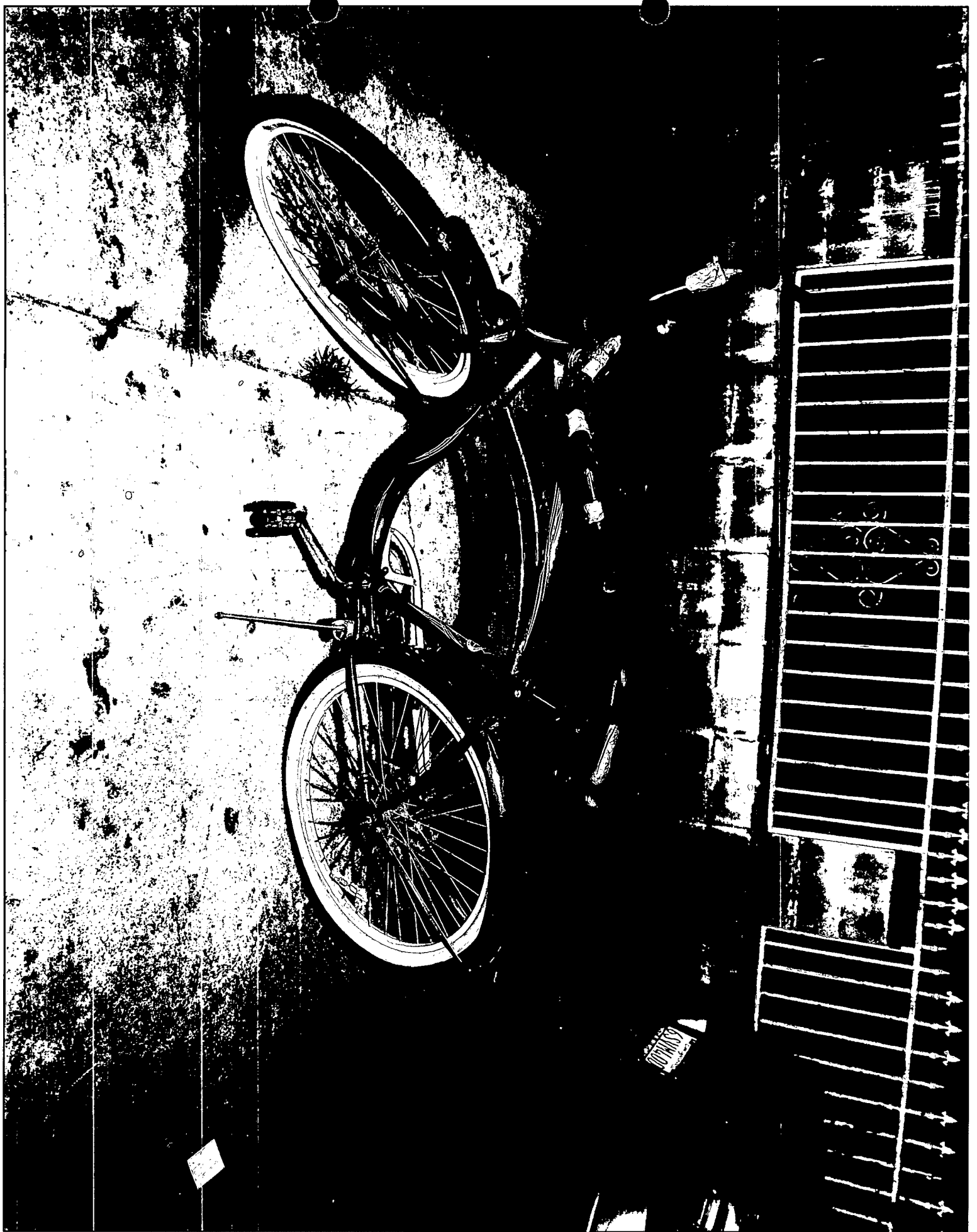
9           14. Attached hereto as Exhibit 13 is a true and correct copy of an email chain dated May  
10 26, 2015 between Los Angeles County Sheriff's Department employee Mariann Shea and Los  
11 Angeles County Sheriff's Department Detective Terri Bernstein

12           I declare that the foregoing is true and correct under penalty of perjury of the laws of the  
13 State of California. Executed this 27<sup>th</sup> day of August, 2015, at Los Angeles, California.



14  
15  
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18  
19  
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23  
24  
25  
26  
27  
28  
Peter Haber  
Declarant

08 / 27 / 2015



EX.1



08 / 27 / 2015

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, UNLIMITED CIVIL CASE

**ORIGINAL**

RODONNA LAFFITTE, an individual, et )  
al., )

Plaintiff, )

vs. )

COUNTY OF LOS ANGELES, a municipal )  
organization; LEROY BACA, )  
individually and in his Official )  
Capacity as Sheriff of Los Angeles )  
County; RANDY BARRAGAN, an )  
individual; DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )

Defendants. )

Case No. BC526786

VIDEOTAPED DEPOSITION OF ANTWANETTE STONE

Los Angeles, California

Thursday, January 22, 2015

REPORTED BY:  
Jimmy S. Rodriguez  
CSR No. 13464

08 / 27 / 2015

13:52 1

A No.

13:52 2

Q -- about why?

13:52 3

During the last year of his life, did

13:52 4

Terry Laffitte sometimes drive a car?

13:52 5

A I've never seen him drive a car.

13:52 6

Q Do you have any information that he

13:52 7

sometimes drove a car?

13:52 8

A No, I don't know anything about him

13:52 9

driving a car.

13:52 10

Q And what is your understanding of what

13:53 11

he -- do you have an understanding of what he did

13:53 12

for transportation?

13:53 13

A From what I know, I would either see him

13:53 14

walk or ride the bike.

13:53 15

Q And what is your understanding of where he

13:53 16

got money to live life?

13:53 17

A I have no understanding about that.

13:53 18

Q And did Mr. Laffitte ever smoke marijuana

13:53 19

in your presence?

13:53 20

A I've never seen him.

13:53 21

Q Do you have any information like smelling

13:53 22

it on his person or in his place that indicated to

13:53 23

you he may be smoking marijuana?

13:53 24

A No.

13:53 25

Q Do you have any information that

13:53 1 Terry Laffitte possessed a gun in May of 2013?

13:53 2 A No.

13:53 3 Q Did he -- did Terry Laffitte ever make any  
13:53 4 comments in your presence about, you know, whether  
13:54 5 it's a good idea or bad idea to have a gun?

13:54 6 A No.

13:54 7 Q Do you have any information that  
13:54 8 Mr. Laffitte ever, in his lifetime, had handled a  
13:54 9 gun?

13:54 10 A No.

13:54 11 Q Was there one or more guns kept at  
13:54 12 6102 Miramonte at any time during the time that you  
13:54 13 lived there?

13:54 14 A No.

13:54 15 Q Do you have any understanding regarding  
13:54 16 whether Terry Laffitte was ever a member of a gang?

13:54 17 A No.

13:54 18 Q Did Terry Laffitte ever have the nickname  
13:54 19 Sugar Bear?

13:54 20 A Yes.

13:54 21 Q What is your understanding of how he got  
13:54 22 that nickname?

13:54 23 A I don't have an understanding of that.

13:54 24 Q Did you ever call him Sugar Bear?

13:54 25 A Yes.

14:28 1 A No.

14:28 2 Q When you first saw Mr. Laffitte riding his  
14:28 3 bike, you said he was in the northbound lane of  
14:29 4 Miramonte?

14:29 5 A Hmm-mm, say that again, sorry.

14:29 6 Q When you first saw Mr. Laffitte riding his  
14:29 7 bike, was he in the northbound lane?

14:29 8 A Well, what would that be referring to? On  
14:29 9 my side or the other side?

14:29 10 Q Your side.

14:29 11 A Yes, he was on my side.

14:29 12 Q And was he riding slow, medium or fast  
14:29 13 when you first saw him?

14:29 14 A Medium.

14:29 15 Q And the -- for how long did you see him  
14:29 16 riding his bike, how many seconds or minutes?

14:29 17 A Seconds -- 10 seconds maybe, 10,  
14:29 18 15 seconds.

14:29 19 Q During that ten or so seconds that you saw  
14:30 20 him riding his bike, did he seem to be riding the  
14:30 21 same speed, or did he seem to be slowing down, or  
14:30 22 did he seem to be speeding up?

14:30 23 A Like he was riding the same speed.

14:30 24 Q Did he have a light on his bike?

14:30 25 A I don't recall.

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14:31 1 Q Did you -- you got up and went inside at  
14:31 2 some point?

14:31 3 A Yes, I ran inside.

14:31 4 Q When you observed Mr. Laffitte riding his  
14:32 5 bike, did he appear to be unsteady on the bike?

14:32 6 A No.

14:32 7 Q Did you ever see Mr. Laffitte look back at  
14:32 8 the police car?

14:32 9 A No.

14:32 10 Q Did you hear the deputies in the police  
14:32 11 car say anything to Mr. Laffitte?

14:32 12 A No.

14:32 13 Q What did Mr. Laffitte do after he entered  
14:32 14 the driveway?

14:32 15 A From there, I ran in the house to warn  
14:32 16 everyone. The first person I went to was Stephanie.

14:32 17 Q Wait, I just want to focus on what you  
14:32 18 saw.

14:32 19 A Only thing I seen him do was ride the bike  
14:32 20 through the driveway.

14:32 21 Q Where was he at the -- at your last visual  
14:32 22 of him?

14:32 23 MR. MCMURRAY: While he was in the front  
14:32 24 yard?

14:32 25 MS. JACOBS: Yes.

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15:49 1 Q How confident are you?

15:49 2 A I'm not so confident, but I know there was  
15:50 3 someone else in the doorway with Sandra, I'm just  
15:50 4 not sure who it was.

15:50 5 Q Did you hear the other deputy who was more  
15:50 6 towards Terry Laffitte's back and buttocks area, did  
15:50 7 you hear him say anything at any time?

15:50 8 A Not until -- not from the beginning when  
15:50 9 he was already talking in the beginning telling  
15:50 10 Terry to stop moving, keep calm, and stuff like  
15:50 11 that; that was the only thing I really heard from  
15:50 12 him.

15:50 13 Q Okay.

15:50 14 A I didn't really hear anything else.

15:50 15 Q Okay. Have you now told me everything  
15:50 16 that you've heard those two deputies say?

15:50 17 A As of right now, yes.

15:50 18 Q Okay. At some point, you heard  
15:50 19 Terry Laffitte say "I can't breathe"?

15:50 20 A Yes.

15:50 21 Q When did he first say that?

15:51 22 A When Sandra was standing in the middle  
15:51 23 between the wall and the stair, she was standing  
15:51 24 right there in the corner, he kept on saying that he  
15:51 25 couldn't breathe, he couldn't breathe.

15:51 1                   And he had his -- yeah, that would have  
15:51 2                   been -- his right hand was out under his neck like  
15:51 3                   this (indicating), and he was, like, saying he  
15:51 4                   couldn't breathe, trying to grab Sandra's hand, and  
15:51 5                   that's when the officer kicked her up away from his  
15:51 6                   hand. So I don't know if she got the chance to grab  
15:51 7                   it or touch it, which is what I was saying the last  
15:51 8                   time.

15:51 9                   Q           How many times did he say "I can't  
15:51 10                  breathe"?

15:51 11                  A           He said that multiple times, more than  
15:51 12                  five times.

15:51 13                  Q           More than five times?

15:51 14                  A           Yes -- that he couldn't breathe.

15:51 15                  Q           Do you have any better estimate than more  
15:51 16                  than five times?

15:51 17                  A           Probably a good seven, eight times.

15:51 18                  Q           After you came back out of Sandra Cotton's  
15:52 19                  apartment, did you go back inside it at any point in  
15:52 20                  time?

15:52 21                  A           Yes, after awhile, yes, I did go back  
15:52 22                  inside.

15:52 23                  Q           Was that after you made that second call  
15:52 24                  to 911?

15:52 25                  A           Yes, it was.

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16:09 1 the house. She had came back out when the other  
16:09 2 officers came and -- I'm not sure what happened, but  
16:09 3 she ended up running back in the house, and then the  
16:09 4 officer came and grabbed me and threw me outside.  
16:09 5 So I don't know what happened, but -- yeah.

16:10 6 Q So, after she's kicked, she went back  
16:10 7 inside?

16:10 8 A Yes.

16:10 9 Q All the way into the house, do you know  
16:10 10 where she went in the house?

16:10 11 A She ran past me, so I'm not sure if she  
16:10 12 went to the room or whatever, but she ran through  
16:10 13 the kitchen to the living room.

16:10 14 Q Okay. And then at some point, she came  
16:10 15 out again?

16:10 16 A Yes, when they -- when the officers  
16:10 17 followed her in, brought her out.

16:10 18 Q Did you see -- did you hear any shots that  
16:10 19 night?

16:10 20 A Yes.

16:10 21 Q How many?

16:10 22 A Two.

16:10 23 Q And was there a period of time between the  
16:10 24 two shots?

16:10 25 A Yes.

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16:10 1 Q How long?

16:10 2 A I'm not really sure, but I would say  
16:10 3 between zero and 30 seconds.

16:11 4 Q So it could have been boom, boom?

16:11 5 A No, it wasn't fast. It was a second -- it  
16:11 6 was a probably like 30 seconds and then another  
16:11 7 shot.

16:11 8 Q So, one shot, approximately 30 seconds,  
16:11 9 and then a second shot?

16:11 10 A Hmm-mm.

16:11 11 Q Yes?

16:11 12 A Yes.

16:11 13 Sorry.

16:11 14 Q Do you recall telling the detectives on  
16:11 15 the night of the incident it was about a minute  
16:11 16 between the two shots?

16:11 17 A Yes.

16:11 18 Q And so are you changing that now to  
16:11 19 30 seconds?

16:11 20 A Well, I'm not -- I'm giving an approximate  
16:11 21 answer so you could say between 30 seconds and a  
16:11 22 minute.

16:11 23 Q Did you see the -- either deputy shoot  
16:11 24 Mr. Laffitte?

16:11 25 A No.

16:15 1 A I was walking through the kitchen, and  
16:15 2 then I seen Sandra run by so I stood back like this  
16:15 3 (indicating) and then the officer, that's when he  
16:15 4 came in and grabbed me.

16:15 5 Q Where did he come from, did he come from  
16:15 6 the back door?

16:15 7 A Yes, he came from the back.

16:15 8 Q So you were in the kitchen about to go  
16:15 9 into the living/dining room area when the deputy who  
16:15 10 entered from the back door came in and got you?

16:15 11 A Yes.

16:15 12 Q Okay. And he brought you back outside?

16:15 13 A Yes.

16:15 14 Q Before you went back outside, had you  
16:15 15 heard a shot yet by that point in time?

16:15 16 A No.

16:15 17 Q So you go back outside with the deputy --

16:15 18 A Hmm-mm.

16:15 19 Q Correct?

16:15 20 A Yes.

16:15 21 Q Was it at some point after that, after you  
16:15 22 go back outside, that you heard the first shot?

16:15 23 A Yes.

16:15 24 Q Were you standing up or had you --

16:15 25 A I was already on the ground, I was already

16:51 1           Hispanics, unless we know them personally, then,  
16:51 2           yeah.

16:51 3           Q       All right. What happened to your cell  
16:52 4           phone, the one that you had on the night of the  
16:52 5           altercation?

16:52 6           A       The officer took it.

16:52 7           Q       Which officer?

16:52 8           A       The officer that had put me on the ground.

16:52 9           Q       And did he take your phone at the time  
16:52 10          that he put you on the ground?

16:52 11          A       Yes.

16:52 12          Q       Did the officer who put you on the ground  
16:52 13          and handcuffed you, did he hurt you in any way?

16:52 14          A       When he threw me on the ground, then,  
16:52 15          yeah. Other than that, he didn't, like, hit me but  
16:52 16          he pushed me on the ground, I fell on the ground.  
16:52 17          That's how I was on the ground.

16:52 18          Q       He shoved you?

16:52 19          A       Yeah, like he grabbed me --

16:52 20          Q       Pushed you?

16:52 21          A       -- and threw me -- yeah, that's what -- he  
16:52 22          was running to try to get Sandra, and I don't know  
16:52 23          if he thought she was me because he grabbed me and  
16:52 24          threw me. And then later on down the night they  
16:52 25          were, like, Oh, were you the one that we were

08 / 27 / 2015

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES  
UNLIMITED CIVIL CASE

RODONNA LAFFITTE, AN INDIVIDUAL; )  
TIERRA LAFFITTE, AN INDIVIDUAL; )  
TIFFANY MONIQUE LAFFITTE, AN )  
INDIVIDUAL; TYZHANE LAFITTE, A MINOR )  
THROUGH HER PARENT AND GUARDIAN AD )  
LITEM PHOENICIA SANDERS; SANDRA )  
COTTON, AN INDIVIDUAL; SUMMER KEY, A )  
MINOR THROUGH HER PARENT AND GUARDIAN )  
AD LITEM SANDRA COTTON; SAMONE SEALS, )  
A MINOR THROUGH HER PARENT AND )  
GUARDIAN AD LITEM SANDRA COTTON; )  
QUINCY WILLIAMS, AN INDIVIDUAL; )  
ANTWANETTE STONE, AN INDIVIDUAL; )  
STEPHANIE MCMILLAN, AN INDIVIDUAL, )

Plaintiffs, )

vs. )

No. BC526786 )

COUNTY OF LOS ANGELES, A MUNICIPAL )  
ORGANIZATION; LEROY BACA, INDIVIDUALLY )  
AND IN HIS OFFICIAL CAPACITY AS )  
SHERIFF OF LOS ANGELES COUNTY; RANDY )  
BARRAGAN, AN INDIVIDUAL; DEPUTY )  
CARDENAS, AN INDIVIDUAL; AND DOES 1 - )  
25 INCLUSIVE, )

Defendants. )

DEPOSITION OF OFFICER OSCAR BARRIOS

Wednesday, April 15th, 2015

Los Angeles, California

Reported by: JUSTIN R.A. MCPHAIL, CSR No. 13873

Atkinson-Baker, Inc. court Reporters (800) 288-3376

www.depo.com File Number: A903F9F

08/27/2015

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES  
UNLIMITED CIVIL CASE

RODONNA LAFFITTE, AN INDIVIDUAL; )  
TIERRA LAFFITTE, AN INDIVIDUAL; )  
TIFFANY MONIQUE LAFFITTE, AN )  
INDIVIDUAL; TYZHANE LAFITTE, A MINOR )  
THROUGH HER PARENT AND GUARDIAN AD )  
LITEM PHOENICIA SANDERS; SANDRA )  
COTTON, AN INDIVIDUAL; SUMMER KEY, A )  
MINOR THROUGH HER PARENT AND GUARDIAN )  
AD LITEM SANDRA COTTON; SAMONE SEALS, )  
A MINOR THROUGH HER PARENT AND )  
GUARDIAN AD LITEM SANDRA COTTON; )  
QUINCY WILLIAMS, AN INDIVIDUAL; )  
ANTWANETTE STONE, AN INDIVIDUAL; )  
STEPHANIE MCMILLAN, AN INDIVIDUAL, )

Plaintiffs, )

vs. )

No. BC526786 )

COUNTY OF LOS ANGELES, A MUNICIPAL )  
ORGANIZATION; LEROY BACA, INDIVIDUALLY )  
AND IN HIS OFFICIAL CAPACITY AS )  
SHERIFF OF LOS ANGELES COUNTY; RANDY )  
BARRAGAN, AN INDIVIDUAL; DEPUTY )  
CARDENAS, AN INDIVIDUAL; AND DOES 1 - )  
25 INCLUSIVE, )

Defendants. )

DEPOSITION OF OFFICER OSCAR BARRIOS, the  
Witness, taken on behalf of Plaintiffs,  
at 5670 Wilshire Boulevard, Suite 1450,  
Los Angeles, California 90036 commencing  
at 10:29 a.m., Wednesday, April 15th,  
2015, before Justin R.A. McPhail, CSR  
No. 13873 pursuant to Notice.

08/27/2015

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APPEARANCES OF COUNSEL:

FOR PLAINTIFFS:

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BY: JENNIFER R. JACOBS, ESQ.  
444 South Flower Street  
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Los Angeles, California 90071  
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Jjacobs@imwlaw.com

Also Present:

Jacob Flores, Legal Videographer  
Deputy Jason Zabala  
Rodonna Laffitte  
Elizabeth Bailey  
Wayne Higgins.

08 / 27 / 2015



1                   How far from his bicycle was your patrol                   10:46:32  
2                   vehicle when you first saw Mr. Laffitte?

3                   A    Approximately 20 to 30 yards.

4                   Q    Okay. And did you make any comments to  
5                   your partner, Deputy Zabala, about Mr. Laffitte when                   10:46:51  
6                   you saw him?

7                   A    Not initially.

8                   Q    Okay. Did you -- what was your first  
9                   impression about Mr. Laffitte when you saw him?

10                  You thought something when you saw him                   10:47:10  
11                  because eventually you pulled him over?

12                  A    Correct.

13                  Q    So what was your initial thought?

14                  A    I observed there was no light affixed to  
15                  the front of the bike Mr. Laffitte was driving.                   10:47:22

16                  Q    Okay. Was there reflectors on the back of  
17                  the bike?

18                  A    No, there was not.

19                  Q    And while you were on 60th Street, did you  
20                  do anything in order to make Mr. Laffitte aware of                   10:47:56  
21                  your presence?

22                  A    No.

23                  Q    What's the closest you got to -- when I say  
24                  "you," I mean you and Officer Zabala in your patrol  
25                  car.   10:48:07

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1                   What's the closest you got to him before he                   10:48:08  
2                   turned on Miramonte?

3                   A     Approximately 15 yards.

4                   Q     Now, at some point, Mr. Laffitte made a  
5                   right turn southbound on Miramonte?                   10:48:31

6                   A     That's correct.

7                   Q     And you -- you were driving the vehicle?  
8                   Your patrol car; correct?

9                   A     Correct.

10                  Q     Did you have any discussion with your                   10:48:42  
11                  partner about whether or not you were going to  
12                  follow Mr. Laffitte?

13                  A     No.

14                  Q     Okay. And that was while you were on 60th  
15                  Street?   10:48:54

16                  A     That's correct.

17                  Q     Okay. Then you made a right turn and went  
18                  southbound on Miramonte; correct?

19                  A     Correct.

20                  Q     At some point, did you make any                   10:49:10  
21                  determination in your mind whether or not you were  
22                  going to contact Mr. Laffitte prior to your contact  
23                  with him?

24                  A     Yes.

25                  Q     When did you first make that determination?           10:49:23

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1           A    After I observed the no reflector, no light           10:49:30  
2   on the bike, and Mr. Laffitte driving what appeared  
3   to be in an intoxicated manner on Miramonte  
4   Boulevard.

5           Q    When you say, "in an intoxicated manner,"           10:49:43  
6   what do you mean by that?

7           A    I observed Mr. Laffitte, at some point in  
8   time, while he was traveling southbound on Miramonte  
9   Boulevard, traveling into what would be oncoming  
10   traffic, opposing traffic. And as our radio car was           10:49:58  
11   traveling southbound on Miramonte Boulevard, he made  
12   a very abrupt, erratic move in front of our patrol  
13   car.

14          Q    Okay. Did that -- was he -- had he been --  
15   well, let me ask you this: Did you have a spotlight           10:50:11  
16   on your side of the vehicle?

17          A    Yes, sir.

18          Q    Did you -- at one point, did you illuminate  
19   Mr. Laffitte with that light?

20          A    Yes, sir.   10:50:27

21          Q    When did you first illuminate?

22          A    Shortly after he made a southern turn onto  
23   Miramonte Boulevard.

24          Q    Okay. And when he made that turn, what  
25   lane was he in? Northbound or southbound on           10:50:41

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1 record. 11:10:29

2 THE VIDEOGRAPHER: The time is 11:10 a.m.

3 Off record.

4 (Recess taken.)

5 THE VIDEOGRAPHER: The time is 11:17 a.m. 11:17:05

6 We're back on record.

7 BY MR. MCMURRAY:

8 Q Deputy Barrios, when we left, we were  
9 talking about Exhibit 1, and you put a circle where  
10 Mr. Laffitte, you say, it looked like he impacted 11:17:24  
11 the wall or the fence?

12 A That's correct, sir.

13 Q Okay. What did he do after that?

14 A He picked up his bike and proceeded in an  
15 easterly direction where he once again crashed into 11:17:38  
16 the back of this -- it looks like a gold vehicle  
17 faced eastbound in the driveway.

18 Q And what were you doing at the time that he  
19 crashed into the vehicle in the driveway?

20 A I gave Mr. Laffitte verbal commands. 11:17:54

21 Q Were you inside your car, or outside?

22 A In the process of exiting my vehicle.

23 Q Okay. And did Mr. Laffitte comply with  
24 your verbal commands?

25 A No, he did not. 11:18:10

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1 Q Okay. Is that the pathway that 11:20:35  
2 Mr. Laffitte took when he -- after he did not follow  
3 your commands to stop and come over to the hood of  
4 the car?

5 A That's correct, sir. 11:20:53

6 Q Okay. Now, and where were you -- oh, let  
7 me withdraw that.

8 What did you do in response to Mr. Laffitte  
9 heading down this path?

10 A I maintained a visual of Mr. Laffitte. 11:21:07

11 Q Okay. At some point, did you make a  
12 determination that you were going to follow  
13 Mr. Laffitte down that path?

14 A Yes, sir.

15 Q When did you make that determination? 11:21:46

16 A Once Mr. Laffitte crashed into the back of  
17 the Honda and proceeded -- excuse me. The gold  
18 vehicle, you can strike that -- and proceeded  
19 eastbound through the northern pathway of that  
20 driveway. 11:22:06

21 Q At that point, you determined that you were  
22 going to go back and follow him?

23 A That's correct, sir.

24 Q Okay. What equipment were you take -- I  
25 mean, excuse me. 11:22:24

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1 was he still on the bicycle once he got into -- 11:27:56

2 well, let me withdraw that.

3 Did you ever lose sight of Mr. Laffitte  
4 while he was in the driveway of 6102?

5 A No, sir. 11:28:14

6 Q Okay. Did he remain on the bicycle until  
7 he cleared the vehicles that are in the driveway,  
8 not including the motor home that's in the back?

9 A No, he did not.

10 Q Okay. When did he get off of his bicycle? 11:28:31

11 A Can I make reference to this photograph  
12 here?

13 Q Absolutely.

14 MS. JACOBS: He's referring to Exhibit 2  
15 for the record. 11:28:42

16 THE WITNESS: Mr. Laffitte dropped his  
17 bicycle in between the black vehicle and the gold  
18 vehicle depicted in Exhibit 2.

19 BY MR. MCMURRAY:

20 Q And when you said he "dropped his bicycle 11:28:52  
21 between" them, what did -- what actually did you  
22 see?

23 A It appeared Mr. Laffitte stumbled and  
24 dropped his bicycle between those two vehicles.

25 MR. MCMURRAY: Okay. Just a moment here. 11:29:08

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1 Q And what was that opinion? 11:44:03

2 A Not of a controlled substance, under the  
3 influence of alcohol.

4 Q Okay. So you thought he was under the  
5 influence of alcohol? 11:44:18

6 A Correct, sir.

7 Q Okay. And what did you base that on?

8 A Mr. Laffitte's actions.

9 Q When you say "actions," why don't you tell  
10 me all of the bases that you believed he was under 11:44:28  
11 the influence of alcohol.

12 A Having observed Mr. Laffitte traveling  
13 southbound against opposing traffic, making -- and  
14 prior to that having difficulty maintaining  
15 steadiness in that lane, and then taking evasive 11:44:49  
16 action -- excuse me. Not evasive, an abrupt action  
17 in front of our patrol vehicle. I found that to be  
18 odd and Mr. Laffitte may possibly be displaying the  
19 symptoms of being under the influence of alcohol.

20 Q Okay. So when you entered the backyard, 11:45:14  
21 did you have any concern for your safety with  
22 respect to Mr. Laffitte?

23 A Yes, sir.

24 Q Okay. And what were those concerns?

25 A As with any traffic stop, pedestrian stop, 11:45:26

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1 A Correct. 12:17:48

2 Q And Mr. Laffitte was in a position on his  
3 knees and elbows, or maybe his hands?

4 A Correct, sir.

5 Q Okay. And what did you tell him? What 12:17:59  
6 verbal commands did you give him?

7 A "Stop fighting, stop fighting, lay on the  
8 ground."

9 Q Okay. Did he follow those commands?

10 A No, sir. 12:18:11

11 Q What did you do next?

12 A At that point, due to Mr. Laffitte's  
13 assaultive actions and in an effort to prevent  
14 further injury to Deputy Zabala and myself --

15 Q I didn't want to -- what I'd like to know 12:18:24  
16 is just an answer to my question: What did you do  
17 next?

18 A To prevent injury to Mr. Zabala and myself,  
19 I struck Mr. Laffitte with my sap several times  
20 towards the hamstring area of his leg. 12:18:39

21 Q Okay. Like, below the knees?

22 MS. JACOBS: He said in the "hamstring."

23 THE WITNESS: That would be --

24 MR. MCMURRAY: Above the knees. In the  
25 back of the knees. 12:18:51

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1 of Deputy Zabala, I observed him in an altercation, 12:32:53  
2 both physical and verbal, with several people that  
3 had encircled him at this point.

4 Q Okay. And what did you do with respect to  
5 that? 12:33:05

6 A I continued to broadcast radio traffic  
7 requesting assistance at our location that we were  
8 involved in a fight.

9 Q Okay. All right. Now, from the time that  
10 you got to the position you are with Mr. Laffitte 12:33:28  
11 and had him -- the handcuff on until the time he  
12 was -- that you fired your shot, how long would you  
13 estimate you were in that area between the shed and  
14 6102 Miramonte?

15 A From the time he was handcuffed? 12:33:59

16 Q Yes.

17 A About two and a half minutes.

18 Q Okay. Now, once the encounter with Deputy  
19 Zabala and the people from the house, how long did  
20 that continue, or did it -- or was it ever ended 12:34:31  
21 before Mr -- you fired your first shot?

22 A Based on what I could see and hear, it  
23 appeared to be continuous.

24 Q Okay. All right. So let's focus on  
25 Mr. Laffitte. 12:34:49

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1 A Yes, sir. 12:37:49

2 Q When is this? Did you ever point it at  
3 anybody other than Mr. Laffitte?

4 A Yes, I did, sir.

5 Q When did you first draw your service 12:37:58  
6 weapon?

7 A When I observed Mr. Laffitte holding a --  
8 what appeared to be a pistol in his left hand.

9 Q Okay. That was the first time you took out  
10 your gun? 12:38:09

11 A That's correct, sir.

12 Q Okay. Now, did you -- prior to you seeing  
13 this, Mr. Laffitte appear -- take out what appeared  
14 to be a gun, did you have both hands on him or one  
15 hand on him? 12:38:31

16 A One hand.

17 Q What was your -- what was in your -- you  
18 had your left or right hand on him?

19 A My left hand, sir.

20 Q Okay. What were you doing with your right 12:38:41  
21 hand?

22 A Withdrawing my pistol.

23 Q Before you saw the gun, what were you doing  
24 with your right hand?

25 A Attempting to control Mr. Laffitte's left 12:38:51

08/27/2015

1 arm. 12:38:54

2 Q So you had both hands on him until you got  
3 to a point where you saw him withdrawing some pistol  
4 from his pants?

