

1 DAN SIEGEL, SBN 56400  
JOSE LUIS FUENTES, SBN 192236  
2 SIEGEL & YEE  
3 499 14th St, Suite 220  
Oakland, California 94612  
4 Telephone: (510) 839-1200  
Facsimile: (510) 444-6698

5 Attorneys for Subpoenaed Party  
6 JOSHUA WOLF

7  
8  
9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 In re GRAND JURY SUBPOENA  
dated February 1, 2006.

13  
14 JOSHUA WOLF,  
15 Subpoenaed Party.

**NOTICE OF MOTION AND MOTION TO  
STAY AND QUASH SUBPEONA AND  
SUBPOENA DUCES TECUM;  
SUPPORTING DECLARATION OF JOSE  
LUIS FUENTES**

Date: February 16, 2006  
Time: 9:30 a.m.  
Courtroom:

16  
17  
18  
19 TO THE UNITED STATES OF AMERICA, U.S. ATTORNEY KEVIN V. RYAN,  
AND ASSISTANT U.S. ATTORNEY JEFFREY FINIGAN:

20 PLEASE TAKE NOTICE that on a date and time to be set by the Court, subpoenaed  
21 party Joshua Wolf will and hereby does move for an order quashing the subpoena and subpoena  
22 *duces tecum* issued IN THIS MATTER.

23 This motion is made on the following grounds: (1) the subpoenas are being used  
24 improperly in connection with state pending criminal cases and investigation; (2) compelling the  
25 production of documents under the subpoena *duces tecum* would violate Mr. Wolf's First  
26 Amendment rights and the Government cannot meet the burdens compelled by Branzburg v.  
27 Hayes, 408 U.S. 665 (1972) and related authority; (3) pursuant to Rule 17(c) compliance with  
28

1 the subpoena would be unreasonable or oppressive and would violate Petitioners' rights under  
2 the First and Fourteenth Amendments to the Constitution of the United States. As a result, the  
3 witness' appearance would be futile for the United States, a waste of the grand jury's time,  
4 harassment of Mr. Wolf, and a misuse of the grand jury process.

5 Additionally, Mr. Wolf respectfully requests that the Court stay any grand jury  
6 appearance pending the resolution of this Motion.

7 This motion is based on this notice of motion and motion, the attached memorandum of  
8 points and authorities, any reply which will be filed, all exhibits thereto, files and records in this  
9 case, and any further evidence which may be presented at the hearing.

10 Respectfully Submitted,

11 Dated: February 15, 2006

12 DAN SIEGEL  
13 JOSE LUIS FUENTES  
14 SIEGEL & YEE

15 Attorneys for Joshua Wolf  
16 Subpoenaed Party

17 By:

18   
19 \_\_\_\_\_  
20 JOSE LUIS FUENTES

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Movant, by counsel Jose Luis Fuentes, submits this Memorandum of Law in Support of  
3 his Motion to Quash a federal grand jury subpoena and subpoena duces tecum.

4 I. INTRODUCTION

5 The federal government has subpoenaed video footage shot by Joshua Wolf, a journalist  
6 and videographer, related to a July 8, 2005, protest in San Francisco against the G8 Summit then  
7 taking place in Perthshire, Scotland. During the protest, a San Francisco police officer received a  
8 serious head injury after he violently rushed into a crowd of protesters wielding his baton,  
9 without backup and contrary to departmental procedures and guidelines, and was struck on the  
10 head from behind while punching a suspect. As a result, the San Francisco Police Department  
11 (“SFPD”) initiated an investigation, led by Inspector Lea W. Militello, and local charges are  
12 pending against three people in connection with the incident. Records show that Inspector  
13 Militello solicited the help of the FBI’s Joint Terrorism Task Force (“JTTF”), and that FBI  
14 Special Agent Scott A. Merriam thereafter informed Ms. Militello that the FBI would be  
15 “assisting”.

16 The subpoena violates Rule 6 of the Federal Rules of Criminal Procedure because it seeks  
17 to convert the grand jury, an arm of the judiciary, into a tool of the executive to assist in a local  
18 criminal prosecution and investigation. In addition, the subpoena, which appears to target people  
19 based on their political identification and association, and which comes at a time when the FBI is  
20 showing increasing, political preoccupation with “anarchists” writ large – a broad, divergent, and  
21 variegated (non) group of people across the country – raises the specter of infringement of First  
22 Amendment rights, and a return to the pre-Church Committee witch hunts of the FBI.

