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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHAWNA BROWN, et al.,

Plaintiffs,

v.

WESLEY GRINDER, et al.,

Defendants.

Civ. No. 2:13-cv-01007-KJM-KJN

FINAL PRETRIAL ORDER

On March 22, 2019, the court conducted a final pretrial conference. Benjamin Nisenbaum appeared for plaintiffs; Mark Berry appeared for defendants.

After hearing, and good cause appearing, the court makes the following findings¹ and orders:

JURISDICTION/VENUE

Jurisdiction is predicated on 28 U.S.C. § 1331. Jurisdiction and venue are not contested.

JURY/NON-JURY

Both parties demand trial by jury.

¹ The court's findings are based on the parties' joint pretrial conference statement, ECF No. 90, and clarifications at the conference. When necessary for clarity, the court has modified the parties' language. The court acknowledges that defendants submitted a separate pretrial statement. The court relies only on the parties' joint statement here.

1 UNDISPUTED FACTS

2 In their joint pretrial statement, the parties identified “undisputed facts” and
3 “undisputed core facts,” Jt. St., ECF No. 90, at 2 & 33, which the court has consolidated and
4 edited for clarity as follows:

5 - On April 6, 2012 at approximately 7:30 p.m., defendants WESLEY GRINDER
6 and RYAN TAIARIOL, uniformed CITY OF STOCKTON police officers in a marked Stockton
7 Police Department patrol car, initiated a car stop on a 2008 Toyota driven by the decedent
8 LUTHER BROWN.

9 - BROWN, who was on searchable probation, submitted to a search of his person
10 and then fled on foot before officers could search his car. Defendants pursued BROWN.

11 - Officer TAIARIOL chased BROWN on foot while Officer GRINDER moved the
12 patrol car to the area of the foot chase.

13 - During the foot chase, BROWN attempted to scale a wooden fence separating
14 two residences near the scene of the car stop. A struggle ensued in which Officer Grinder struck
15 Mr. Brown with his baton several times in the right arm, breaking his right arm; Officer Taiariol
16 punched Mr. Brown in the head five (5) or six (6) times and attempted a carotid restraint on Mr.
17 Brown, and Officer Grinder fired his gun and shot Mr. Brown nine (9) times, killing him.

18 - Plaintiffs are BROWN’s mother, wife and children.

19 DISPUTED FACTUAL ISSUES

20 Plaintiffs identify the following disputed factual issues:

21 - The seriousness of the crime for which Brown was stopped for, and from which he fled;
22 - The amount of force defendants used initially in detaining Brown after the chase,
23 including the location of blows to Brown’s head and breaking of his arm with a baton;

24 - Whether defendants used excessive force against Brown in detaining him after the chase,
25 prior to shooting him;

26 - How extensive, and how effective the use of force against Brown was prior to defendant
27 Grinder’s shooting him;

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- 1 - Whether Brown had been disabled or subdued by defendants prior to being shot and
2 killed;
- 3 - The effect of the carotid restraint on Brown prior to being shot and killed;
- 4 - The extent of Brown's resistance against defendants once they caught up with him after
5 the chase;
- 6 - The extent, or lack of, any injuries to defendants that would corroborate their claims that
7 Brown assaulted them;
- 8 - Whether Brown ever took control of, or attempted to take control of, either officer's
9 baton or impact weapon, or attempted to strike either officer with a baton or impact weapon;
- 10 - Whether both officers had their guns drawn on Brown when he was shot and killed;
- 11 - Whether Brown had anything at all in his hands at any time, and in particular when he
12 was shot and killed;
- 13 - Whether Brown was fleeing from defendants when he was shot and killed;
- 14 - Whether defendant Grinder's conduct in shooting and killing Brown shocks the
15 conscience;
- 16 - Whether defendants' conduct was unreasonable in their use of force against Brown.

17 Defendants identify the following disputed² factual issues:

18 - On April 6, 2012, Grinder and Taiariol were working as partners for the Stockton Police
19 Department's Gang Street Enforcement Team or "GSET," which focuses on proactive
20 enforcement in high-crime areas.

21 - After learning Brown was on searchable probation, Grinder conducted a cursory search
22 of Brown's person and asked Brown to walk to the curb so Grinder could search Brown's car.

23 - After Brown fled westbound on Burlington Place, Taiariol pursued Brown on foot
24 through nearby yards. While running through nearby front yards, Brown attempted to scale a
25 fence separating two duplexes. Taiariol grabbed Brown as he was attempting to scale the fence.

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28 ² The court has omitted facts defendants separately identify as disputed where those facts only summarize the parties' jointly identified undisputed facts. *See* Jt. St. at 3-4.

1 At the fence, a struggle ensued.³ Taiariol tried to control Brown, but Brown pulled away.

2 Taiariol's efforts to control Brown were ineffective.

3 - While Taiariol was chasing Brown, Grinder drove his patrol vehicle into the front yard
4 of a duplex near the scene of the struggle. When Grinder reached the struggle, Brown was on the
5 ground and Taiariol was attempting to take Brown into custody. Taiariol was grabbing Brown by
6 the arms and trying to prevent his escape.

7 - Grinder also attempted gain control of Brown by physically putting Brown's hands
8 behind his back.

9 - Brown was shot only after he began striking Taiariol with a police baton. Grinder shot
10 Brown because Grinder feared for Taiariol's life.

11 - Whether the use of force shocks the conscience given the totality of the circumstances
12 and officers' right to employ deadly force as a legitimate and justified interest in protecting
13 themselves.

14 - Whether there is evidence of deliberate indifference.