5 A Correct. 12:39:03

6 Q All right. And he had shorts on; correct?

7 A I believe he had some sort of long dark  
8 colored pants or long shorts.

9 Q Okay. And could you tell where he was  
10 pulling this gun out of? 12:39:18

11 A Yes, sir.

12 Q And where was he pulling it out of?

13 A He -- Mr. Laffitte produced a firearm from  
14 the small of his back; so the rear of his waistband.

15 Q Okay. And what happened next? 12:39:39

16 A I began screaming, he's got a gun, he's got  
17 a gun, in an effort to alert Deputy Zabala.

18 Q Okay. And what did you -- happened after  
19 you alerted Deputy Zabala?

20 A To protect myself -- 12:40:06

21 MS. JACOBS: He's just asking what you did,  
22 not why you did it.

23 THE WITNESS: I fired a contact shot with  
24 my pistol to the back of Mr. Laffitte's hamstring.  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

REDONNA LAFFITTE, an individual; )  
TIERRA LAFFITTE, an individual; )  
TIFFANY MONIQUE LAFFITTE, an )  
individual; TYZHANE LAFFITTE, a Minor )  
Through His Parent and Guardian Ad )  
Litem Phoenicia Sanders; SANDRA COTTON, )  
an individual; SUMMER KEY, a Minor )  
Through Her Parent and Guardian Ad )  
Litem Sandra Cotton; SAMONE SEALS, a )  
Minor Through Her Parent and Guardian )  
Ad Litem Sandra Cotton; QUINCY WILLIAMS, )  
an individual; ANTWANETTE STONE, an )  
individual; STEPHANIE McMILLAN, an )  
individual; )  
Plaintiffs, )  
vs. )  
COUNTY OF LOS ANGELES, a municipal )  
organization; LEROY BACA, individually )  
and in his Official Capacity as Sheriff )  
of Los Angeles County; RANDY BARRAGAN, )  
an individual; DEPUTY CARDENAS, an )  
individual; and DOES 1 - 25, inclusive; )  
Defendants. )

Case No.:  
BC526786

VIDEOTAPED DEPOSITION OF  
JASON ZABALA  
LOS ANGELES, CALIFORNIA,  
APRIL 14, 2015

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com  
REPORTED BY: Lois Sarkisian, CSR No. 13707, RPR  
FILE NO: A903F9E

08 / 27 / 2015

EX.4

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3  
4 REDONNA LAFFITTE, an individual; )  
TIERRA LAFFITTE, an individual; )  
5 TIFFANY MONIQUE LAFFITTE, an )  
individual; TYZHANE LAFFITTE, a Minor )  
6 Through His Parent and Guardian Ad )  
Litem Phoenicia Sanders; SANDRA COTTON, )  
7 an individual; SUMMER KEY, a Minor )  
Through Her Parent and Guardian Ad )  
8 Litem Sandra Cotton; SAMONE SEALS, a )  
Minor Through Her Parent and Guardian )  
9 Ad Litem Sandra Cotton; QUINCY WILLIAMS, )  
an individual; ANTWANETTE STONE, an )  
10 indiviual; STEPHANIE McMILLAN, an )  
individual; )

11 Plaintiffs, )

12 vs. )

Case No.:  
BC526786

13 COUNTY OF LOS ANGELES, a municipal )  
organization; LEROY BACA, individually )  
14 and in his Official Capacity as Sheriff )  
of Los Angeles County; RANDY BARRAGAN, )  
15 an individual; DEPUTY CARDENAS, an )  
individual; and DOES 1 - 25, inclusive; )

16 )  
17 Defendants. )  
----- )

18  
19 Videotaped Deposition of Jason Zabala, taken on  
20 behalf of Plaintiffs, at 5670 Wilshire Boulevard, Suite  
21 1450, Los Angeles, California, commencing at 11:05 AM,  
22 Tuesday, April 14, 2015, before Lois Sarkisian, CSR No.  
23 13707, RPR.  
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08 / 27 / 2015

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A P P E A R A N C E S

FOR PLAINTIFFS:

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jjacobs@imwlaw.com

Also Present:

- Torr Pizzillo, Videographer
- Rodonna Laffitte
- Elizabeth Bailey
- Sandra Cotton
- Oscar Barrios

08 / 27 / 2015

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Exhibit List Continued:

NUMBER	DESCRIPTION	PAGE
Exhibit 10	Copy of photograph of body wearing striped shorts and white tennis shoes, broom at left, one page	134

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1	Q	Could you state and spell your name for the record,	11:05:57
2		please.	11:05:59
3	A	Deputy Jason W. Zabala, J-A-S-O-N Z-A-B-A-L-A.	11:05:59
4	Q	Is it Officer Zabala or Deputy Zabala? Which would	11:06:04
5		you prefer?	11:06:14
6	A	Deputy is fine.	11:06:15
7	Q	Okay.	11:06:16
8		Have you ever had your deposition taken before?	11:06:16
9	A	Yes.	11:06:18
10	Q	On how many occasions?	11:06:19
11	A	Once.	11:06:21
12	Q	When was that? When was that?	11:06:23
13	A	It was about a year-and-a-half ago.	11:06:28
14	Q	Do you remember the subject matter, generally, of	11:06:33
15		that deposition?	11:06:36
16	A	Yes.	11:06:37
17	Q	What was it?	11:06:37
18	A	A County related incident.	11:06:39
19	Q	When you say County related, what do you mean?	11:06:42
20	A	Sheriff's Department.	11:06:45
21	Q	Was it a Deputy involved excessive force incident?	11:06:47
22	A	No.	11:06:54
23	Q	Give me a general description of what that	11:06:55
24		involved.	11:07:02
25	A	A traffic collision.	11:07:02

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1 Q Did you testify in court, or was it just a 11:07:05  
2 deposition? 11:07:10  
3 A Just a deposition. 11:07:10  
4 Q Was it a criminal proceeding or civil proceeding? 11:07:12  
5 A Civil. 11:07:15  
6 Q Were you an investigating officer or a witness to 11:07:17  
7 the collision? 11:07:23  
8 A No. 11:07:23  
9 Q What was your involvement in the collision? 11:07:24  
10 A I was the defendant. 11:07:27  
11 Q So were you driving a County vehicle at the time? 11:07:32  
12 A Correct. 11:07:35  
13 Q Okay. 11:07:36  
14 So that was a case in which the County was involved 11:07:38  
15 in a traffic collision -- the County vehicle was involved in 11:07:42  
16 a traffic collision? 11:07:46  
17 A Yes. 11:07:47  
18 Q Was it a marked patrol car? 11:07:48  
19 A Yes. 11:07:50  
20 Q Do you remember any of the attorneys' names that 11:07:50  
21 were involved in that case? 11:07:53  
22 A Yes. 11:07:54  
23 Q What were they? Let me withdraw that. 11:07:55  
24 Who was the plaintiff's attorney, if you know? 11:08:00  
25 A I do not know. 11:08:02

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1	Q	Okay.	11:08:06
2		You were represented by counsel?	11:08:07
3	A	Correct.	11:08:09
4	Q	Do you know how that case resolved?	11:08:10
5	A	It's ongoing.	11:08:14
6	Q	Is that the only time you have testified -- let me	11:08:18
7		withdraw that.	11:08:21
8		Have you testified in court before? In court, have	11:08:22
9		you given court testimony?	11:08:27
10	A	Ever?	11:08:29
11	Q	Ever.	11:08:29
12	A	For that case?	11:08:30
13	Q	No, ever.	11:08:31
14	A	Yes.	11:08:32
15	Q	On how many occasions?	11:08:33
16	A	I could only estimate.	11:08:35
17	Q	That's all I'm entitled to.	11:08:37
18	A	Several hundred.	11:08:39
19	Q	So you are familiar with the penalty of perjury in	11:08:42
20		testimony at court?	11:08:47
21	A	Yes.	11:08:48
22	Q	The purpose in the deposition is for me to find	11:08:48
23		out -- first of all, I'm doing a little background to find	11:08:51
24		out how much of the admonitions I need to give you before we	11:08:54
25		start the deposition. That is all I'm looking for. You	11:08:57

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1 Q Let's just talk about the audio interview. You 11:33:57  
2 listened to that, correct? 11:33:59  
3 A Yes. 11:34:01  
4 Q Did you remember what happened before you listened 11:34:01  
5 to it? 11:34:05  
6 A It's just confusing what you are asking. 11:34:06  
7 Q Did you have a recollection, any recollection, of 11:34:08  
8 what occurred prior to listening to yourself on the tape? 11:34:11  
9 A Yes. I mean, that is -- 11:34:15  
10 MS. JACOBS: It sounds like a trick question, but it's 11:34:18  
11 really not. 11:34:20  
12 BY MR. McMURRAY: 11:34:21  
13 Q It's really not. 11:34:22  
14 A The audio is what happened, so, yes. I guess the 11:34:23  
15 answer would be yes. 11:34:27  
16 Q So you remembered what happened independent of 11:34:29  
17 listening. You didn't -- let me withdraw that. 11:34:31  
18 You did not have to listen to your recorded 11:34:33  
19 statement to remember what occurred; is that correct? 11:34:36  
20 A Yes. 11:34:38  
21 Q That is all I needed to know. I know it was kind 11:34:39  
22 of difficult, but when you are thinking -- 11:34:43  
23 A Right. 11:34:45  
24 Q But all I needed to know is did you have an 11:34:46  
25 independent recollection before you listened to what you 11:34:49

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1 Did he cross 62nd Street? 11:53:31  
2 A No. 11:53:34  
3 Q Okay. 11:53:34  
4 A From the point he turned on 60th Street to 6102 on 11:53:35  
5 Miramonte, the address, I believe, is approximately 11:53:40  
6 130 yards. 11:53:44  
7 Q Now, once you illuminated him, you said he 11:53:54  
8 increased his speed. 11:54:01  
9 A Correct. 11:54:03  
10 Q And he changed into the eastbound -- I'm sorry -- 11:54:04  
11 the northbound lanes. 11:54:10  
12 A Correct. 11:54:12  
13 Q In response to that, did you do anything, you or 11:54:19  
14 your partner do anything, with respect to Mr. Laffitte? 11:54:24  
15 MS. JACOBS: I'm just going to object that it would call 11:54:27  
16 for speculation as to whether his partner -- like the 11:54:29  
17 motivation why his partner did anything. 11:54:32  
18 MR. McMURRAY: I didn't ask him about motivation. I 11:54:35  
19 asked him did you do anything. 11:54:37  
20 MS. JACOBS: But it is in response to. 11:54:39  
21 MR. McMURRAY: In response to Mr. Laffitte -- 11:54:41  
22 MS. JACOBS: So he wouldn't know. 11:54:42  
23 BY MR. McMURRAY: 11:54:44  
24 Q Crossing the street and speeding up? 11:54:46  
25 A Yes. 11:54:48

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1 Q What? 11:54:50  
2 A I mentioned to my partner, Deputy Barrios, that the 11:54:50  
3 individual might be intoxicated at that point due to his 11:54:54  
4 erratic maneuvering of the bicycle. 11:54:58  
5 Q Did you see any other response from Mr. Laffitte? 11:55:09  
6 Did he ever turn around and look at you, anything other than 11:55:13  
7 speed up and changing lanes? 11:55:16  
8 A When he was still going southbound in the 11:55:22  
9 northbound lanes, he appeared to turn his head. 11:55:25  
10 Q Did you make any other verbal contact with 11:55:29  
11 Mr. Laffitte? 11:55:33  
12 A I shouted verbal commands at him. He didn't seem 11:55:36  
13 to respond to the commands so I wouldn't call it a contact, 11:55:39  
14 but I was basically telling him, you know, "Sheriff's 11:55:43  
15 Department; stop." 11:55:47  
16 Q Now, did you do that with the loud speaker? Let 11:55:47  
17 me -- is your vehicle equipped with a loud speaker? 11:55:52  
18 A Yes. 11:55:55  
19 Q Did you use the loud speaker? 11:55:56  
20 A No. 11:55:57  
21 Q So how did you shout commands at him? 11:55:58  
22 A Out the window. 11:56:02  
23 Q You were on the passenger side or the driver side? 11:56:03  
24 A Passenger side. 11:56:06  
25 Q So your window was down? 11:56:12

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1 Q Okay. 12:01:14  
2 A Of some kind of substance or possibly. 12:01:14  
3 Q Okay. 12:01:18  
4 Now, at some point Mr. Laffitte left his bicycle -- 12:01:22  
5 got off of his bicycle, correct? 12:01:29  
6 A Correct. 12:01:32  
7 Q What did he do next? 12:01:34  
8 A After he fell off the bicycle? 12:01:37  
9 Q Did he fall off the bicycle? 12:01:39  
10 A Yes. 12:01:41  
11 Q Okay. 12:01:43  
12 What did he do next? 12:01:43  
13 A He began walking towards the back of the property 12:01:45  
14 at 6102 Miramonte, along the driveway. 12:01:51  
15 Q Now, how much space was there -- let me withdraw 12:01:55  
16 that. 12:02:00  
17 Were there vehicles in the driveway at 6102 12:02:00  
18 Miramonte? 12:02:09  
19 A Yes. 12:02:10  
20 Q How did Mr. Laffitte negotiate between the vehicles 12:02:14  
21 and the -- and the residence at 6102? 12:02:20  
22 A How did he negotiate? 12:02:26  
23 Q Yes. How did he get between the vehicles with his 12:02:27  
24 bicycle? 12:02:31  
25 A He was -- basically had both feet on the ground as 12:02:31

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1 down the driveway? 12:21:41

2 MS. JACOBS: Calls for speculation. 12:21:44

3 BY MR. McMURRAY: 12:21:46

4 Q Between the vehicles. 12:21:46

5 MS. JACOBS: Objection; calls for speculation. 12:21:47

6 BY MR. McMURRAY: 12:21:49

7 Q That you saw. 12:21:50

8 A It didn't appear that he had reacted to that. 12:21:51

9 Q Okay. 12:21:54

10 At some point you decided that you would pursue him 12:21:54

11 into the rear of 6102 Miramonte? 12:22:00

12 A No. 12:22:06

13 Q You never decided that you would pursue him into 12:22:07

14 the backyard? 12:22:10

15 A I decided to follow him, but I did not decide to 12:22:12

16 pursue him. 12:22:15

17 Q Okay. 12:22:16

18 You didn't consider a pursuit when he did not obey 12:22:17

19 your commands? 12:22:24

20 A No. 12:22:25

21 Q At what point did you decide to follow him? 12:22:26

22 A When I -- well, obviously, from -- you're talking 12:22:29

23 about the point where I exited my patrol vehicle or the part 12:22:36

24 where we first -- 12:22:40

25 Q When he went into the backyard and was entering the 12:22:41

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1 backyard, you at some time made the decision you were going 12:22:43  
2 to continue following him, correct? 12:22:47  
3 A Correct. 12:22:48  
4 Q Okay. 12:22:59  
5 When you exited your vehicle, what equipment did 12:23:00  
6 you have? Did you have a baton? Did you have a taser? Did 12:23:03  
7 you have pepper spray? 12:23:10  
8 MS. JACOBS: Can I just ask for a clarification? 12:23:12  
9 MR. McMURRAY: Sure. 12:23:14  
10 MS. JACOBS: What equipment did he take with him either 12:23:15  
11 holding or on his person as opposed to what was in his car? 12:23:18  
12 MR. McMURRAY: Yes. 12:23:22  
13 BY MR. McMURRAY: 12:23:22  
14 Q When you got out of the car, what did you have with 12:23:23  
15 you? 12:23:26  
16 A On my person? 12:23:26  
17 Q Yes. 12:23:28  
18 A I had my Class A uniform with my Sam Brown gun 12:23:28  
19 belt. 12:23:35  
20 Q What was on the Sam Brown? 12:23:35  
21 A I carried my firearm, additional ammunition, 12:23:37  
22 departmental issued pepper spray, a radio, two sets of 12:23:44  
23 handcuffs, a flashlight, car keys, the car key holder. I 12:23:47  
24 believe that's all I had on my gun belt at that time. 12:23:56  
25 Q Did have you a taser? 12:23:58

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1 or not you were going to follow Mr. Taser down the driveway? 12:25:49  
2 Mr. Taser; let me withdraw that. 12:25:53  
3 Did you have any discussion whether you were going 12:25:54  
4 to follow Mr. Laffitte down the driveway? 12:25:56  
5 A Yes. 12:25:59  
6 Q What did you talk about? 12:26:00  
7 A Deputy Barrios was in front of me as I came around 12:26:02  
8 my patrol vehicle so I told him to stay in front of me, and 12:26:06  
9 Deputy Barrios indicated to me the address of the location. 12:26:09  
10 Q Anything else? 12:26:19  
11 A No. 12:26:20  
12 Q Did you inform anybody else other than Deputy 12:26:24  
13 Barrios about you following -- that you were going to follow 12:26:28  
14 Mr. Laffitte into the backyard of the 6102 property? 12:26:33  
15 A I wouldn't say directly, but we were trying to 12:26:42  
16 indicate to Mr. Laffitte we were following him. 12:26:45  
17 Q Did you make any call to dispatch or any other 12:26:47  
18 units that you were going into the back of 6102? 12:26:52  
19 A No. 12:26:56  
20 Q Did you personally have any plan of what you would 12:27:02  
21 do if Mr. Laffitte resisted you in contacting him when you 12:27:05  
22 got in the back of 6102? 12:27:12  
23 A Nothing specific. 12:27:16  
24 Q Okay. 12:27:18  
25 Mr. Laffitte was a very large man, correct? 12:27:19

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1	Mr. Laffitte's size before you entered the backyard based	13:22:55
2	upon your practice and experience?	13:22:59
3	MS. JACOBS: Objection; Vague and ambiguous.	13:23:00
4	BY MR. McMURRAY:	13:23:02
5	Q And your training?	13:23:02
6	MS. JACOBS: Objection; vague and ambiguous.	13:23:03
7	THE WITNESS: No. Nothing specific.	13:23:06
8	BY MR. McMURRAY:	13:23:08
9	Q Okay.	13:23:09
10	Now, I believe the language in your recorded	13:23:09
11	response, that Mr. Laffitte had a slow stumble down the	13:23:25
12	walkway. Is that what you recall?	13:23:34
13	A I believe so, yes.	13:23:38
14	Q When you say slow stumble, what did you mean by	13:23:41
15	that exactly?	13:23:44
16	A I believe the word I used, if I'm now correct, in	13:23:45
17	the transcript was staggered.	13:23:49
18	Q So what did you mean by that?	13:23:54
19	A Walking unsteadily.	13:23:55
20	Q Okay.	13:23:57
21	But he had a bike between his legs, correct?	13:23:58
22	A Not at -- the whole time.	13:24:02
23	Q As he was walking between the vehicles that are	13:24:06
24	depicted in Exhibits 3 and 4, did he have the bicycle	13:24:20
25	between his legs?	13:24:34

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1	L A	Yes.	13:24:38
2	Q	Okay.	13:24:43
3		At some point he got off the bicycle, got off the	13:24:52
4		bicycle while he was in the backyard?	13:24:58
5	A	No.	13:25:00
6	Q	He never got off the bicycle?	13:25:01
7	A	He fell off the bicycle, and the bicycle remained	13:25:03
8		on the ground, and he stood up.	13:25:06
9	Q	While he was in the backyard?	13:25:09
10	A	While he was on the side of the house, in the	13:25:11
11		driveway indicated by the -- Exhibit 3 and 4.	13:25:15
12	Q	Okay.	13:25:19
13		Had he cleared the vehicles that were -- I'll call	13:25:20
14		it parked in tandem, one behind the other -- in the driveway	13:25:29
15		before he got off the bike and into the rear yard?	13:25:35
16	A	By clear you mean he walked east past them?	13:25:38
17	Q	Past them, yes.	13:25:41
18	A	No.	13:25:42
19	Q	So it was before he cleared the last vehicle in the	13:25:42
20		driveway, and when I say vehicle I don't mean the motor	13:25:46
21		home. The vehicles that were in the driveway adjacent to	13:25:49
22		the 6102 Miramonte address, had he gotten past the vehicles	13:25:52
23		that were parked in tandem before he fell off the bike?	13:26:02
24	A	No.	13:26:06
25	Q	Okay.	13:26:08

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1	Q	At some point did you, did one of you, get a	14:41:55
2		handcuff on Mr. Laffitte?	14:42:00
3	A	I did not.	14:42:02
4	Q	Do you know whether or not your partner got at	14:42:03
5		least one handcuff on Mr. Laffitte?	14:42:07
6	MS. JACOBS:	I'm just going to object as vague and	14:42:09
7		ambiguous, just as to know. Did he see it, hear it?	14:42:13
8	BY MR. McMURRAY:		14:42:17
9	Q	I just want to know, did you -- okay. I will	14:42:17
10		rephrase the question.	14:42:22
11		Did you see your partner get a handcuff on	14:42:23
12		Mr. Laffitte?	14:42:30
13	A	Not at that point, no.	14:42:31
14	Q	Did you ever see just one of Mr. Laffitte's hands	14:42:34
15		cuffed?	14:42:40
16	A	Yes.	14:42:40
17	Q	When was that?	14:42:41
18	A	After he was shot.	14:42:42
19	Q	Okay.	14:42:49
20		Did you see a gun in Mr. Laffitte's hand?	14:42:50
21	A	No. Strike that. No.	14:42:53
22	Q	Now, so when -- after you got your hand out from	14:43:07
23		under Mr. Laffitte, was he ever prone so that his -- both	14:43:12
24		his torso and his head were on the ground?	14:43:22
25	A	At one point he was.	14:43:28

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1 Q Before he was shot? 14:43:29  
2 A Correct. 14:43:31  
3 Q Okay. 14:43:32  
4 And where were you when he became -- let's use the 14:43:33  
5 same diagram that we did before. Where were you when 14:43:38  
6 Mr. Laffitte was prone on the ground? 14:43:43  
7 (Ms. Yana G. Henriks briefly entered and 14:43:43  
8 exited the deposition room.) 14:43:43  
9 THE WITNESS: Still in that approximate location 14:43:58  
10 indicated by the pink dot. 14:44:00  
11 BY MR. McMURRAY: 14:44:02  
12 Q Okay. 14:44:02  
13 What were you doing in order to make Mr. Laffitte 14:44:02  
14 follow your instructions to stop resisting? 14:44:12  
15 A I don't understand. 14:44:17  
16 Q I said, were you doing anything physically to 14:44:18  
17 Mr. Laffitte to effect the handcuffing of him? 14:44:21  
18 A I continued to give him orders to stop fighting. I 14:44:26  
19 additionally still had my left arm around his neck and 14:44:31  
20 shoulder area -- 14:44:37  
21 Q Okay. 14:44:38  
22 A And using my body weight of my chest pushed against 14:44:38  
23 his back to force him down. 14:44:43  
24 Q Okay. 14:44:44  
25 Did you strike him with anything after he was on 14:44:46

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1	was your gun before Deputy Barrios said that Mr. Laffitte	14:58:40
2	had a gun and was going to or might shoot you, was	14:58:46
3	attempting to shoot you?	14:58:54
4	A My firearm was in my right hand, and when I heard	14:58:56
5	Deputy Barrios say that, then I immediately pointed it at	14:59:00
6	the back of Mr. Laffitte's head approximately two to three	14:59:04
7	inches away from his head.	14:59:07
8	Q Did you give him any commands before you fired,	14:59:17
9	immediately before you fired?	14:59:22
10	A No.	14:59:24
11	Q Did you ever at any time that evening put the gun	14:59:35
12	directly at the back -- in contact with Mr. Laffitte's head?	14:59:38
13	A No.	14:59:44
14	Q Why did you shoot him in the head?	14:59:49
15	MS. JACOBS: Objection; asked and answered. He already	14:59:53
16	said.	14:59:57
17	BY MR. McMURRAY:	14:59:57
18	Q No. Why did you choose the head to shoot?	14:59:58
19	MS. JACOBS: Sorry.	15:00:00
20	THE WITNESS: That was the only part of him that was	15:00:02
21	safely available. When I say safely, it was a relative term	15:00:04
22	knowing that the close proximity of my body with him, that	15:00:11
23	it was very likely that the round could enter him and	15:00:15
24	ricochet and enter into my own.	15:00:18
25	Q Was his head on the ground when you pulled the	15:00:23

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1	trigger?	15:00:26
2	A No.	15:00:27
3	Q Was it facing -- what position was his head in?	15:00:29
4	A He was face down, and at that point my arm was	15:00:38
5	still around the upper part of his clavicle or chest.	15:00:41
6	Q Okay.	15:00:41
7	A My left arm, I should say.	15:00:50
8	Q Do you know who fired the gun first, you or Deputy	15:01:03
9	Barrios?	15:01:13
10	A No.	15:01:13
11	Q Did you hear his gun fire before you fired yours?	15:01:15
12	A No.	15:01:19
13	Q Do you recall hearing his gun fire after your shot?	15:01:23
14	A No.	15:01:26
15	Q After Mr. -- let me withdraw that.	15:01:58
16	So at no point did you see Mr. Laffitte with a gun	15:02:05
17	in his hand; is that correct?	15:02:11
18	A Yes.	15:02:14
19	MS. JACOBS: Can we, before you ask your question, can I	15:02:18
20	just take 30 seconds? We don't have to go -- we can go off	15:02:21
21	the record, but I'll stay here.	15:02:25
22	MR. McMURRAY: Sure.	15:02:27
23	THE VIDEOGRAPHER: We are now going off camera. The	15:02:28
24	time is 3:02 PM.	15:02:31
25	(A brief recess was taken.)	15:09:34

08 / 27 / 2015



08 / 27 / 2015

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, UNLIMITED CIVIL CASE

RODONNA LAFFITTE, an individual, et )  
al., )

Plaintiffs, )

vs. )

COUNTY OF LOS ANGELES, a municipal )  
organization; LEROY BACA, )  
individually and in his Official )  
Capacity as Sheriff of Los Angeles )  
County; RANDY BARRAGAN, an )  
individual; DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )

Defendants. )

**ORIGINAL**

Case No. BC526786

VIDEOTAPED DEPOSITION OF QUINCY WILLIAMS

Los Angeles, California

Thursday, December 11, 2014

REPORTED BY:  
Jimmy S. Rodriguez  
CSR No. 13464

08 / 27 / 2015

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES, UNLIMITED CIVIL CASE  
3

4 RODONNA LAFFITTE, an individual, et )  
al., )

5 )  
6 Plaintiffs, )

7 vs. )

Case No. BC526786

8 COUNTY OF LOS ANGELES, a municipal )  
organization; LEROY BACA, )  
9 individually and in his Official )  
Capacity as Sheriff of Los Angeles )  
County; RANDY BARRAGAN, an )  
10 individual; DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
11 inclusive, )

12 Defendants. )  
13 )  
14 )  
15 )  
16 )

17 Videotaped deposition of QUINCY WILLIAMS, taken before  
18 Jimmy Rodriguez, a Certified Shorthand Reporter for the  
19 State of California, with principal office in the County  
20 of Orange, commencing at 11:15 a.m., Thursday,  
21 December 11, 2014 at Ivie McNeill & Wyatt, PLC, located at  
22 444 South Flower Street, Suite 1800, Los Angeles,  
23 California.  
24  
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Also Present:

DEPUTY JASON ZABALA  
DAVID BRADLEY, Videographer

08 / 27 / 2015

12:28 1 Q Okay. Did -- in the year before your  
12:29 2 uncle died, do you have any knowledge of him owning  
12:29 3 a gun?

12:29 4 A No.

12:29 5 Q Did you ever have -- let's talk about -- I  
12:29 6 don't know, at any time since you've been a  
12:29 7 teenager, did you ever have any conversations with  
12:29 8 your uncle about having a -- about -- just guns,  
12:29 9 whether -- not about having them or anything, just  
12:29 10 anything to do with guns?

12:29 11 A He used to tell us, like, you know, cap  
12:29 12 guns is bad for us, like, you know, basically me and  
12:29 13 my little brother, you know, we would go around the  
12:29 14 corner and buy them and stuff, but then my mom and  
12:29 15 my uncle they would take them from us, like, you  
12:29 16 know, don't be playing with these and stuff like  
12:29 17 that, that's it.

12:29 18 Q What's a cap gun?

12:29 19 A You know, the little plastic things,  
12:29 20 little plastic little pop pop, you know.

12:29 21 Q Like a toy gun?

12:29 22 A Yeah.

12:29 23 MR. MCMURRAY: They actually had little  
12:29 24 caps that you put in there and sometimes you had a  
12:30 25 string and there was a little bit of gun powder, you

12:30 1  
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12:31 25

L have a hammer would go down, it will pop.  
MR. HIGGINS: It's before my time.  
MS. JACOBS: We're older than you but he's  
older than me.  
BY MS. JACOBS:  
Q We're all older than you. How would you  
describe your Uncle Terry Laffitte's temper, did he  
have a temper?  
A No, he ain't have no temper.  
Q You never saw him get mad?  
A Like, like, it'll sound like he mad, like,  
you know, he called us out our names a lot but not  
like no bad type, you know, that's just how we talk  
to each other, like, he like, bring your lazy ass  
here, man, woo woo, like, I could slap him in the  
head; right, like, to this day, I'll slap him in his  
head, he won't do nothing, slap him hard in his  
head, he won't do nothing. You know, he'd just  
catch me later, you know, messing with me, but he  
never really got mad, he never whooped us or  
nothing.  
Q But what about with other people, did you  
ever see him get mad?  
A No.  
Q Would he -- did you ever see him angry

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13:37 1 A Do I know about the gang?  
13:37 2 Q Yeah.  
13:37 3 A No.  
13:37 4 Q Had you heard of the gang, 59th East Coast  
13:37 5 Crips, before your uncle died?  
13:37 6 A No.  
13:37 7 Q How did you hear about that gang?  
13:37 8 A Afterwards when the police was trying to  
13:37 9 say I was from there.  
13:37 10 Q That's the first time you ever heard it?  
13:38 11 A Yeah, because we lived in the  
13:38 12 neighborhood.  
13:38 13 Q So when the police asked you, Are you a  
13:38 14 member of the 59th East Coast Crips Gang, that was  
13:38 15 the first time you had heard of that gang?  
13:38 16 A Yes.  
13:38 17 Q Did you drink any alcohol on the day of  
13:38 18 your uncle's death before he died?  
13:38 19 A Yes.  
13:38 20 Q And can you tell me when and what?  
13:38 21 A It was a Two Eleven earlier that day with  
13:38 22 him.  
13:38 23 Q With your uncle?  
13:38 24 A Yes.  
13:38 25 Q And do you know the approximate time?

13:39 1 store and bought those together?

13:39 2 A Yes.

13:39 3 Q And how much did you buy?

13:39 4 A Just, like, three for him and one for me.

13:39 5 Q Three for your uncle and one for you?

13:39 6 A Yes.

13:39 7 Q And you went back to Miramonte after

13:39 8 buying them and sat around together and drank them?

13:39 9 A Yes.

13:39 10 Q Did you drink -- did your uncle drink all

13:39 11 of his?

13:39 12 A No, he only drunk about two.

13:39 13 Q And do you know what the alcohol content

13:39 14 is of that?

13:39 15 A No, ma'am.

13:39 16 Q Did you drink anything else that day?

13:39 17 A No, ma'am.

13:39 18 Q And I meant alcohol.

13:39 19 A No.

13:39 20 Q Did you use any drugs that day?

13:40 21 A No, ma'am.

13:40 22 Q Did you use any prescription drugs?

13:40 23 A No, ma'am.

13:40 24 Q Did your uncle at some point, did he leave

13:40 25 the Miramonte property after you guys had been



13:42 1 A Me and Antwanette.

13:42 2 Q Okay. The sun was setting, you and

13:42 3 Antwanette went to the store, and did you go by the

13:42 4 bookie joint?

13:42 5 A They right next door. He be sitting right

13:42 6 there on the crate. You could see, like, the store

13:42 7 is right here on the corner and then the bookie

13:42 8 joint, like, it's together basically but, you know,

13:42 9 one part of the store and then the bookie joint got

13:42 10 a different door but it's right next -- it's like

13:42 11 the store right here, the bookie joint right there.

13:42 12 Q And you went to the store?

13:42 13 A Yes.

13:42 14 Q Because you weren't 21 then, were you?

13:42 15 A No, I was about, like, 18.

13:42 16 Q So you were not allowed to go in the

13:42 17 bookie joint; right?

13:42 18 A Yeah, I'm not allowed to go in the bookie

13:42 19 joint.

13:42 20 Q But you saw your uncle go in there?

13:42 21 A No, he's outside.

13:42 22 Q Okay.

13:42 23 A Sitting on the crate.

13:42 24 Q What was he doing?

13:42 25 A Outside drinking a beer with his --

14:11 1 Q Okay. And did he -- were there guns out  
14:11 2 at that time?

14:11 3 A No.

14:11 4 Q Did they have any kind of a weapon in  
14:11 5 their hand?

14:11 6 A Yeah, flashlights.

14:11 7 Q They had their flashlights?

14:11 8 A (Nods head.)

14:11 9 Q Did they both have their flashlights?

14:11 10 A No, I think the white one did.

14:11 11 Q And the other one did not?

14:11 12 A Yes.

14:11 13 Q And was the flashlight on?

14:11 14 A I think to get down the driveway it was  
14:11 15 but, then, I guess he had to cut it off, I don't  
14:11 16 know, I couldn't really tell a flashlight.

14:11 17 Q I'm sorry, what was that?

14:11 18 A I can't really tell if the flashlight was  
14:11 19 on or off.

14:11 20 Q All right. So, at some point your uncle  
14:11 21 is on the ground?

14:11 22 A Yes.

14:11 23 Q Okay. Tell me how -- what you saw in  
14:11 24 terms of how he got on the ground.

14:11 25 A You know, the short one, basically, he

14:12 1 came on the left side, he had one leg on the step  
14:12 2 grabbing him from this side, the other one grab him  
14:12 3 from this side. So they both yanked him down, he  
14:12 4 fell to the ground to his face, this one had one of  
14:12 5 his arms behind his back and he had his -- he had  
14:12 6 his head and stuff on his knee, that was the white  
14:12 7 dude -- I mean, the Latino dude.

14:12 8 Q Okay. Let's take it a little slow so you  
14:12 9 don't have to repeat yourself.

14:12 10 A All right. That was the Latino dude. All  
14:12 11 right. The one with the black hair on the front and  
14:12 12 then the one with the flashlight he was in the back.

14:12 13 Q Okay.

14:12 14 A He was on top of him.

14:12 15 Q So the taller guy is on the right as he's  
14:12 16 approaching your uncle?

14:12 17 A Yes.

14:12 18 Q And the other guy is on the left?

14:12 19 A Yes.

14:12 20 Q And the guy on the right grabs your  
14:12 21 uncle's -- it would be his left arm?

14:12 22 A No, they both grab him at the same time.  
14:12 23 They both, you know -- it ain't going to work if one  
14:12 24 person go -- you both got to grab him and then, you  
14:12 25 know.

14:12 1 Q Okay. I got it. They grabbed him at the  
14:12 2 same time.

14:12 3 A Yes, grabbed him. One grabbed this arm  
14:12 4 and the other one grabbed this arm and they're  
14:13 5 yanking him and then, you know, they trying to pull  
14:13 6 him back and, they, you know, pull him forward --

14:13 7 Q Okay.

14:13 8 A -- off the steps.

14:13 9 Q Okay. So, what they're grabbing is his  
14:13 10 arms?

14:13 11 A Yes.

14:13 12 Q And up until that point in time, had you  
14:13 13 heard the deputies say anything?

14:13 14 A No.

14:13 15 Q Okay. And I said "deputies," plural, but  
14:13 16 either one of them?

14:13 17 A Yeah, no, I didn't hear them say nothing.

14:13 18 Q Nothing.

14:13 19 A Not at that time.

14:13 20 Q Had you heard them say anything up to that  
14:13 21 point in time?

14:13 22 A Yes, they were trying to -- like, after  
14:13 23 they got him on the ground, they was trying to tell  
14:13 24 everybody, like, that's when, you know, my mom, my  
14:13 25 sisters.

14:13 1 Q Stop. You misunderstood me, I meant  
14:13 2 before then.

14:13 3 A Oh, before then, no.

14:13 4 Q Before your uncle's on the ground, you did  
14:13 5 not hear the deputies say anything; is that true?

14:13 6 A Yes.

14:13 7 Q And at that point in time, you are still  
14:13 8 on the stairs?

14:13 9 A Yes.

14:13 10 Q And Antwanette is where?

14:13 11 A Right behind me with all my sisters, and  
14:13 12 then my sister Stephanie, I guess, she ran past me  
14:13 13 to call my mother.

14:14 14 Q Okay. So you're the first one out,  
14:14 15 Deedee's right behind you, and then Stephanie comes  
14:14 16 out?

14:14 17 A Yes, I think, and call my mother, but this  
14:14 18 is not -- this is the time they got him on the  
14:14 19 ground; right, they got him on the ground. So,  
14:14 20 then, when they got him, the one in the back hitting  
14:14 21 him; right, and then that's when --

14:14 22 Q Okay. Let's stop there. The one in the  
14:14 23 back, is that the shorter one?

14:14 24 A Yes.

14:14 25 Q Okay. And where is -- your uncle is down

14:14 1 on his stomach?

14:14 2 A Yes.

14:14 3 Q And the deputy, is he on top of your

14:14 4 uncle?

14:14 5 A Yes.

14:14 6 Q Okay. What part of your uncle is he on

14:14 7 top of?

14:14 8 A About the lower back. All this area

14:14 9 (indicating).

14:14 10 Q Is he sitting, like, on his butt?

14:14 11 A He like sitting on him, hitting him with

14:14 12 the flashlight.

14:14 13 Q So, he's kind of straddling your uncle?

14:14 14 A What does "straddling" mean?

14:14 15 Q He's got a leg on one side of your uncle

14:14 16 and another leg on the other side of your uncle?

14:14 17 A Yes.

14:14 18 Q Yes. And he's facing you at that point in

14:15 19 time?

14:15 20 A No, he's facing towards his leg like he

14:15 21 hitting him. He's not facing towards me.

14:15 22 MR. HIGGINS: When you say "he" -- just

14:15 23 for clarification, you're talking about the one

14:15 24 sheriff, the one who we don't know about his hair;

14:15 25 right?

14:17 1 Q Okay. And is your uncle saying anything  
14:17 2 at this point?

14:17 3 A Yes, he's screaming and calling for my  
14:17 4 mother.

14:17 5 Q Okay. And what is he screaming?

14:17 6 A Sandra, help, I can't breathe.

14:17 7 Q And your mom is not there yet?

14:17 8 A No, Stephanie had just went to grab her.

14:18 9 Q Okay. Is he yelling loudly?

14:18 10 A Yes, he said it more than once.

14:18 11 Q Okay. How many times is he saying that?

14:18 12 A Probably, like, four or five.