23 Since the federal government has no jurisdiction in the first place, the subpoena is also  
24 violative of the California Shield law (Art. I, §. 2(b) of the California Constitution and Evidence

25 ///

26 ///

27 ///

1 Code § 1070), which protects journalists from being compelled to divulge “the source of any  
2 information” and any “unpublished information”<sup>1</sup>

## 3 II. FACTUAL BACKGROUND

4 On February 4, 2006, the FBI served a subpoena on Joshua Wolf demanding “All  
5 documents, writings and recordings related to protest activities conducted in San Francisco,  
6 California, on July 8, 2005, between the hours of 6:30 p.m. and 11:59 p.m.” The subpoena, a  
7 copy of which is attached as **Exhibit A, Subpoena Duces Tecum to Joshua Wolf and**  
8 **incorporated by reference**, also demands “each camera, video recorder, audio recoding device  
9 or other hardware or equipment used to record any part of the above described events of July 8,  
10 2005”.

11 On July 8, 2005, according to the SFPD’s own version of events, two San Francisco  
12 police officers attempted to drive their vehicle through a group of marchers in San Francisco’s  
13 Mission District, following reports of vandalism, when someone dropped a piece of foam under  
14 the tire of the police car, whereupon Officer #1 jumped out to chase and arrest him. He said he  
15 heard fireworks. (Video posted on the internet corroborates that people were lighting fireworks  
16 in the street during the march.) Officer #2 reported that someone pointed a “pyrotechnic device”  
17 at him or the car (the SFPD’s reports are inconsistent), and he jumped out to chase that person,  
18 wielding his baton at people in the crowd along the way. The officers each used force to subdue  
19 their suspects. Officer #1 reported using a carotid restraint, to cries from the crowd that he was  
20

21 <sup>1</sup> Art. I, § 2(b) of the California Constitution, and Evidence Code § 1070(a) provide  
22 identically, in pertinent part:

23 A publisher, editor, reporter, or other person connected with or employed upon a  
24 newspaper, magazine, or other periodical publication, or by a press association or  
25 wire service, or any person who has been so connected or employed, cannot be  
26 adjudged in contempt by a judicial, legislative, administrative body, or any other  
27 body having the power to issue subpoenas, for refusing to disclose, in any  
28 proceeding as defined in Section 901, the source of any information procured  
while so connected or employed for publication in a newspaper, magazine or  
other periodical publication, or for refusing to disclose any unpublished  
information obtained or prepared in gathering, receiving or processing of  
information for communication to the public.

1 choking the suspect, and Officer #2 reported punching his suspect in the arms and legs. During  
2 this time, witnesses report that someone came out of the crowd and hit Officer #2 over the head  
3 with some kind of stick. The injured officer was reportedly assisted by a legal observer and  
4 civilian medic, until fellow officers and paramedics tended to him, other officers showing and  
5 pointing guns in people's faces and shoving those trying to assist out of the way. The injured  
6 officer suffered a three inch laceration to his scalp. He was kept for observation, and discharged  
7 from the hospital two days later, on July 10, 2004. (See Exhibits B, SFPD incident reports  
8 related to July 8, 2005 incident, and D, SFPD Investigator's Chronology – SFPD Incident  
9 Reports and Investigator's Chronology, hereby incorporated by reference.)

10 Following the incident, SFPD Field Operations Commander Greg Suhr was reprimanded  
11 by the Department for failing to continue to deploy the tactical squad to follow the marchers (the  
12 squad had stood down). He transferred out of the Department, and has reportedly taken a high  
13 level security position with the San Francisco Public Utilities Commission, asserting that the  
14 move was long planned and unrelated to the incident.

15 The SFPD initiated an investigation, led by Inspector Lea W. Militello, and local charges  
16 are pending against three people in connection with the incident: the individual accused of  
17 putting the foam in front of the police car (preliminary hearing scheduled for March 1, 2006),  
18 and two observers, charged with misdemeanors and accused of interfering. They are charged in  
19 San Francisco Superior Court.

20 Records show that Inspector Militello solicited the help of the FBI's Joint Terrorism Task  
21 Force, and that FBI Special Agent Scott A. Merriam thereafter informed Ms. Militello that the  
22 FBI would be "assisting", on the pretext that someone had attempted an arson on a police vehicle  
23 (Exhibit C, SFPD Inspector Lea Militello's request for assistance from FBI Joint Terrorism Task  
24 Force, hereby incorporated by reference).<sup>2</sup> Visits by the FBI and SFPD and this subpoena  
25 followed.