15 SPECIAL FACTUAL INFORMATION

16 Plaintiffs identify the following as special factual information:

17 - Brown was 32 years old, married to plaintiff SHAWNA BROWN, the son of plaintiff
18 QUEEN E. BROWN, and the father of five minor children, all plaintiffs in this action. The
19 subject incident took place near and at 2741-47 Burlington Avenue in Stockton, California on
20 April 6, 2012 at about 7:30 p.m.

21 Defendants identify the following as special factual information:

22 - Brown violated multiple statutes in the events immediately preceding his death.
23 - Defendants had probable cause to stop Brown, who was operating a vehicle in violation
24 of Vehicle Code Section 5200 (improper display of license plates).

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27 ³ Because defendants' account here appears to differ from the parties' undisputed facts, which
28 indicate that the fence collapsed when Brown attempted to climb it, the court considers the fact
disputed. See Jt. St. at 33 ("When BROWN attempted to scale the fence, the fence collapsed.").

1 - Defendants had authority to arrest Brown for violations of state law, including, but not
2 limited to, Penal Code Section 148(a)(1) (resisting arrest); Penal Code Section 148(b) (possession
3 of an officer's weapon); Penal Code Section 242 (battery); Penal Code Section 243(b) (battery on
4 a police officer); Penal Code Section 664/187 (attempted murder on a police officer); Penal Code
5 Section 245(c) (assault with a deadly weapon on a police officer).

6 STIPULATIONS/AGREED STATEMENTS

- 7 - The parties stipulate defendants were acting under color of law at all relevant times.
8 - Defendants anticipate the parties will stipulate to the authenticity of certain documents.

9 RELIEF SOUGHT

10 Plaintiffs seek compensatory and punitive damages according to proof, costs and
11 attorneys' fees. Defendants seek a defense verdict and recovery of statutory costs.

12 POINTS OF LAW

13 The parties shall alert the court to disputes about the applicable law and legal
14 standards. Trial briefs addressing these points more completely shall be filed with this court no
15 later than seven days prior to the date of trial in accordance with Local Rule 285.

16 ABANDONED ISSUES

17 The CITY OF STOCKTON is no longer a defendant. Following plaintiffs'
18 concession, plaintiff Queen E. Brown's state law claims were dismissed in the court's order, ECF
19 No. 86.

20 EXHIBITS, SCHEDULES AND SUMMARIES

21 Plaintiffs' exhibits are identified on the attached **Exhibit 1**. At trial, plaintiffs'
22 exhibits shall be listed numerically.

23 Defendants' exhibits are identified on the attached **Exhibit 2**. At trial, defendants'
24 exhibits shall be listed alphabetically, first A, B, C, etc., then AA, BB, CC, etc., and so on.

25 The court encourages the parties to generate a joint exhibit list to the extent
26 possible. Joint Exhibits shall be identified as JX and listed numerically, e.g., JX-1, JX-2.

27 All exhibits must be premarked.

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1 The parties must prepare exhibit binders for use by the court at trial, with a side tab
2 identifying each exhibit in accordance with the specifications above. Each binder shall have an
3 identification label on the front and spine.

4 The parties must exchange exhibits no later than twenty-eight days before trial.
5 Any objections to exhibits are due no later than fourteen days before trial.

6 A. The court will not admit exhibits other than those identified on the exhibit lists
7 referenced above unless:

- 8 1. The party proffering the exhibit demonstrates that the exhibit is for the
9 purpose of rebutting evidence that could not have been reasonably
10 anticipated, or
- 11 2. The exhibit was discovered after the issuance of this order and the
12 proffering party makes the showing required in Paragraph “B,” below.

13 B. Upon the discovery of exhibits after the discovery cutoff, a party shall promptly
14 inform the court and opposing parties of the existence of such exhibits so that the court may
15 consider their admissibility at trial. The exhibits will not be received unless the proffering party
16 demonstrates:

- 17 1. The exhibits could not reasonably have been discovered earlier;
- 18 2. The court and the opposing parties were promptly informed of their
19 existence;
- 20 3. The proffering party forwarded a copy of the exhibits (if physically
21 possible) to the opposing party. If the exhibits may not be copied the
22 proffering party must show that it has made the exhibits reasonably
23 available for inspection by the opposing parties.

24 WITNESSES

25 Plaintiffs’ witnesses are identified in the attached **Exhibit 3**. Defendants’
26 witnesses are identified in the attached **Exhibit 4**.

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- 1 A. The court will not permit any other witness to testify unless:
- 2 (1) The party offering the witness demonstrates that the witness is for the purpose
- 3 of rebutting evidence that could not be reasonably anticipated at the pretrial
- 4 conference, or
- 5 (2) The witness was discovered after the pretrial conference and the proffering
- 6 party makes the showing required in “B,” below.
- 7 B. Upon the post pretrial discovery of any witness a party wishes to present at trial,
- 8 the party shall promptly inform the court and opposing parties of the existence of the unlisted
- 9 witnesses so the court may consider whether the witnesses shall be permitted to testify at trial.
- 10 The witnesses will not be permitted unless:
- 11 (1) The witness could not reasonably have been discovered prior to the
- 12 discovery cutoff;
- 13 (2) The court and opposing parties were promptly notified upon discovery
- 14 of the witness;
- 15 (3) If time permitted, the party proffered the witness for deposition; and
- 16 (4) If time did not permit, a reasonable summary of the witness’s testimony
- 17 was provided to opposing parties.

18 DEPOSITION TRANSCRIPTS

19 Counsel must lodge the sealed original copy of any deposition transcript to be used

20 at trial with the Clerk of the Court on the first day of trial.