14:18 13 Q Is the deputy who we've just been talking  
14:18 14 about, is he somewhat facing toward the shed that's  
14:18 15 back there?

14:18 16 A The one -- the one in the back he facing  
14:18 17 towards the kitchen.

14:18 18 Q Okay. He's facing towards the kitchen?

14:18 19 A Yes.

14:18 20 MR. HIGGINS: What did you just say? His  
14:18 21 face is facing towards the kitchen?

14:18 22 THE WITNESS: Yes.

14:18 23 BY MS. JACOBS:

14:18 24 Q Okay. And you're seeing -- okay.

14:18 25 And the other deputy, the one with the

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14:18 1 hair, the black hair?  
14:18 2 A Yes.  
14:18 3 Q Is he closer to you than the other deputy?  
14:18 4 A Yes.  
14:18 5 Q And he's up around the head of your uncle?  
14:18 6 A Yes.  
14:18 7 Q And does he have an arm wrapped around  
14:19 8 your uncle's neck?  
14:19 9 A Yes.  
14:19 10 Q Was that his left arm or his right arm?  
14:19 11 A His left.  
14:19 12 Q His left?  
14:19 13 A Yes.  
14:19 14 Q And is he -- is the deputy down on the  
14:19 15 ground?  
14:19 16 A Yes, he like this (indicating).  
14:19 17 Q Okay. And is his butt on the ground or is  
14:19 18 he squatting or what?  
14:19 19 A He's, like.  
14:19 20 Q Kneeling?  
14:19 21 A Kneeling, like, you could say kneeling.  
14:19 22 Q Okay. And his knees are on the ground?  
14:19 23 A He had one knee, like this knee look like  
14:19 24 it was closer to his back.  
14:19 25 MR. HIGGINS: When you say "this," you're



14:21 1 Q She's calling your mom, like, yelling?  
14:21 2 A Basically like it ain't that far distance  
14:21 3 from the back door to the house, the back door is  
14:21 4 probably -- say the back door is a step right there,  
14:21 5 that's the back door, and then the back house is  
14:21 6 probably right here, this (indicating).  
14:21 7 Q The length of the conference room?  
14:21 8 A Yeah, so Stephanie came downstairs, ran,  
14:21 9 mama, mama, mama, and, you know, mama came out  
14:21 10 really fast and then mama right there like, What's  
14:21 11 going on, what's going on, he can't breathe, he  
14:21 12 can't breathe. So, she hear him saying it and then,  
14:21 13 you know, he trying to reach for her.  
14:21 14 Q Okay. Got it. So your understanding was  
14:21 15 your mom came out from her apartment in the back of  
14:21 16 the property?  
14:21 17 A Yes.  
14:21 18 Q All right. Anybody come out with her?  
14:21 19 A My two little sisters.  
14:21 20 Q Okay. Summer and Samone?  
14:21 21 A Yes.  
14:21 22 Q Okay. And where did they go?  
14:21 23 A We were just all standing in, like, all by  
14:22 24 the back door.  
14:22 25 Q Okay. And Summer is what, 15 you said?

14:22 1 A Now, yes.

14:22 2 Q Now?

14:22 3 A Yes.

14:22 4 Q And Samone is what, seven?

14:22 5 A Yes.

14:22 6 Q And Samone and Summer are standing by the

14:22 7 back door?

14:22 8 A Yes.

14:22 9 Q On the steps?

14:22 10 A No, just, like, by the railing.

14:22 11 Q And is your mom near them?

14:22 12 A No, my mom is near, like -- like --

14:22 13 like -- you know how I told you the back door open

14:22 14 widely and then on one side we ain't got no railing,

14:22 15 right? My mom is, like, on the side where we ain't

14:22 16 got no railing because she's telling, you know,

14:22 17 like, What y'all doing, he can't breathe, he can't

14:22 18 breathe, and he's reaching for her and then she's

14:22 19 trying to reach for him.

14:22 20 Q Does she touch him?

14:22 21 A No.

14:22 22 Q She does not touch your uncle?

14:22 23 A No, the deputy kicked her.

14:22 24 Q Okay.

14:22 25 MR. MCMURRAY: Which deputy?

14:22 1 BY MS. JACOBS:

14:22 2 Q The deputy with the dark hair?

14:22 3 A Yes.

14:22 4 Q Okay. And up until that point in time

14:22 5 where you saw the deputy -- you saw the deputy kick

14:22 6 your mom?

14:22 7 A Yes.

14:22 8 Q Up until that point in time, had you heard

14:23 9 that deputy, the one with the hair who kicked your

14:23 10 mom, had you heard him say anything?

14:23 11 A No.

14:23 12 Q And the other deputy, who's sitting more

14:23 13 on top of your uncle --

14:23 14 A Yes.

14:23 15 Q -- had you heard him say anything up to

14:23 16 that point in time?

14:23 17 A No.

14:23 18 Q And your mom is -- is it fair to say she's

14:23 19 screaming at the --

14:23 20 A Yes.

14:23 21 Q -- deputies to let him go?

14:23 22 A Yes.

14:23 23 Q And at some point in time -- now, I'm

14:23 24 going to strike that.

14:23 25 When you were in the kitchen making the

14:38 1 A Yes.

14:38 2 Q You said yeah, is that a "yes"?

14:38 3 A Yes.

14:38 4 Q Did you ever hear the deputies tell your  
14:39 5 uncle to get down?

14:39 6 A Yes.

14:39 7 Q How many times?

14:39 8 A One.

14:39 9 Q Who said that, do you know which deputy?

14:39 10 A No.

14:39 11 Q Was it a forceful "get down"?

14:39 12 A Yeah, it was a forceful "get down"; that's  
14:39 13 when they close to him, you know, and grabbed him.

14:39 14 Q Okay. That was before they got him to the  
14:39 15 ground?

14:39 16 A Yes.

14:39 17 Q After he was on the ground, did you hear  
14:39 18 the deputies say anything to your uncle?

14:39 19 A No.

14:39 20 Q Do you recall telling the people who  
14:40 21 interviewed you on the night that this happened that  
14:40 22 your uncle was already drunk?

14:40 23 A No.

14:40 24 Q You don't remember saying that?

14:40 25 A No.

14:42 1 one of your family members?

14:42 2 A Yes.

14:42 3 Q And you don't remember who?

14:42 4 A Yes, I don't remember, I can't recall.

14:42 5 Q And then you got on the ground?

14:42 6 A Yes.

14:42 7 Q When you got on the ground, did you

14:42 8 continue to try to look at your --

14:42 9 A Yes.

14:42 10 Q -- uncle?

14:42 11 From the time that you were told to get on

14:42 12 the ground to the time you got on the ground, how

14:42 13 long did it take you to get on the ground?

14:43 14 A Probably, like, three seconds.

14:43 15 THE REPORTER: Three?

14:43 16 BY MS. JACOBS:

14:43 17 Q Was your head closer to your uncle or your

14:43 18 feet?

14:43 19 A My head.

14:43 20 Q And did anyone else get on the ground?

14:43 21 A No, not at that point in time.

14:43 22 Q All right. At any point in time before --

14:43 23 at some point, other deputies arrived; correct?

14:43 24 A Yes.

14:43 25 Q Before the other deputies arrive, did you

14:45 1 Q Okay. Which deputy was that?  
14:45 2 A The one in the front.  
14:45 3 Q Okay. And do you -- that first shot was  
14:45 4 fired by who, do you know?  
14:45 5 A The one in the front.  
14:45 6 Q The one in the front fired first?  
14:45 7 A Yes.  
14:45 8 Q Okay. Just before he fired, did you hear  
14:45 9 either of the deputies say anything?  
14:45 10 A No.  
14:45 11 Q So, the only thing you heard the deputies  
14:45 12 say before that first shot was something like "get  
14:45 13 down"?  
14:45 14 A From me to you, pointing the gun at me  
14:45 15 telling me to get down on the ground.  
14:45 16 Q Right.  
14:45 17 A "Get your ass down, motherfucker, on the  
14:45 18 ground right now, get down now, get down."  
14:45 19 Q Did that deputy also say something to your  
14:45 20 mom like "get back"?  
14:46 21 A Yes, he was telling her to get back.  
14:46 22 Q Get back.  
14:46 23 So you heard that deputy say "get back" to  
14:46 24 your mom, and you heard him say "get down" --  
14:46 25 A He said "get back" when he kicked her

14:46 1 though like kicked her, "Get back, get back,  
14:46 2 everybody stay back," and then we pull out our  
14:46 3 recorders start recording, and then, you know, he  
14:46 4 put his gun out, Get the fuck down, get the fuck  
14:46 5 down motherfucker, get down, now, get down.

14:46 6 And then, you know, I pass my phone and  
14:46 7 then got down on the ground. After I got on the  
14:46 8 ground, I'm still looking, I hear a shot, boom, and  
14:46 9 then, the bird come. I'm almost getting up.

14:46 10 Q Okay. I'm going to interrupt you, so.  
14:46 11 It's frustrating for you, I know, you want to tell  
14:46 12 the whole story but I want to get every little  
14:46 13 detail.

14:46 14 A Yes.

14:46 15 Q How long were you on the ground before you  
14:46 16 heard the shot?

14:46 17 A I had just got on the ground.

14:46 18 Q Just got on the ground?

14:46 19 A Yes.

14:46 20 Q And then boom?

14:46 21 A Yes.

14:46 22 Q And how much time before you heard -- at  
14:46 23 some point you heard a second shot?

14:46 24 A Yes.

14:46 25 Q And how much time before the second shot?

14:46 1 A Like, right after the first shot, we seen,  
14:46 2 like, he raise the gun aimed it towards his leg like  
14:47 3 boom.

14:47 4 Q That was the second shot?

14:47 5 A Yes.

14:47 6 Q How much time between the first shot and  
14:47 7 the second shot?

14:47 8 A It wasn't too long; it was like the first  
14:47 9 shot, then second shot, I don't know.

14:47 10 Q Like, can you go -- but can you do it for  
14:47 11 us here like just go boom and then wait the amount  
14:47 12 of time you think that you recall and then go boom  
14:47 13 again?

14:47 14 A Yes, it was like boom. Boom.

14:47 15 Q And you saw the officer more towards the  
14:47 16 rear of your uncle?

14:47 17 A Yes.

14:47 18 Q You saw him aim at your uncle's thigh, the  
14:47 19 rear of his thigh?

14:47 20 A No, the person that was on the front of my  
14:47 21 uncle aimed at the rear of his -- at the rear.

14:47 22 Q Okay. So the person who had his arm  
14:47 23 around your uncle's neck?

14:47 24 A Yes.

14:47 25 Q Where did he aim his gun?



14:48 1 And then after he shoot him the second  
14:48 2 time, that's when he, like, Get all their phones,  
14:48 3 get all their phones telling, you know, the one, you  
14:48 4 know, the officer that's in the back of them. And  
14:49 5 then that's when you see the spotlight, it go away,  
14:49 6 boom, the two officers running down the -- running  
14:49 7 down the -- running down the driveway and then he  
14:49 8 start telling them, Grab their phones, grab their  
14:49 9 fucking phone, grab their phone, and then that's  
14:49 10 when, you know, all my family members they start  
14:49 11 running, some ran in the house, some ran to the  
14:49 12 back.

14:49 13 Q The officer with the dark hair was the one  
14:49 14 who shot both shots?

14:49 15 A Yes.

14:49 16 Q And he's the officer that you heard say,  
14:49 17 Get their phones?

14:49 18 A Yes.

14:49 19 Q Did you ever hear the other deputy say  
14:49 20 anything?

14:49 21 A No, not really.

14:49 22 Q So when you -- you said right after your  
14:49 23 mom was kicked, you got your phone out of your  
14:49 24 pocket and started recording?

14:49 25 A Yes.

14:56 1 A Well, I can say, like, you know, football  
14:56 2 and wrestling is like the same thing, you got to  
14:57 3 wrestle a person down so, you know, you could say  
14:57 4 yeah and no.

14:57 5 Q So, your uncle's left side is up against  
14:57 6 the shed?

14:57 7 A Yes.

14:57 8 Q Okay. And was it ever, like, totally flat  
14:57 9 on the ground or was it always kind of a little bit  
14:57 10 angled up towards the shed?

14:57 11 A It was always a little bit angled towards  
14:57 12 the shed.

14:57 13 Q And it was his right arm that he was using  
14:57 14 to try to reach your mother?

14:57 15 A Yes.

14:57 16 Q Could you actually -- when you're down on  
14:57 17 the ground and you're looking, towards your uncle,  
14:57 18 could you actually see his left hand?

14:57 19 A His left, yeah.

14:57 20 Q You actually can see the fingers?

14:57 21 A Yes.

14:57 22 Q And everything?

14:57 23 A Yes.

14:57 24 Q The whole time?

14:57 25 A Yes.

14:57 1 Q What were they doing?

14:57 2 A Nothing, like when he shot him he not  
14:57 3 moving no more.

14:57 4 Q Right before that, what was his hand  
14:57 5 doing?

14:57 6 A Right before that, I think he's just  
14:58 7 sitting there like -- because they got him in a  
14:58 8 headlock, I think they choked him out, like he just  
14:58 9 sitting there, like, he tell my mama he can't  
14:58 10 breathe already, he reaching like he barely move his  
14:58 11 arm, like, and then he just sitting there like, just  
14:58 12 sitting there, like, you know.

14:58 13 Q Okay. So his left hand is back; right?

14:58 14 A Yes.

14:58 15 Q And is it underneath him or is it up above  
14:58 16 his back?

14:58 17 A I think it was, like, above his back kind  
14:58 18 of.

14:58 19 Q Kind of?

14:58 20 A (Nods head.)

14:58 21 Q With his fingers up?

14:58 22 A I'm not sure, I can't see that far, I'm  
14:58 23 lying on the ground.

14:58 24 Q You can't really see his hand?

14:58 25 A No, not that one.

14:58 1 Q Not his left one?  
14:58 2 A No.  
14:58 3 Q Do you know if there was a handcuff on  
14:58 4 that hand?  
14:58 5 A No, ma'am.  
14:58 6 Q Do you know if the deputies were trying to  
14:58 7 get his right hand? Did it look like they were  
14:58 8 trying to get his right hand?  
14:58 9 A No.  
14:58 10 That would have been easy. Just how they  
14:58 11 put him down, they could have did it the same way,  
14:58 12 one of y'all grab the other one, one grab this one.  
14:58 13 Q Did you ever see your uncle try to, like,  
14:58 14 rise up?  
14:58 15 A No.  
14:58 16 Q When you would tussle with your uncle, how  
14:59 17 long would it take him to be able to pin you down?  
14:59 18 A A cool minute.  
14:59 19 Q A cool minute?  
14:59 20 A Yeah.  
14:59 21 Q I'm not sure, like, I'm totally up on all  
14:59 22 the lingo so can you give me --  
14:59 23 A Say, like, five, ten minutes.  
14:59 24 Q So it would take awhile?  
14:59 25 A Yeah.

15:37 1 Q What does that mean?  
15:37 2 A Socked me in my side. Sock me.  
15:37 3 Q Like, with his fist?  
15:37 4 A First, yeah, socked me.  
15:37 5 Q And --  
15:37 6 A And he hit me, like, you know -- he trying  
15:37 7 not to do a hard hit. He hit me, like, you know, he  
15:37 8 going toward my face and then he just, you know, you  
15:37 9 like, ooh, and he, like, barely tap me, like barely  
15:37 10 tap me on my face. And then, you know, after that  
15:37 11 he turn me around, and then that's, like, you know,  
15:37 12 the other -- like, another set of deputies -- after  
15:37 13 he do that, he turned me around, another set of  
15:37 14 deputies come they like -- and then they all, you  
15:37 15 know, all the deputies, Grab their phones, grab  
15:37 16 their phones.  
15:37 17 They, you know, like, three of them  
15:37 18 approached me, they run in the house now, you know,  
15:37 19 they in the house now basically trying to find my  
15:37 20 sisters and stuff, trying to find phones.  
15:37 21 Q Okay. So, the deputies with the  
15:37 22 slicked-back hair, he looked like he's going to hit  
15:37 23 you hard?  
15:37 24 A No -- yeah, he like, he talking smack to  
15:38 25 me and basically he talking smack and then, you

15:38 1 know, he go like this real hard but then he, like,  
15:38 2 you know, he stop himself and just boom and then,  
15:38 3 like, you know, up close basically he, like, you  
15:38 4 know, act like he about to, you know, really hit me  
15:38 5 and then, you know, he get close and then he boom  
15:38 6 just barely, like, you know, tap me, like, hard but,  
15:38 7 you know, tap me from right here, like, you know,  
15:38 8 say you play fighting with a person, you swing on  
15:38 9 them this and that and I swing and I stop and then,  
15:38 10 hmm, just hit him, you know, with the extra little,  
15:38 11 you know, jab.

15:38 12 Q Yeah. And that was on your?

15:38 13 A On this side.

15:38 14 Q The right side of your face?

15:38 15 A I was laying like this on this side.

15:38 16 Q On your left side?

15:38 17 A Yeah, left side.

15:38 18 Q Okay. And he was right-handed?

15:38 19 A I don't know which hand he was.

15:38 20 Q Do you know which hand though the fist --  
15:38 21 you saw that fist come; right?

15:38 22 A It came from off this hand, off this side,  
15:38 23 but by hand, he was, like, boom, just like that.

15:38 24 Q Did it hurt?

15:38 25 A Yes, it hurted [sic], I had a bruise on my

15:38 1 face, they took pictures.

15:38 2 Q But it was clear to you he was not

15:39 3 punching as hard as he could; right?

15:39 4 A Yes.

15:39 5 Q That you --

15:39 6 A But I still shouldn't have got punched.

15:39 7 Q I'm not excusing anything. I'm just

15:39 8 trying to find out.

15:39 9 A Yeah, I'm just saying.

15:39 10 Q But you wanted to make -- it looked like

15:39 11 he was going to hit you harder than he actually did?

15:39 12 A Yes.

15:39 13 Q And can you describe for me, like, how

15:39 14 hard it was, that hit?

15:39 15 A From a one to a ten, it was probably like

15:39 16 a six, six or five.

15:39 17 Q Can you do it like this?

15:39 18 A (Indicating.)

15:39 19 Q That's what it was?

15:39 20 A Yeah, you heard it, because even Deedee

15:39 21 she, like, why you -- then she start yelling and

15:39 22 getting into it with the other female officer, like,

15:39 23 why you hitting on him, like, you know.

15:39 24 Q So when you demonstrated that for the

15:39 25 camera, that's how -- that's how the hit was to you?



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08 / 27 / 2015



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, UNLIMITED CIVIL CASE

RODONNA LAFFITTE, an individual, et )  
al., )

**ORIGINAL**

Plaintiffs, )

Case No. BC526786

vs. )

COUNTY OF LOS ANGELES, a municipal )  
organization; LEROY BACA, )  
individually and in his Official )  
Capacity as Sheriff of Los Angeles )  
County; RANDY BARRAGAN, an )  
individual; DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )

Defendants. )

VIDEOTAPED DEPOSITION OF SANDRA COTTON

Los Angeles, California

Friday, December 12, 2014

REPORTED BY:  
Jimmy S. Rodriguez  
CSR No. 13464

08 / 27 / 2015

13:49 1 and Quincy Williams more or less than the width of  
13:49 2 this table?  
13:49 3 A A little bit more.  
13:50 4 Q And you said Quincy was lying on the  
13:50 5 ground?  
13:50 6 A Yes.  
13:50 7 Q On his stomach?  
13:50 8 A Yes.  
13:50 9 Q And was his head pointed toward your  
13:50 10 brother?  
13:50 11 A Correct.  
13:50 12 Q And you said you went -- you went over to  
13:50 13 where your brother was?  
13:50 14 A Correct.  
13:50 15 Q How close did you get to your brother?  
13:50 16 A By his hand.  
13:50 17 Q And you stood there?  
13:50 18 A Yes.  
13:50 19 Q Were you saying something?  
13:50 20 A Yes.  
13:50 21 Q What were you saying?  
13:50 22 A I asked the officers why were they beating  
13:50 23 him, he wasn't resisting arrest. And he -- my  
13:50 24 brother said he couldn't breathe.  
13:50 25 Q Were you screaming, Why are you beating my

13:54 1 Q Did you make physical contact with any of  
13:54 2 the deputies who were involved with the altercation  
13:54 3 with your brother?

13:54 4 A Can you repeat that again?

13:54 5 Q Did you make any kind of physical contact  
13:54 6 with the deputies who were involved with the  
13:54 7 altercation with your brother?

13:54 8 A No.

13:54 9 Q Do you know that for sure?

13:54 10 A Yes, I do. I can put my life on it.

13:54 11 Q You'd bet your life on it?

13:54 12 A (Nods head.)

13:54 13 Q Yes?

13:54 14 A Yes.

13:54 15 Q The night that you were -- the night of  
13:54 16 the altercation when you were interviewed at the  
13:54 17 station, were you as sure that you did not touch the  
13:55 18 deputies as you are now?

13:55 19 A You said when I was at the station?

13:55 20 Q Right. Do you remember being questioned  
13:55 21 at the station that night?

13:55 22 A Yes, I do.

13:55 23 Q And do you remember being asked, Did you  
13:55 24 touch the deputies?

13:55 25 A Yes, I do.

14:00 1 holster, but I seen it in his hand.

14:00 2 Q Did you ever see him without a gun in his

14:00 3 hand?

14:00 4 A I don't recall.

14:00 5 Q Was he pointing the gun at you the first

14:01 6 time he said to get back?

14:01 7 A No.

14:01 8 Q And the second time he said to get back,

14:01 9 was he pointing the gun at you?

14:01 10 A No.

14:01 11 Q The two times -- had he up until that

14:01 12 point, up until the second time when he says, Get

14:01 13 back, had he pointed the gun at you?

14:01 14 A No.

14:01 15 Q How many times did he point a gun at you

14:01 16 that night?

14:01 17 A The time after he kicked me. Once.

14:01 18 Q The first time he told you to get back,

14:01 19 did you get back?

14:01 20 A Yeah, I stepped back some, but I still was

14:01 21 saying, Why are you guys beating him, he's face

14:01 22 down, he's not resisting arrest.

14:01 23 Q So the first time he says to get back, you

14:02 24 took a step back?

14:02 25 A Correct.

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14:02 1 Q How many steps?  
14:02 2 A Probably, like, three steps.  
14:02 3 Q And where were you after you took the  
14:02 4 three steps back in relationship to the stairs  
14:02 5 coming out of the laundry room?  
14:02 6 A Do you want me to look on the piece of  
14:02 7 paper?  
14:02 8 MR. HIGGINS: No, no, she's asking you.  
14:02 9 MS. JACOBS: Just your memory.  
14:02 10 MR. HIGGINS: Just your memory without the  
14:02 11 paper.  
14:02 12 THE WITNESS: I was going towards the  
14:02 13 stairways.  
14:02 14 BY MS. JACOBS:  
14:02 15 Q Okay. And after you took three steps  
14:02 16 back, how far were you from the deputy?  
14:03 17 THE WITNESS: How long do you think my leg  
14:03 18 is?  
14:03 19 MR. HIGGINS: You got to answer the  
14:03 20 question. I can't --  
14:03 21 THE WITNESS: No, I'm saying -- I'm trying  
14:03 22 to --  
14:03 23 MR. HIGGINS: Explain and then she can  
14:03 24 help you out, excuse me.  
14:03 25 THE WITNESS: I was close enough for him

14:05 1 A No, my son actually -- my son yelled at me  
14:05 2 and said, Mama, start video recording him. So I  
14:05 3 took my phone and I started recording it. And when  
14:05 4 I started recording him, that's when he kicked me in  
14:05 5 my stomach and pointed his gun in my face and told  
14:05 6 me he'll blow my fucking face off.

14:05 7 Q So he said, Get back, and about two  
14:05 8 minutes go back and he says, Get back, again.

14:05 9 When does Quincy say, Mama, start video  
14:05 10 recording in relationship to those things?

14:05 11 A After his second, Get back.

14:05 12 Q And after he tells you to get back a  
14:05 13 second time, do you go back further?

14:05 14 A Yes.

14:05 15 Q And how far?

14:05 16 A Probably, like, about -- well, he -- I'll  
14:06 17 say probably, like, about maybe two steps back.

14:06 18 Q And then he kicks you?

14:06 19 A Correct.

14:06 20 Q And after he kicks you, Quincy says, Mama,  
14:06 21 start video recording?

14:06 22 A No.

14:06 23 Q When does Quincy say, Mama, start video  
14:06 24 recording?

14:06 25 A When he told me to get back for the second

14:06 1

time.

14:06 2

Q Did you start video recording before you

14:06 3

got kicked in the stomach?

14:06 4

A Correct.

14:06 5

Q How much time had you videoed before you

14:07 6

got kicked in the stomach?

14:07 7

A Right when I started video recording it,

14:07 8

not even -- I'll say not even a minute after that,

14:07 9

that's when he kicked me.

14:07 10

Q Do you think you got a full minute of, a

14:07 11

full 60 seconds of full video recording before you

14:07 12

got kicked?

14:07 13

A I'm pretty sure I got some -- yeah, yes.

14:07 14

Q What actually were you able to video

14:07 15

record?

14:07 16

A The police officers beating my brother.

14:07 17

Q Can you -- I want you to be as descriptive

14:08 18

as possible of what you videoed.

14:08 19

A One police officer on his back hitting him

14:08 20

with his flashlight or his billy club. The other

14:08 21

one had him and he was choking him out.

14:08 22

Q Were they saying anything during that

14:08 23

time? And I'm talking about the time when you're

14:08 24

videoing.

14:08 25

A No, I don't recall.

14:45 1 that they were?

14:46 2 A Not in the beginning, no.

14:46 3 Q At some point in time, did it become dark?

14:46 4 A Yes.

14:46 5 Q How long into the altercation -- at what

14:46 6 point in time during the altercation did it become

14:46 7 dark?

14:46 8 A I believe after they killed him.

14:46 9 Q After you were told that the deputies shot

14:46 10 your brother, it was dark at that point in time?

14:46 11 MR. HIGGINS: You're asking her a

14:46 12 different question. She said after they killed him.

14:46 13 MS. JACOBS: Okay.

14:46 14 MR. HIGGINS: So you're asking her, was

14:46 15 she told that?

14:46 16 MS. JACOBS: I'm wondering afterward --

14:46 17 I'm wondering at what point in time, how long

14:46 18 after -- you didn't see the deputy --

14:46 19 BY MS. JACOBS:

14:46 20 Q Did you see the deputy shoot your brother?

14:46 21 A No.

14:46 22 Q You know they shot your brother because

14:47 23 Stephanie told you the deputy shot your brother?

14:47 24 A Correct.

14:47 25 Q When she told you that, was it dark



15:00 1

BY MS. JACOBS:

15:01 2

Q Did Quincy Williams ever hand you a phone

15:01 3

at all at any time during the altercation?

15:01 4

MR. HIGGINS: The question is asked and

15:01 5

answered.

15:01 6

THE WITNESS: No.

15:01 7

BY MS. JACOBS:

15:01 8

Q What?

15:01 9

A I don't recall.

15:01 10

Q Did anyone hand you a phone during the

15:02 11

incident?

15:02 12

MR. HIGGINS: The question was asked and

15:02 13

answered.

15:02 14

THE WITNESS: I don't recall.

15:02 15

BY MS. JACOBS:

15:02 16

Q When the deputy kicked you, did that cause

15:02 17

you to move?

15:02 18

MR. HIGGINS: The question was asked and

15:02 19

answered.

15:02 20

BY MS. JACOBS:

15:02 21

Q What I'm getting at: Did the force of the

15:02 22

kick propel you any distance?

15:02 23

MR. HIGGINS: The question was asked and

15:02 24

answered in essence.

15:02 25

MS. JACOBS: Actually, it was not.

15:02 1 MR. HIGGINS: It was. What's your  
15:02 2 response?  
15:02 3 THE WITNESS: Yes.  
15:02 4 BY MS. JACOBS:  
15:02 5 Q How far?  
15:02 6 MR. HIGGINS: The question was asked and  
15:02 7 answered.  
15:02 8 THE WITNESS: Against the stair- --  
15:02 9 against the stair- -- the stair rail.  
15:03 10 BY MS. JACOBS:  
15:03 11 Q And -- okay.  
15:03 12 Do you know if anyone else called 911 that  
15:03 13 night?  
15:03 14 A I'm not for sure.  
15:03 15 MR. HIGGINS: Speak louder.  
15:03 16 THE WITNESS: I'm not for sure.  
15:03 17 BY MS. JACOBS:  
15:04 18 Q Did you ever hear the deputies tell your  
15:04 19 brother, "Don't move, don't move"?  
15:04 20 A No.  
15:04 21 Q Did you ever see any handcuffs on your  
15:04 22 brother?  
15:04 23 A Yes.  
15:04 24 Q Was that before you went in the house?  
15:04 25 A Yes.

15:46 1 Have you gone to -- have you gotten any  
15:46 2 medical treatment as a result of the incident at  
15:46 3 your house on May 18, 2013?  
15:46 4 A Yes.  
15:46 5 Q When did you first do that?  
15:47 6 A I went to my doctor the next day.  
15:47 7 Q What doctor is that?  
15:47 8 A Dr. Sghatti.  
15:47 9 Q Can you spell that for the court reporter?  
15:47 10 A I don't know how to spell it.  
15:47 11 Q What was the reason you went to  
15:47 12 Dr. Sghatti the day -- on May 19th?  
15:47 13 A I was -- I felt like I was about to lose  
15:47 14 my mind, my back was hurting, my stomach, my side  
15:47 15 was hurting, I was going through a lot.  
15:47 16 Q So the physical complaints you had was  
15:47 17 your back was hurting and your side was hurting; is  
15:47 18 that right?  
15:47 19 A And my mental state was not right.  
15:47 20 Q Had you previously had back problems  
15:47 21 before that -- before May 18, 2013?  
15:47 22 A Yes.  
15:47 23 Q And you had had physical therapy for your  
15:48 24 back before?  
15:48 25 A Yes.

15:48 1 Q And steroid injections for your back?  
15:48 2 A Yes.  
15:48 3 Q And had you previously, before May 18,  
15:48 4 2013, been told that you had degenerative disc  
15:48 5 disease in your back?  
15:48 6 A Yes.  
15:48 7 Q In your lumbar spine?  
15:48 8 A Correct.  
15:48 9 Q And also in your cervical spine?  
15:48 10 A No, I wasn't told that. I know my  
15:48 11 condition has worsened.  
15:48 12 Q Before this incident involving your  
15:49 13 brother, you had previously consulted with a doctor  
15:49 14 Philip Morgan for your back pain?  
15:49 15 A Correct.  
15:49 16 Q Do you remember what he said about your  
15:49 17 back?  
15:49 18 A No.  
15:49 19 Q How many times did you go to Dr. Morgan?  
15:49 20 A Maybe twice.  
15:49 21 Q And both of those were before your brother  
15:49 22 died?  
15:49 23 A I think it's before and after.  
15:49 24 Q And do you remember what he said during  
15:49 25 either of those times?

15:49 1 A No.

15:49 2 Q Is Dr. Morgan an orthopedic doctor? Does  
15:50 3 he have a specialty in orthopedics?

15:50 4 A I'm not for sure.

15:50 5 Q Do you recall being referred to a  
15:50 6 Dr. Sarkisian in Glendale for back pain in 2012?

15:50 7 A Yes.

15:50 8 Q And what did Dr. Sarkisian do?

15:50 9 A Nothing.

15:50 10 Q Do you recall anything he told you about  
15:50 11 your back?

15:50 12 A No.

15:50 13 Q Do you recall being referred to a Dr. Gary  
15:50 14 Chan for your back in 2012?

15:50 15 A Yes.

15:50 16 Q And did you go to him?

15:50 17 A Yes.

15:50 18 Q How many times did you see Dr. Chan?

15:50 19 A Three to four times.

15:50 20 Q Were any of those after your brother died?

15:50 21 A No, because he's not that kind of doctor  
15:51 22 no more.

15:51 23 Q He's not what?

15:51 24 A He's not -- he's not a pain doctor no  
15:51 25 more.

15:51 1 Q So it was Dr. Chan's specialty pain; yes?

15:51 2 A Yes.

15:51 3 Q So, the last time you saw him was before  
15:51 4 your brother died; yes?

15:51 5 A Correct.

15:51 6 Q What did Dr. Chan do for you, did he  
15:51 7 prescribe some pain medication?

15:51 8 A He gave me injections.

15:51 9 Q Okay. Did those help?

15:51 10 A The injection?

15:51 11 Q Right.

15:51 12 A Yeah, for a couple of days.

15:51 13 Q How many times did you go to him for  
15:51 14 injections?

15:51 15 A Twice.

15:51 16 Q Were those both for your lower back?

15:51 17 A Correct.

15:51 18 Q Was your upper back also hurting you in  
15:52 19 2012?

15:52 20 A No.

15:52 21 Q Before your brother died, had you ever had  
15:52 22 problems with soreness in your shoulders and neck?

15:52 23 A No.

15:52 24 Q Before your brother died, did you ever  
15:52 25 have a problem with neck pain?

15:52 1 A No.

15:52 2 Q Have you had a problem with neck pain  
15:52 3 since then?

15:52 4 A Yes.

15:52 5 Q And when did that start?

15:52 6 A About a week after the incident with my  
15:52 7 brother.

15:52 8 Q And tell me how it felt when it first  
15:53 9 started.

15:53 10 A Like a shooting pain.

15:53 11 Q Where was it shooting to?

15:53 12 A From the bottom part of my back up to my  
15:53 13 neck and to my arm.

15:53 14 Q So it was shooting from your low back to  
15:53 15 your neck?

15:53 16 A Correct. And to my arm, to my left arm.

15:53 17 Q And the first time you ever had anything  
15:53 18 like that happen was one week after your brother  
15:53 19 died?

15:53 20 A Correct.

15:53 21 Q Who did you go to for that?

15:53 22 A California Hospital -- oh, no -- Abe.

15:53 23 Q A-b-e?

15:53 24 A Yes.

15:53 25 Q Is that his first name or his last name?

08 / 27 / 2015



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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RODONNA LAFFITTE, an )  
individual, et al., )

Plaintiffs, )

vs. )

) Case No.  
) BC526786

COUNTY OF LOS ANGELES, a )  
municipal organization; LEROY )  
BACA, individually and in his )  
Official Capacity as Sheriff )  
of Los Angeles County; RANDY )  
BARRAGAN, an individual; )  
DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )

Defendants. )  
----- )

DEPOSITION OF

SALVADOR MARTINEZ

LOS ANGELES, CALIFORNIA

JULY 31, 2015

ATKINSON-BAKER, INC.  
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REPORTED BY: WILLIAM K. McDONALD, CSR NO. 11745

JOB NO.: A9086FD

08/27/2015

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

RODONNA LAFFITTE, an )  
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) Case No.  
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COUNTY OF LOS ANGELES, a )  
municipal organization; LEROY )  
BACA, individually and in his )  
Official Capacity as Sheriff )  
of Los Angeles County; RANDY )  
BARRAGAN, an individual; )  
DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )

Defendants. )  
-----)

DEPOSITION OF SALVADOR MARTINEZ, taken on  
behalf of Plaintiffs, at 5670 Wilshire Boulevard, Suite  
1450, Los Angeles, California, commencing at 10:04 a.m.,  
Friday, July 31, 2015, before William K. McDonald, CSR  
No. 11745.