---

26  
27 <sup>2</sup> The pretext is concocted. On information and belief, there was no attempted arson.  
28 Marchers dropped a piece of foam they were carrying for a sign when the police officers began  
trying to drive through the march. A firecracker ignited it, and it smoldered but did not burn.

1  
2 **III. ARGUMENT**

3 **A. THE GOVERNMENT HAS NO JURISDICTION TO INVESTIGATE THIS**  
4 **LOCAL MATTER, AND ITS PURPOSE IN “ASSISTING” LOCAL LAW**  
5 **ENFORCEMENT IS A MISUSE OF THE FEDERAL GRAND JURY**

6 The federal government has no discernible jurisdiction to be investigating this matter, as  
7 the events do not appear to transgress any federal criminal law. This is a purely local event,  
8 which the SFPD is more than capable of handling, and is handling – notwithstanding Inspector  
9 Militello’s unfounded request for assistance from the JTTF (Exhibits C).<sup>3</sup> While the movant in  
10 no way stipulates to the propriety of any local grand jury subpoena, it is worth noting that the  
11 San Francisco District Attorney’s Office has recourse to grand jury proceedings. However,  
12 under California shield law, Mr. Wolf has almost absolute immunity to refuse to surrender  
13 unpublished information sought by the prosecutor. Miller v. Superior Court 21 Cal.4<sup>th</sup> 883, 887  
14 (1999). as well, if it should choose to avail itself of such a tool. It thus appears that San  
15 Francisco Police and the FBI are trying to do an end run around these rules.

16 The federal government may not use the grand jury to “assist” local law enforcement (the  
17 word used by the SFPD to describe the FBI’s involvement (Exhibits C and D) – as Rule 6 of the  
18 Federal Rules of Criminal Procedure strictly prohibits the federal government from divulging  
19 information derived from grand jury proceedings to state or local authorities, unless it can show  
20 that this is necessary to enforce federal criminal law. In Re Grand Jury Subpoenas served upon  
21 Edward Kiefaber, et al., 774 F.2d 969 (9<sup>th</sup> Cir. 1985) (quashing grand jury subpoenas as sanction  
22 for Government’s disclosure of grand jury materials to local law enforcement agencies).

23 Thus not only is there no predicate, but there is no legal benefit to using the grand jury in  
24 this manner. The subpoena should be quashed on these grounds alone. At the very least, the  
25 Court should require the government to disclose the subject of its investigation, and thereafter

26  
27 <sup>3</sup> While Inspector Militello documented her request for assistance to the FBI’s Joint  
28 Terrorism Task Force (Exhibit B), the genesis of the agreement, and who initiated it, is not  
known.

1 hold an evidentiary hearing to determine whether there is a predicate for the subpoena See  
2 United States v. R. Enterprises, Inc., 498 U.S. at 301-302 (recognizing that upon a preliminary  
3 showing of the unreasonableness of a subpoena, the government should be required to reveal the  
4 subject of the grand jury investigation before the movant is put to his/her burden in a motion to  
5 quash). “After all, a subpoena recipient ‘cannot put his whole life before the court in order to  
6 show that there is no crime to be investigated.” U.S. v. R. Enterprises, 498 U.S. 292, 302-203  
7 (1991), quoting Marston’s, Inc. v. Strand, 114 Ariz. 260, 270, 560 P.2d 778, 788 (1977).”

8 **B. THE SUBPOENA INFRINGES MR. WOLF’S FIRST AMENDMENT**  
9 **RIGHTS OF FREE EXPRESSION AND ASSOCIATION**

10 Absent any legitimate basis for involvement, the federal government’s very involvement  
11 in this local matter – coming at a time when the national police have begun talking about  
12 anarchism the way the FBI used to talk about Communism – raises the specter of broad political  
13 repression, and the rerun of a very bad old movie.

14 Only several weeks ago, FBI Special Agent Nasson Walker drafted an affidavit in  
15 support of a complaint and arrest of three young, alleged, would-be eco-saboteurs in Auburn  
16 (Sacramento County), which reads like a tract against anarchism. (Exhibit E, Affidavit by FBI  
17 Special Agent Nasson Walker, hereby incorporated by reference.). His affidavit irrelevantly  
18 references “anarchist” or “anarchism” 26 times in its mere 14 pages. The Agent [to wit, the FBI]  
19 appears obsessed with the anarchist “lifestyle”, anarchist literature, and anarchist gatherings.  
20 The FBI has revealed that it embedded a 20 year old paid informant with the suspects, apparently  
21 recruited when she was only 18 or 19. The FBI dressed her up as a medic, and dispatched her to  
22 participate in protests around the country.