21 FURTHER DISCOVERY OR MOTIONS

22 The parties do not anticipate further discovery or motion practice.

23 AMENDMENTS/DISMISSALS

24 There are no anticipated future amendments of the pleadings or additions or

25 substitutions of the parties. The only remaining defendants are Officer Wesley Grinder and

26 Officer Ryan Taiariol.

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1 SETTLEMENT

2 Both parties expressed interest in attending a court-convened settlement
3 conference and both parties expressed willingness to waive⁴ any conflict to the assigned
4 magistrate judge presiding as the settlement conference judge.

5 The court ORDERS a Settlement Conference SET for **June 4, 2019 at 9:00 a.m.**
6 in Courtroom 25 before Magistrate Judge Kendall J. Newman. The parties are directed to
7 exchange non-confidential settlement conference statements seven days prior to the settlement
8 conference. These statements shall be simultaneously delivered to the court using the following
9 email address: kjnorders@caed.uscourts.gov. If a party desires to share additional confidential
10 information with the court, they may do so pursuant to the provisions of Local Rule 270(d) and
11 (e). Such statements are neither to be filed with the Clerk nor served on opposing counsel;
12 however, each party shall e-file a one page document entitled Notice of Submission of
13 Confidential Settlement Conference Statement. Each party is reminded of the requirement that it
14 be represented in person at the settlement conference by a person able to dispose of the case or
15 fully authorized to settle the matter at the conference on any terms. The individual with full
16 settlement authority to settle must also have unfettered discretion and authority to change the
17 settlement position of the party, if appropriate. The purpose behind requiring attendance of a
18 person with full settlement authority is that the parties view of the case may be altered during the
19 face to face conference. An authorization to settle for a limited dollar amount or sum certain can
20 be found not to comply with the requirement of full authority to settle. *See* Local Rule 270.
21 Waivers shall be filed as soon as practical, but no less than seven days prior to the settlement
22 conference.

23 MOTIONS IN LIMINE

24 The parties have not yet filed motions in limine. Plaintiffs intend to file motions in
25 limine seeking the following:

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28 ⁴ As provided below, this court requires that the parties file waivers on the court docket as soon as possible.

1 - To exclude as irrelevant and prejudicial evidence unknown to defendants (including, but
2 not limited to, evidence found in Brown's vehicle after the shooting took place and which could
3 not have informed defendants' conduct)

4 - To bifurcate liability and damages

5 - To exclude Taiariol and Grinder from offering expert opinions

6 - To exclude all non-retained experts declared by defendants who did not submit a Rule 26
7 expert report

8 - To exclude evidence of honors, commendations or other awards defendants may have
9 received

10 - To limit the testimony of defendants' retained expert witnesses, Alexander Jason and
11 Don Cameron, under Federal Rules of Evidence 701 through 703, and *Daubert/Frye*, and to
12 exclude all evidence and simulations not disclosed during discovery

13 - To exclude all evidence pertaining to any life insurance policies regarding Brown

14 - To exclude evidence of THC, cannabis, and all other marijuana-related compounds
15 found in Brown's toxicology sample pursuant to his autopsy following the subject-incident.

16 - To exclude reference to Brown's alleged gang membership, tattoos, and alleged boxing
17 history.

18 Defendants intend to seek the following:

19 - To preclude prejudicial testimony and commentary from the plaintiffs and supporting
20 witnesses

21 - To exclude media reports

22 - To exclude expert reports beyond Rule 26 submissions

23 - To exclude "[g]ratuitous [f]amily [p]hotographs"

24 - To exclude individual defendants' training records

25 - To exclude plaintiffs' mental health status/records

26 - To exclude testimony regarding alleged failure to provide appropriate medical attention

27 - To exclude plaintiffs' police procedures expert to testify as to use of a baton

28 - To limit testimony as to why Brown eluded and resisted arrest

- 1 - Inclusion of “Re: Probable Cause to Initiate a Stop of the Decedent”
- 2 - Inclusion of “Re: Decedent’s Inability to Resist Probation Search”
- 3 - To exclude autopsy photographs not considered by medical experts

4 Defendants also clarify that they seek to “use [] computer animation cells” through
5 their expert, Alexander Jason, and they seek to rely on photographs, paper exhibits, deposition
6 transcripts and other physical evidence using the court’s ELMO system.

7 Following the final pretrial conference and as directed by the court, the parties
8 filed a supplemental joint status report identifying the following motions in limine they wish to
9 have the court resolve prior to parties’ the settlement conference, if possible: (1) plaintiffs’
10 motion to bifurcate liability and damages; (2) plaintiffs’ motion to exclude evidence unknown to
11 defendants, including contraband found in Brown’s car, his alleged gang membership, tattoos,
12 boxing history and toxicology results; (3) plaintiffs’ motion to exclude expert opinions of
13 individual defendants. *See* ECF No. 92. Defendants have not requested resolution of any of their
14 motions in limine prior to the settlement conference. *See id.*

15 The parties are not relieved of their obligation to meet and confer prior to filing
16 motions in limine, including those identified in the previous paragraph. If the parties are unable
17 to resolve their disputes through meet and confer efforts, the court SETS the following briefing
18 schedule for plaintiffs’ three motions in limine identified above in the event the court is able to
19 resolve them prior to the settlement conference: Plaintiffs shall file their motions in limine no
20 later than **April 26, 2019**, with defendants’ oppositions due **May 3, 2019**, and plaintiffs’ replies
21 due, **May 10, 2019**.

22 All other motions in limine shall be filed no later than **August 16, 2019**, with
23 oppositions due **August 23, 2019** and replies due **August 30, 2019**. The court will hear argument
24 on the motions in a housekeeping session on the first day of trial.