08 / 27 / 2015

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SHELLEY GEFTER (Videographer)

08 / 27 / 2015

1 BY MR. McMURRAY: 10:21

2 Q So when I'm talking about upper, was he on  
3 Mr. Laffitte's left side or his right side?

4 A He was -- he was on top of the upper side.

5 Q Okay. 10:21

6 MS. JACOBS: On top of the upper side?

7 THE WITNESS: Upper side of the back. I mean, like,  
8 just kind of -- he's just on top kind of, like, holding  
9 him down.

10 BY MR. McMURRAY: 10:22

11 Q Could you see whether his -- which arm -- did  
12 he have one arm around Mr. Laffitte?

13 A I don't remember that.

14 Q Okay. Now, when you saw the gun -- first saw  
15 the gun, where was it located? 10:22

16 MS. JACOBS: We're talking about Mr. Laffitte's gun.

17 MR. McMURRAY: Mr. Laffitte's gun.

18 MS. JACOBS: He has already testified, but you can  
19 say it again.

20 THE WITNESS: Left hip, left abdomen area of his 10:22  
21 body.

22 BY MR. McMURRAY:

23 Q In the back of -- on Mr. Laffitte's back, his  
24 left hip?

25 A Not on his back. 10:23

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1 Q Okay. 10:23

2 A His hip -- his left hip, left abdomen area  
3 right here.

4 Q So you are indicating toward the front of his  
5 body. 10:23

6 A Left hip, left abdomen area. Like right here  
7 on the corner.

8 Q Well, why don't you -- so rather than describe,  
9 why don't you stand up and show where the gun was on  
10 Mr. Laffitte's body. 10:23

11 MS. JACOBS: Yes.

12 THE WITNESS: Like right here.

13 BY MR. McMURRAY:

14 Q Okay. So you saw what you -- and could you  
15 tell when you first saw it that it was a revolver? 10:23

16 MS. JACOBS: You can sit now.

17 THE WITNESS: No.

18 BY MR. McMURRAY:

19 Q Okay. At what point -- okay.  
20 What did the gun look like when you first saw 10:23  
21 it? What did you think when you first saw it?

22 A It was a gun.

23 Q Okay. Now, could you see Mr. Laffitte's --  
24 from where you were standing, could you see -- what part  
25 of his body was -- could you see? 10:24

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RODONNA LAFFITTE, an )  
individual, et al., )  
 )  
 )  
Plaintiffs, )  
 )  
vs. )  
 ) Case No.  
 ) BC526786  
COUNTY OF LOS ANGELES, a )  
municipal organization; LEROY )  
BACA, individually and in his )  
Official Capacity as Sheriff )  
of Los Angeles County; RANDY )  
BARRAGAN, an individual; )  
DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )  
 )  
Defendants. )  
----- )

DEPOSITION OF  
DEFENDANT COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT  
BY AND THROUGH MARIANN SHEA  
LOS ANGELES, CALIFORNIA  
JULY 24, 2015

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com  
REPORTED BY: WILLIAM K. McDONALD, CSR NO. 11745  
JOB NO.: A9083D7

08/27/2015

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RODONNA LAFFITTE, an )  
individual, et al., )  
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Plaintiffs, )  
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 ) Case No.  
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COUNTY OF LOS ANGELES, a )  
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Official Capacity as Sheriff )  
of Los Angeles County; RANDY )  
BARRAGAN, an individual; )  
DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )  
 )  
Defendants. )  
----- )

DEPOSITION OF DEFENDANT COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT BY AND THROUGH MARIANN SHEA, taken  
on behalf of Plaintiffs, at 5670 Wilshire Boulevard,  
Suite 1450, Los Angeles, California, commencing at 10:27  
a.m., Friday, July 24, 2015, before William K. McDonald,  
CSR No. 11745.

08 / 27 / 2015



A P P E A R A N C E S

FOR PLAINTIFFS:

McMURRAY HENRIKS, LLP  
BY: RANDY H. McMURRAY, ESQ.  
5670 Wilshire Boulevard  
Suite 1450  
Los Angeles, California 90036  
323.931.6200

FOR DEFENDANTS:

IVIE, McNEILL & WYATT  
BY: JENNIFER R. JACOBS, ESQ.  
444 South Flower Street  
Suite 1800  
Los Angeles, California 90071  
213.489.0028

ALSO PRESENT:

CURTIS FRYE (Videographer)

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1 Q Now, 70 is listed as a male, but you -- did 10:54  
2 you -- how much D.N.A. did you recover from the grip of  
3 the Smith and Wesson?

4 A Approximately 14 picograms.

5 Q What is -- is that not much? 10:54  
6 How would you grade the number of 0.14  
7 picograms?

8 A Our laboratory's policy is anything below 10 is  
9 considered inconclusive D.N.A.

10 Q Okay. 10:55

11 A So this is above 10. I'm confident that it is  
12 measuring D.N.A.

13 Q Okay. Now, could you tell -- you said it was a  
14 mixture of D.N.A. that you examined?

15 A It was a mixture of two people. 10:55

16 Q Okay. And you could not make a determination  
17 about what two people it was?

18 A No. The profile was deemed too complex to make  
19 any conclusion.

20 Q When you say "too complex," what does that 10:55  
21 mean?

22 A It means I am unsure as to what the D.N.A.  
23 profile is telling me.

24 Q Okay.

25 A So we act in a conservative way and only make 10:55

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1 conclusions when we are confident about what we are 10:55  
2 seeing.

3 Q Okay. So you could not make, to a reasonable  
4 scientific probability, that that was -- whose D.N.A.  
5 was on that grip of the Smith and Wesson revolver? 10:56

6 A No, I could not make any conclusions.

7 Q Okay. Now let's talk about the sample from the  
8 trigger, hammer and cylinder release latch of the Smith  
9 and Wesson.

10 What was the amount? Is that 71? 10:56

11 A That is 71.

12 Q What amount of D.N.A. did you get from 71?

13 A Zero.

14 Q So there was no D.N.A.

15 A That's correct. 10:56

16 Q Okay. Now, what are the -- you said you  
17 highlighted the portions that are related to this case.

18 What are 72, 73, and 74?

19 A They are positive and negative controls that  
20 were run alongside the samples. 10:57

21 Q When you say "positive and negative controls,"  
22 what do you mean by that?

23 A Well, No. 72 and 73 are negative controls,  
24 which means all of the liquids, chemicals, and processes  
25 that are performed on the evidence samples are performed 10:57

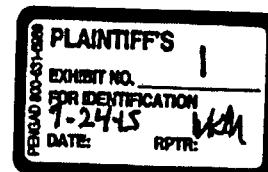
08 / 27 / 2015

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Los Angeles County Sheriff's Department  
Scientific Services Bureau

DNA ANALYSIS REPORT  
SUPPLEMENTAL



**BIOLOGY**

1800 Paseo Rancho Castilla  
Los Angeles, CA 90032  
(323) 267-6110  
(323) 276-1962 FAX

File Number: 013-07722-2171-013  
Agency: HOMICIDE BUREAU  
Investigator: Bernstein  
Charge: 0-013NC-01-F  
Report Date: June 08, 2015

Lab Case #: 13-001205  
Victim: Deputy Jason Zabala  
Subject: Terry Laffitte (CC# 2013-03629)

This report is supplemental to the laboratory reports issued by Senior Criminalist Gregory Wong on July 02, 2013 and November 14, 2013.

**EVIDENCE INVENTORY**

Laboratory Receipt Number	Item and Description	DNA Identifier	Date Analyst Received	Received From
K367349	Sample from textured portion of barrel of Beretta pistol	1.1.1	05/26/2015	Evidence Control Section
	Sample from smooth portion of barrel and slide of Beretta pistol	1.1.2		
K387898	Sample from grip of S&W revolver	2.1	05/26/2015	Evidence Control Section
	Sample from trigger, hammer, and cylinder release latch of S&W revolver	2.2		
K667859	Coroner's reference from Terry Laffitte	10.1	05/15/2015	Evidence Control Section
K679941	Reference from Deputy Jason Zabala	13.1	05/15/2015	Evidence Control Section

**DNA CONCLUSIONS**

Based upon the DNA types detected, the following conclusions are drawn:

**1.1.1 - Sample from textured portion of barrel of Beretta pistol**

The DNA profile from this sample is a mixture consistent with two contributors. Assuming two contributors to the mixture, the profile of the major contributor matches the profile from Terry Laffitte. Jason Zabala is included as a possible minor contributor to this mixture.

The random match probability estimate of the major contributor profile is one out of 8.5 sextillion ( $10^{21}$ ). The estimate is based on all STR loci contained in the Identifier Plus PCR Amplification Kit.

The major DNA profile from this sample was submitted to the Combined DNA Index System (CODIS) to be searched against DNA profiles contained within the California and national databases.

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**1.1.2 - Sample from smooth portion of barrel and slide of Beretta pistol**

The partial DNA profile from this sample is a mixture consistent with at least two contributors. The profile of the major contributor is consistent with the profile from Jason Zabala. Terry Laffitte is excluded as a major contributor to this mixture. Due to the complexity of the minor component, no additional conclusions will be made.

**2.1 - Sample from grip of S&W revolver**

The partial DNA profile from this sample is a mixture consistent with at least two contributors. Due to the complexity of the mixture profile, no conclusions will be made.

**2.2 - Sample from trigger, hammer, and cylinder release latch of S&W revolver**

Based on the quantitation results, no DNA was detected in this sample. No additional analysis was conducted on this sample.

**METHODS**

**DNA METHODS**

The evidence samples were extracted for deoxyribonucleic acid (DNA) analysis. The forensic unknown samples were quantified with the Quantifiler Duo kit. Samples with sufficient quantities of DNA were amplified using the polymerase chain reaction (PCR) and analyzed using capillary electrophoresis. The Identifiler Plus PCR Amplification Kit was used for forensic unknown samples in the development of 15 Short Tandem Repeat (STR) genetic loci and Amelogenin, a gender identifying locus. The Identifiler Direct PCR Amplification Kit was used for reference samples in the development of 15 Short Tandem Repeat (STR) loci and Amelogenin, a gender identifying locus. The laboratory control samples yielded the expected results.

**STATISTICAL METHODS**

All statistical calculations are based on the FBI STR database<sup>(1,2)</sup> using the Caucasian, Black, and Hispanic populations.

1. Budowle, B et al. Population Data on the Thirteen CODIS Core Short Tandem Repeat Loci in African Americans, U.S. Caucasians, Hispanics, Bahamians, Jamaicans, and Trinidadians JFS 1999:44(6):1277-1286

2. Budowle, B. et al. Population data on the STR loci D2S1338 and D19S433, FSC 2001:46(3):3

Statistical calculations are generally presented for probative samples that yield the most genetic information.

**Random Match Probability**

This calculation estimates the probability of selecting an individual at random with the same profile as the evidence from a population of unrelated individuals. The most common estimate from the three major racial groups is reported.

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**EVIDENCE DISPOSITION**

The samples processed for DNA analysis will be stored and maintained within the Biology Section.  
The remaining evidence will be submitted to the Evidence Control Section.

By: *Mariann D. Shea*  
**MARIANN SHEA, #545716**  
**SENIOR CRIMINALIST**  
Technically Reviewed By: JOHN BOCKRATH



08 / 27 / 2015

Calculation Type: Single Source Genotype

Date

5/29/2015

Sample 13-1205-1.1.1:Major

Unrelated:

		Product	1/Product
JFS	African American	1.2E-22	8.5E+21
	Caucasian	1.9E-25	5.2E+24
	Hispanic	1.1E-25	9.0E+24

Population Data:

FBI data from J. Forensic Sci. (1999) 44(6) 1277-1286; Forensic Sci. Communications July 1999 Vol. 1 No. 2 & July 2001 Vol. 3 No. 3

"OL" = Off ladder allele that will receive a 5/2N Value

Calculations:

Minimum allele freq: 5/2N  
 Theta ( $\theta$ ) = 0.01

Unrelated, homozygous:  $P = p^2 + p_i(1-p_i)\theta$

Unrelated, heterozygous:  $P = 2p_i p_j$

"P,Anything" Alleles:  $2p - p^2 + p(1-p)\theta$

Locus	Entered Types
D8S1179	13,13
D21S11	29,34
D7S820	9,10
CSE1PO	12,12
	16,16
	8,9,3
	12,13
	9,14
	21,22
D19S433	13,14,2
VWA	17,20
TPOX	8,10
D18S51	16,21
Amel	X,Y
D5S818	12,13
FGA	21,25

STRstatID\_DOJ\_v111214

08/27/2015

WJF



**Table of DNA Analysis Results**

Sample ID	13-1205-1.1.1	13-1205-1.1.2	13-1205-2.1	13-1205-10.1TL	13-1205-13.1JZ				
D8S1179	13,15	13(14)15	(13)14	13	15				
D21S11	(28)29,34	(28)29	NR	29,34	28,29				
D7S820	9,10	(9)(10)	NR	9,10	9,10				
CSFIPO	(11)12	NR	NR	12	10,11				
D3S1358	15,16	15,16	15,16	16	15,16				
TH01	7,8,9,3	7(8)(9.3)	(7)(9.3)	8,9,3	7				
D13S317	9,12,13	(9)(12)	(11)	12,13	9,12				
D16S539	9(10)14	(10)(11)	NR	9,14	10,11				
D2S1338	(20)21,22	NR	NR	21,22	20,25				
D19S433	13,14,2,15,16	13(14.2)15,16	13(15)(15.2)	13,14,2	15,16				
vWA	15,17,20	15(17)(20)	(14)(16)(17)	17,20	15				
TPOX	8,10	(8)(11)	(8)	8,10	8,11				
D18S51	16(21)	(12)	NR	16,21	12,20				
AMEL	X,Y	X,Y	X,Y	X,Y	X,Y				
D5S818	12,13	12(13)	(11)(12)	12,13	12				
FGA	21(22)(23)25	(22)(23)	(24)	21,25	22,23				

( ): Represents allele below the stochastic threshold. Stochastic thresholds apply to forensic unknown samples only  
 NR: No Results

Biology Section

**DNA Analysis Notes**

Lab Case Number: 13-1205

Sample Name	Marker	Base Pair	Original Label	Artifact Label	Comment	Reviewed By

Sample(s) with alternate injection times may exist that were not used for interpretation.

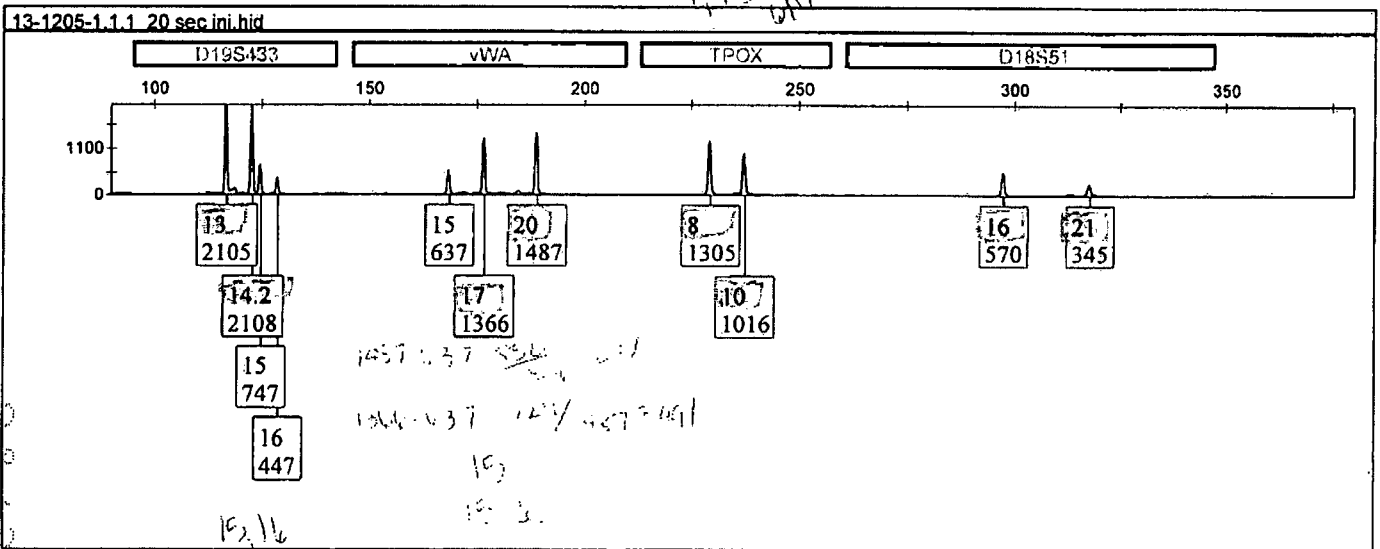
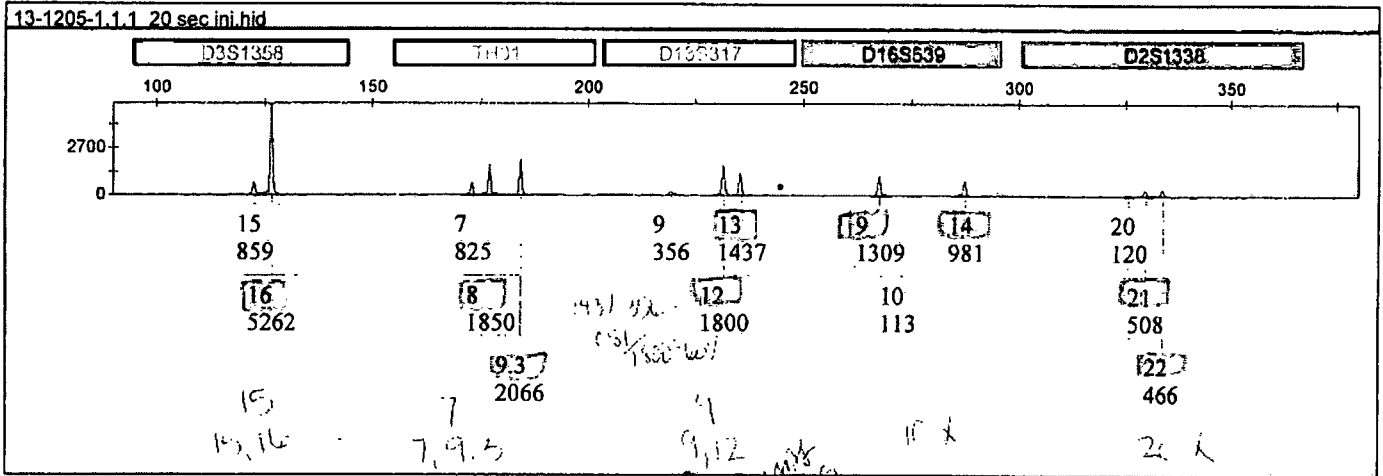
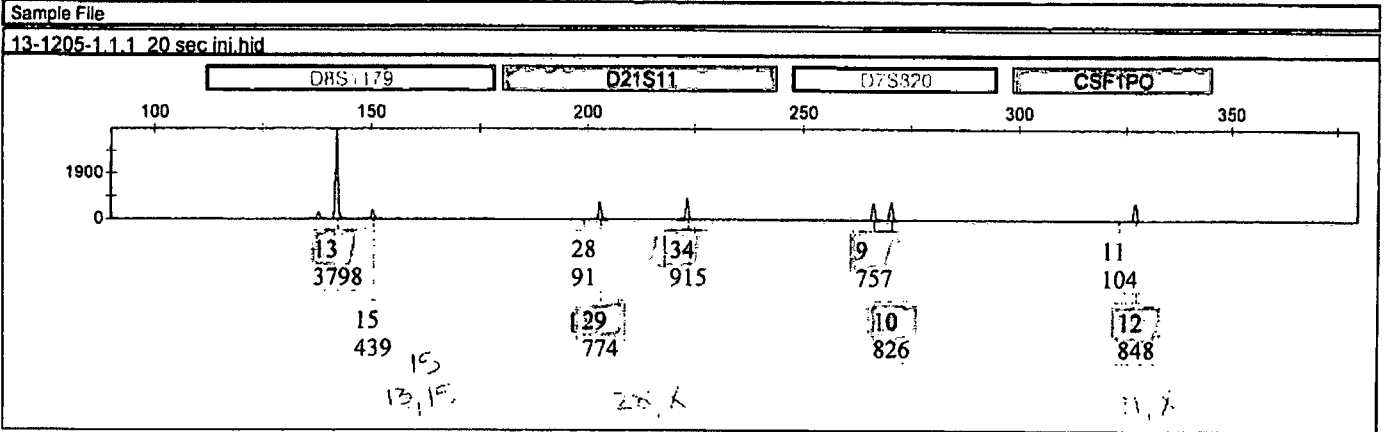
Comments:

For ID+ on 3500:  
 AT= 75RFU blue & green, 100RFU yellow, & 125RFU red.  
 ST= 300RFU blue & green, 400RFU yellow & red.  
 PHR = 35% for ≥ ST to 999RFU; 60% for ≥ 1000RFU.

	<u>1st</u>	<u>2nd</u>
Raw Data Reviewed:	<u>MMX</u>	<u>JB</u>
ISS & Ladder Verified:	<u>MMX</u>	<u>JB</u>
Control Samples Verified:	<u>MMX</u>	<u>JB</u>
RB/Neg Control Inj. Time Verified:	<u>MMX</u>	<u>JB</u>
Alleles Verified:	<u>MMX</u>	<u>JB</u>

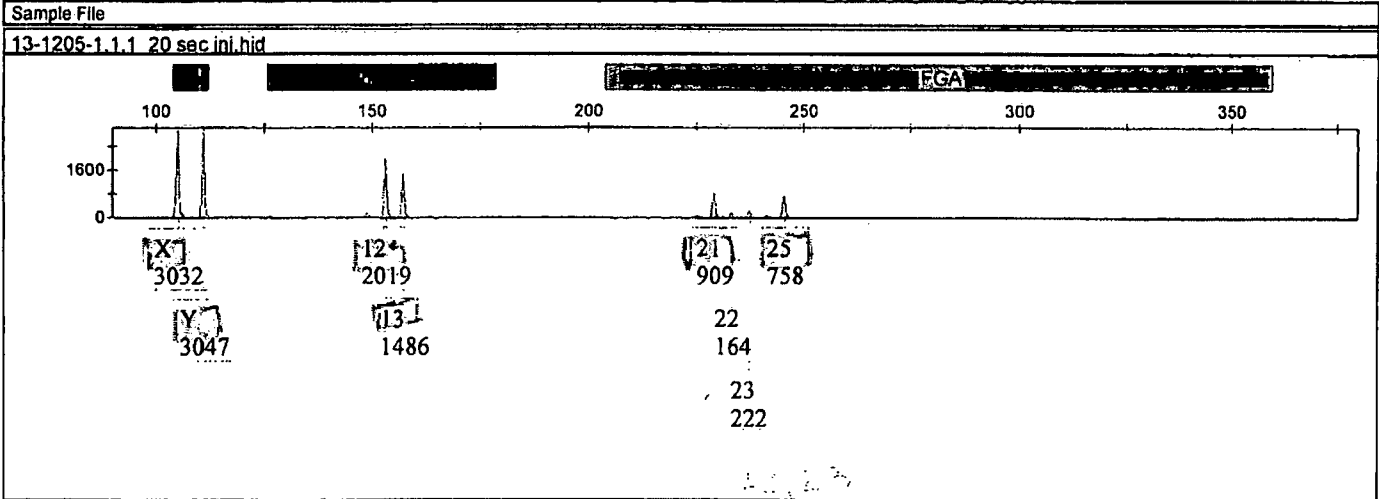
Location of .ser file:  
 N:\10-2015 Casework\05. May 2015\3500 Run Folder-CB\_15-27\13-1205 MDS

Analyst: Shea  
 Date: 5/29/2015



05/27/2015

INTERPRETATION NOTES



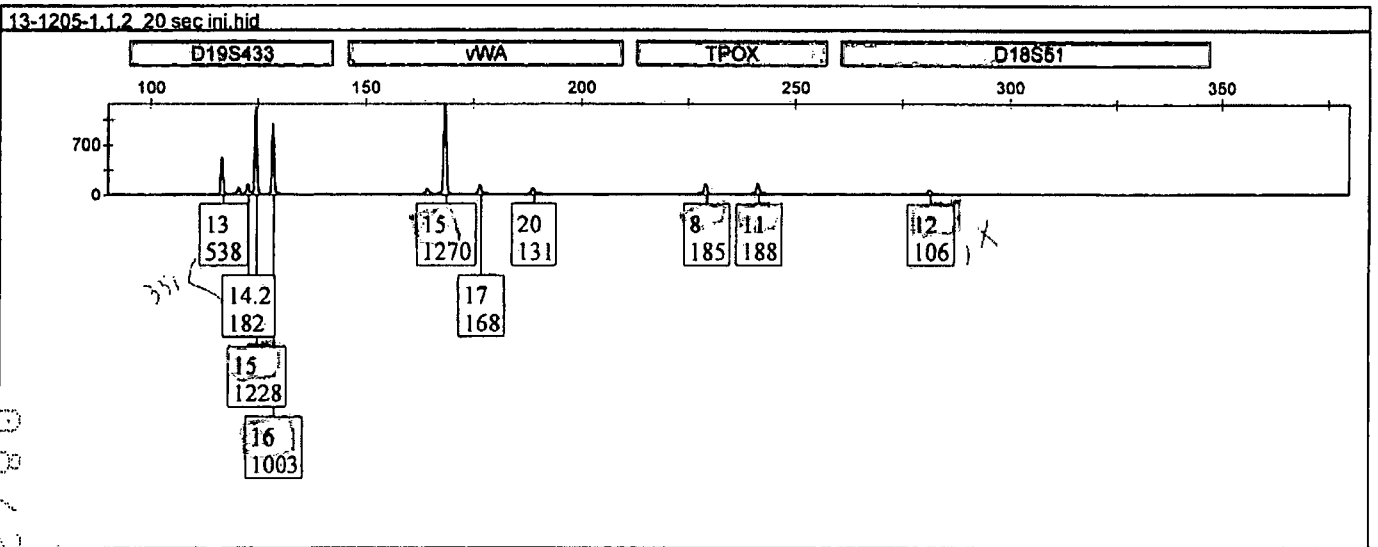
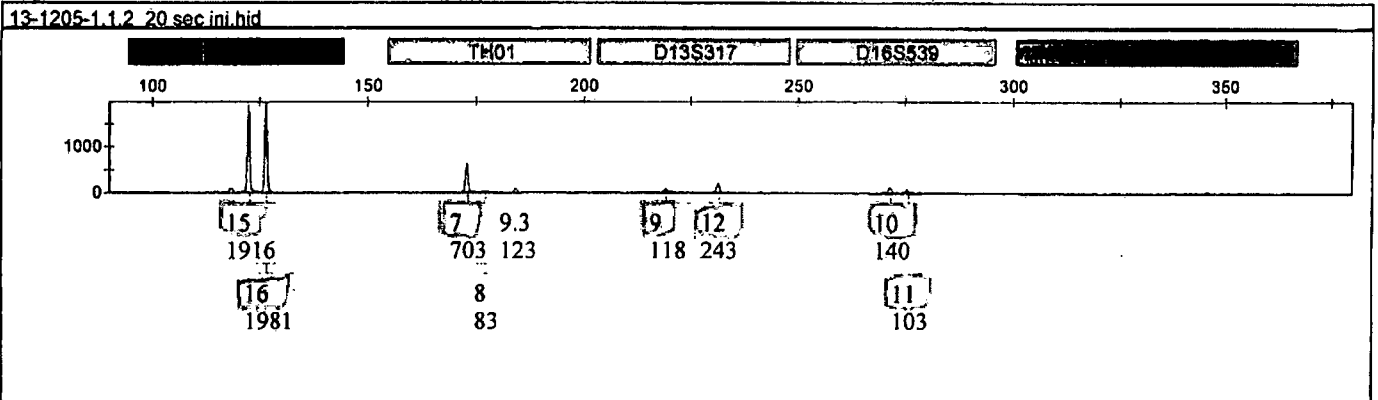
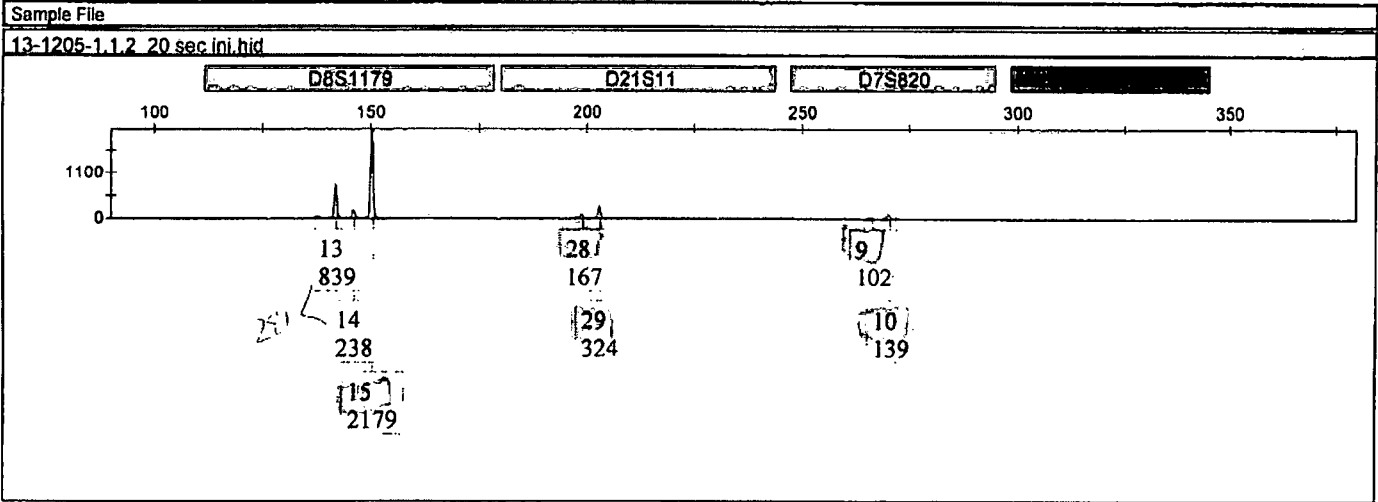
Assume you had more data due to degradation

~~1205~~ → matches TL

JL included in report

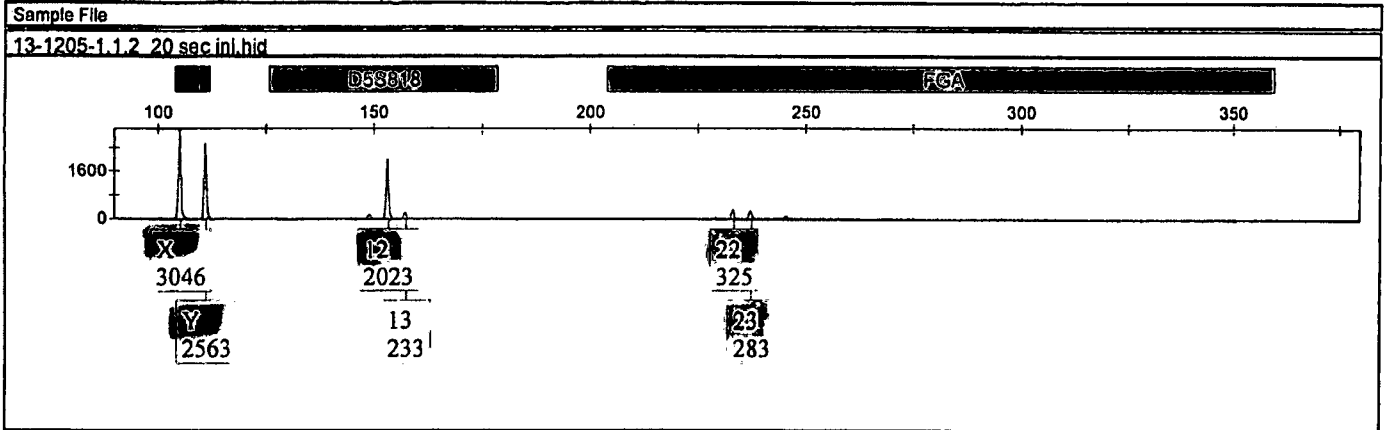
08/27/2015

INTERPRETATION NOTES



05/29/2015

INTERPRETATION NOTE



Assume at least 2 ppl. dist, major persists @ <sup>12</sup> ~~13~~ loci despite degradation

~~major~~ → c/w JZ

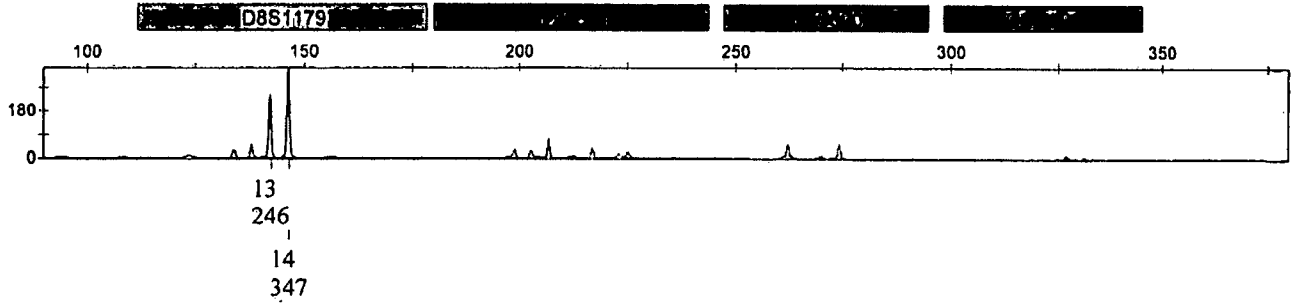
No conclusions on minor due to complexity →  
D8 & D19 appear c/w 3 ppl based on PFR, but 14 allele at D8 is just 0.6% above the stutter filter and 14 2 allele at D19 is in a pull-up position

