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10 **Kern County Sheriff's Department, Scott**

11 **Wall, Daniel Willis & Dennis Coffee**

12 **UNITED STATES DISTRICT COURT**

13 **EASTERN DISTRICT OF CALIFORNIA**

14 **M.M., a minor, by and through her**
15 **guardian DAVID EVANKOVICH,**

16 **Plaintiff,**

17 **vs.**

18 **COUNTY OF KERN; KERN COUNTY**
19 **SHERIFF'S DEPARTMENT; SCOTT**
20 **WALL; DANIEL WILLIS; DENNIS**
21 **COFFEE; and DOES 1 through 100,**
22 **Inclusive,**

23 **Defendants.**

24 **) CASE NO. 1:16-CV-00376-DAD-JLT**

25 **) STIPULATION THAT THE VIDEO (#PM5)**

26 **) IS AUTHENTIC AND MAY BE USED AS**

27 **) EVIDENCE WITHOUT FURTHER**

28 **) AUTHENTICATION AND/OR**

) FOUNDATION; [PROPOSED] ORDER

) (Doc. 29)

21 **COME NOW** the Parties in this matter, Plaintiff M.M., a minor, by and through her
22 guardian David Evankovich (hereinafter "Plaintiff") and Defendants, County of Kern, Kern
23 County Sheriff's Office, Scott Wall, Daniel Willis and Dennis Coffee (hereinafter collectively
24 "County Defendants") (hereinafter Plaintiff and Defendants are collectively the "Parties"), by
25 and through their respective attorneys of record, and present this Stipulation that the video of
26 the Incident, shot by an unknown source that requested anonymity, but was provided to Channel
27 17 News in an unedited version, is authentic video, and thereby respectfully agree to a Court

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1 Order that the video is authentic and may be used at trial without further authentication
2 and/or foundation.

3 **THE PARTIES FIND AND AGREE AS FOLLOWS:**

4 1. Whereas, the Parties acknowledge that Kern County Sheriff's Office (hereinafter
5 "KCSO") Report SR15-19003, page 61 of 73, states:

6 ***PHYSICAL EVIDENCE:***

7 *Item #PM5. One compact disc containing cell phone video footage.*

8 ***CHAIN OF EVIDENCE:***

9 *A cell phone video of the incident being investigated in this case was provided to*
10 *the Channel 17 news by a citizen whom wished to remain anonymous. SUZANNE*
11 *SULLIVAN of the Channel 17 news station provided the Kern County Sheriff's*
12 *Department's Public Information Officer RAY PRUITT a copy of the video.*
13 *PRUITT gave the copy to me which I kept in my care and custody until I booked it*
14 *as evidence into the property room.*

15 ***DETAILS:***

16 *On 7/27/15 Channel 17 news aired a video on the 11 o'clock news of the officer*
17 *involved shooting which occurred on 7/24/15 at Standard Park. The video was*
18 *given to the news by a bystander who was at the park when the incident took*
19 *place. The person requested his/her identity not be revealed. The video aired on*
20 *the news was obviously edited.*

21 *On 7/28/15 I spoke with RAY PRUITT (Public Information Officer) and requested*
22 *he contact Channel 17 news in an attempt to gain a copy of the unedited version*
23 *of the video for evidentiary purposes.*

24 *At about 1530 hours on 7/28/15 PRUITT provided me a compact disc which*
25 *contained the video footage which was given to Channel 17 news.*

26 *The video appeared to be unedited. PRUITT said SUZANNE SULLIVAN of*
27 *Channel 17 gave him the disc at 1450 hours on this date. I kept the disc in my*
28 *care and custody until I booked it as evidence into the property room.*

2. Whereas, the subject unedited version of the video portion of the subject Video
was received by KCSO from the television station and booked into evidence as Item #PM5 and
has been made available to all Parties in this matter;

3. Whereas, counsel for all Parties have viewed the video portion of the subject
Video, and have met and conferred regarding the authenticity of the subject Video; and

4. Whereas, counsel for the parties have concluded the video portion of the subject
Video is authentic and accurately reflects the incident events which were recorded on the
subject Video;