23 Of course, there is no such thing as an anarchist movement, or anarchist agenda, and any  
24 two people who self-identify as anarchists are probably more likely to disagree on history,  
25 philosophy, social organization, or political strategy than any two people who identify as  
26 Christian, Muslim, Republican, or Democrat. Invocations of dread anarchism add nothing more  
27 to the indicia of probable cause recited in Agent Walker’s affidavit than if all the terms were  
28 replaced with the word “Christian” – and no one can gainsay that Christians have committed far

1 more atrocities in history than anarchists. It is axiomatic in this country that people are not guilty  
2 by mere association to unpopular individuals, groups, ideas, or suspected criminals. Anarchists  
3 occupy all positions in society. Professor Noam Chomsky is one. This undoubtedly is of little  
4 consolation to the current Administration, but that is all they should have to say about it. George  
5 Orwell was one too.

6 Based on information and belief, during the week of July 11, 2005, Lea W. Militello,  
7 Suzanne G. Solomon, and Scott A. Merriam visited Joshua Wolf's residence, and interviewed  
8 him for about an hour and a half. They asked Mr. Wolf if he makes it a habit to document  
9 anarchist protests. They wanted information on "Anarchist Action," such as who they are and  
10 what their mission is. The SFPD's incident reports and investigative documents likewise reveal  
11 generalizations about anarchists and anarchism. (Exhibits B and D).

12 On the face of it, the federal government is doing nothing more (or less) than trying to  
13 exploit an unfortunate, local incident in order to chill the free expression and association of  
14 activists who participate in demonstrations like the July 8, 2005 protest against the G8 Summit,  
15 many of whom apparently espouse anarchist beliefs (such as local autonomy, indigenous rights,  
16 freedom from government oppression and state terrorism, living with a small ecological  
17 footprint, and serving one another through acts of kindness and mutual support). It is readily  
18 apparent that the FBI is engaged in an illegal, full field investigation of anarchists and anarchism,  
19 and if the Court has any doubt as to this, then it should hold an evidentiary hearing to inquire into  
20 it. This assertion is based not only on the evidence at hand in this case, and the lack of any other  
21 predicate for FBI involvement, but on the sordid history of the federal government's misuse of  
22 the grand jury system to harass members of reviled groups or political ideologies, and the FBI's  
23 long and sordid history of attempting to "expose, disrupt, misdirect, discredit, or otherwise  
24 neutralize" unpopular groups and individuals, in J. Edgar Hoover's infamous words.<sup>4</sup>

---

25  
26 <sup>4</sup> COINTELPRO last reared its ugly head in the Bay Area, as far as anyone knows, when  
27 the FBI attempted to frame environmental activists Judi Bari and Darryl Cherney by accusing  
28 them of transporting a car bomb which was obviously placed by an attempted assassin under Ms.  
Bari's car seat. In 2002, a federal jury in San Francisco awarded plaintiffs in the ensuing civil



1 The grand jury system is enshrouded in secrecy and is, by its very nature, susceptible to  
2 abuse. See generally, Mark Kadish, *Behind the Locked Door of An American Grand Jury: Its*  
3 *History, Its Secrecy, and Its Process*, 24 Fla.St.U.L.Rev. 1 (1996); Michael Deutsch, *The*  
4 *Improper Use of the Federal Grand Jury: An Instrument for the Internment of Political Activists*,  
5 75 J.Crim.L. & Criminology 1159 (1984). "A consequence of grand jury secrecy is that neither  
6 the courts nor Congress, nor, especially, the public, can gauge how the institution is being used."  
7 Marvin E. Frankel & Gary P. Naftalis, *The Grand Jury: An Institution on Trial* 125 (1977).

8  
9 Very few of the procedural protections guaranteed to defendants in criminal trials are  
10 available during grand jury proceedings. For example, an indictment may be based entirely on  
11 hearsay evidence, Costello v. United States, 350 U.S. 359 (1956), the prosecutor has no  
12 obligation to present exculpatory evidence, United States v. Williams, 504 U.S. 36 (1992), and  
13 the Fourth Amendment exclusionary rule does not apply, United States v. Calandra, 414 U.S. 41  
14 (1972). According to established practice, 18 U.S.C. § 3332, and Fed.R.Crim.P. 6 and 17, a  
15 United States attorney may cause a grand jury subpoena to issue without specific grand jury  
16 authorization. See, In re Lopreato, 511 F.2d 1150 (1st Cir. 1975); In re Grand Jury Proceedings  
17 (Schofield), 486 F.2d 85 (3d Cir. 1973).