08/27/2015

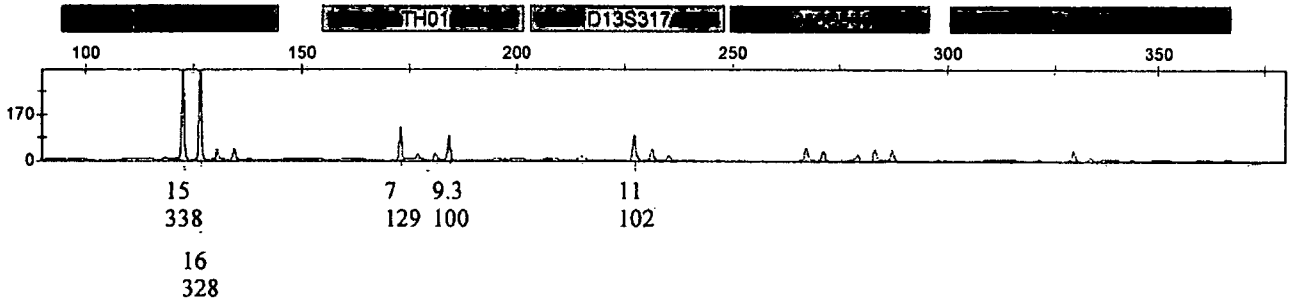
INTERPRETATION NOTES

Sample File

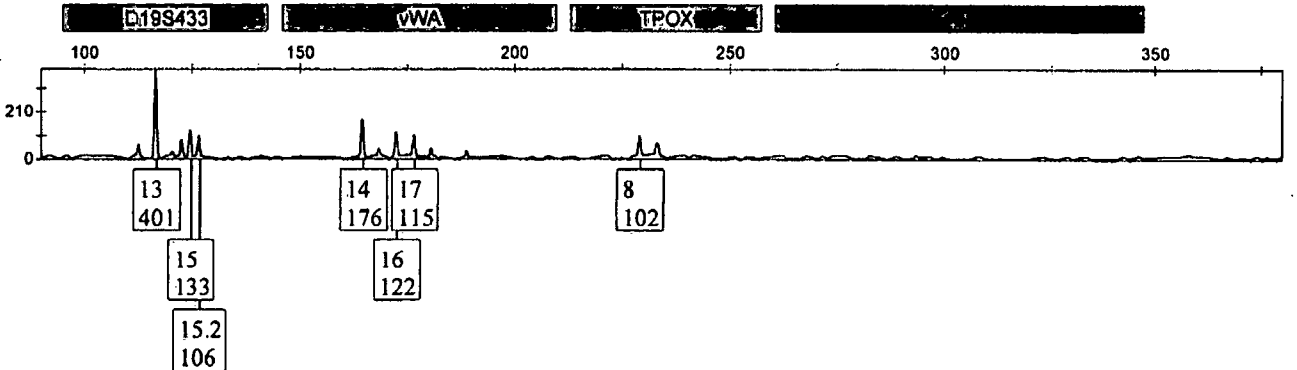
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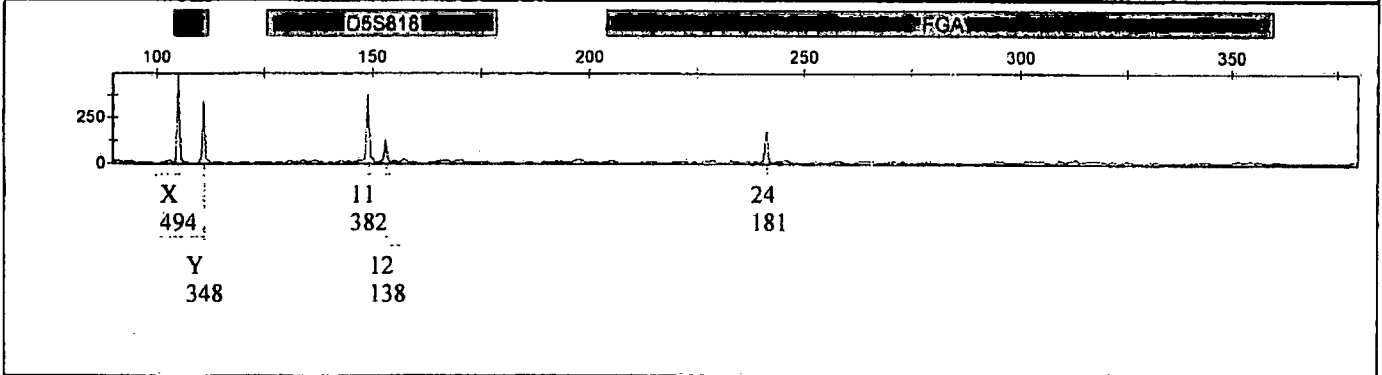


08/27/2015

INTERPRETATION NOTES

Sample File

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- Plus 1.00

At least 2 of the most positive alleles between HT & 1.00 A are

mutated relative to

the sample of the same ethnicity

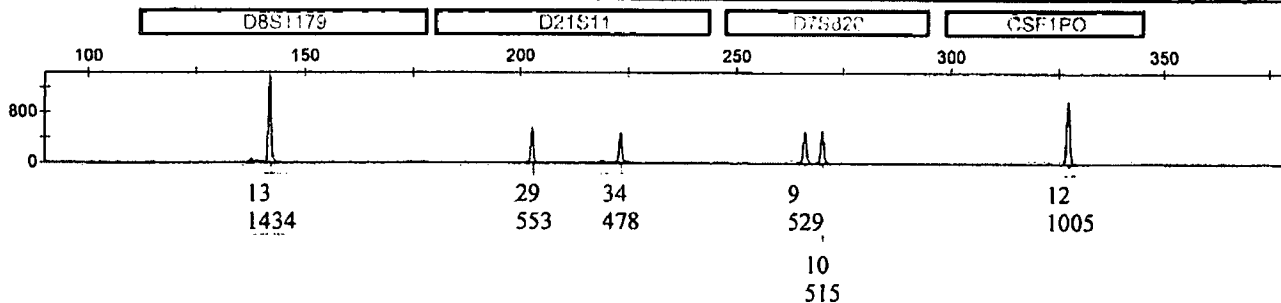
08/27/2015

INTERPRETATION NOTES

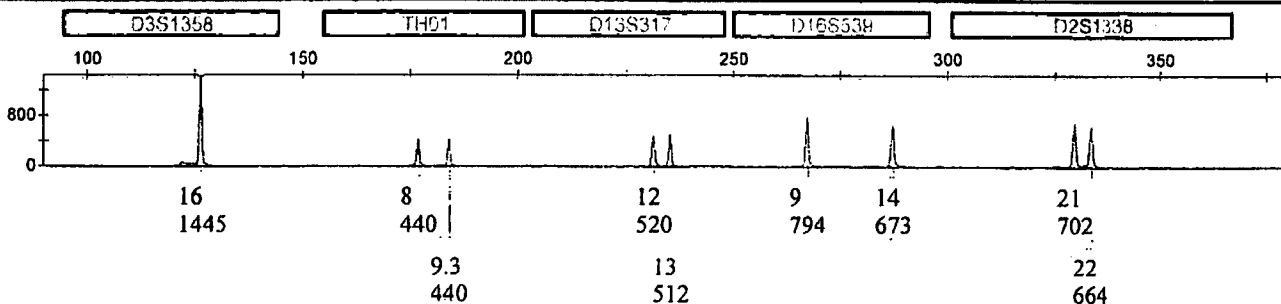


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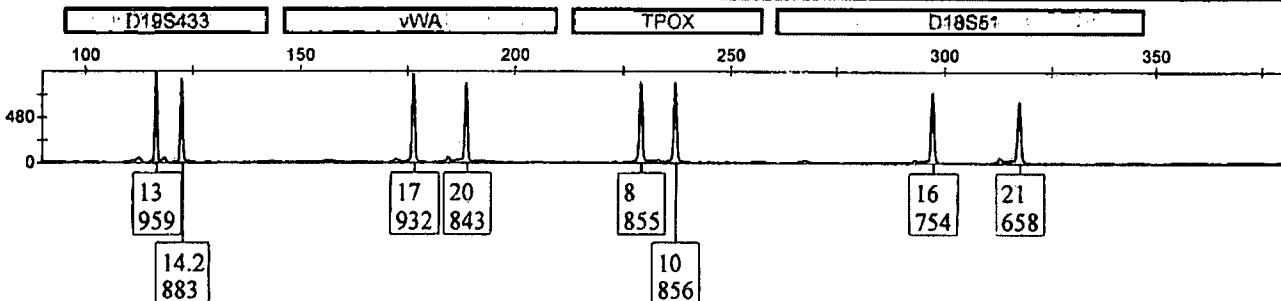
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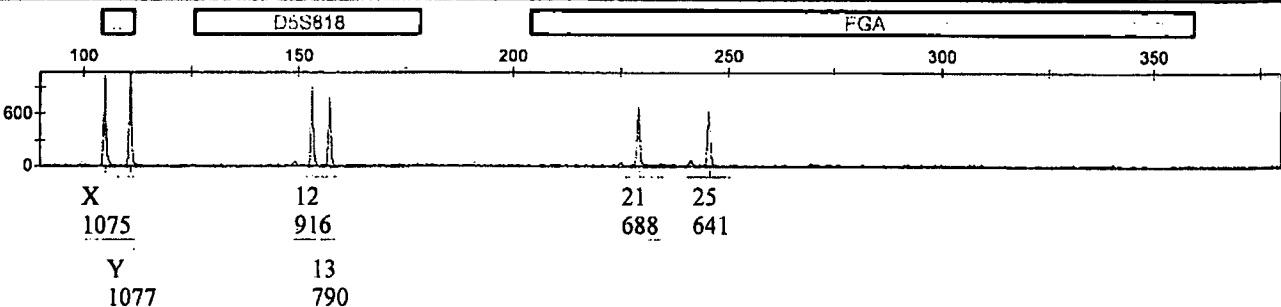
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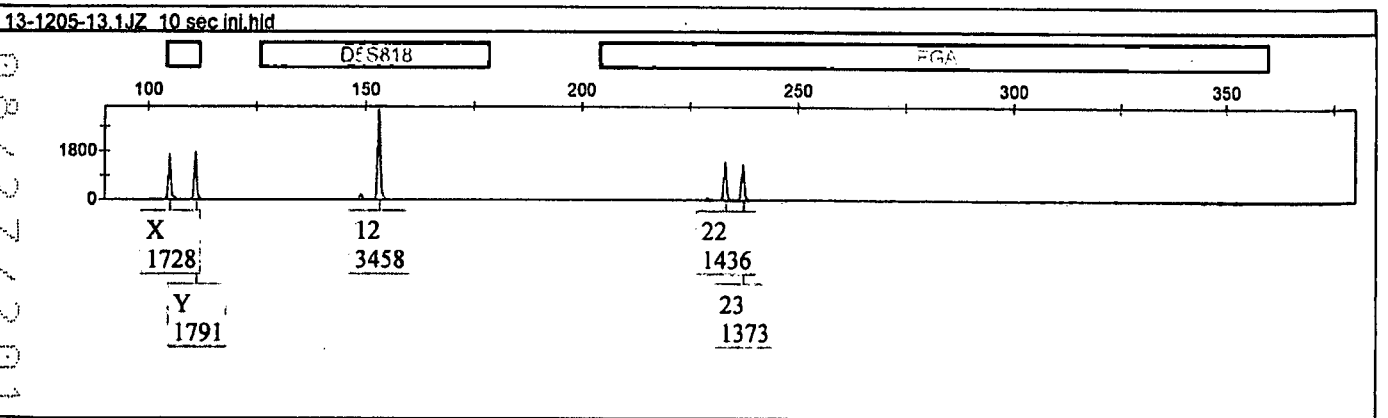
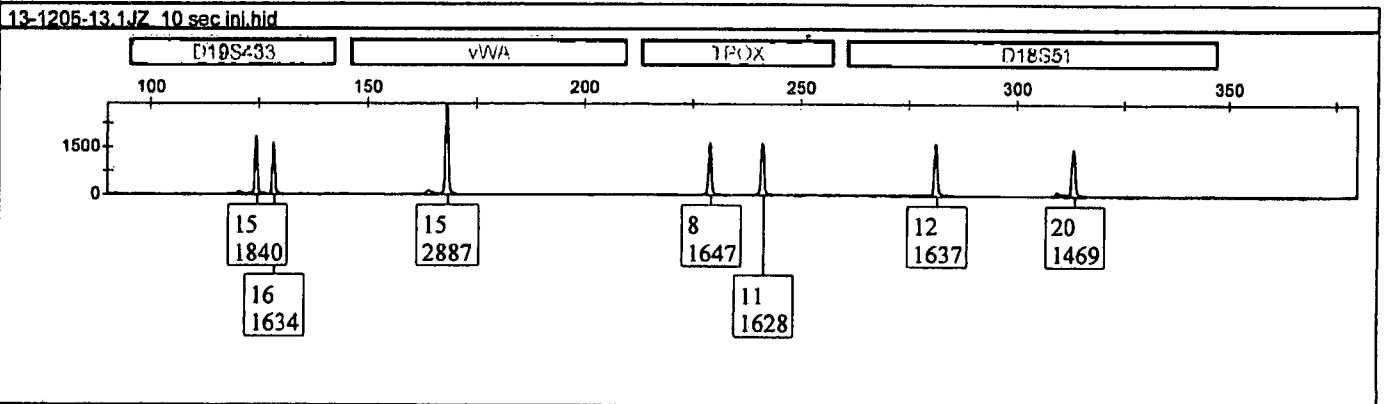
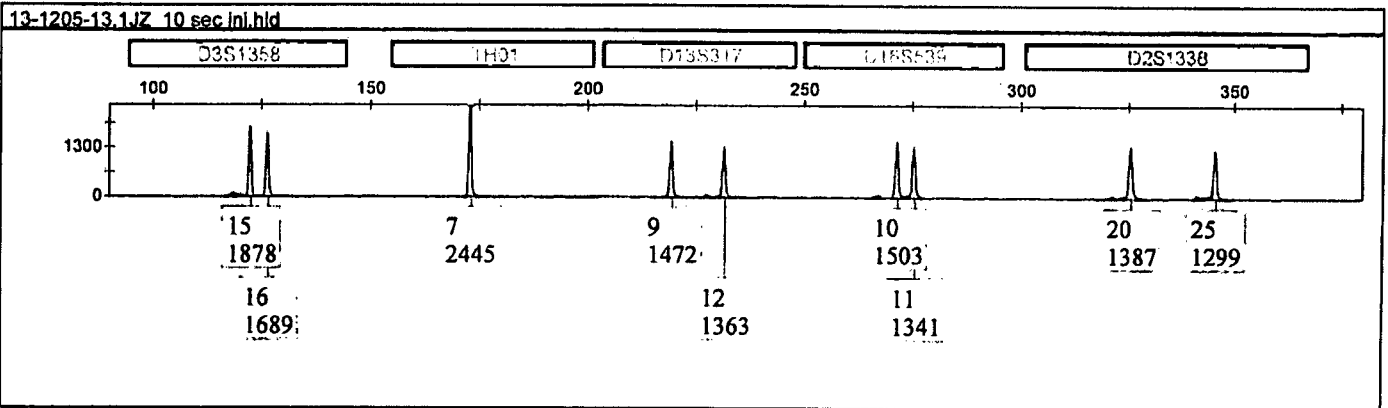
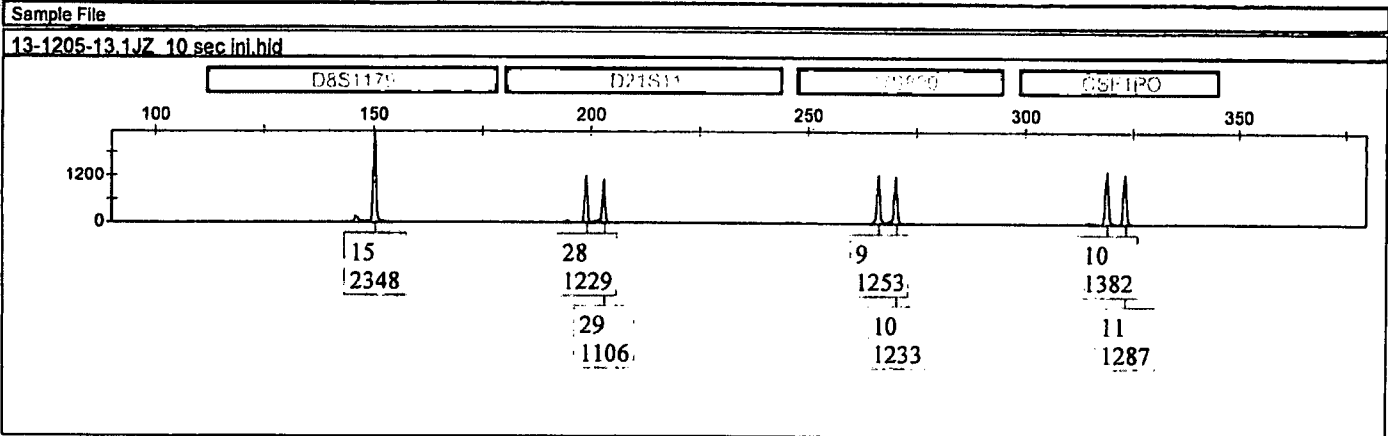


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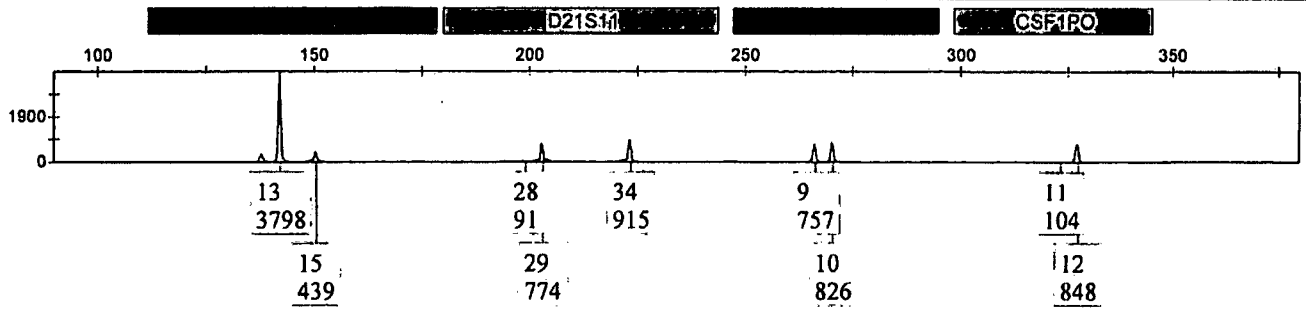




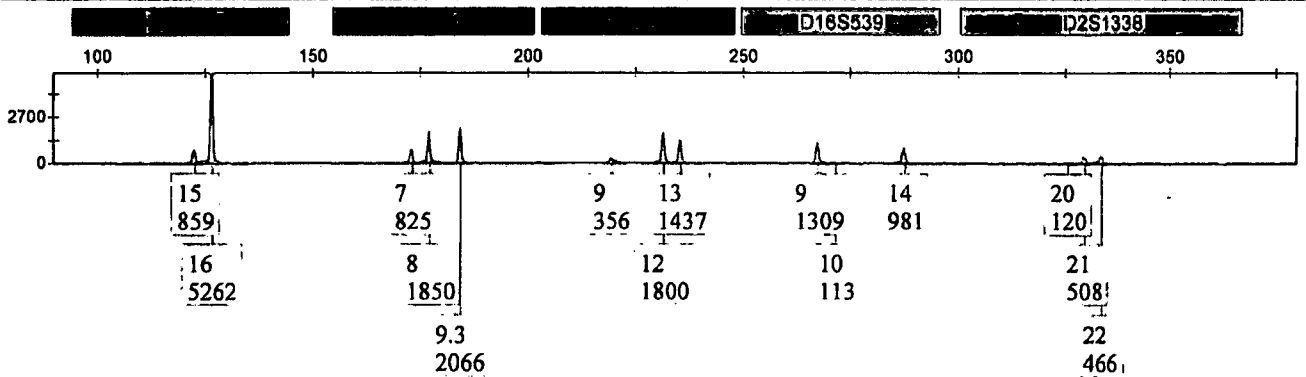
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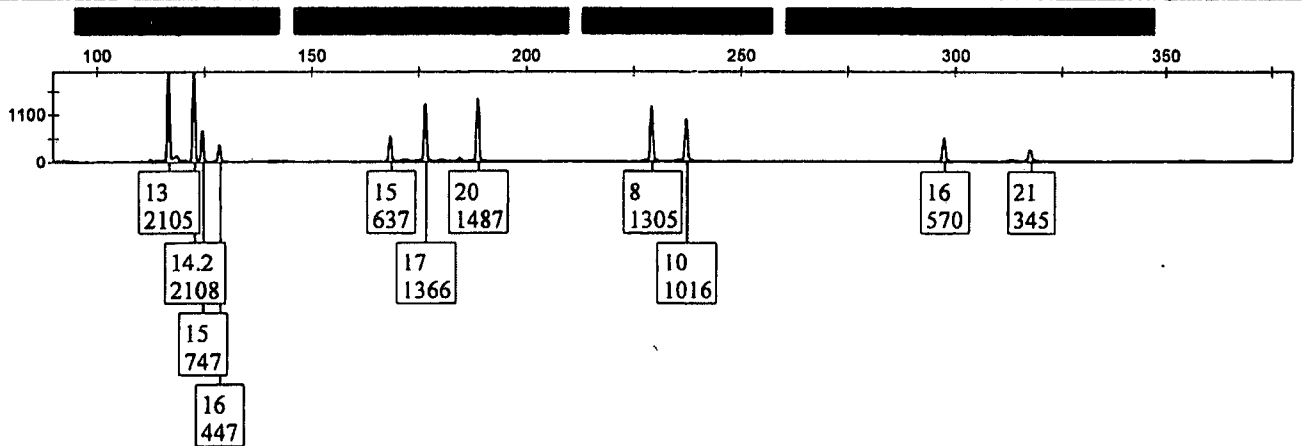
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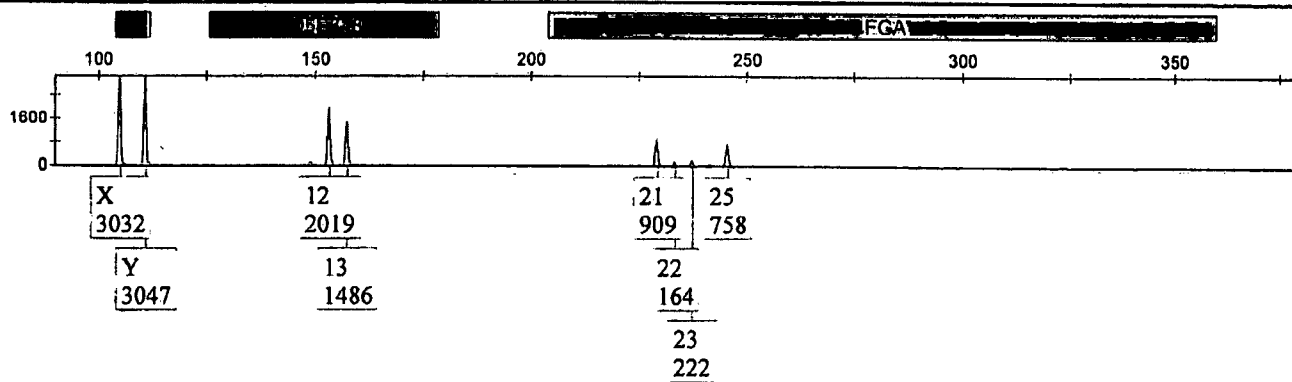
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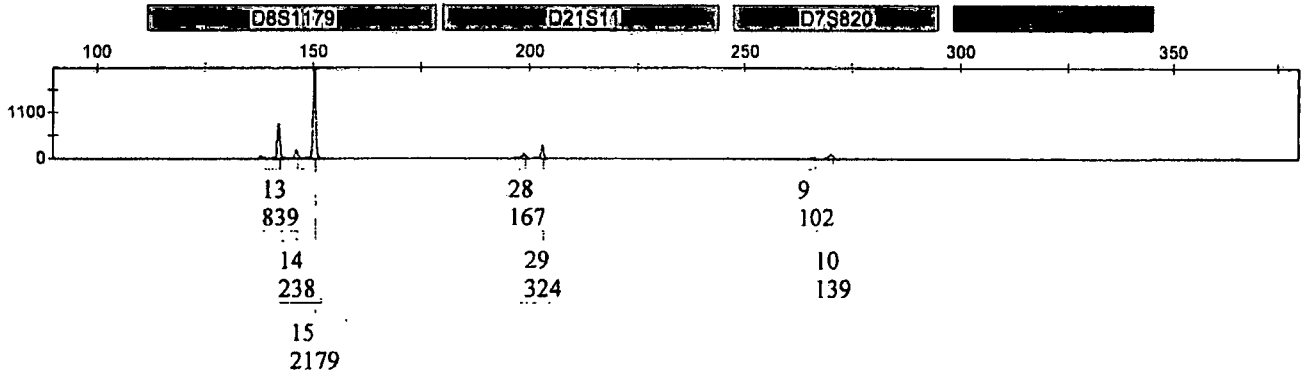
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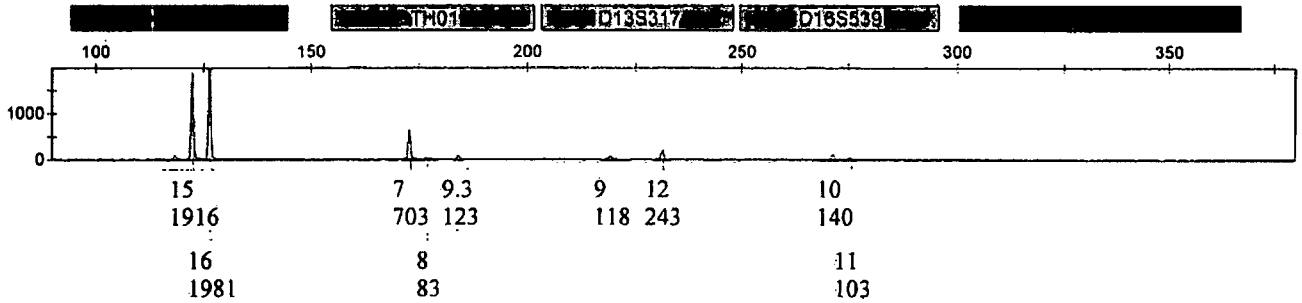
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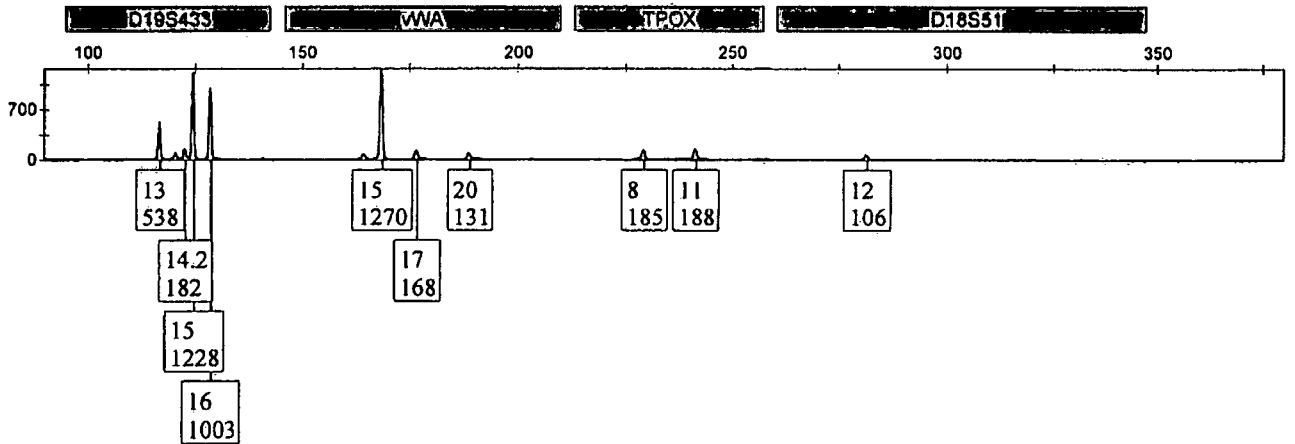
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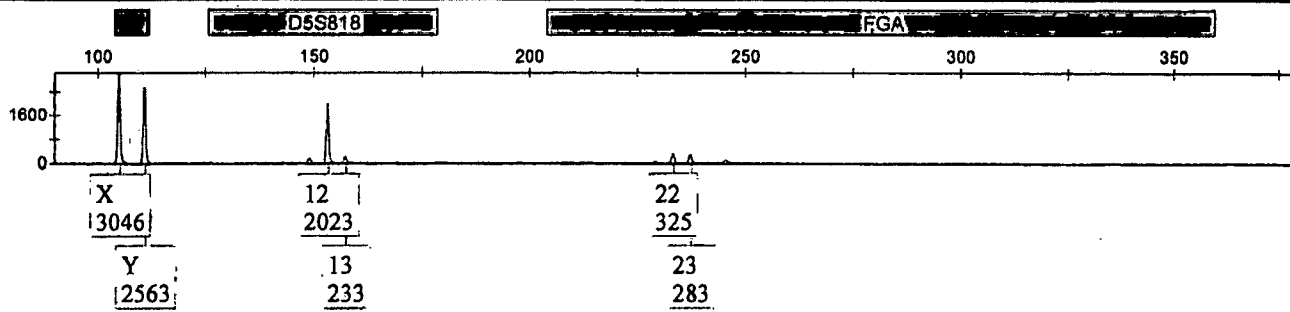
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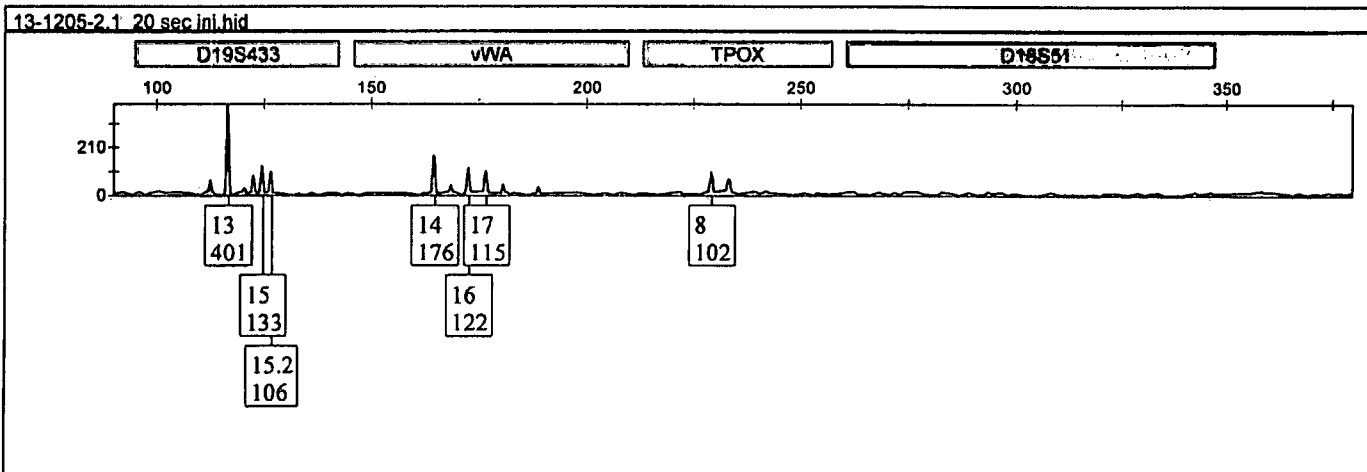
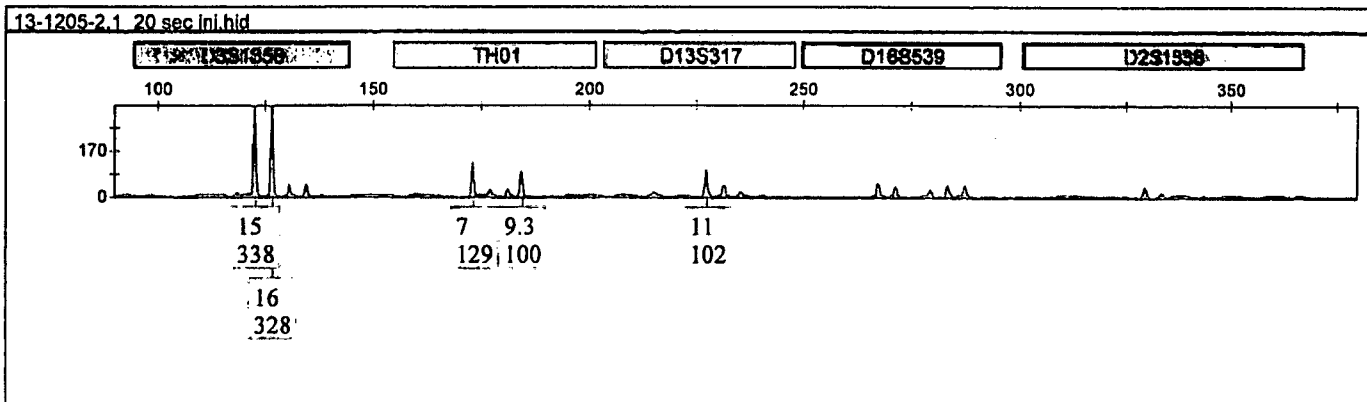
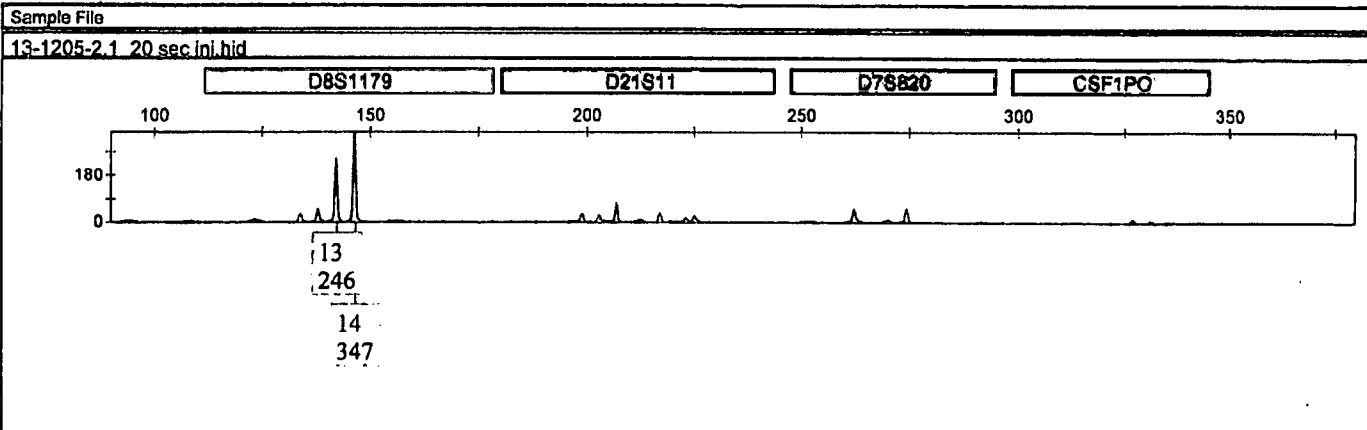
08/27/2015

Sample File

13-1205-1.1.2\_20 sec ini.hid



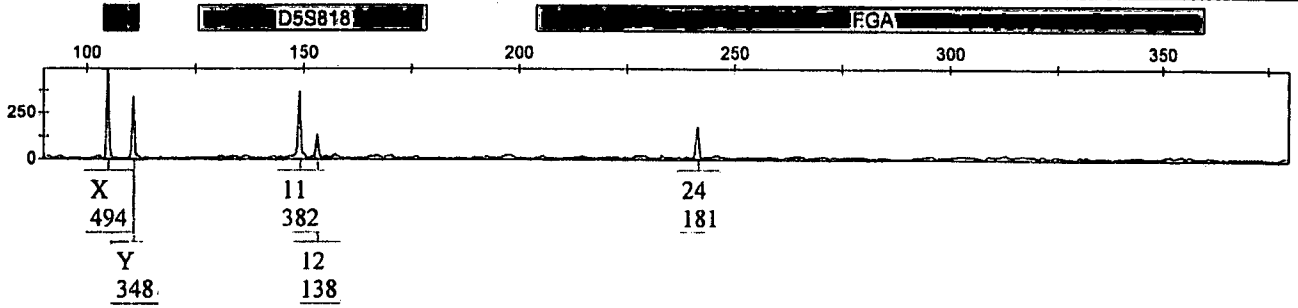
08/27/2015



08 / 27 / 2015

Sample File

13-1205-2.1 20 sec Inl.hid



08/27/2015



**Biology Section**

**Casework Batch Worksheet**

**Batch # CB\_15-27**

	Sample Identifier	Analyst	Human (ng/μl)	Male (ng/μl)	M:F Ratio	Sample Amp'd	Amp Anst. (ng/10μl)	Amp Vol. (μl)
1	15-11875_1.1	BJG	0.265	0.218	1: 0.22	ID+	1.06	6
2	15-5763_17	BJG	0.016	0.011	1: 0.5	ID+	0.16	10
3	15-5763_18	BJG	0.024	0.017	1: 0.36	ID+	0.24	10
4	15-5763_19	BJG	0.009	0.004	1: 1.36	ID+	0.09	10
5	15-5763_20	BJG	0.021	0.006	1: 2.67	ID+	0.21	10
6	15-5763_21	BJG	0.033	0.036	Male	ID+	0.33	10
7	15-5763_22	BJG	0.009	0.011	Male	ID+	0.09	10
8	15-5763_23	BJG	0.075	0.076	Male	ID+	0.75	10
9	15-5763_24	BJG	0.017	0.006	1: 1.68	ID+	0.17	10
10	15-5763_25	BJG	0.005	0.000		ID+	0.05	10
11	15-5763_26	BJG	0.017	0.021	Male	ID+	0.16	10
12	5-19-15_QC9747_BJG	BJG	11.900	13.880	Male	ID+	0.79	2
13	5-19-15_RB_BJG	BJG	0.000	0.000		ID+	0.00	10
14	14-8647_1.7.1_Vulva-EP	MRM	0.533	0.000		ID+	0.94	3.5
15	14-8647_1.10.1_Anal-EP	MRM	0.087	0.000		No		
16	RB1_051915MRM-EP	MRM	0.000	0.000		ID+	0.00	10
17	RB2_051915MRM-EP	MRM	0.000	0.000		No		
18	14-8647_1.7.1_Vulva-SP	MRM	0.011	0.010	1: 0.2	ID+	0.11	10
19	14-8647_1.10.1_Anal-SP	MRM	0.000	0.000		No		
20	RB1_051915MRM-SP	MRM	0.002	0.000		ID+	0.02	10
21	RB2_051915MRM-SP	MRM	0.000	0.000		No		
22	15-9877-2.1	MRM	2.360	2.790	Male	ID+	0.91	2
23	15-9877-2.2	MRM	0.633	0.673	Male	ID+	1.11	3.5
24	15-9877-2.3	MRM	0.094	0.127	Male	ID+	0.94	10
25	15-9877-2.4	MRM	0.454	0.415	1: 0.09	ID+	1.06	4.66
26	QC-9746	MRM	39.890	52.850	Male	ID+	0.85	2
27	15-7105_1.20.1_EP	JAW	85.500	0.000		No		
28	15-9346_2.7.1_EP	JAW	40.150	0.010	1: 3839	ID+	0.86	2
29	15-8098_12.1.1_EP	JAW	0.023	0.017	1: 0.37	ID+	0.23	10
30	15-8098_12.3.2_EP	JAW	0.018	0.009	1: 1.07	ID+	0.18	10
31	15-8098_12.3.4_EP	JAW	0.002	0.002	Male	ID+	0.02	10
32	15-8098_12.3.5_EP	JAW	0.043	0.051	Male	ID+	0.43	10
33	RB1_EP_05-19-15_JAW	JAW	0.000	0.000		ID+	0.00	10
34	RB2_EP_05-19-15_JAW	JAW	0.000	0.000		No		
35	15-7105_1.20.1_SP	JAW	3.060	0.000		No		
36	15-9346_2.7.1_SP	JAW	2.080	2.030	1: 0.02	ID+	1.04	2
37	15-8098_12.1.1_SP	JAW	0.101	0.115	Male	ID+	1.01	10
38	15-8098_12.3.2_SP	JAW	0.002	0.000		No		
39	15-8098_12.3.4_SP	JAW	0.000	0.000		No		
40	15-8098_12.3.5_SP	JAW	0.000	0.000		No		

*VABF*

Batching Analyst KBF

Quant. Duo Date 05/27/15

Amp Date 05/27/15

STR typing Date 05/27/15

Comments  
2μl used for quantitation.