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1 JOINT STATEMENT OF THE CASE

2 The parties were unable to reach a joint statement of the case. The court proposes
3 the following statement:

4 On April 6, 2012, defendant officers WESLEY GRINDER and RYAN
5 TAIARIOL stopped a car driven by plaintiffs' decedent, LUTHER BROWN. Mr. BROWN, who
6 was on searchable probation, submitted to a search of his person and then fled on foot before
7 officers could search his car. A struggle ensued, which ended with Officer GRINDER shooting
8 Mr. BROWN to death. Officer GRINDER shot Mr. BROWN 9 times. The parties dispute
9 whether Brown violently resisted arrest. Plaintiffs are Decedent LUTHER BROWN's mother,
10 wife and children. They have sued defendants, making claims of excessive force, deprivation of
11 familial association, wrongful death, violation of California's Bane Act, intentional infliction of
12 emotional distress and assault and battery. Defendants deny liability in full. The parties agree
13 defendants were acting under color of law at all times during the subject incident.

14 SEPARATE TRIAL OF ISSUES

15 Defendants contend a separate trial of issues is not appropriate in this case.
16 Plaintiffs contend the case should be bifurcated between liability and damages. As noted above,
17 this issue will be resolved through motion practice.

18 ATTORNEYS' FEES

19 Plaintiffs seek recovery of attorneys' fees under 42 U.S.C. § 1983 and 42 U.S.C.
20 § 1988.

21 ESTIMATED TIME OF TRIAL/TRIAL DATE

22 Jury trial is set for **September 10, 2019 at 9:00 a.m.** in Courtroom Three before
23 the Honorable Kimberly J. Mueller, to trail any criminal trial that the court may need to try first.
24 The court will seat seven (7) jurors. Trial is anticipated to last fourteen (14) to seventeen (17)
25 days. The parties are directed to Judge Mueller's trial schedule outlined on her web page on the
26 court's website.

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1 PROPOSED JURY VOIR DIRE AND PROPOSED JURY INSTRUCTIONS

2 The parties shall file any proposed jury voir dire seven days before trial. Each
3 party will be limited to ten minutes of jury voir dire.

4 The court directs counsel to meet and confer in an attempt to generate a joint set of
5 jury instructions and verdicts. The parties shall file any such joint set of instructions fourteen
6 days before trial, identified as "Jury Instructions and Verdicts Without Objection." To the extent
7 the parties are unable to agree on all or some instructions and verdicts, their respective proposed
8 instructions are due fourteen days before trial.

9 Counsel shall e-mail a copy of all proposed jury instructions and verdicts, whether
10 agreed or disputed, as a word document to kjmorders@caed.uscourts.gov no later than fourteen
11 days before trial; all blanks in form instructions should be completed and all brackets removed.

12 Objections to proposed jury instructions must be filed seven days before trial; each
13 objection shall identify the challenged instruction and shall provide a concise explanation of the
14 basis for the objection along with citation of authority. When applicable, the objecting party
15 shall submit an alternative proposed instruction on the issue or identify which of his or her own
16 proposed instructions covers the subject.

17 MISCELLANEOUS

18 Trial briefs are due seven days before trial.

19 OBJECTIONS TO PRETRIAL ORDER

20 Each party is granted fourteen days from the date of this order to file objections to
21 the same. If no objections are filed, the order will become final without further order of this
22 court.

23 DATED: April 4, 2019.

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26 UNITED STATES DISTRICT JUDGE
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EXHIBIT 1

PLAINITFFS' EXHIBIT LIST

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- 2 A. Coroner's report No. 12-00873, pertaining to Decedent LUTHER
- 3 BROWN.
- 4 B. Autopsy photographs showing Decedent' LUTHER BROWN's injuries
- 5 and gunshot wounds.
- 6 C. Cell-phone video taken by Jermaine Perry of events at the beginning of
- 7 the subject-incident.
- 8 D. Scene photographs (including scene photos and bullet holes to nearby
- 9 locations caused by subject-incident gunshots).
- 10 E. Overhead Google maps views of the location of the subject incident.
- 11 F. Bates COS00044-52 (Field Investigation Report pertaining to incident
- 12 scene prepared by Berkelee Akutagawa, Senior Criminalist, California
- 13 Department of Justice, Bureau of Forensic Services)
- 14 G. Bates COS000124-26 (Weapons inspections of Defendants guns, authored
- 15 by Rangemaster Steven Thomas).
- 16 H. Defendant GRINDER's baton.
- 17 I. Defendant TAIARIOL's baton.
- 18 J. Radio dispatch recordings pertaining to the subject-incident.
- 19 K. CAD report pertaining to the subject-incident (Bates COS000018-19
- 20 only).
- 21 L. Photographs taken of Defendant GRINDER following the subject-
- 22 incident.
- 23 M. Photographs taken of Defendant TAIARIOL following the subject-
- 24 incident.
- 25 N. Recorded interview and transcript of Officer Involved Shooting interview
- 26 of Defendant GRINDER (marked for identification only).
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- 1 O. Recorded interview and transcript of Officer Involved Shooting interview
- 2 of Defendant TAIARIOL (marked for identification only).
- 3 P. Family photographs of Decedent BROWN and Decedent BROWN's
- 4 family-members.
- 5 Q. Family memorabilia (correspondence, certificates, awards for Decedent's
- 6 children).
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EXHIBIT 2