18 Furthermore, unlike witnesses summoned to appear before a court, witnesses subpoenaed  
19 before a grand jury have almost no procedural protections available to them. Under Blair v.  
20 United States, 250 U.S. 273 (1919), a witness subpoenaed before a grand jury has no standing to  
21 challenge a grand jury investigation. Witnesses are interrogated in secret without any members  
22 of the public or press present and, because grand jury proceedings are not adversarial, only the  
23 prosecution is represented. The witness is not even permitted to have counsel present in the  
24 grand jury room. The prosecutor may examine, cross-examine or present evidence without

25  
26 rights lawsuit 4.4 million dollars against the FBI and their dupes and accomplices, the Oakland  
27 Police, allocating the bulk of the award against the defendants based on their violations of  
28 plaintiffs' First Amendment rights. This was small recompense for the calumnies and years of  
suffering the pair endured as a result of the attempted frame-up, which some believe drove Judi  
Bari to her early death from cancer in 1997 at age 47.

1 complying with the Federal Rules of Evidence, and the witness “has an absolute duty to answer  
2 all questions, subject only to a valid Fifth Amendment claim.” United States v. Mandujano, 425  
3 U.S. 564, 581 (1976). The witness, who may be the target of the investigation, is not entitled to  
4 notice of the privilege against self-incrimination or the possibility of representation by counsel.

5 The grand jury is frequently referred to as a “tool of the prosecutor.” “[A]lthough grand  
6 jury subpoenas are occasionally discussed as if they were the instrumentalities of the grand jury,  
7 they are in fact almost universally instrumentalities of the United States Attorney’s office or of  
8 some other investigative or prosecutorial department of the executive branch.” In re Grand Jury  
9 Proceedings (Schofield), 486 F.2d 85, 90 (3d Cir. 1973). “[T]he enormous range of discretion  
10 held by prosecuting authorities in the United States allows them to use the law for political and  
11 other ends.” Norman Dorsen & Leon Friedman, *Disorder in the Court: Report of the*  
12 *Association of the Bar of the City of New York Special Committee on Courtroom Conduct* 170  
13 (1973).

14 In light of the susceptibility of the grand jury to abuse, it comes as no great surprise that  
15 the history of the grand jury system both in England, where it originated in the seventeenth  
16 century, and in the United States, is tarnished with instances where improper political  
17 motivations were permitted to interfere with its proper function. For example, in the antebellum  
18 South, the grand jury system was used to enforce slavery laws and indict outspoken opponents of  
19 slavery for sedition. Richard D. Younger, *The People's Panel: The Grand Jury in the United*  
20 *States*, 85-133 (1963). Similarly, in the post-Civil War South, the grand jury system formed an  
21 integral part of the “reign of terror” in which blacks and Reconstruction officials were indicted in  
22 order to harass and intimidate them, while Ku Klux Klan members who deprived blacks of their  
23 right to vote were not indicted. *Id.* at 128-29.

24 Earlier this century, the grand jury system was improperly used to frame labor organizers  
25 and union leaders and to facilitate witch hunts for Communist sympathizers. Deutsch, *supra*, at  
26 1171-73, 1175-78. More recently, during the Nixon administration, over one thousand political  
27 activists were subpoenaed to more than one hundred grand juries across the nation. *Id.* at 1179.  
28 The targets of these grand juries included anti-Vietnam War activists, leftist academics, the

1 Catholic left, and supporters of the women's movement and the black nationalist movement. *Id.*  
2 at 1180. Members of the National Lawyers Guild were frequently involved in representing  
3 persons called before grand juries and also worked to expose the abuses of the grand jury system.  
4 The grand juries were widely understood at the time to be domestic intelligence-gathering  
5 operations, which prompted many activists to go to jail rather than cooperate. *Id.* at 1182. As  
6 Senator Edward M. Kennedy astutely observed, "under the [Nixon] administration, we have  
7 witnessed the birth of a new breed of political animal--the kangaroo grand jury--spawned in a  
8 dark corner of the Department of Justice, nourished by an administration bent on twisting law  
9 enforcement to serve its own political ends, a dangerous form of Star Chamber secret inquisition  
10 that is trampling the rights of American citizens from coast to coast." *Washington Post*, March  
11 14, 1972, at 2, col. 3. Recently, Senator Tom Harkin expressed similar concern regarding a  
12 subpoena issued against student organizers of an anti-war conference at Drake University in  
13 Iowa, along with the local chapter of the National Lawyers Guild, when he said: "I don't like  
14 the smell of it,...It reminds me too much of Vietnam when war protesters were rounded up,  
15 when grand juries were convened to investigate people who were protesting the war.'" *Des*  
16 *Moines Register*, February 7, 2004. The government subsequently withdrew its subpoena after  
17 the affected parties filed a motion to quash.