Duo Kit Lot # 15-1

	Human	Male
R <sup>2</sup>	0.99	0.99
Slope	-3.38	-3.31
Y-intercept	29.67	30.26

Controls reviewed  Yes  Yes

STR Kit Lot # ID+15-2

Master Mix/Primer # 28 15

TC C

Qiagility  Q004966  Q040919

3500 Instrument  Alice  Hazel

Lupe  Rosie

Ladder/ISS # 10 38

**STR Quality Check**

ISS/Ladder  Ok  Ok

PAC/NAC  Ok  Ok

Samples Amplified 55

Biomatrix Cab. # 1

Date to Storage 05/29/15

Batch TR MRM 05/29/15

1705

**Biology Section**

**Casework Batch Worksheet (continued)**

Batch # CB\_15-27

Batching Analyst KBF *VBF*

	Sample Identifier	Analyst	Human (ng/μl)	Male (ng/μl)	M:F Ratio	Sample Amp'd	Amp Amt. (ng/10μl)	Amp Vol. (μl)
41	RBI_SP_05-19-15_JAW	JAW	0.000	0.000		ID+	0.00	10
42	RB2_SP_05-19-15_JAW	JAW	0.000	0.000		No		
43	15-8098_14.4.1	JAW	0.253	0.282	Male	ID+	1.01	6
44	15-8098_14.9.1	JAW	16.110	19.100	Male	ID+	1.07	2
45	QC-10101_05-19-15_JAW	JAW	11.320	14.130	Male	ID+	0.99	2
46	15-11236-1.7.1-Ext.Anal-Ep	AHC	36.020	0.313	1:114	ID+	0.77	2
47	15-11236-1.7.1-Ext.Anal-Sp	AHC	0.873	1.520	Male	ID+	0.87	3
48	15-11236-1.8.1-Rectal-Ep	AHC	23.710	0.005	1:4365	ID+	0.88	2
49	15-11236-1.8.1-Rectal-Sp	AHC	0.013	0.006	1:1.35	ID+	0.13	10
50	15-11236-1.10.1-Vaginal-Ep	AHC	2.240	0.049	1:44	ID+	1.12	2
51	15-11236-1.10.1-Vaginal-Sp	AHC	6.530	8.650	Male	ID+	1.02	2
52	15-11236-QC-10039	AHC	19.520	20.270	Male	ID+	0.72	2
53	15-11236-RB-Ep	AHC	0.000	0.000		ID+	0.00	10
54	15-11236-RB-Sp	AHC	0.000	0.000		ID+	0.00	10
55	05.21.15-RB1.YKP-Ep	YKP	0.000	0.000		ID+	0.00	10
56	05.21.15-RB2.YKP-Ep	YKP	0.000	0.000		No		
57	15-17427-1.4.1ANAL-Ep	YKP	2.480	0.000		No		
58	15-18113-1.2.1OUT-Ep	YKP	65.510	0.641	1:101	ID+	0.78	2
59	15-18113-1.2.2IN-Ep	YKP	8.820	3.550	1:1.48	ID+	1.03	2
60	15-18113-1.3.1RNIP-Ep	YKP	1.370	0.002	1:680	No		
61	05.21.15-RB1.YKP-Sp	YKP	0.000	0.000		ID+	0.00	10
62	05.21.15-RB2.YKP-Sp	YKP	0.000	0.000		No		
63	15-17427-1.4.1ANAL-Sp	YKP	0.006	0.000		No		
64	15-18113-1.2.1OUT-Sp	YKP	0.189	0.022	1:7.51	ID+	1.05	7
65	15-18113-1.2.2IN-Sp	YKP	0.072	0.065	1:0.11	ID+	0.72	10
66	15-18113-1.3.1RNIP-Sp	YKP	0.012	0.000		No		
67	QC9990-YKP	YKP	38.410	36.700	1:0.05	ID+	0.82	2
68	13-1205-1.1.1	MDS	0.223	0.202	1:0.1	ID+	0.89	6
69	13-1205-1.1.2	MDS	0.016	0.027	Male	ID+	0.16	10
70	13-1205-2.1	MDS	0.003	0.014	Male	ID+	0.03	10
71	13-1205-2.2	MDS	0.000	0.000		No		
72	13-1205-RB1	MDS	0.000	0.000		ID+	0.00	10
73	13-1205-RB2	MDS	0.000	0.000		No		
74	13-1205-QC9683	MDS	13.340	11.900	1:0.12	ID+	0.89	2
75			0.000	0.000				
76			0.000	0.000				
77			0.000	0.000				
78			0.000	0.000				
79			0.000	0.000				
80			0.000	0.000				

Comments

Artifacts in Controls No artifacts were detected.

*Bank*

*WPK*

**Biology Section**

**Extraction Worksheet**

	Sample Identifier	Type	Ret (μl)	Comments/Microscopic (400X)
1	13-1205-1.1.1	Swab	14	
2	13-1205-1.1.2	Swab		
3	13-1205-2.1	Swab		
4	13-1205-2.2	Swab		
5	13-1205-RB1	-		
6	13-1205-RB2	-		
7	13-1205-QC9683	OS	↓	
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				

Analyst Shea

Reagent Batch 15-1

Ext start date 5/26/15

Ep run time N/A to

Sp/Conv start time ~1130

Sp/Conv end time ~1130

Ext end date 5/26/15

Organic

EZ1  Doctor  David

Paul  Colman

Concentration

Microcon  Speedvac

CB ID 15-27

Date

Submitted 5/26/15

Slides examined  Yes  No

Scope S/N \_\_\_\_\_

Slides stored \_\_\_\_\_

Comments

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Stain used	DOP/Prepared By
Hematoxylin	<input type="checkbox"/>
Eosin	<input type="checkbox"/>
Nuclear Fast Red	<input type="checkbox"/>
Picroindigocarmine	<input type="checkbox"/>

LOS ANGELES COUNTY  
SHERIFF'S DEPARTMENT

SCIENTIFIC SERVICES BUREAU

ANALYST NDS

PAGE NO. 1

FILE # 013-07722-2171-013

AGENCY LASD/HOM

LAB RECEIPT(S) \_\_\_\_\_

VICTIM \_\_\_\_\_

SUSPECT \_\_\_\_\_

RECEIPT DATE \_\_\_\_\_

INVESTIGATOR \_\_\_\_\_

5/26/15

LCN-13-1205

On 5/26/15 rec'd from EC K367349 → one YME S&I w/ RETS.

YME 2 two conical tubes each labeled w/ LCN & LRN and Item #.

Item 1.1.1 → one gray swab

Item 1.1.2 → one tan/gray swab

entire swabs from each  
both moved forward  
for DNA

On 5/26/15 rec'd from EC K387898 → one YME S&I w/ RETS.

YME 2 two conical tubes each labeled w/ LCN and Item #.

Item 2.1 → one gray swab

Item 2.2 → one tan/gray swab

entire swabs from each  
moved forward for DNA

08 / 27 / 2015

*NDS*


AUTHORIZED: \_\_\_\_\_  
 ASSCD: \_\_\_\_\_  
 DISPO: Hold-Release-Dispose-6 Mo. \_\_\_\_\_  
 BR# P# \_\_\_\_\_  
 LEDGER: Safe/Master \_\_\_\_\_  
 DESCRIPTION: L.L. SAMPLE FROM GUN  
 NAME: LAFFITE TERRY  
 URM: 013-0722-2171-013  
 Date: 6/3/13  
 COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT PROPERTY EVIDENCE LABEL



4420C

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT SCIENTIFIC SERVICES BUREAU

K367349

AGENCY / STATION <b>LASD-HOM</b>	CHARGE <b>D.U.S.</b>																																																									
NAME OF SUBJECT (PLEASE PRINT) <b>LAST LAFFITE FIRST TERRY</b>																																																										
NAME OF VICTIM (PLEASE PRINT) <b>DEPUTY OSAR</b>		FILE / DR NUMBER <b>013-0722-2171-013</b>																																																								
LAST <b>BARRIOS</b> FIRST	REC'D FROM <b>WING</b>	REC'D BY <b>GW</b> DATE / TIME <b>6-3-13 / 1506</b>																																																								
INVESTIGATOR / PHONE <b>PENTON 323-890-5500</b>	<small>CRIME LAB Personnel ONLY</small>																																																									
DESCRIPTION OF EVIDENCE (PLEASE PRINT) <b>W-1123 L.L. SAMPLES FROM BERETTA GUN #BER117813</b>																																																										
ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By)		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td># PKG(S):</td> <td><b>1</b></td> <td>BLOOD</td> <td>URINE</td> </tr> <tr> <td colspan="4" style="text-align: center;"><small>Lab Personnel</small></td> </tr> <tr> <td>BLOOD ALCOHOL</td> <td></td> <td></td> <td></td> </tr> <tr> <td>NARCO <small>(Solid Drug)</small></td> <td></td> <td></td> <td></td> </tr> <tr> <td>TOX <small>(Drugs in Urine or Blood)</small></td> <td></td> <td></td> <td></td> </tr> <tr> <td>TRACE</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>WPK</b> BIOLOGY/DNA</td> <td></td> <td></td> <td style="text-align: center;"><b>X</b></td> </tr> <tr> <td>FINGERPRINTS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>FIREARMS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DOCUMENTS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>SPLITS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>PHOTO LAB</td> <td></td> <td></td> <td></td> </tr> <tr> <td>NIBIN</td> <td></td> <td></td> <td></td> </tr> <tr> <td>DRYING SHED</td> <td></td> <td></td> <td></td> </tr> </table>	# PKG(S):	<b>1</b>	BLOOD	URINE	<small>Lab Personnel</small>				BLOOD ALCOHOL				NARCO <small>(Solid Drug)</small>				TOX <small>(Drugs in Urine or Blood)</small>				TRACE				<b>WPK</b> BIOLOGY/DNA			<b>X</b>	FINGERPRINTS				FIREARMS				DOCUMENTS				SPLITS				PHOTO LAB				NIBIN				DRYING SHED			
# PKG(S):	<b>1</b>	BLOOD	URINE																																																							
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DRYING SHED																																																										
SAFETY CHECK (DATE / BY)		FIREARMS Personnel ONLY																																																								
RELEASED TO - SIGNATURE / ID #	RELEASED BY																																																									
NAME (Print)	AGENCY	DATE																																																								

76 R 197C - SH - CR - 126 (REV. 3/2003)

08 / 27 / 2015

*Handwritten initials*



COUNTY OF LOS ANGELES SHERIFFS DEPARTMENT PROPERTY CONTROL LABEL  
 76981-SH-CR-15A Rev. 2/07  
 Date: 11/5/13  
 URM: 01722-2171-013  
 NAME: LAFFITE, TERRY  
 Subj/Vict/Owner  
 DESCRIPTION: 21 + 2.2  
 LEADER: Safe/Master  
 BKH P# 1  
 ASSGD:  
 AUTHORIZED: \_\_\_\_\_

COUNTY OF LOS ANGELES SHERIFFS DEPARTMENT - SCIENTIFIC SERVICES BUREAU

K387898

AGENCY / STATION LASD-HOM	CHARGE DIS	FILE / DR NUMBER 01722-2171-013	
NAME OF SUBJECT (PLEASE PRINT) LAST LAFFITE FIRST TERRY		NAME OF VICTIM (PLEASE PRINT) LAST BARRIS FIRST USAR	
INVESTIGATOR / PHONE PEYTON 333-850-5500	REC'D FROM WONG	REC'D BY GW	DATE / TIME 11-5-13 / 500
DESCRIPTION OF EVIDENCE (PLEASE PRINT) 21 + 2.2 SAMPLES FROM T-W SUN #04143 #04143	# PKG(S):	BLOOD	URINE
	Lab Personnel		
ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By)		SAFETY CHECK (DATE / BY) FIREARMS Personnel ONLY	
RELEASED TO - SIGNATURE / ID #	RELEASED BY		
NAME (Print)	AGENCY	DATE	
76 R 197C - SH - CR - 126 (REV. 3/2003)			

BLOOD ALCOHOL	
NARCO (Seiz) (Drugs)	
TOX (Drugs in Urine or Blood)	
TRACE	
BIOLOGY/DNA	X
FINGERPRINTS	
FIREARMS	
DOCUMENTS	
SPLITS	
PHOTO LAB	
NIBIN	
DRYING SHED	

08/27/2015

08 / 27 / 2015

LASD Scientific Services Bureau  
Forensic Biology Section

ID Direct Reference Batch Worksheet

ID Direct Kit Lot Number:	IDD 15-1	Prep-N-Go Lot Number:	1312007	Instrument:	Lupe	Analyst:	AMP-CA : 3500: SSA	Ref. Batch Number:	BR 15-38
---------------------------	----------	-----------------------	---------	-------------	------	----------	--------------------	--------------------	----------

	1	2	3	4	5	6	7	8	9	10
A	Ladder	15-5356-25.1TC	15-7773-3.1MT	13-1205-13.1JZ	Ladder				Ladder	
B	15-625-2.1MG	12-1064-16-1CV	15-16383-16.1MB	15-21619-7.1BJD	14-297_2.1GH					
C	15-625-3.1JP	12-1064-17.1RV	15-9877-1.1BH	15-23652-2.1JH	15-5979_13.1DM					
D	15-22305_100IS	15-4296_20.2.2SC	14-5674-2.11.1HM	15-12983-3.7.1TC	15-20269_1.7.1SA					
E	15-22305_101KI	15-4296_21.1AV	14-7343-1.11.1GP	15-25073_1.1-HLM	NACS_BR_15-38					
F	15-3983-3.1EV	15-4296_22.1JA	14-2179-1.10.1SF	15-1442_24.1-AM	PAC_BR_15-38					
G	15-5356-3.1CS	15-7773-1.1MD	14-23876-4.1RS	12-2052_23.1TB	PAC2_BR_15-38					
H	15-5356-19.1MK	15-7773-2.1EC	13-1205-10.1TL	15-1442_25.1-TB						

PAGE 027

Amplification Date 05/19/15 TC A Sample Number 37 487.5 µl Master Mix Tube # 4 487.5 µl Primer Tube # 4

STR typing Date 05/19/15 ISS tube # 34 Ladder tube # 1

Typing Quality Checks: ISS/Ladder yes-ok Neg. Control yes-ok Pos. Control yes-ok

Neg. Control 20sec Inj. of Neg Control Needed?  Yes  No

Prepared: Pre-Amp  Yes  No  
Post-Amp  Q004966  No  Q040919  No

Comments: No types detected in the following sample: 15-21619\_7.1BJD ; Sample submission began prior to issue of Biology PPM on 6/16/15

Batch TR AHC 05-20-15

*Handwritten initials*

*Handwritten initials*

**Biology Section**

**Reference Information Form**

Date 5/18/15

LCN 13 1205

Analyst WJH

Item # 10

LRN K667859

Rec'd on 5/15/15 from EC

Outer Packaging  Oral (Buccal) DNA Collection Kit Envelope  Other \_\_\_\_\_  
 BPB  
 ENV (IME)  
 Plastic Bag

Info on Outer Package  LRN  File No.  Other WJH Property Label  
 Name of source  Prelims label A CC # 13 05629

Outer Package Seal  RETS  Initialed  Other \_\_\_\_\_  
 BETS  Signed  
 CTS  Dated

Source attribution  Victim Name of source Terry Luffitte  
 Suspect  
 Elimination

Package contains  Foil ENV  ENV  Other \_\_\_\_\_  
 Swab box Coroner's IME  
labeled w/ decedent name & CC #

Reference type  Blood  Buccal  Other \_\_\_\_\_

Sample type  Swab Amount present \_\_\_\_\_ swabs  
 Bloodstain card Amount present 4 stains  
 BODE Buccal Collector  
 Other

Amount used  -1/2 swab  1.2 mm punch  ~5x5 mm<sup>2</sup> cutting  Other \_\_\_\_\_

To Reference Batch BR 15 38

Sample Identifier 13 1205-10.1TL

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

0  
0  
2  
7  
1  
2  
0  
1  
5

WJH



08/27/2015

76 R 197C - SH - CR - 126 (REV. 3/2003)

DRIVING SHEET	NAME (Print)	AGENCY	DATE
INDEX	RELEASED TO - SIGNATURE / ID #	RELEASED BY	
PHOTO LAB	ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By)		SAFETY CHECK (DATE / BY)
SPLITS	FIREARMS PERSONNEL ONLY		
DOCUMENTS	SUSPECT REF SAMPLE		
FIREARMS	CORONER BLOOD STAIN CARD		
FINGERPRINTS	CC# 13-03629		
BIOLOGY/DNA	X		
TRACE			
TOX (Drugs in Blood)			
MARCO (Soil Drugs)			
BLOOD ALCOHOL			

DESCRIPTION OF EVIDENCE (PLEASE PRINT)

INVESTIGATOR / PHONE: Bernstein (323) 890-5500  
REC'D FROM: Berner

LAST: LAST LAFITTE  
FIRST: FIRST LAFITTE

NAME OF SUBJECT (PLEASE PRINT): LAFITTE, Terri  
CHARGE: 664/187R

NAME OF VICTIM (PLEASE PRINT):  
FIRST:  
LAST:

FILE / DR NUMBER: 013-07722-2171-013

DATE / TIME: 03-20-15

REC'D BY: [Signature]

Lab Personnel: BLOOD URINE, # PKGS: 1

CRIME LAB PERSONNEL ONLY

AGENCY / STATION: LASD HDM  
CHARGE: 664/187R

BARCODE: K667859

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT - SCIENTIFIC SERVICES BUREAU

013-07722-2171-013

LRN: K667859 Item # 10

CENTURY STATION

CSI #

Suspect:

Booked By: TERI BERNSTEIN, #43196

Victim:

Booking Date: 03/20/2015

Coroner's (reference/other items)- Coroner blood stain card S/Lafitte

Coroner's Case#:CC# 13-03629

County of Los Angeles, Sheriff's Department Property/Evidence Label

**Biology Section**

**Reference Information Form**

Date 5/18/15

LCN 13 1205

Analyst MDS

Item # 13

LRN K679941

Rec'd on 5/15/15 from EC

Outer Packaging  Oral (Buccal) DNA Collection Kit Envelope  Other \_\_\_\_\_  
 BPB  
 ENV (LIME)  
 Plastic Bag

Info on Outer Package  LRN  File No.  Other \_\_\_\_\_  
 Name of source  Prelims label

Outer Package Seal  RETS  Initialed  Other \_\_\_\_\_  
 BETS  Signed  
 CTS  Dated

Source attribution  Victim Name of source Deputy Jason Zabala  
 Suspect  
 Elimination

Package contains  Foil ENV  ENV  Other \_\_\_\_\_  
 Swab box

Reference type  Blood  Buccal  Other \_\_\_\_\_

Sample type  Swab Amount present \_\_\_\_\_ swabs  
 Bloodstain card Amount present \_\_\_\_\_ stains  
 BODE Buccal Collector  
 Other

Amount used  ~1/2 swab  1.2 mm punch  ~5x5 mm<sup>2</sup> cutting  Other \_\_\_\_\_

To Reference Batch BR1538

Sample Identifier 13-1205-13.1 JZ

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

08  
27 / 2015



County of Los Angeles, Sheriff's Department Property/Evidence Label

Biological Stain/swab - DNA ref sample Deputy J Zabala  
Suspect: Booked By: T BERNSTEIN, #431965  
Victim: Booking Date: 05/11/2015 13-001205

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT - SCIENTIFIC SERVICES BUREAU

K679941

AGENCY / STATION <b>LASD / HOM</b>	CHARGE <b>DIS</b>	FILE / DR NUMBER <b>013-07722-271-013</b>	
NAME OF SUBJECT (PLEASE PRINT) LAST <b>LAFFITE</b> FIRST <b>TERRY</b>		DATE / TIME <b>5/11/15</b>	
NAME OF VICTIM (PLEASE PRINT) LAST <b>ZABALA</b> FIRST <b>JASON</b>	REC'D FROM <b>BERNSTEIN</b>	REC'D BY <b>ROSS</b>	CRIME LAB Personnel ONLY
INVESTIGATOR / PHONE <b>Bernstein 333</b>	DESCRIPTION OF EVIDENCE (PLEASE PRINT) <b>DNA REF SAMPLE DEPUTY ZABALA</b>	# PKG(S): <b>1</b>	BLOOD URINE
ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By)	SAFETY CHECK (DATE / BY)	Lab Personnel	
RELEASED TO - SIGNATURE / ID #	RELEASED BY	BLOOD ALCOHOL	
NAME (Print)	AGENCY	NARCO (Solid Drugs)	
	DATE	TOX (Drugs in Urine or Blood)	
		TRACE	
		BIOLOGY/DNA	<b>X</b>
		FINGERPRINTS	
		FIREARMS	
		DOCUMENTS	
		SPLITS	
		PHOTO LAB	
		NIBIN	
		DRYING SHED	

76 R 197C - SH - CR - 126 (REV. 3/2003)



**Los Angeles County Sheriff's Department  
Scientific Services Bureau**

**BIOLOGICAL EVIDENCE EXAMINATION REPORT  
SUPPLEMENTAL**

<b>BIOLOGY</b> 1800 Paseo Rancho Castilla Los Angeles, CA 90032 (323) 267-6110 (323) 276-1962 FAX	<b>File Number:</b> 013-07722-2171-013 <b>Agency:</b> DET-HOMICIDE BUREAU <b>Investigator:</b> Terri Bernstein <b>Charge:</b> 245(D)(1)PC-F <b>Report Date:</b> November 14, 2013
---	---

<b>Lab Case #</b> 13-001205 <b>Victim:</b> Deputy Oscar Barrios <b>Subject:</b> Terry Laffitte
--

This report is supplemental to the laboratory report issued by Senior Criminalist Gregory Wong on July 2, 2013.

**EVIDENCE INVENTORY**

Laboratory Receipt Number	Identifier	Item and Description	No Exam	Date Analyst Received	Received From
K382983	2	S&W .38 SPL 5-shot revolver, S/N 04143		11/04/2013	Evidence Control Section

An item of evidence is considered "examined" if the analyst performs a visual inspection (ambient light, oblique light, ALS, etc.), serological tests, collection or manipulation. "No Exam" indicates the item was not inspected, altered, tested or moved forward for any analysis. The item *may* have been opened, documented and inventoried, but no conclusion is drawn.

**SUB-RECEIPTED ITEMS**

Laboratory Receipt Number	Identifier	Item and Description	Original Laboratory Receipt Number	Disposition
K387898	2.1	Sample from both sides of grip	K382983	Evidence Control Section
	2.2	Sample from trigger, hammer, and cylinder release latch		

These samples were submitted to the Evidence Control Section pending a request for DNA analysis. DNA analysis cannot proceed without additional case circumstance information.

08/27/2015



**EVIDENCE DISPOSITION**

The remaining item of evidence will be submitted to the Evidence Control Section.



By: **Gregory Wong, #437800**  
**Senior Criminalist**  
Technically Reviewed By: Steve Renteria

08 / 27 / 2015



# LASD Firearm Worksheet

Analyst: GW  
 Date: 11-5-13  
 LRN: K382983  
 KM Controls: B.003 T/A → OK  
 Rec'd from: EC on: 11-4-13

File No: 013-07722-2171-013  
 Agency: LASD-HOM  
 Lab Case #: 13-1205  
 PRELIMS Item #: 2  
 CS#: EV-5

Outer Packaging:  BPB  BCB Other: \_\_\_\_\_  
 (Check Appropriate)  YME  Gun Box  
 Info on Outer Package:  LRN  File # Other: S/LAFFITTE, TERRY  
 (Check Appropriate)  S/N  Item Description  
 Outer Package Seal:  RETS  Dated Other: MULT. SEALS OPENED  
 (Check Appropriate)  BETS  Initialed BEFORE  
 CTS  Signed

Package Contains:

Sample ID	Description	Exam
2	SMITH-WESSON REVOLVER	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
		<input type="checkbox"/> Y <input type="checkbox"/> N
		<input type="checkbox"/> Y <input type="checkbox"/> N
		<input type="checkbox"/> Y <input type="checkbox"/> N
		<input type="checkbox"/> Y <input type="checkbox"/> N

Firearm Info:  Pistol  Shotgun Other: \_\_\_\_\_  
 (Check Appropriate)  Revolver  Rifle Secured: w/ ZIP TIE  
 Make: S+W Caliber: .38  
 Model: AIRWEIGHT .38 S&W S/N: 04143  
 Blood Exam:  N/A  Not Detected  Detected (see notes below)  
 (Check Appropriate)  Not Observed  Indicated

Notes/Observations: GUN IS SECURED w/ ZIP TIE THROUGH BARREL BUT LOOSE  
IN BOX. REQUEST IS FOR HANDLER'S DNA ONLY, NO BLOOD EXAM. GUN IS  
S SHOT, MULT RUSTED AREAS, DIRTY.

General Swabbings Collected as Follows:

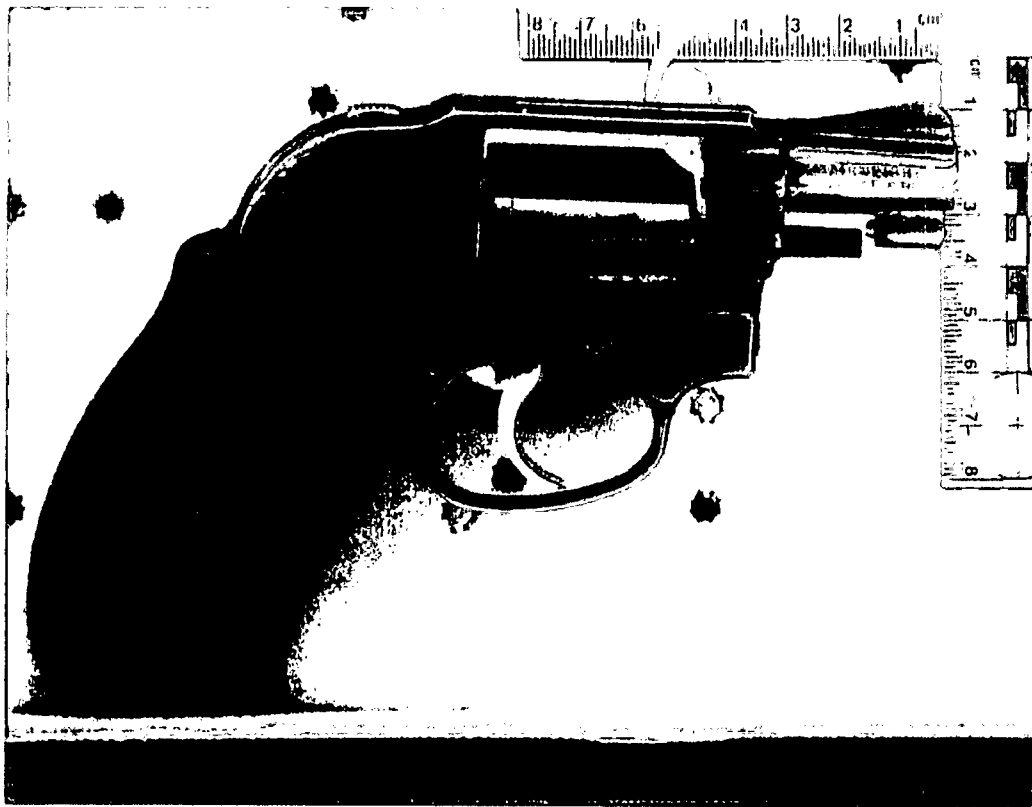
DNA ID	Description	KM	Amount to DNA
2.1	SAMPLE FROM BOTH SIDES OF GRIP.	NA	1 SWAB
2.2	SAMPLE FROM TRIGGER, HAMMER, & CYLINDER RELEASE LATCH.	NA	1 SWAB

08 / 27 / 2015

GW



LASD 13-07722-21  
Item 2: S&W revolver #04143, left side  
11/05/2013 Gregory K. Wong




LASD 13-07722-21  
Item 2: S&W revolver #04143, right side  
11/05/2013 Gregory K. Wong PAGE 035

K382983


ⓔ

08 / 27 / 2015

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT - SCIENTIFIC SERVICES BUREAU

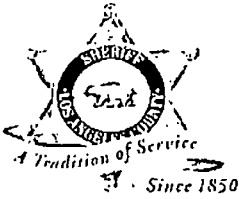
AGENCY / STATION <b>LASD/HOMICIDE</b>	CHARGE <b>D.I.S.</b>	K382983																									
NAME OF SUBJECT (PLEASE PRINT) LAST <b>LAFFITTE</b> FIRST <b>TERRY</b>																											
NAME OF VICTIM (PLEASE PRINT) <b>DEPUTY</b>		FILE / DR NUMBER <b>013-07722-2171-013</b>																									
LAST <b>BARRIOS</b> FIRST <b>OSCAR</b>		DATE / TIME <b>05/19/13 0800</b>																									
INVESTIGATOR / PHONE <b>PEYTON BARRON</b> <b>(323) 890-5500</b>	REC'D FROM <b>OZETA</b>	REC'D BY <b>OZETA</b>	DATE / TIME <b>05/19/13 0800</b>																								
DESCRIPTION OF EVIDENCE (PLEASE PRINT)		# PKG(S): <b>(1)</b>	BLOOD URINE																								
<b>EV'S FIREARM "SE PAD" SMITH &amp; WESSON .38 SPL REVOLVER</b>		<input type="checkbox"/>																									
<b>5 SHOT WITH BLACK PLASTIC GRIPS SERIAL # 04143</b>		<input type="checkbox"/>																									
<b>* UNLOADED *</b>		<input type="checkbox"/>																									
ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By) <b>No Prints Taken 4/2/13 6/7/13</b>		SAFETY CHECK (DATE / BY) <b>05-21-13</b>																									
RELEASED TO - SIGNATURE / ID #		RELEASED BY																									
NAME (Print)	AGENCY	DATE																									
76 R 197C - SH - CR - 126 (REV. 3/2003)		<table border="1"> <tr><td>BLOOD ALCOHOL</td><td></td></tr> <tr><td>NARCO (Solid Drugs)</td><td></td></tr> <tr><td>TOX (Drugs in Urine or Blood)</td><td></td></tr> <tr><td>TRACE</td><td></td></tr> <tr><td>BIOLOGY/DNA</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>FINGERPRINTS</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>FIREARMS</td><td><input checked="" type="checkbox"/></td></tr> <tr><td>DOCUMENTS</td><td></td></tr> <tr><td>SPLITS</td><td></td></tr> <tr><td>PHOTO LAB</td><td></td></tr> <tr><td>NIBIN</td><td></td></tr> <tr><td>DRYING SHED</td><td></td></tr> </table>		BLOOD ALCOHOL		NARCO (Solid Drugs)		TOX (Drugs in Urine or Blood)		TRACE		BIOLOGY/DNA	<input checked="" type="checkbox"/>	FINGERPRINTS	<input checked="" type="checkbox"/>	FIREARMS	<input checked="" type="checkbox"/>	DOCUMENTS		SPLITS		PHOTO LAB		NIBIN		DRYING SHED	
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TOX (Drugs in Urine or Blood)																											
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BIOLOGY/DNA	<input checked="" type="checkbox"/>																										
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FIREARMS	<input checked="" type="checkbox"/>																										
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NIBIN																											
DRYING SHED																											

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT - SCIENTIFIC SERVICES BUREAU

AGENCY / STATION <b>LASD-HOM</b>	CHARGE <b>DIS</b>	K387898																									
NAME OF SUBJECT (PLEASE PRINT) LAST <b>LAFFITTE</b> FIRST <b>TERRY</b>																											
NAME OF VICTIM (PLEASE PRINT)		FILE / DR NUMBER <b>013-07722-2171-013</b>																									
LAST <b>BARRIOS</b> FIRST <b>OSCAR</b>		DATE / TIME <b>11-5-13 1500</b>																									
INVESTIGATOR / PHONE <b>PEYTON 323-890-5500</b>	REC'D FROM <b>WONG</b>	REC'D BY <b>GW</b>	DATE / TIME <b>11-5-13 1500</b>																								
DESCRIPTION OF EVIDENCE (PLEASE PRINT)		# PKG(S): <b>1</b>	BLOOD URINE																								
<b>2.1 + 2.2 : SAMPLES FROM S&amp;W GUN #04143</b>		<input type="checkbox"/>																									
<b># 04143</b>		<input type="checkbox"/>																									
ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By)		SAFETY CHECK (DATE / BY) <b>FIREARMS Personnel ONLY</b>																									
RELEASED TO - SIGNATURE / ID #		RELEASED BY																									
NAME (Print)	AGENCY	DATE																									
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BLOOD ALCOHOL																											
NARCO (Solid Drugs)																											
TOX (Drugs in Urine or Blood)																											
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BIOLOGY/DNA	<input checked="" type="checkbox"/>																										
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FIREARMS																											
DOCUMENTS																											
SPLITS																											
PHOTO LAB																											
NIBIN																											
DRYING SHED																											

08 / 27 / 2015





**Los Angeles County Sheriff's Department  
Scientific Services Bureau**

**BIOLOGICAL EVIDENCE EXAMINATION REPORT**

<b>BIOLOGY</b>	<b>File Number:</b> 013-07722-2171-013
1800 Paseo Rancho Castilla	<b>Agency:</b> DET-HOMICIDE BUREAU
Los Angeles, CA 90032	<b>Investigator:</b> Terri Bernstein
(323) 267-6110	<b>Charge:</b> OIS
(323) 276-1962 FAX	<b>Report Date:</b> July 02, 2013

<b>Lab Case #</b>	13-001205
<b>Victim:</b>	Deputy Oscar Barrios
<b>Subject:</b>	Terry Laffitte

**EVIDENCE INVENTORY**

Laboratory Receipt Number	Identifier	Item and Description	No Exam	Date Analyst Received	Received From
K382986	1	Firearm		05/31/2013	Evidence Control Section
	1.1	Beretta 92FS pistol, serial #BER117893			
	1.2	Empty magazine	X		
	1.3	15 cartridges	X		

An item of evidence is considered "examined" if the analyst performs a visual inspection (ambient light, oblique light, ALS, etc.), serological tests, collection or manipulation. "No Exam" indicates the item was not inspected, altered, tested or moved forward for any analysis. The item *may* have been opened, documented and inventoried, but no conclusion is drawn.