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DEFENDANTS' EXHIBIT LIST

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- A. Deposition transcript of Shawna Brown
- B. Deposition transcript of Aliza-Imani Almendarez Brown
- C. Deposition transcript of D.P., a minor
- D. Deposition transcript of A.B., a minor
- E. Deposition transcript of D.P., a minor
- F. Deposition transcript of S.S.J., a minor
- G. Deposition transcript of Queen E. Brown
- H. Deposition transcript of Ryan Taiariol
- I. Deposition transcript of Wesley Grinder
- J. Deposition transcript of Dan Cameron
- K. Deposition transcript of Alexander Jason
- L. Deposition transcript of Roger Clark
- M. Coroner's Report No.12-00873 of Luther Brown, Jr. from the San Joaquin County of the Coroner
- N. Toxicology Report No. CVT-12-4600 of Luther Brown from Central Valley Toxicology Inc.
- O. Medical Examiner's report case No. 2012-0873, of Luther Brown from the Office of Sheriff- Coroner County of San Joaquin performed by Venus J. Azar, M.D.
- P. Stockton Police Department Crime Scene Log
- Q. Stockton Police Department Crime Scene Sketch
- R. Field Investigation Report from California Department of Justice Bureau of Forensic Services, Central Valley Criminalistics Laboratory
- S. Physical Evidence Submission Form from the State of California Department of Justice Bureau of Forensic Services for item number B82434 – Officer Taiariol's Baton
- T. Physical Evidence Submission Form from the State of California Department of Justice Bureau of Forensic Services for item numbers DOJ-1, DOJ-2, and CD-1

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U. Physical Evidence Submission Form from the State of California Department of Justice Bureau of Forensic Services for B82434 #5, B82437#18, B82437#19, B82437#20, B82437#21, and B82437#22

V. Physical Evidence Examination Report from California Department of Justice Bureau of Forensic Services Central Valley Criminalistics Laboratory

W. Physical Evidence Examination Report from California Department of Justice Bureau of Forensic Services Latent Print Program

X. Landmaster Map depicting Burlington Place

Y. Officer Diagram by Ryan Taiariol

Z. Stockton Police Department Property Cards

AA. Memorandum to Captain Scott Meadors from Officer Steven Thomas, Rangemaster/Armor re Weapons Inspections Regarding SPD DR #12-11919

BB. May 9, 2012, Opening Report from Office of the District Attorney San Joaquin County Investigations Bureau by Investigator David J. Derksen

CC. SPD Dispatch Typed Radio Traffic Log – CAD Reports

DD. SPD Records Contact History Printout for Luther Brown Jr.

EE. California Criminal History Printout Report for Luther Brown Jr.

FF. June 11, 2012, Investigative Report Re: Luther Brown from Office of the District Attorney San Joaquin County Investigations Bureau by Investigator K.E. Etcheberry

GG. April 9, 2012, Investigative Report Re: Luther Brown (April 6, 2012) from Office of the District Attorney San Joaquin County Investigations Bureau by Investigator J. Buzo

HH. April 9, 2012, Investigative Report Re: Luther Brown (April 7, 2012) from Office of the District Attorney San Joaquin County Investigations Bureau by Investigator J. Buzo

II. Stockton Police Reports Re No. 12-11919

JJ. Stockton Police Department Dispatch Audio Recordings

KK. Cell phone video recording

LL. 348 Stockton Police Department Evidence Photos

- 1 MM. Don Cameron's Rule 26 Report
- 2 NN. Alexander Jason's Rule 26 Report
- 3 OO. Roger Clark's Rule 26 Report
- 4 PP. Transcript of video recorded interview of Officer Ryan Taiariol
- 5 QQ. Transcript of video recorded interview of Officer Wesley Grinder
- 6 RR. Transcript of video recorded interview of Patricia Hardimon
- 7 SS. Deposition transcript of Don Cameron
- 8 TT. Deposition transcript of Alexander Jason
- 9 UU. Deposition transcript of George Vandermark, M.D.
- 10 VV. Medical Records from Kaiser Permanente pertaining to Shawna Brown
- 11 WW. Video recorded interview of Patricia Hardimon
- 12 XX. Video recorded interview of Ryan Taiariol
- 13 YY. Video recorded interview of Wesley Grinder
- 14 ZZ. Autopsy photos
- 15 A-3 Recorded interview of Princess B.
- 16 B-3 Transcribed interview of Princess B.
- 17 C-3 Recorded interview of Denise Velazquez
- 18 D-3 Transcribed interview of Denise Velasquez
- 19 E-3 Recorded interview of Sierra Looney
- 20 F-3 Transcribed interview of Sierra Looney
- 21 G-3 Recorded interview of Dennis B.
- 22 H-3 Transcribed interview of Dennis B.
- 23 I-3 Recorded Statement of Jermaine P.
- 24 J-3 Transcribed Statement of Jermaine P.
- 25 K-3 Stockton Police Department Search Waiver signed by Patricia Hardimon