18 In the case at bar, the federal government is clearly overstepping its bounds again. Grand  
19 juries "are not licensed to engage in arbitrary fishing expeditions, nor may they select targets of  
20 investigation out of malice or an intent to harass." United States v. R. Enterprises, Inc., 498 U.S.  
21 at 299 (1991). Rather, the proper role of the grand jury is to serve as "a primary security to the  
22 innocent against hasty, malicious and oppressive persecution; it serves the invaluable function in  
23 our society of standing between the accuser and the accused. . . to determine whether a charge is  
24 founded upon reason or was dictated by an intimidating power or by malice and personal ill  
25 will." Wood v Georgia, 370 U.S. 375, 390 (1962). See also, Costello v. United States, 350 U.S.  
26 359, 362 (1956); Hale v Henkel, 201 U.S. 43, 59 (1906).

27 While Congress has refused to grant general investigatory subpoena power to the Justice  
28 Department or the FBI, cf. United States v. Minker, 350 U.S. 179, 191 (1956) (Black, J.,

1 concurring) (“Apparently Congress has never even attempted to vest FBI agents with such  
2 private inquisitorial power”), as a practical matter, the subpoena power of the grand jury is an  
3 investigatory tool used to gather information which cannot be gained by usual investigatory  
4 means. For example, the subpoena power has been used to assist the FBI, the Internal Security  
5 Division of the Department of Justice, and other federal agencies in gathering intelligence data  
6 and in obtaining information which is otherwise inaccessible. See, e.g., United States v. Ryan,  
7 455 F.2d 728 (9th Cir. 1972) (court reversed conviction where the IRS sought records which it  
8 could not have obtained through enforcement of an administrative subpoena, but which the  
9 Government obtained instead through subpoenas *duces tecum*); In re September 1972 Grand  
10 Jury, 454 F.2d 580, 585 (7th Cir. 1971) (“[I]t would be an abuse of the grand jury process for the  
11 government to conduct a general fishing expedition under grand jury sponsorship with the mere  
12 explanation that the witnesses are potential defendants”; “[W]e hold it to be an abuse of the  
13 grand jury process for the Government to impose on that body to perform investigative work that  
14 can be, and theretofore has been successfully accomplished by the regular investigative agencies  
15 of Government.”); see also Donner & Cerruti, “The Grand Jury Network,” *The Nation*, Jan. 2,  
16 1972; Cowan, “The New Grand Jury,” *New York Times Magazine*, April 29, 1973.<sup>5</sup>

17  
18 Mr. Wolf is a freelance videographer, who records video for the Indy Media Center, an  
19 amalgam of independent media websites, which also produces a cable television news segment.  
20 He shot video of the July 8, 2005 protest, which is posted on at least one of the websites. In this  
21 case, Mr. Wolf also sold edited portions of video from the July 8, 2005 protest to three major  
22 television networks. The government has subpoenaed Mr. Wolf because he declined FBI in  
23 person demands that he produce video shot during the protest. The SFPD and the FBI already  
24 have the internet video.

25  
26 <sup>5</sup> “Officials of the Justice Department ... firmly endorse the idea that the juries should be  
27 used to extract information the FBI can’t obtain .... A. William Olson, then head of the  
28 department’s Internal Security Division, saw nothing wrong with the use of the grand jury as a  
tool to develop broad information for the Government.” Cowan, “The New Grand Jury,” *New  
York Times Magazine*, April 29, 1973.

1           The United States Supreme Court has directed the federal courts to ensure that grand jury  
2 investigations respect the First Amendment rights of reporters. In Branzburg v. Hayes, 408 U.S.  
3 665 (1972), the Supreme Court held that although the First Amendment does not protect  
4 newspaper reporters from being subpoenaed to testify about their sources, “grand jury  
5 investigations if instituted or conducted other than in good faith, would pose wholly different  
6 issues for resolution under the First Amendment. . . . We do not expect courts will forget that  
7 grand juries must operate within the limits of the First Amendment as well as the Fifth.”  
8 Branzburg, 408 U.S. at 707-08. In the case at bar, the government is using the grand jury as a  
9 tool of intimidation, and to engage in a fishing expedition, in a manner proscribed by the  
10 Supreme Court, and censured by lawmakers.