**EXAMINATION CONCLUSIONS**

Identifier	Item and Description	Blood
1.1	Beretta 92FS pistol, serial #BER117893	Not Detected

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**EXAMINATION METHODS**

The examination for blood includes a visual and/or a presumptive chemical test for the presence of blood.

**SUB-RECEIPTED ITEMS**

Laboratory Receipt Number	Identifier	Item and Description	Original Laboratory Receipt Number	Disposition
N/A	1.1	Beretta 92FS pistol, serial #BER117893	K382986	Chemical Processing and Firearms Sections
K367349	1.1.1	Sample from Beretta pistol	K382986	Evidence Control Section
K367349	1.1.2	Sample from Beretta pistol	K382986	Evidence Control Section
N/A	1.2	Empty magazine	K382986	Chemical Processing and Firearms Sections
N/A	1.3	15 cartridges	K382986	Chemical Processing and Firearms Sections

Samples 1.1.1 and 1.1.2 were submitted to the Evidence Control Section pending a request for DNA analysis. DNA analysis cannot proceed without additional case circumstance information.



By: **Gregory Wong, #437800**  
**Senior Criminalist**  
 Technically Reviewed By: Steve Renteria

08 / 27 / 2015



# LASD Firearm Worksheet

Analyst: WJ  
 Date: 6-3-13  
 LRN: K382986  
 KM Controls: BLOOD +/M → OK  
 Rec'd from: EC on: 5-31-13

File No: 013-07722-2171-013  
 Agency: LAFD Horn  
 Lab Case #: 13-1205  
 PRELIMS Item #: 1  
 CS#: EV-9

Outer Packaging:  BPB  BCB Other: \_\_\_\_\_  
 (Check Appropriate)  YME  Gun Box  
 Info on Outer Package:  LRN  File # Other: S/LAFFITTE, TERRY  
 (Check Appropriate)  S/N  Item Description  
 Outer Package Seal:  RETS  Dated Other: \_\_\_\_\_  
 (Check Appropriate)  BETS  Initialed  
 CTS  Signed

Package Contains:

Sample ID	Description	Exam
1.3	STAPLE SEALED COIN ENV. → (15) CARTRIDGES	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
1.2	(1) MAGAZINE (EMPTY)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
1.1	BERETTA PISTOL	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
		<input type="checkbox"/> Y <input type="checkbox"/> N
		<input type="checkbox"/> Y <input type="checkbox"/> N

Firearm Info:  Pistol  Shotgun Other: \_\_\_\_\_  
 (Check Appropriate)  Revolver  Rifle  
 Secured: w/ ZIPTIE  
 Make: BERETTA Caliber: 9mm  
 Model: 92FS S/N: BER117893

Blood Exam:  N/A  Not Detected  Detected (see notes below)  
 (Check Appropriate)  Not Observed  Indicated

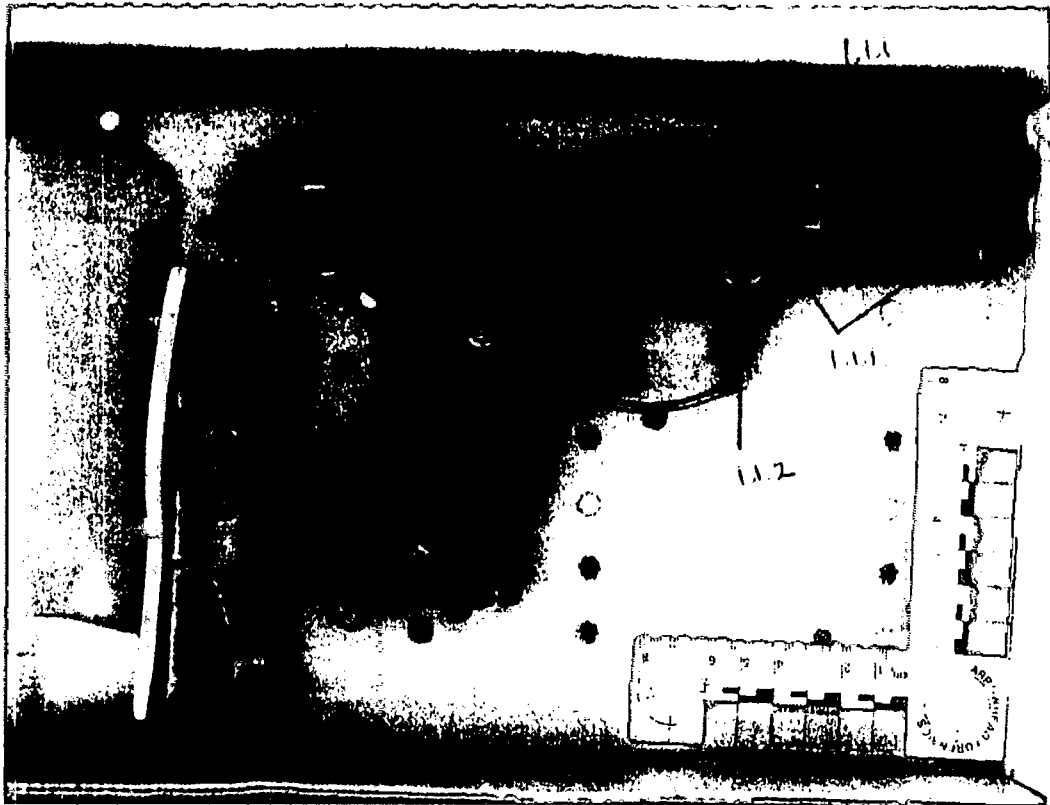
Notes/Observations: PISTOL IS SECURED TO BOX w/ ZIPTIE. SLIDE HAS BEEN PULLED BACK. SWAB INSIDE OF BARREL ONLY FOR BLOOD → KM φ. GENERAL SWAB OF EXTERIOR OF BARREL + MATT/S/O TEXTURED AREAS ONLY DUE TO POSSIBLE LATENT PRINTS ON SMOOTH SURFACES. 6-4-13 TRANSACT TO A. STROUSE. 6-5-13. RECEIVED FROM A. STROUSE. I COLLECTED ADDITIONAL SWABS OF SMOOTH AREA OF BARREL (1.1.2). 6-6-13. TRANSACT TO FIREARMS/P. TEREMOTO

General Swabbings Collected as Follows:

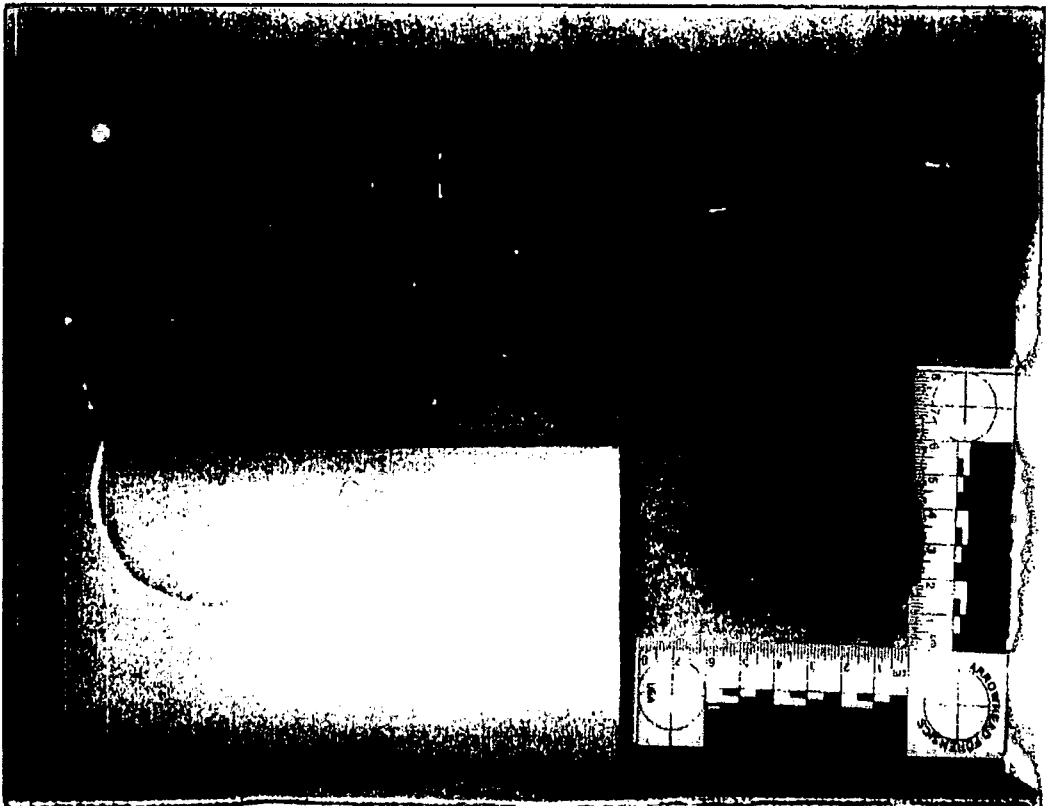
DNA ID	Description	KM	Amount to DNA
	INSIDE BARREL ONLY	φ	
1.1.1	SAMPLE FROM EXTERIOR BARREL + MATT/	φ	1 SWAB
↓	TEXTURED AREAS NEAR FRONT OF GUN (MUZZLE)		
1.1.2	SAMPLE FROM SMOOTH AREA OF BARREL/SLIDE	φ	1 SWAB
	NEAR FRONT MUZZLE END		

↓  
TACO SWABS → KM φ

08/27/2015



LASD 13-07722-21 <sup>7.1.1</sup> <sub>6</sub>  
 K382986 / Item 1. Beretta pistol, right side  
 06/03/2013 Gregory K. Wong



LASD 13-07722-21 <sup>7.1.1</sup> <sub>6</sub>  
 K382986 / Item 1. Beretta pistol, left side  
 06/03/2013 Gregory K. Wong PHRF 248

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AGENCY / STATION **LASD/HOMICIDE** CHARGE **D.I.S.**  
 NAME OF SUBJECT (PLEASE PRINT)  
 LAST **LAFFITTE** FIRST **TERRY**

K382986



NAME OF VICTIM (PLEASE PRINT) **DEPUTY BARRIOS** FILE / DR NUMBER **013-07722-2171-013**  
 LAST **BARRIOS** FIRST **OSCAR**  
 INVESTIGATOR / PHONE **PEYTON** REC'D FROM **OZETA** REC'D BY **OZETA** DATE / TIME **05/19/13 0800**  
 (323) 890-5500

DESCRIPTION OF EVIDENCE (PLEASE PRINT) # PKG(S): **1** BLOOD URINE  
**EV 9 DEPUTY ZABALA'S PUTY WEAPON "BERETTA" 92FS 9MM SERIAL # BER 117893 WITH MAGAZINE (15) LIVE CARTRIDGES \* UNLOADED \***

BLOOD ALCOHOL	
NARCO	
TOX	
TRACE	
BIOLOGY/DNA	1
FINGERPRINTS	2
FIREARMS	X3
DOCUMENTS	
SPLITS	
PHOTO LAB	
NIBIN	
DRYING SHED	

ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By) SAFETY CHECK (DATE / BY)  
**NO PRINTS AKA 6/4/13** **TOTTA 5.24.13**  
FIREARMS Personnel ONLY

RELEASED TO - SIGNATURE / ID # RELEASED BY  
 NAME (Print) AGENCY DATE

AGENCY / STATION **LASD/HOM** CHARGE **D.I.S.**  
 NAME OF SUBJECT (PLEASE PRINT)  
 LAST **LAFFITTE** FIRST **TERRY**

K367349



NAME OF VICTIM (PLEASE PRINT) **DEPUTY BARRIOS** FILE / DR NUMBER **013-07722-2171-013**  
 LAST **BARRIOS** FIRST **OSCAR**  
 INVESTIGATOR / PHONE **PEYTON** REC'D FROM **WONG** REC'D BY **W** DATE / TIME **6-3-13 1500**  
 (323) 890-5500

DESCRIPTION OF EVIDENCE (PLEASE PRINT) # PKG(S): **1** BLOOD URINE  
**3 L.S. SAMPLES FROM BERETTA GUN # BER 117893**

BLOOD ALCOHOL	
NARCO	
TOX	
TRACE	
BIOLOGY/DNA	X
FINGERPRINTS	
FIREARMS	
DOCUMENTS	
SPLITS	
PHOTO LAB	
NIBIN	
DRYING SHED	

ANALYTICAL RESULTS - Lab Personnel ONLY (Date/By) SAFETY CHECK (DATE / BY)  
FIREARMS Personnel ONLY

RELEASED TO - SIGNATURE / ID # RELEASED BY  
 NAME (Print) AGENCY DATE

08/27/2015



**Los Angeles County Sheriff's Department  
Forensic Examination Checklist**

Agency: CENTURY STATION

URN: 013-07722-2171-013

Section: Biology

Report Number: 3

Examiner: MARIANN SHEA

**ANALYSIS REVIEW CHECKLIST**

	<u>ANALYST</u>	<u>TECH REVIEW</u>	<u>ADMIN REVIEW</u>
Employee #	545715	404732	456824
Date	05/29/15	06/01/15	06/08/15
Chain of evidence documented - including work product if applicable	Yes	Yes	Yes
Evidence described	Yes	Yes	Yes
Lab notes clear, legible	Yes	Yes	Yes
Pages dated and initialed	Yes	Yes	Yes
All worksheets included	Yes	Yes	Yes
Reagents lot # / batch information recorded	Yes	Yes	Yes
EXTRACTION - Quality Control samples (QC/RB) extracted per set	Yes	Yes	
EXTRACTION - Extracted DNA Worksheet completed	Yes	Yes	
EXTRACTION - Microscopic exam of differential fractions documented when appropriate	Yes	Yes	
QUANTITATION - Real Time PCR data in file	Yes	Yes	
AMPLIFICATION - Data completed/controls included	Yes	Yes	
ELECTROPHEROGRAMS - Printouts included or stored electronically	Yes	Yes	
REVIEW - Analysis Notes sheet completed	Yes	Yes	
ANALYSIS METHODS - Correct GMID Analysis setting used for each sample	Yes	Yes	
TABLE - Table matches electropherogram printouts	Yes	Yes	
INTERPRETATION - Notes/documentation of data analysis included	Yes	Yes	
STATISTICS - Population statistics printouts	Yes	Yes	
CODIS - Completed CODIS verification form	Yes	Yes	
Proper format, spelling, and grammar checked	Yes	Yes	Yes
Final report accounts for each specimen received	Yes	Yes	Yes
All significant exams in notes included in report	Yes	Yes	Yes
Analytical methods and Amplification Kit included in report	Yes	Yes	Yes
Assumptions regarding the number of contributors stated when appropriate	Yes	Yes	Yes
Statistical calculations given for probative samples (note loci included in calculation)	Yes	Yes	Yes
Conclusion(s) consistent with results	Yes	Yes	Yes
Disposition of evidence documented	Yes	Yes	Yes
Analyst's Initials (on all pages, cross outs, write overs, insertions)	Yes	Yes	Yes
Export GMID-X project to N: drive	Yes		

Analyst Review

Technical Review

Admin Review

*Mariann D Shea*

*John P Bockrath*

*Sean Yoshii*

MARIANN SHEA  
SENIOR CRIMINALIST

JOHN BOCKRATH  
SENIOR CRIMINALIST

SEAN YOSHII  
SUPERVISING CRIMINALIST

*Report sent to I/O on 6/9/15*

Date Printed 06/08/15

# CODIS DATA VERIFICATION FORM

Case File/DR #	013-07722-2171-013 LASD/HOM		
Grant Award #			
<b>For Vendor Generated Data only</b>			
Report Date:		Date Report Sent to IO:	
Vendor name and case #:			
Forensic Unknown(s) Identifier #(s):	Z13-1205-1.1.1 (S)		

<input type="checkbox"/> No sample suitable for CODIS	
Reviewed by _____	Date _____

**CODIS Eligibility Review**

Reviewed all DNA types to verify that they were supported by the raw and/or analyzed data (electropherograms or images).

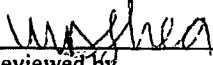
The DNA profile is derived from forensic evidence.

The DNA profile submitted to CODIS is interpretable (interpretable – any DNA data could be used to make an exclusion).

The DNA profile that is derived from forensic evidence shall only offer those alleles that are attributed to the putative perpetrator(s). Alleles derived from forensic profiles that are unambiguously attributed to a victim or individuals other than the perpetrator(s), such as, but not limited to a husband or boyfriend, shall not be entered into CODIS. *The DNA results from any locus in which an ambiguity exists in the assignment of one or more alleles to the putative perpetrator(s) may be offered to CODIS. The mere observation of alleles that may be attributed to individuals other than the putative perpetrator, does not in itself, preclude offering DNA profile to CODIS at that locus.*

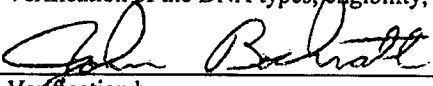
A review of all associated controls, internal lane standards and allelic ladders to verify that the expected results were obtained.

(For Vendor Generated Data only) A review of the final report (if provided) to verify that the results/conclusions are supported by the data. The report shall address each tested item (or its probative fractions) submitted to the vendor laboratory.

  
 Reviewed by \_\_\_\_\_
 

 5/29/15  
 Date \_\_\_\_\_

Verification of the DNA types, eligibility, and the correct specimen category for entry into CODIS.

  
 Verification by \_\_\_\_\_
 

 5/30/15  
 Date \_\_\_\_\_

**Eligibility Synopsis/Comments:** 245(D)(1)PC, DOO:5/19/13  
 Major profile from barrel of Deputy's gun matches known suspect.

08/27/2015

08/27/2015

# LDIS Specimen Details Report

## Specimen Information

Laboratory: CA0190000  
 Specimen ID: Z13-1205-1.1.1 (S) ✓  
 Specimen Category: Forensic, Unknown ✓  
 Source ID: Yes ✓  
 Partial Profile: No ✓  
 Case ID: 013-07722-2171-013 HOM ✓  
 NCIC Number:  
 ViCAP Number:  
 Recon Code:

Marked By:  
 Marked Lab:  
 Marked Date:  
 mtDNA Assigned To:  
 mtDNA Assigned Lab:  
 mtDNA Assigned Date:  
 mtDNA Comments:

STR/Y-STR Assigned To: MDShea  
 STR/Y-STR Assigned Lab: CA0190000  
 STR/Y-STR Assigned Date 5/29/2015  
 STR/Y-STR Comments:  
 245(D)(1)PC. DOO:5/19/13. Major profile from barrel of Deputy's gun matches known suspect.  
 S/Terry LaFette

### Locus Information (STR)

Locus	Alleles	Front	Import File	Event	User	Lab	Date	Event	User	Lab	Date	Partial
D8S1179	13 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
D21S11	29, 34 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
D7S820	9, 10 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted		verified with 5/29/15		No
CSF1PO	12 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
D3S1358	16 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
TH01	8, 9.3 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted		verified		No
D13S317	12, 13 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted		5/30/15 gB		No
D16S539	9, 14 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
D2S1338	21, 22 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
D19S433	13, 14.2 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
VWA	17, 20 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
TPOX	8, 10 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
D18S51	16, 21 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted		(L) SUBMITTED BY [Signature] DATE 6-5-15		No
Amelogenin	X, Y ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted		3) PROCESSED DATE: 6-5-15		No
D5S818	12, 13 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No
FGA	21, 25 ✓	SDE		Read Verified	MDShea	CA0190000 CA0190000	5/29/2015	Marked (L) Submitted				No

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May 29, 2015  
4:54:37 PM

CODIS Ver 7.0  
Unclassified / For Official Use Only

Printed by Mariann D. Shea  
Page 1





Los Angeles County Sheriff's Department  
Service Request

Agency Name : CENTURY STATION  
Investigator Name : TERI BERNSTEIN  
Investigating Agency : HOMICIDE BUREAU  
Contact Information :  
Chargel: 0-013NC-01-F - CRIMINAL HOMICIDE: DEPUTY INVOLVED  
SHOOTING; SUSPECT DECEASED, JUSTIFIABLE  
Lab Case Num : 13-001205  
Agency Case Number : 013-07722-2171-013  
Incident Report Date: 05/19/2013

Cross-Referenced Cases :

Assigned Date: 03/23/2015 Assigned Analyst : MARIANN SHEA

BIO	Biology	Sequence Number : 3
Item # 1.1.1	Firearm - Sample from Beretta pistol	<i>requested from Central Precinct on 5/11/15</i>
Item # 1.1.2	Firearm - Sample from Beretta pistol	
Item # 3	Biological Stain/swab - samples from S&W gun k387898	
Item # 10	Coroner's (reference/other items) - Coroner blood stain card S/Laffitte	

Comments :

The County Counsel is requesting that the gun on a 2013 Century DIS with the suspect deceased be tested for handler DNA on the suspects revolver

08 / 27 / 2015



Los Angeles County Sheriff's Department -- Scientific Services Bureau  
 TRANSACTIONS with STAFF ASSIGNMENT

Deposited by \_\_\_\_\_

Received by AMJ

Session: 3022085    Staff: faong    Date: 26-MAY-2015 10:37:11

Today's Date: 26-MAY-2015 10:37:38  
 ua-asgnd 15791

Assigned to: **Shea (545715), Mariann**

Location: **PRC-BIOLOGY-BIO MDS**

Work Unit: **BIOLOGY-ASSIGNED**

	LRN	Custody Date	From	Transaction Dat
1	<b>K367349</b>	03-JUN-2013	HOM	26-MAY-2015 10:37
2	<b>K387898</b>	05-NOV-2013	HOM	26-MAY-2015 10:37
3	<b>K660827</b>	20-MAY-2015	POM	26-MAY-2015 10:37

08 / 27 / 2015



Los Angeles County Sheriff's Department -- Scientific Services Bureau  
 TRANSACTIONS with STAFF ASSIGNMENT

Deposited by

Received by

*MSJ*

Session: 3019109      Staff: faong      Date: 15-MAY-2015 13:19:07

Today's Dat  
 15-MAY-2015 13:19:50  
 ua-asgnd 15791

Assigned to: **Shea (545715), Mariann**

Location: **PRC-BIOLOGY-BIO MDS**

Work Unit: **BIOLOGY-ASSIGNED**

	LRN	Custody Date	From	Transaction Dat
1	K633443	13-MAY-2015	MBH	15-MAY-2015 13:19
2	K667859	20-MAR-2015	HOM	15-MAY-2015 13:19
3	K679941	11-MAY-2015	HOM	15-MAY-2015 13:19

08 / 27 / 2015

Receipt No **K679941**

pk= 1504533

Submitted by **HOM** Delivery Method **O** Custody Date **11-MAY-2015, 10:33:14 Hr** Received by **tkirby**  
 return destination **HOM** Returned by Returned Unanalyzed **N**  
 Status **A** Active Status Date **11-MAY-2015, 10:33:14 Hr** Status by **tkirby**

City of Incident Original LRN # Pkgs Parent LRN

Description (lrn) Note (lrn)  
**DNA REF SAMPLE DEPUTY ZABALA**

Case Information						PK-908176
Year	File Seqno	RD Num	Originating Agency	Investigating Agency		
2013	- 07722	- 21	CEN	CEN		
Complete File Number:		URN 013-07722-2171-013				
Case Notes						
Legal Code <b>PC</b>			Charge <b>245</b>			
INVESTIGATOR PEYTON/BARRON						
INVESTIGATOR BERNSTEIN						

(This Receipt Number does not have a Parent LRN associated with it)

(This Receipt Number does not have any Split Receipt Numbers associated with it)

Persons linked to this Lab Receipt Number		
Role	Last Name	First Name
INVESTIGATOR	BERNSTEIN	
SUBJECT	LAFFITTE	TERRY
VICTIM	JASON	DEPUTY

**Transactions**  
 Date **11-MAY-2015, 10:33:14 Hr** tkirby Location **PRC** EVIDENCE BIO-BX 74  
 Work Unit **EVIDENCE** FREEZER Assigned to

(This Receipt does not have any Completed Tasks associated with it)

(This Receipt does not have any Active Tasks associated with it)

08 / 27 / 2015



Los Angeles County Sheriff's Department  
Case Correspondence

---

**CENTURY STATION Case #013-07722-2171-013 Correspondence**

*Lab Case #13-001205*

**Date:** 05/05/2015 16:00

**User:** MARIANN SHEA

**Type:** Case Conferencing

Returned I/O's call requesting case status. I told her the case had just been assigned to me and I would process it as soon as possible, estimating 30 days. I asked her to clarify case details: S/ allegedly had his own gun and grabbed Deputy's gun. S/ was shot and killed. Family of S/ is suing the county. Looking for S/ DNA on Deputy's gun and S/ DNA on alleged S/s gun because family believes the S/ gun was planted. I/O will submit Deputy reference.

---

08 / 27 / 2015

**Shea, Mariann D.**

---

**From:** Bernstein, Teri L.  
**Sent:** Thursday, May 07, 2015 7:56 AM  
**To:** Shea, Mariann D.  
**Subject:** Re: 013-07722-2171-013

Yes do what you need to to complete request. Also. I am working on getting Deputy ref sample today

Sent from my iPhone

> On May 7, 2015, at 07:54, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>

> Hi Detective,

> One thing I forgot to mention when we spoke on the phone the other day...

> In order to have the best chance at developing a DNA profile from the evidence, I may need to consume the entire swab that was submitted.

> This means that none will be left for retesting should the defense request it after I have completed my analysis. I will only consume it if I need to, but before I start I do need your permission to consume those swabs. Please let me know if I can proceed or if you have any questions.

>

>

> Thank you,

> Mariann D. Shea, F-ABC

> Senior Criminalist

> LASD/Biology

> 323-267-6156

08 / 27 / 2015

**Shea, Mariann D.**

---

**From:** Bernstein, Teri L.  
**Sent:** Tuesday, May 26, 2015 11:35 AM  
**To:** Shea, Mariann D.  
**Subject:** Re: 013-07722-2171-013

No That is not the purpose for this testing. County counsel requesting this testing The purpose is to show the suspect grabbed Deputies gun. Nobody is requesting the testing of the other direction.

Sent from my iPhone

> On May 26, 2015, at 11:28, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>

> Ok. And since there is the allegation that the alleged suspect's weapon was planted, do I need to compare Deputy Barrios to that potential DNA?

>

> Thanks,  
> Mariann

>

>

> -----Original Message-----

> From: Bernstein, Teri L.

> Sent: Tuesday, May 26, 2015 11:28 AM

> To: Shea, Mariann D.

> Subject: Re: 013-07722-2171-013

>

> It was involved in the incident. But It was not touched by the suspect

>

> Sent from my iPhone

>

>> On May 26, 2015, at 11:26, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>

>> So Deputy Barrios' weapon was not involved in the incident and was therefore not submitted or swabbed?

>>

>> Thanks,  
>> Mariann

>>

>>

>> -----Original Message-----

>> From: Bernstein, Teri L.

>> Sent: Tuesday, May 26, 2015 11:12 AM

>> To: Shea, Mariann D.

>> Subject: Re: 013-07722-2171-013

>>

>> They are both victims. We could only list one. The then you are comparing it to belongs to Zabala.

>>

>> Sent from my iPhone

>>

>>> On May 26, 2015, at 11:00, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

08/27/2015

>>>  
>>> Hi,  
>>> The victim reference you submitted in this case was from Deputy Jason Zabala.  
>>> But on the lab receipts for the guns, the victim is listed as Deputy Oscar Barrios.  
>>> Could you please clarify?

>>>  
>>> Thanks,  
>>> Mariann

>>> -----Original Message-----  
>>> From: Bernstein, Teri L.  
>>> Sent: Monday, May 11, 2015 11:09 AM  
>>> To: Shea, Mariann D.  
>>> Subject: Re: 013-07722-2171-013

>>>  
>>> Beretta is deputy duty weapon. Sw is suspect

>>>  
>>> Sent from my iPhone

>>>> On May 11, 2015, at 11:05, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>>>  
>>>> One more question...  
>>>>  
>>>> Which gun belonged to the Deputy and to the decedent...  
>>>> There is a Beretta and a S&W.

>>>>  
>>>> Thank you,  
>>>> Mariann

>>>> -----Original Message-----  
>>>> From: Bernstein, Teri L.  
>>>> Sent: Monday, May 11, 2015 10:08 AM  
>>>> To: Shea, Mariann D.  
>>>> Subject: Re: 013-07722-2171-013

>>>>  
>>>> Dropped off | K679941

>>>>  
>>>> Sent from my iPhone

>>>>> On May 11, 2015, at 08:09, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>>>>  
>>>>> Great, thank you!

>>>>>  
>>>>> Thank you,  
>>>>> Mariann

>>>>> -----Original Message-----  
>>>>> From: Bernstein, Teri L.  
>>>>> Sent: Monday, May 11, 2015 8:07 AM

08/27/2015



>>>> To: Shea, Mariann D.  
>>>> Subject: Re: 013-07722-2171-013  
>>>>

>>>> I have the deputy ref sample and will be delivering to lab this morning hopefully by 10. I will send u lab # as soon as I get it. Thank u

>>>>  
>>>> Sent from my iPhone

>>>>  
>>>>> On May 7, 2015, at 07:54, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>>>>  
>>>>> Hi Detective,

>>>>> One thing I forgot to mention when we spoke on the phone the other day...

>>>>> In order to have the best chance at developing a DNA profile from the evidence, I may need to consume the entire swab that was submitted.

>>>>> This means that none will be left for retesting should the defense request it after I have completed my analysis. I will only consume it if I need to, but before I start I do need your permission to consume those swabs. Please let me know if I can proceed or if you have any questions.