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EXHIBIT 3

PLAINTIFFS' WITNESS LIST

- 1
- 2 1. Sierra Looney, percipient witness to the subject-incident.
- 3 2. Denise Velasquez, percipient witness to the subject-incident.
- 4 3. Princess Beron, percipient witness to the subject-incident.
- 5 4. Dennis Barney, percipient witness to the subject-incident.
- 6 5. Jermaine Perry, percipient witness to the subject-incident, and taking cell-
7 phone video of the beginning part of the subject-incident.
- 8 6. Patricia Hardimon, percipient witness to subject-incident.
- 9 7. Steve Knouf, bullet holes to his front door and garage caused by the
10 subject-incident.
- 11 8. Venus Azar, M.D., re: autopsy of decedent, autopsy report, location of
12 gunshot wounds to Decedent, autopsy photographs.
- 13 9. Roger Clark, Plaintiffs police practice expert.
- 14 10. B.L. Posey, re: toxicology testing of sample from Decedent at autopsy.
- 15 11. Berkelee Akutagawa, Senior Criminalist, California Department of
16 Justice, Bureau of Forensic Services, re: incident scene examination.
- 17 12. Steven Thomas, Rangemaster, re: firearms examination of Defendants
18 guns following subject-incident.
- 19 13. Defendant WESLEY GRINDER, re: subject incident, damages, punitive
20 damages.
- 21 14. Defendant RYAN TAIARIOL, re: subject incident, damages, punitive
22 damages.
- 23 15. Plaintiff QUEEN E. BROWN, re: damages.
- 24 16. Plaintiff SHAWNA BROWN, re: damages.
- 25 17. RITA ALMENDAREZ, Guardian Ad Litem for Minor Plaintiffs A.B.,
26 D.P., A.B. and D.P., re: damages.
- 27 18. GAYLE JOHNSON, Guardian Ad Litem for Minor Plaintiff S.S.J., re;
28 damages.

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EXHIBIT 4

DEFENDANTS' WITNESS LIST

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1. Officer Wesley Grinder (Defendant)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

2. Officer Ryan Taiariol (Defendant)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

3. Officer Loreen Gamboa (Defendant)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

4. Brian Scott (Investigator)
San Joaquin District Attorney Investigator
222 E Weber Ave, 6th Floor
Stockton, CA 95202

5. Deputy Coroner Deborah Hayes (Recording Deputy)
San Joaquin County Office of the Coroner
7000 Michael N. Canlis Blvd.
French Camp, California 95231

6. Sergeant Toby Farnsworth (Supervising Deputy Coroner)
San Joaquin County Office of the Coroner
7000 Michael N. Canlis Blvd.
French Camp, California 95231

7. Dr. Herring (Treating Physician)
St. Joseph's Medical Center
1800 N. California Street
Stockton, California 95204

8. Dr. Demartinis (Treating Physician)
San Joaquin General Hospital
500 W. Hospital Blvd.
French Camp, California 95231

9. Detective Mark Thrush (Protocol Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

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- 10. Evidence Technician Steven Flores (Autopsy observer-photographer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 11. Officer Danielle Giurlani
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 12. District Attorney Investigator Jim Buzo (Protocol Investigator)
222 E Weber Ave # 202
Stockton, CA 95202

- 13. Forensic Technician Etta Johnson (Autopsy Forensic Technincian)
San Joaquin County Coroner's Office
7000 Michael N. Canlis Blvd.
French Camp, California 95231

- 14. Venus J. Azar, M.D. (Medical Examiner)
San Joaquin County Coroner's Office
7000 Michael N. Canlis Blvd.
French Camp, California 95231

- 15. Sergeant Annette Mondavi (Received report of Toxicology results)
San Joaquin County Sheriff-Coroner
7000 Michael N. Canlis Blvd.
French Camp, California 95231

- 16. Dr. Bill Posey (Toxicologist)
Central Valley Toxicology Inc.
1580 Tollhouse Road
Clovis California 93611

- 17. Officer James Padilla (Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 18. Officer Paul Dona (Established Crime Scene)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 19. Officer Cody Johnson (Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

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- 20. Officer Varun Var (Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 21. Officer Ronald Zalunardo (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 22. Officer Jeffrey Pope (Responding Office)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 23. Officer Kyle Pierce (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 24. Sergeant Kathryn Nance (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 25. Officer Bernie Tapia (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 26. Sergeant Mark Reynolds (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 27. Lieutenant Mike Reynosa (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 28. Officer Telly Strika (Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

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- 29. Officer Aaron Adams (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 30. Lieutenant M. Howard (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 31. Officer Benjamin Cromwell (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 32. Officer Miroslava Moreno (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 33. Officer Brandon Ezell (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 34. Officer Brian Breckenridge (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 35. Officer Todd Valone (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 36. Officer Chris Villanueva (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 37. Officer Michael George (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

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- 1 38. Officer Robert Dubois (Responding Officer- interviewed witnesses at the scene)
Stockton Police Department
2 22 E. Market Street
Stockton, California 95202
- 3 39. Officer Hector Alaniz (Responding Officer)
4 Stockton Police Department
22 E. Market Street
5 Stockton, California 95202
- 6 40. Lieutenant Chuck McLaughlin (Protocol Investigator)
7 Stockton Police Department
22 E. Market Street
8 Stockton, California 95202
- 9 41. Officer Givens (Responding officer; accompanied suspect to the hospital)
10 Stockton Police Department
22 E. Market Street
11 Stockton, California 95202
- 12 42. Officer Lynne Goodwin (attended autopsy)
13 Stockton Police Department
22 E. Market Street
14 Stockton, California 95202
- 15 43. CTC Anderson
16 Stockton Police Department
22 E. Market Street
17 Stockton, California 95202
- 18 44. Sergeant Richard Ridenour (Protocol Investigator)
19 Stockton Police Department
22 E. Market Street
20 Stockton, California 95202
- 21 45. Officer Barry Oaks (Responding Officer)
22 Stockton Police Department
22 E. Market Street
23 Stockton, California 95202
- 24 46. Officer Randy Huffman (Investigator)
25 Stockton Police Department
22 E. Market Street
26 Stockton, California 95202
- 27 47. Officer Christopher Carter (Investigator)
28 Stockton Police Department
22 E. Market Street
Stockton, California 95202