11           Since the movant has made a showing that the government is proceeding in bad faith by  
12 attempting to chill and harass a political community, by misusing a federal grand jury in an effort  
13 to “assist” local authorities in pending local criminal cases, and by attempting to circumvent the  
14 California Shield Law which protects a reporters’ files and sources, the Court should sanction the  
15 government by quashing the subpoena. Branzburg, 408 U.S. at 707-08; In Re Grand Jury  
16 Subpoenas served upon Edward Kiefaber, et al., 774 F.2d 969 (9<sup>th</sup> Cir., 1985)(quashing grand  
17 jury subpoenas as sanction for Government’s disclosure of grand jury materials to local law  
18 enforcement agencies).

19           At a bare minimum, since the movant has made a prima facie showing that the subpoena  
20 infringes his First Amendment rights, the government must show a compelling need for the  
21 requested records and that such records have a substantial relationship to this compelling interest.  
22 United States v. Citizens State Bank, 612 F.2d 1091 (8th Cir. 1980). In addition, the government  
23 must show that the relevant information can not be obtained through less intrusive means.  
24 National Commodity and Barter Association v. United States, 951 F.2d 1172, 1174 (10 Cir.  
25 1991). Mr. Wolf should then be given a chance to respond.

26           ///

27           ///

1 IV. CONCLUSION

2 WHEREFORE, Joshua Wolf respectfully requests that the Court stay and ultimately  
3 quash the subpoena and the subpoena duces tecum. In the alternative, Mr. Wolf respectfully  
4 requests that the Court require the government to identify the nature and purpose of its  
5 investigation, and to show that the requested records bear a substantial relationship to a  
6 compelling governmental interest, and that they cannot be obtained through less intrusive means,  
7 and if the government makes such an initial showing, provide Mr. Wolf with the opportunity to  
8 show that the deprivations of his First Amendment rights outweigh the government's cited  
9 interest(s). Mr. Wolf also respectfully requests such further relief as the Court deems just and  
10 proper.

11 Respectfully Submitted,

12 Dated: February 15, 2006

13 SIEGEL & YEE

14 Attorneys for Joshua Wolf  
15 Subpoenaed Party

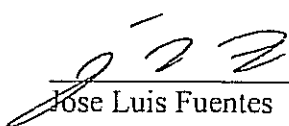
16 By:

17   
18 JOSE LUIS FUENTES

19 Attorney Ben Rosenfeld contributed to this motion.

20 **CERTIFICATE OF SERVICE**

21  
22 I, Jose Luis Fuentes, certify that on the 15th day of February, 2006, I caused the  
23 foregoing Motion to Quash and associated documents to be served on the U.S. Attorney's Office,  
24 Northern District of California, by mailing a copy of the documents by First Class U.S. mail. In  
25 addition, faxed copies of all documents were sent to the U.S. Attorney's office on the 15th day of  
26 February, 2006 at 415-436-6846.

27  
28   
Jose Luis Fuentes

1 DAN SIEGEL, SBN 56400  
2 JOSE LUIS FUENTES, SBN 192236  
3 SIEGEL & YEE  
4 499 14th St, Suite 220  
5 Oakland, California 94612  
6 Telephone: (510) 839-1200  
7 Facsimile: (510) 444-6698

8  
9  
10 Attorneys for Subpoenaed Party  
11 JOSHUA WOLF

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re GRAND JURY SUBPOENA  
dated February 1, 2006.

JOSHUA WOLF,

Subpoenaed Party.

**DECLARATION OF JOSE LUIS FUENTES  
IN SUPPORT OF MOTION TO QUASH  
SUBPEONA AND SUBPOENA DUCES  
TECUM**

Date:  
Time: 9:30 a.m.  
Courtroom:

I, JOSE LUIS FUENTES, declare and state as follows:

I am an attorney at law licensed to practice law in the State of California. I am counsel of record for Joshua Wolf. If called upon to testify about the matters herein, I could testify competently about such matters based on my personal knowledge and/or on my review of the files in the state criminal actions and this related federal action. I make this declaration in support of Petitioner's Motion To Quash Subpoena And Subpoena Duces Tecum.

The subpoena, a true copy of which is attached as Exhibit A and incorporated by reference, sets forth the genesis for Mr. Wolf's subpoena.