>>>>>  
>>>>>  
>>>>> Thank you,  
>>>>> Mariann D. Shea, F-ABC  
>>>>> Senior Criminalist  
>>>>> LASD/Biology  
>>>>> 323-267-6156

>

08 / 27 / 2015

Report run on: May 1, 2015 10:57:19

**CASE INFORMATION**

Case Info (Yr-Seqno-RD : Org Agy : Inv Agy )	Code	Charge
<b>2013 - 07722 - 21 : CEN : CEN</b>	PC	245
Note	Type	PK=908176
	<b>CRIMINAL</b>	
File Numbers		
<b>URN 013-07722-2171-013</b>		

(No Associated cases for this Case)

**INVESTIGATORS**

<i>Last Name</i>	<i>First Name</i>	<i>Middle Name</i>	<i>Emp No</i>	<i>Phone</i>
<b>PEYTON/BARRON</b>				<b>323-890-5500</b>
<i>Note</i>			<i>E Mail Addr</i>	
<b>BERNSTEIN</b>				<b>323-890-5500</b>
<i>Note</i>			<i>E Mail Addr</i>	

**SUBJECTS**

<i>Last Name</i>	<i>First Name</i>	<i>Middle Name</i>	<i>Sex</i>	<i>Coroner's No</i>	<i>DOB</i>
<b>LAFFITTE</b>	<b>TERRY</b>				
<i>Note</i>					

**VICTIMS**

<i>Last Name</i>	<i>First Name</i>	<i>Middle Name</i>	<i>Sex</i>	<i>Coroner's No</i>	<i>DOB</i>
<b>BARRIOS</b>	<b>OSCAR</b>				
<i>Note</i>					

**DOCUMENTS**

DOC ID **21915** Description **OIS-LASD/HOMICIDE-BIOLOGY**

Location **15-NOV-2013 13:13 -- PRC - BIOLOGY - BIOLOGY CABINET**

Photo Lab Work Associated with this Case

**Lab Receipts (without transactions)**

<b>Receipt No</b>	<b>From</b>	<b>Date In</b>	<b>Status:</b>
-------------------	-------------	----------------	----------------

**LAB RECEIPTS (with transactions)**

<b>03 JUN 2013</b>	<b>HOM</b>	<b>A</b>	<b>PRC</b>	<b>EVIDENCE</b>	<b>EVID 7</b>
Description: <b>SAMPLES FROM BERETTA</b>					

Notes:

08/27/2015

**K367349**

Report run on: May 1, 2015 10:57:19

**LAB RECEIPTS (with transactions)**

**K382982** 17 MAY 2013 HOM C1 PRC EVIDENCE FILE 1  
Description: EV 3 FIRED CARTRIDGE CASE, EV 4 FIRED CARTRIDGE CASE, EV 7 FIRED BULLET

Notes:

**K382983** 19 MAY 2013 HOM C1 PRC EVIDENCE FILE 1  
Description: FIREARM S&W .38 SPL REVOLVER 5 SHOT W/ BLK PLASTIC GRIP S/N 04143

Notes:

**K382984** 19 MAY 2013 HOM C1 PRC EVIDENCE FILE 1  
Description: BB GUN "PHANTOM" BLK PLASTIC W/ MAG CONT BBs

Notes:

**K382985** 17 MAY 2013 HOM C1 PRC EVIDENCE FILE 1  
Description: BERETTA 92 FS 9MM S/N 48908 W/MAG WITH LIVE CARTRIDGES

Notes:

**K382986** 17 MAY 2013 HOM C1 PRC EVIDENCE FILE 1  
Description: BERETTA 92FS 9MM S/N BER117893, W/MAG WITH LIVE CARTRIDGES

Notes:

**K387898** 05 NOV 2013 HOM A PRC EVIDENCE EVID 7  
Description: GUN SWABS

Notes:

**K508989** 28 MAY 2013 HOM C1 PRC EVIDENCE FILE 1  
Description: Test fires from a Beretta, model 92FS, 9mm Luger caliber semiautomatic pistol with serial #BER487908.

pistol lab receipt #K382985

Notes:

**K508994** 06 JUN 2013 HOM C1 PRC EVIDENCE FILE 1  
Description: Test fires generated from a Beretta, model 92FS, 9mm Luger caliber semiautomatic pistol. Serial #BER117893  
Pistol lab receipt K382986

Notes:

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Report run on: May 1, 2015 10:57:19

**LAB RECEIPTS (with transactions)**

**K513783**      20 MAY 2013   CEN      C1      CENTURY      EVIDENCE      FILE 1  
Description: CLEAR PLASTIC BAGGIE CONT A GRN LEAFY SUBS RESEM MARIJUANA

Notes:

**K667859**

20 MAR 2015   HOM      A      PRC      EVIDENCE      BIO-BX 84  
Description: S/ REF. SAMPLE CORONER BLOOD CARD

Notes:

(No Active, Pending Tasks associated with this Case)

**COMPLETED TASKS**

Task ID	Task Category	Task	Queue	Date Created	Status	Due Date
936917	NARCOTICS	NARCOTICS		21-MAY-2013 06:57	C	21-MAY-2013 06:57

Note on Task

Receipt(s)      Assigned to  
**K513783**      ejting CENTURY ANALYST

Results

**On or about the above date, I examined the item(s) submitted under this laboratory receipt number and formed the following opinion:**

**One container enclosed 1.04 grams of plant material containing marijuana.**

**I replaced the remaining items into the original outer container and sealed it for return to the submitting agency.**

Task ID	Task Category	Task	Queue	Date Created	Status	Due Date
937482	FIREARMS	FUNC CHECK		23-MAY-2013 09:00	C	31-MAY-2013 15:45

Note on Task **Detective Bernstein, LASD Homicide, requests test fire / function test on Deputy firearm from DIS.**

**OK to release to Century Station upon completion.**

**Note: Second Deputy firearm under K382986 will need test fire / function test after prints and DNA are complete (attempted gun take-away scenario).**

**jpc 2013-05-23**

Receipt(s)      Assigned to  
**K382985**      pteramo FIREARMS ANALYST

Results

08 / 27 / 2015

Report run on: May 1, 2015 10:57:19

**COMPLETED TASKS**

Task ID	Task Category	Task	Queue	Date Created	Status
937483	FIREARMS	FUNC CHECK		23-MAY-2013 09:00	C 12-JUN-2013 17:15

*Due Date*

Note on Task **Detective Bernstein, LASD Homicide, requests test fire / function test on Deputy firearm from DIS.**

**Firearm needs prints and DNA prior to firearms exam (attempted gun take-away scenario). Strouzer & Yoshii notified 05/23/2013.**

**Per Bernstein, OK to release to Century Station upon completion.**

**Note: Second Deputy firearm under K382985 submitted for test fire / function test only.**

**jpc 2013-05-23**

Receipt(s)  
**K382986**

Assigned to  
pteramio FIREARMS ANALYST

Results

Task ID	Task Category	Task	Queue	Date Created	Status
938719	FIREARMS	SAFETY		31-MAY-2013 10:00	C 31-MAY-2013 10:09

*Due Date*

Note on Task **Safety chk listed firearms**

Receipt(s)  
**K382983**  
**K382984**

Assigned to  
inchavez FIREARMS ANALYST

Results

Task ID	Task Category	Task	Queue	Date Created	Status
939936	IDENT	CHEM PRG		06-JUN-2013 08:00	C 06-JUN-2013 08:05

*Due Date*

Note on Task

Receipt(s)  
**K382986**

Assigned to  
agstrouz IDENT ANALYST

Results

- One item was processed.**
- No prints were developed.**
- One item processed was a firearm.**

08 / 27 / 2015

Report run on: May 1, 2015 10:57:19

**COMPLETED TASKS**

Task ID	Task Category	Task	Queue	Date Created	Status
940242	IDENT	CHEM PRC		07-JUN-2013 10:00	C 07-JUN-2013 10:44

*Due Date*

Note on Task

Receipt(s)  
K382983

Assigned to  
tcromo IDENT ANALYST

Results

**One item was processed.**

**No prints were developed.**

**of the items processed was a firearm.**

Task ID	Task Category	Task	Queue	Date Created	Status
944238	IDENT	CHEM PRC		28-JUN-2013 13:00	C 28-JUN-2013 01:32

*Due Date*

Note on Task

Receipt(s)  
K382984

Assigned to  
majohnso IDENT ANALYST

Results

**4 items were processed.**

**Of the items one processed was a BB gun.**

**No prints were developed.**

Task ID	Task Category	Task	Queue	Date Created	Status
962317	FIREARMS	FUNC CHECK		09-OCT-2013 05:00	C 26-NOV-2013 16:01

*Due Date*

Note on Task **Detective Ferguson, LASD Homicide, requests test fire & function test examination on suspect firearm from DIS.**

**Prints completed, but DNA pending. Yoshii notified by JPC 2013-10-09.**

**Teramoto performed prior function test on Deputy pistols (x2).**

**jpc 2013-10-09**

**Update by JPC 2013-11-05: DNA now complete (as is Chemical) and firearm available for exam.**

Receipt(s)  
K382983

Assigned to  
pteramo FIREARMS ANALYST

Results

08 / 27 / 2015



**Los Angeles County Sheriff's Department  
Forensic Examination Checklist**

Agency: DET-HOMICIDE BUREAU

URN: 013-07722-2171-013

Section: Biology

Report Number: 2

Examiner: Gregory Wong

**ANALYSIS REVIEW CHECKLIST**

	<u>ANALYST</u>	<u>TECH REVIEW</u>	<u>ADMIN REVIEW</u>
Employee #	437800	218140	260262
Date	11/05/13	11/08/13	11/14/13
Chain of evidence documented - including work product if applicable	Yes	Yes	Yes
Evidence described	Yes	Yes	Yes
Lab notes clear, legible	Yes	Yes	Yes
Pages dated and initialed	Yes	Yes	Yes
All worksheets included	Yes	Yes	Yes
Reagents lot # / batch information recorded	Yes	Yes	Yes
EXTRACTION - Quality Control samples (QC/RB) extracted per set	Yes	Yes	
EXTRACTION - Extracted DNA Worksheet completed	Yes	Yes	
EXTRACTION - Microscopic exam of differential fractions documented when appropriate	Yes	Yes	
QUANTITATION - Real Time PCR data in file	Yes	Yes	
AMPLIFICATION - Data completed/controls included	Yes	Yes	
ELECTROPHEROGRAMS - Printouts included or stored electronically	Yes	Yes	
REVIEW - Analysis Notes sheet completed	Yes	Yes	
ANALYSIS METHODS - Correct GMID Analysis setting used for each sample	Yes	Yes	
TABLE - Table matches electropherogram printouts	Yes	Yes	
INTERPRETATION - Notes/documentation of data analysis included	Yes	Yes	
STATISTICS - Population statistics printouts	Yes	Yes	
CODIS - Completed CODIS verification form	Yes	Yes	
Proper format, spelling, and grammar checked	Yes	Yes	Yes
Final report accounts for each specimen received	Yes	Yes	Yes
All significant exams in notes included in report	Yes	Yes	Yes
Analytical methods and Amplification Kit included in report	Yes	Yes	Yes
Assumptions regarding the number of contributors stated when appropriate	Yes	Yes	Yes
Statistical calculations given for probative samples (note loci included in calculation)	Yes	Yes	Yes
Conclusion(s) consistent with results	Yes	Yes	Yes
Disposition of evidence documented	Yes	Yes	Yes
Analyst's Initials (on all pages, cross outs, write overs, insertions)	Yes	Yes	Yes
Export GMID-X project to N: drive	Yes		

08/27/2015

Analyst Review

Technical Review

Admin Review

*Gregory Wong*

*Steve Renteria*

*Beverly A. Kerr*

Gregory Wong  
Senior Criminalist

Steve Renteria  
Senior Criminalist

Beverly Kerr  
Supervising Criminalist

Date Printed 11/14/13



**Los Angeles County Sheriff's Department**  
Scientific Services Bureau - Forensic Biology Section  
1800 Paseo Rancho Castilla  
Los Angeles, California 90032  
Telephone: (323) 267-6110  
Fax: (323) 276-1962

**Lab Case Number: 13-001205**

013-07722-2171-013

DET-HOMICIDE BUREAU

Case Type: Other

Charge: 245(D)(1)PC-F

Officer: Terri Bernstein

Date Received: 5/31/13

Date of Offense: 5/19/13

Contact Info:

Email:

Lab Receipt #	Lab Item #	Field #	Item Type	Description	Service Requests
K382986	1		FA	Firearm	General Biology Screen
	1.1		FA	Firearm Beretta 92FS pistol, serial #BER117893	
	1.1.1		FA	Firearm Sample from Beretta pistol	
	1.1.2		FA	Firearm Sample from Beretta pistol	
	1.2		FA	Firearm Empty magazine	
	1.3		FA	Firearm 15 cartridges	
K382983	2		FA	Firearm S&W .38 SPL 5-shot revolver, S/N 04143	General Biology Screen

**Case Notes:**

The S/ allegedly grabbed the barrel of the Deputy's gun, however, the S/ was shot at close range. Examine the barrel of the gun for blood and if not found, swab for touch.

08 / 27 / 2015





Los Angeles County Sheriff's Department -- Scientific Services Bureau  
**TRANSACTIONS with STAFF ASSIGNMENT**

Deposited by PK

Received by o

Session: 2389705    Staff: dcolbert    Date: 04-NOV-2013 11:24:05

Today's Dat: 04-NOV-2013 11:25:00

Assigned to: **Wong, Gregory**

ua-asgnd 11659

Location: **PRC-BIOLOGY-BIO GKW**

Work Unit: **BIOLOGY-IN-BIOLOGY**



	LRN	Custody Date	From	Transaction Dat
1	<b>K382983</b>	19-MAY-2013	HOM	04-NOV-2013 11:24

08/27/2015

B



**Los Angeles County Sheriff's Department  
Forensic Examination Checklist**

Agency: DET-HOMICIDE BUREAU

URN: 013-07722-2171-013

Section: Biology

Report Number: 1

Examiner: Gregory Wong

**ANALYSIS REVIEW CHECKLIST**

	<u>ANALYST</u>	<u>TECH REVIEW</u>	<u>ADMIN REVIEW</u>
Employee #	437800	218140	456824
Date	06/25/13	07/01/13	07/02/13
Chain of evidence documented - including work product if applicable	Yes	Yes	Yes
Evidence described	Yes	Yes	Yes
Lab notes clear, legible	Yes	Yes	Yes
Pages dated and initialed	Yes	Yes	Yes
All worksheets included	Yes	Yes	Yes
Reagents lot # / batch information recorded	Yes	Yes	Yes
EXTRACTION - Quality Control samples (QC/RB) extracted per set	Yes	Yes	
EXTRACTION - Extracted DNA Worksheet completed	Yes	Yes	
EXTRACTION - Microscopic exam of differential fractions documented when appropriate	Yes	Yes	
QUANTITATION - Real Time PCR data in file	Yes	Yes	
AMPLIFICATION - Data completed/controls included	Yes	Yes	
ELECTROPHEROGRAMS - Printouts included or stored electronically	Yes	Yes	
REVIEW - Analysis Notes sheet completed	Yes	Yes	
ANALYSIS METHODS - Correct GMID Analysis setting used for each sample	Yes	Yes	
TABLE - Table matches electropherogram printouts	Yes	Yes	
INTERPRETATION - Notes/documentation of data analysis included	Yes	Yes	
STATISTICS - Population statistics printouts	Yes	Yes	
CODIS - Completed CODIS verification form	Yes	Yes	
Proper format, spelling, and grammar checked	Yes	Yes	Yes
Final report accounts for each specimen received	Yes	Yes	Yes
All significant exams in notes included in report	Yes	Yes	Yes
Analytical methods and Amplification Kit included in report	Yes	Yes	Yes
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Analyst's Initials (on all pages, cross outs, write overs, insertions)	Yes	Yes	Yes
Export GMID-X project to N: drive	Yes		

Analyst Review

Technical Review

Admin Review

08/27/2013 01:05

*Gregory Wong*

*Steve Renteria*

*Sean Yoshii*

Gregory Wong  
Senior Criminalist

Steve Renteria  
Senior Criminalist

Sean Yoshii  
Supervising Criminalist

Date Printed 07/02/13



Los Angeles County Sheriff's Department -- Scientific Services Bureau

TRANSACTIONS with STAFF ASSIGNMENT

Deposited by

*[Handwritten Signature]*

Received by

*[Handwritten Signature]*

Session: 2241679 Staff: dcolbert Date: 31-MAY-2013 10:26:37

Today's Dat: 31-MAY-2013 10:27:57

Assigned to: **Wong, Gregory**

ua-asgnd 11659

Location: **PRC-BIOLOGY-BIO GKW**

Work Unit: **BIOLOGY-IN-BIOLOGY**



	LRN	Custody Date	From	Transaction Dat
1	<b>K382986</b>	17-MAY-2013	HOM	31-MAY-2013 10:27

08 / 27 / 2015



Los Angeles County Sheriff's Department -- Scientific Services Bureau  
TRANSACTIONS

Deposited by AAJ

Received by (W)

Session: 2243390  
Staff: dcescobe  
Date: 04-JUN-2013 09:44:21

Today's Date: 04-JUN-2013 09:46:30

Location **PRC-CHEM PROC-CHEM AS**

Work Unit **IDENT-CHEM PROC**

**\*K382986D\***

LRN	Custody Date	From	Transaction Date
1 K382986	17-MAY-2013	HOM	04-JUN-2013 09:46

08 / 27 / 2015



Los Angeles County Sheriff's Department -- Scientific Services Bureau  
TRANSACTIONS with STAFF ASSIGNMENT

Deposited by AB

Received by GJ

Session: 2245567      Staff: agstrouz      Date: 05-JUN-2013 13:10:29

Today's Dat  
05-JUN-2013 13:11:11

Assigned to: **Wong, Gregory**

ua-asgnd 11659

Location: **PRC-BIOLOGY-BIO GKW**

Work Unit: **BIOLOGY-IN-BIOLOGY**



	LRN	Custody Date	From	Transaction Dat
1	K382986	17-MAY-2013	HOM	05-JUN-2013 13:10

08 / 27 / 2015





**Los Angeles County Sheriff's Department**  
Scientific Services Bureau - Forensic Biology Section  
1800 Paseo Rancho Castilla  
Los Angeles, California 90032  
Telephone: (323) 267-6110  
Fax: (323) 276-1962

---

Lab Case Number: **13-001205**

013-07722-2171-013

DET-HOMICIDE BUREAU

Case Type: Other

Charge: OIS

Officer: Terri Bernstein

Date Received: 5/31/13

Date of Offense: 5/19/13

Contact Info:

Email:

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Lab Receipt #	Lab Item #	Field #	Item Type	Description	Service Requests
K382986	1		FA	Firearm	General Biology Screen

---

**Case Notes:**

The S/ allegedly grabbed the barrel of the Deputy's gun, however, the S/ was shot at close range. Examine the barrel of the gun for blood and if not found, swab for touch.

08 / 27 / 2015



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08 / 27 / 2015



SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, UNLIMITED CIVIL CASE

RODONNA LAFFITTE, an individual, et )  
al., )

**ORIGINAL**

Plaintiff, )

vs. )

Case No. BC526786

COUNTY OF LOS ANGELES, a municipal )  
organization; LEROY BACA, )  
individually and in his Official )  
Capacity as Sheriff of Los Angeles )  
County; RANDY BARRAGAN, an )  
individual; DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )

Defendants. )

VIDEOTAPED DEPOSITION OF STEPHANIE MCMILLAN

Los Angeles, California

Wednesday, December 10, 2014

REPORTED BY:  
Jimmy S. Rodriguez  
CSR No. 13464

14:06 1 Q Did he take a gun out -- was that gun  
14:06 2 stored on one of his hips?  
14:07 3 A Yes.  
14:07 4 Q Do you want to take a break?  
14:07 5 A I'm okay.  
14:07 6 Q Was the gun that he took out on his right  
14:07 7 hip or left hip?  
14:07 8 A It was on the right side.  
14:07 9 Q Did he -- did you hear him say anything  
14:07 10 before he did that?  
14:07 11 A No.  
14:07 12 Q After he drew the gun, did he say  
14:07 13 anything?  
14:07 14 A No.  
14:07 15 Q Do you recall him saying anything at any  
14:07 16 point in time?  
14:07 17 A No.  
14:07 18 Q What you recall -- the deputy you recall  
14:07 19 saying something was the one with the hair?  
14:07 20 A Yes.  
14:07 21 Q When you were standing at Quincy's door,  
14:07 22 could you see the deputy with hair?  
14:07 23 A Yes.  
14:07 24 Q And was he still in the same location with  
14:07 25 his arm around your uncle's neck?

08 / 27 / 2015

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## 5-09/220.50 FOOT PURSUITS

### **POLICY**

It is the policy of the Sheriff's Department to assertively apprehend fleeing suspects in a manner that maximizes both public and Deputy safety, while giving due consideration to the Department's Use of Force Policy. Depending on the circumstances of an incident in which a suspect flees, Deputies and Security Officers are authorized either to pursue or coordinate a containment. Further references to "Deputy" personnel are also meant to reference Department "Security Officers."

Foot pursuits are inherently dangerous and require heightened officer safety awareness, keen perception, common sense, and sound tactics. It is the Department's position that, barring extenuating circumstances, surveillance and containment are the safest tactics for apprehending fleeing persons. Therefore, Deputies must initiate a radio broadcast with appropriate information within the first few seconds upon initiating a foot pursuit to ensure that adequate resources are coordinated and deployed to assist and manage the operation to a safe conclusion. The safety of Department personnel and the public is paramount and shall be the overriding consideration in determining whether or not a foot pursuit will be initiated or continued. Any doubt by participating Deputies or their supervisors regarding the overall safety of any foot pursuit shall be decided in favor of communication, coordination, surveillance, and containment.

Each provision of this policy is subject to emergency exceptions. However, the Deputy or supervisor who deviates from this policy will be solely responsible for explaining their actions. Common sense shall be the guiding factor in any decision to engage or not engage in a foot pursuit, as well as in any subsequent assessment of the decision made.

### **DEFINITIONS**

#### Foot Pursuit Defined

A foot pursuit is an attempt by a Department member to follow or track, on foot, a fleeing person who is attempting to avoid arrest, detention, or observation. Terms such as "chasing to follow," "moving containment," or other terms describing similar dynamic on-foot tactical operation shall be subject to the following procedures governing foot pursuits.

#### Partner Splitting Defined

"Partner splitting" during a foot pursuit occurs when loss of visual contact, distance, or obstacles, separates partners to a degree that they cannot immediately assist each other should a confrontation take place.

For the purposes of this policy, "partner splitting" does not pertain to lone Deputies assigned to static containment positions.

## PROCEDURES

### Multiple Deputy Foot Pursuits

When conducted by multiple Deputies, foot pursuits can be an appropriate and effective tactic. Should partner splitting occur for any reason, Deputies shall be subject to the provisions of "One-Person Foot Pursuits" outlined below.

### Initiating Deputies' Responsibilities

Deputy personnel initiating a foot pursuit shall broadcast the following information over the radio, using the dispatch frequency, to SCC within the first few seconds. If the Deputy is assigned and/or working at MTA, TSB, Parks Bureau, Court Services, Custody Division, or County Services Bureau, the information shall be broadcast using their home radio frequency. If a Unit's home radio frequency is not monitored by SCC, their Unit's Desk personnel shall relay the information over the SCC Access channel. Desk personnel shall also coordinate communications between the Deputies involved and the nearest field resource (LASD patrol Station or Police Agency).

- unit identifier or name of Deputy in pursuit;
- suspect location and direction;
- reason for the foot pursuit;
- suspect description; and
- whether or not the suspect is armed, if known.

Barring extenuating circumstances, if a Deputy is unable to promptly and successfully broadcast this information, the foot pursuit shall be terminated and containment immediately established. The initiating Deputy shall be in field command and bears operational responsibility for the foot pursuit unless relieved by a supervisor.

### One-Person Foot Pursuits

One-person foot pursuits and the splitting of partners during foot pursuits present additional dangers to the Deputies involved. The decision to pursue must weigh the dangers of the pursuits against the necessity to apprehend.

If a lone Deputy initiates a foot pursuit, the objective of the pursuit shall be to apprehend by use of a containment, subject to valid emergency exceptions.

Should the decision to initiate a one-person foot pursuit occur, the Deputy shall adhere to the following guidelines which include but are not limited to:

- do not attempt to close and apprehend but maintain visual contact only;
- do not continue to pursue if visual confirmation is compromised;
- do not chase a suspect into a building;
- should a containment be established and the suspect is within the containment, termination of the foot pursuit should be considered; and
- should communication with SCC be lost, the pursuing Deputy shall immediately terminate the pursuit.

05 / 27 / 2015

This policy does not restrict Deputy Sheriffs in their mission of apprehending violators of the law. The policy also does not mandate that Deputy Sheriffs put themselves at undue risk and pursue in every situation.

#### Field Sergeant or Court Services Branch Supervisor Responsibilities

As with any tactical incident, the Sergeant or Court Services Branch Supervisor does not have to be physically present to assert control over the situation and may order the termination of the pursuit based upon information received. In subsequent reviews for policy compliance, supervisory personnel shall be prepared to clearly articulate the circumstances which supported their decision to terminate, or to allow the continuation of, a foot pursuit.

The Sergeant or Branch Supervisor shall immediately respond to the terminus of the foot pursuit, oversee post-foot pursuit discipline, and assert control as needed. The Sergeant or Branch Supervisor will ensure compliance with all Department policies, specifically those relating to the use of force.

#### Watch Commander or Court Services Area Lieutenant Responsibilities

The Watch Commander or Court Services Area Lieutenant shall be in overall command of the operation. This command responsibility shall include all Department personnel involved in the foot pursuit. If the Court Services Area Lieutenant is not available, command responsibility shall be assigned to the next available individual who is below him/her in the Court Services Area rank structure.

The Station/Unit Watch Commander shall respond to the desk area and immediately take command either by establishing "cold line" communications with the SCC Watch Sergeant or via Station/Unit transmitting capabilities. Station/Unit Watch Commanders shall make a decision based upon their assessment of the information received regarding the continuation or termination of the foot pursuit. In subsequent reviews for policy compliance, Watch Commanders shall be prepared to clearly articulate the circumstances which supported their decision.

Should the Watch Commander be in the field during a foot pursuit, they may authorize the Watch Sergeant to assume operational control of the incident from the desk. This does not alleviate the Watch Commander's overall responsibility for the pursuit.

#### SCC Responsibility

Upon the initiation of a foot pursuit by a Deputy, SCC shall immediately place the broadcasting Deputy on the duplex patch and request an Aero Bureau Unit. Coordination of resources to assist the Deputy is of paramount importance.

If Deputy personnel not assigned to a Patrol Station initiate a foot pursuit, and the pursuit is within an area patrolled by the Sheriff's Department, the SCC Watch Sergeant shall notify the Watch Commander of the nearest Station. If the pursuit is not in an area patrolled by the Sheriff's Department, SCC shall coordinate a response from, and notify the Police Agency who patrols the area where the pursuit is taking place. The Sergeant or Lieutenant from the Unit of the pursuing Deputy shall identify him/herself via radio and continue command of the incident. If no supervisor is on scene, the Watch Commander of the closest Station shall assume immediate command of the operation.

## Detective Division Personnel

Detective Division personnel routinely engage in surveillance and fugitive apprehension operations. This policy does not apply to counter-surveillance or detection avoidance activities by suspects or persons under surveillance. The policy does apply to situations in which a suspect is actively fleeing from immediate arrest, detention, or continued observation by pursuing investigators.

Should Detective Division Investigators become involved in a foot pursuit that requires assistance beyond those resources already involved and at scene, the team's designated radio operator will advise SCC via a SCC-monitored frequency. SCC shall notify the Watch Commander of the nearest station who will facilitate the response of assisting units. The Detective Division Sergeant or Lieutenant on scene will identify him/herself via radio and continue command of the incident. If no Detective Division supervisor is on scene, the Watch Commander of the closest station will assume command of the operation.

## **EVALUATION AND REPORTING**

All foot pursuits shall be debriefed. It shall be the responsibility of the Watch Commander or Court Services Area Lieutenant supervising the foot pursuit to conduct a debriefing of the incident with all personnel involved. The debriefing may be conducted by the Field Sergeant or Branch Supervisor and discussed with the Watch Commander or Court Services Area Lieutenant who will document the debriefing in the Foot Pursuit Database. Watch Commanders or Court Services Area Lieutenant shall ensure that Field Supervisors or Branch Supervisors discuss debriefed foot pursuits at regular Unit briefings. The Foot Pursuit Database printout shall be forwarded to the Unit Commander for his/her review.

If the foot pursuit is an integral part of a force or shooting incident being handled by the Internal Affairs Bureau (IAB) Force/Shooting Response Team, the Executive Force Review Committee shall be responsible for determining whether or not the foot pursuit was within policy. The Watch Commander or Court Services Area Lieutenant shall complete the Department Foot Pursuit Evaluation Form and immediately submit the form and other pertinent documents and audio files to the IAB Force/Shooting Response Team handling the incident.

**Revised 12/12/13**

**Revised 01/27/13**

**Revised 10/05/04 (effective 11/01/04)**

08 / 27 / 2015



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08 / 27 / 2015



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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RODONNA LAFFITTE, an )  
individual, et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 ) Case No.  
 ) BC526786  
COUNTY OF LOS ANGELES, a )  
municipal organization; LEROY )  
BACA, individually and in his )  
Official Capacity as Sheriff of )  
Los Angeles County; RANDY )  
BARRAGAN, an individual; )  
DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )  
 )  
Defendants. )  
 )

DEPOSITION OF  
DEFENDANT COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT  
BY AND THROUGH MARI JOHNSON  
LOS ANGELES, CALIFORNIA  
JULY 17, 2015

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com  
REPORTED BY: WILLIAM K. McDONALD, CSR NO. 11745  
JOB NO.: A90802A

08 / 27 / 2015

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RODONNA LAFFITTE, an )  
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Official Capacity as Sheriff of )  
Los Angeles County; RANDY )  
BARRAGAN, an individual; )  
DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )  
 )  
Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF DEFENDANT COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT BY AND THROUGH MARI JOHNSON, taken  
on behalf of Plaintiffs, at 5670 Wilshire Boulevard,  
Suite 1450, Los Angeles, California, commencing at 10:12  
a.m., Friday, July 17, 2015, before William K. McDonald,  
CSR No. 11745.

08 / 27 / 2015

A P P E A R A N C E S

FOR PLAINTIFFS:

McMURRAY HENRIKS, LLP  
BY: RANDY H. McMURRAY, ESQ.  
5670 Wilshire Boulevard  
Suite 1450  
Los Angeles, California 90036  
323.931.6200

FOR DEFENDANTS:

IVIE, McNEILL & WYATT  
BY: JENNIFER R. JACOBS, ESQ.  
444 South Flower Street  
Suite 1800  
Los Angeles, California 90071  
213.489.0028

ALSO PRESENT:

TERRY HANSON (Videographer)

08 / 27 / 2015

EXAMINATION

10:41

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BY MR. McMURRAY:

Q I do.

But this -- you didn't even find smudges or partials on either -- on the BB gun; correct?

10:41

A Correct.

Q If partials or smudges were found on the .38 special, that would have been documented as the person most knowledgeable; correct?

A Yes.

10:41

Q Okay. Now, the black metal magazine -- where in the BB gun was that located?

A It was turned in with the BB gun. I can't remember if it was inserted into the BB gun or separate.

Q You don't recall having taken it out of the BB gun yourself?

10:42

A I can't remember the processing of the gun.

Q Was the black metal magazine a relatively smooth surface?

A Unless noted, it would have been.

10:42

Q Okay. And the silver CO2 cartridge -- where was that in the BB gun?

A I can't remember if it was actually -- and if I removed it or it was already removed.

Q Okay. But that also would have been a smooth

10:42

08/27/2015

08 / 27 / 2015

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

RODONNA LAFFITTE, an )  
individual, et al., )

Plaintiffs, )

vs. )

) Case No.  
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COUNTY OF LOS ANGELES, a )  
municipal organization; LEROY )  
BACA, individually and in his )  
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DEPUTY CARDENAS, an )  
individual; and DOES 1-25, )  
inclusive, )

Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF  
DEFENDANT COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

BY AND THROUGH MARIANN SHEA

LOS ANGELES, CALIFORNIA

JULY 24, 2015

ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376  
www.depo.com

REPORTED BY: WILLIAM K. McDONALD, CSR NO. 11745

JOB NO.: A9083D7

08 / 27 / 2015

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

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 )  
Defendants. )  
\_\_\_\_\_ )

Case No.  
BC526786

DEPOSITION OF DEFENDANT COUNTY OF LOS ANGELES  
SHERIFF'S DEPARTMENT BY AND THROUGH MARIANN SHEA, taken  
on behalf of Plaintiffs, at 5670 Wilshire Boulevard,  
Suite 1450, Los Angeles, California, commencing at 10:27  
a.m., Friday, July 24, 2015, before William K. McDonald,  
CSR No. 11745.

08/27/2015

A P P E A R A N C E S

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FOR PLAINTIFFS:

McMURRAY HENRIKS, LLP  
BY: RANDY H. McMURRAY, ESQ.  
5670 Wilshire Boulevard  
Suite 1450  
Los Angeles, California 90036  
323.931.6200

FOR DEFENDANTS:

IVIE, McNEILL & WYATT  
BY: JENNIFER R. JACOBS, ESQ.  
444 South Flower Street  
Suite 1800  
Los Angeles, California 90071  
213.489.0028

ALSO PRESENT:

CURTIS FRYE (Videographer)

08 / 27 / 2015



**Shea, Mariann D.**

---

**From:** Bernstein, Teri L.  
**Sent:** Tuesday, May 26, 2015 11:35 AM  
**To:** Shea, Mariann D.  
**Subject:** Re: 013-07722-2171-013

No That is not the purpose for this testing. County counsel requesting this testing The purpose is to show the suspect grabbed Deputies gun. Nobody is requesting the testing of the other direction.

Sent from my iPhone

> On May 26, 2015, at 11:28, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>

> Ok. And since there is the allegation that the alleged suspect's weapon was planted, do I need to compare Deputy Barrios to that potential DNA?

>

> Thanks,  
> Mariann

>

>

> -----Original Message-----

> From: Bernstein, Teri L.

> Sent: Tuesday, May 26, 2015 11:28 AM

> To: Shea, Mariann D.

> Subject: Re: 013-07722-2171-013

>

> It was involved in the incident. But It was not touched by the suspect

>

> Sent from my iPhone

>

>> On May 26, 2015, at 11:26, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>

>> So Deputy Barrios' weapon was not involved in the incident and was therefore not submitted or swabbed?

>>

>> Thanks,  
>> Mariann

>>

>>

>> -----Original Message-----

>> From: Bernstein, Teri L.

>> Sent: Tuesday, May 26, 2015 11:12 AM

>> To: Shea, Mariann D.

>> Subject: Re: 013-07722-2171-013

>>

>> They are both victims. We could only list one. The then you are comparing it to belongs to Zabala.

>>

>> Sent from my iPhone

>>

>>> On May 26, 2015, at 11:00, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>>

>>>

>>>  
>>> Hi,  
>>> The victim reference you submitted in this case was from Deputy Jason Zabala.  
>>> But on the lab receipts for the guns, the victim is listed as Deputy Oscar Barrios.  
>>> Could you please clarify?

>>>  
>>> Thanks,  
>>> Mariann

>>> -----Original Message-----  
>>> From: Bernstein, Teri L.  
>>> Sent: Monday, May 11, 2015 11:09 AM  
>>> To: Shea, Mariann D.  
>>> Subject: Re: 013-07722-2171-013

>>>  
>>> Beretta is deputy duty weapon. Sw is suspect

>>>  
>>> Sent from my iPhone

>>>> On May 11, 2015, at 11:05, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>>>  
>>>> One more question...  
>>>>  
>>>> Which gun belonged to the Deputy and to the decedent...  
>>>> There is a Beretta and a S&W.

>>>>  
>>>> Thank you,  
>>>> Mariann

>>>> -----Original Message-----  
>>>> From: Bernstein, Teri L.  
>>>> Sent: Monday, May 11, 2015 10:08 AM  
>>>> To: Shea, Mariann D.  
>>>> Subject: Re: 013-07722-2171-013

>>>>  
>>>> Dropped off | K679941

>>>>  
>>>> Sent from my iPhone

>>>>> On May 11, 2015, at 08:09, Shea, Mariann D. <[mdshea@lasd.org](mailto:mdshea@lasd.org)> wrote:

>>>>>  
>>>>> Great, thank you!

>>>>>  
>>>>> Thank you,  
>>>>> Mariann

>>>>> -----Original Message-----  
>>>>> From: Bernstein, Teri L.  
>>>>> Sent: Monday, May 11, 2015 8:07 AM

08/27/2015