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- 48. Officer Pete Smith (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 49. Detective Charles Aaron Harris (Protocol Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 50. Detective Robert Faine (Protocol Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 51. Sergeant Walter Vancil (Protocol Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 52. Officer Alan Lambertson (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 53. Evidence Technician Iris Ott (Protocol Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 54. Officer Clifford Hoffman (Investigator)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 55. Senior Criminalist Berklee Akutagawa (Protocol Investigator)
California Department of Justice
Bureau of Forensic Services
Central Valley Criminalistics Laboratory
1306 Hughes Lane
Ripon, California 95366

- 56. Officer Paul Ordaz (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

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- 1 57. Officer Nicholas Barrera (Responding Officer)
Stockton Police Department
2 22 E. Market Street
Stockton, California 95202
- 3 58. Officer Nicholas Barrera (Responding Officer)
4 Stockton Police Department
5 22 E. Market Street
Stockton, California 95202
- 6 59. Officer Damian Underwood (Responding Officer)
7 Stockton Police Department
8 22 E. Market Street
Stockton, California 95202
- 9 60. Investigator Lisa Askloff (Protocol Investigator)
10 Stockton City Attorney
425 N El Dorado Street
11 Stockton, California 95202
- 12 61. Critical Incident Investigator Estaban Arrieta (Protocol Investigator)
13 Stockton Police Department
22 E. Market Street
14 Stockton, California 95202
- 15 62. Critical Incident Investigator Paul Huff (Protocol Investigator)
16 Stockton Police Department
22 E. Market Street
17 Stockton, California 95202
- 18 63. Critical Incident Investigator Dana Mosher (Protocol Investigator)
19 Stockton Police Department
22 E. Market Street
20 Stockton, California 95202
- 21 64. Dispatcher Becker (Stockton Police Dispatcher)
22 Stockton Police Department
22 E. Market Street
23 Stockton, California 95202
- 24 65. Officer Trevor Womack (Responding Officer)
25 Stockton Police Department
22 E. Market Street
Stockton, California 95202
- 26 66. Officer Christopher Martin (Responding Officer)
27 Stockton Police Department
22 E. Market Street
28 Stockton, California 95202

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67. Officer Sean R. Mcpherson (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

68. Officer Thomas Heslin (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

69. Sergeant Benjamin Lee (Scene Commander)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

70. Officer Irshad Mohammed (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

71. Officer Kevin Hess (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

72. Sergeant Larry Lane (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

73. Officer Jesus Zavala (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

74. Officer Michelle Guthrie (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

75. Senior Criminalist James Hamiel (Protocol Investigator)
California Department of Justice
Bureau of Forensic Services
Central Valley Criminalistics Laboratory
1306 Hughes Lane
Ripon, California 95366

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- 1 76. Criminalist Bobby Cheseldine (Protocol Investigator)
California Department of Justice
2 Bureau of Forensic Services
Central Valley Criminalistics Laboratory
3 1306 Hughes Lane
Ripon, California 95366
4
- 5 77. Detective Brian Fry (Protocol Investigator)
Stockton Police Department
6 22 E. Market Street
Stockton, California 95202
7
- 8 78. District Attorney Investigator Kerry Etcheberry (Protocol Investigator)
222 E Weber Ave # 202
9 Stockton, CA 95202
- 10 79. Detective Joe Silva (Investigator)
Stockton Police Department
11 22 E. Market Street
Stockton, California 95202
12
- 13 80. Lieutenant Ivan Rose (Protocol Investigator)
Stockton Police Department
14 22 E. Market Street
Stockton, California 95202
15
- 16 81. District Attorney Investigator David Derkson (Protocol Investigator)
222 E Weber Ave., 6th Floor
17 Stockton, CA 95202
- 18 82. Officer B. Mayo (Responding Officer)
Stockton Police Department
19 22 E. Market Street
Stockton, California 95202
20
- 21 83. Officer Anthony Garza (Responding Officer)
Stockton Police Department
22 22 E. Market Street
Stockton, California 95202
23
- 24 84. Latent Print Analyst Linda Senteney
California Department of Justice
Bureau of Forensic Services
25 Latent Print Program
26 4949 Broadway, Room F163
Sacramento, California 95820
27

28 /////

- 1 85. Patricia Hardimon (witness)
2 2718 Burlington Place
3 Stockton, California 95209
- 4 86. Jermaine Perry (witness)
5 2718 Burlington Place
6 Stockton, California 95209
- 7 87. Evidence Technician Andrea Chelli (Protocol Investigator)
8 Stockton Police Department
9 22 E. Market Street
10 Stockton, California 95202
- 11 88. Officer Steven Flores (Autopsy observer-photographer)
12 Stockton Police Department
13 22 E. Market Street
14 Stockton, California 95202
- 15 89. Officer Victoria Tracy (Field Evidence Technician)
16 Stockton Police Department
17 22 E. Market Street
18 Stockton, California 95202
- 19 90. Detective Jonathan Gong (IT Officer who downloaded contents of cell phone)
20 Stockton Police Department
21 22 E. Market Street
22 Stockton, California 95202
- 23 91. Lieutenant Ken Melgoza (Protocol Investigator)
24 San Joaquin District Attorney Investigator In-Charge
25 222 E Weber Ave # 202
26 Stockton, CA 95202
- 27 92. Captain Scott Meadors (Received weapons inspection memorandum)
28 Field Services
Stockton Police Department
22 E. Market Street
Stockton, California 95202
93. Officer Steven Thomas (Performed weapons inspection)
Rangemaster/Armor
Stockton Police Department
22 E. Market Street
Stockton, California 95202
94. Chief of Police Eric Jones
Stockton Police Department
22 E. Market Street
Stockton, California 95202

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- 95. Princess B. (witness)
2741 Burlington Place
Stockton, California 95209

- 96. Denise Velazquez (witness)
3541 Deseret Drive
Stockton, California 95209

- 97. Sierra Looney (witness)
2724 Burlington Place
Stockton, California 95209

- 98. Dennis Ray Barney (witness)
2718 Burlington Place
Stockton, California 95209

- 99. Chaplain Williams (Stockton Police Chaplain – viewed video)
22 E. Market Street
Stockton, California 95202

- 100. Sergeant Knief (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 101. Bob Setliff (witness)
2724 Burlington Place
Stockton, California 95209

- 102. Janet Looney (witness)
2724 Burlington Place
Stockton, California 95209

- 103. Officer Kevin Knall (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 104. Officer Nicholas Sepulveda (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 105. Gloria Vallesteros (witness)
2740 Burlington Place
Stockton, California 95209

////

1 106. Ruthie Williams (witness)
2 2740 Plantation Place
3 Stockton, California 95209

4 107. Emily Dipad (witness)
5 2748 Burlington Place
6 Stockton, California 95209

7 108. Alice George (witness)
8 2750 Burlington Place
9 Stockton, California 95209

10 109. Carissa Lao (witness)
11 2802 Burlington Place
12 Stockton, California 95209

13 110. Karla Ornelas (witness)
14 2804 Burlington Place
15 Stockton, California 95209

16 111. Ross Liway (witness)
17 2805 Burlington Place
18 Stockton, California 95209

19 112. Rochelle Sealy (witness)
20 2803 Burlington Place
21 Stockton, California 95209

22 113. Ernie Connor (witness)
23 2755 Burlington Place
24 Stockton, California 95209

25 114. Maria Rivers (witness)
26 2752 Burlington Place
27 Stockton, California 95209

28 115. Myloan Ho (witness)
29 2732 Burlington Place
30 Stockton, California 95209

31 116. Eleazar Manaois (witness)
32 10534 Arianne Place
33 Stockton, California 95209

34 117. Refujio Navarrette (witness)
35 2739 Burlington Place
36 Stockton, California 95209

37 /////

- 1 118. Jubilo Beron (witness)
2 2741 Burlington Place
3 Stockton, California 95209
- 4 119. Wynona Beron (witness)
5 2741 Burlington Place
6 Stockton, California 95209
- 7 120. Joe Dorado (witness)
8 2710 Burlington Place
9 Stockton, California 95209
- 10 121. Jerry James Lopez (witness)
11 2816 Chancy Circle
12 Stockton, California 95209
- 13 122. Mary Alice Ruiz (witness)
14 2816 Chancy Circle
15 Stockton, California 95209
- 16 123. Candace Dempsey (Probation Officer)
17 San Joaquin County Probation
18 24 S. Hunter Street
19 Stockton, California 95202
- 20 124. Don Stuart Cameron (Defendants' Expert)
21 2336 Banbury Loop
22 Martinez, California 94553
- 23 125. Evidence Technician Tatiana Shafer
24 California Department of Justice Bureau of Forensic Services Latent Print Program
25 4949 Broadway, Room F163
26 Sacramento, California 95820
- 27 126. Plaintiff, Shawna R. Stewart-Brown
- 28 127. Plaintiff, Queen E. Randell Brown
- 128. Plaintiff, A.B., a minor
- 129. Plaintiff, D.P., a minor
- 130. Plaintiff, A.B., a minor
- 131. Plaintiff, D.P., a minor
- 132. Plaintiff S.S.J., a minor
- ////

- 1 133. Gabriel Tanson, M.D. (Treating Physician)
2 San Joaquin General Hospital
3 500 W. Hospital Road
4 Stockton, California 95231
- 5 134. PMK
6 Kaiser Permanente Medical Center Pediatrics Clinic
7 7373 West Lane, 2nd Floor, Suite 201
8 Stockton, California 952011
- 9 135. Rick Huang, M.D. (Treating Physician)
10 Kaiser Permanente Medical Center
11 3800 Gale Road
12 Modesto, California
- 13 136. Geny Burgos, M.D. (Treating Physician)
14 1801 E. March Lane C-340
15 Stockton, California 95210
- 16 137. PMK
17 Lodi Health Pediatrics
18 2415 W. Vine Street, #100
19 Lodi, California 95242
- 20 138. PMK
21 Premier Pediatrics
22 3916 Jackson Street
23 Alexandria, LA 71303
- 24 139. Lieutenant Eric Kane (custodian of records)
25 Stockton Police Department
26 22 E. Market Street
27 Stockton, California 95202
- 28 140. Sandie Matuska (custodian of records)
City of Stockton Human Resources
22 E Weber Ave # 150
Stockton, CA 95202
141. Valerie Smith (custodian of records)
Stockton Police Department, Professional Standards Section
22 E. Market Street
Stockton, California 95202
142. Andrew Smith (custodian of records)
Stockton Police Department Personnel and Training Division
22 E. Market Street
Stockton, California 95202

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- 143. Officer Kyle Amant (Responding Officer)
Stockton Police Department
22 E. Market Street
Stockton, California 95202

- 144. Alexander Jason (Defendants' Expert)
P.O. Box 375
Pinole, California 94564

- 145. Roger Clark (Plaintiffs' Expert)
Police Procedures Consultant, Inc.
10207 Molino Road
Santee, California 92071

- 146. George Vandermark, M.D. (Plaintiffs' non-retained Expert)
Forensic Pathologist
2500 Alhambra Avenue
Martinez, California 94553

- 147. Refujio Nacarrette (witness)
2739 Burlington Place
Stockton, California 95209

- 148. Jubilo Beron (witness)
2741 Burlington Place
Stockton, California 95209

- 149. Wynona Beron (witness)
2741 Burlington Place
Stockton, California 95209