1 Based on information and belief, Joshua Wolf is a freelance journalist and videographer  
2 who records video for the Indy Media Center, an amalgam of independent media websites, which  
3 also produces a cable television news segment. Mr. Wolf has also sold his footage of breaking  
4 news events to NBC, KTVU, and KRON.

5  
6 Based on information and belief, Mr. Wolf was gathering news on July 8, 2006. He  
7 transmitted the news he had gathered to Indy Media Center. He was paid for his breaking news  
8 footage by NBC, KTVU, and KRON in July of 2005.

9 Based on information and belief, during the week of July 11, 2005, Lea W. Militello,  
10 Sergeant/Inspector, for San Francisco Police Department ("SFPD"), Scott A. Merriam and  
11 Suzanne G. Solomon, Special Agents, for the Federal Bureau of Investigation visited Mr. Wolf  
12 residence. Mr. Wolf was interviewed by the SFPD and FBI for about an hour and a half. They  
13 asked Mr. Wolf if he makes it a habit to document "Anarchist Action" protests. They wanted  
14 information on "Anarchist Action," such as who they are and what their mission is. The SFPD's  
15 incident reports and investigative documents likewise reveal generalizations about anarchists and  
16 anarchism. Exhibits B, SFPD incident reports related to July 8, 2005 incident, and D, SFPD  
17 Investigator's Chronology, hereby incorporated by reference. The FBI and SFPD also inquired  
18 regarding the edited new clip on Indy Media and the networks. Mr. Wolf declined the FBI's and  
19 SFPD's demands that he produce the unedited video.

20 The SFPD did initiate an investigation, led by Inspector Lea W. Militello, and local  
21 charges are pending against three people in connection with the incident: the individual accused  
22 of putting the foam in front of the police car (preliminary hearing scheduled for March 1, 2006),  
23 and two observers, charged with misdemeanors and accused of interfering. They are charged in  
24 San Francisco Superior Court.

25 On July 15, 2005, Scott A. Merriam and Lea W. Militello, visited the Law Office of  
26 Siegel & Yee. Mr. Merriam was informed that the unedited video footage of Mr. Wolf would  
27



1 not be turned over without a court order because of First Amendment and California Constitution  
2 protection for news gathers.

3 Exhibit C, SFPD Inspector Lea Militello's request for assistance from FBI Joint  
4 Terrorism Task Force, is hereby incorporated by reference.

5 Only several weeks ago, FBI Special Agent Nasson Walker drafted an affidavit in  
6 support of a complaint and arrest of three young, alleged, would-be eco-saboteurs in Auburn  
7 (Sacramento County), which reads like a tract against anarchism. Exhibit E, Affidavit by FBI  
8 Special Agent Nasson Walker, hereby incorporated by reference.

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct. Executed in Oakland California, this 15 day of January, 2006.

11  
12   
13 JOSE LUIS FUENTES

## **Exhibit A**

# United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

TO: Joshua Wolf

## SUBPOENA TO TESTIFY BEFORE GRAND JURY

SUBPOENA FOR:

PERSON  DOCUMENT(S) OR OBJECT(S)

YOU ARE HEREBY COMMANDED to appear and testify before the Grand Jury of the United States District Court at the place, date, and time specified below.

PLACE United States District Court Federal Building & Courthouse 450 Golden Gate Avenue San Francisco, CA 94102	COURTROOM Grand Jury Room B - 17th Floor
	DATE AND TIME February 16, 2008 at 9:30am

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s):\*

SEE ATTACHMENT A

Please see additional information on reverse

This subpoena shall remain in effect until you are ordered to appear by the court or by an officer acting on behalf of the court

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

**RICHARD W. WIEKING**

(By) Deputy Clerk

*Richard W. Wieking*



DATE

February 1, 2008

This subpoena is issued on application of the United States of America  
KEVIN V. RYAN  
United States Attorney

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:  
JONATHAN SCHMIDT, AUSA  
U.S. Attorney's Office, 450 Golden Gate Ave., Box 36055  
San Francisco, CA 94102 (415)436-6776  
FBI SA Suzanne G. Solomon (510) 251-4168

\*If not applicable, enter "none"

## ATTACHMENT A

### I. Definitions

1. "Document" or "documents" means writings and recordings of any type or description, whether originals or copies (e.g., carbon, handwritten, typewritten, microfilm, photostatic, and xerographic copies), regardless of where located, that are in your possession, custody, or control. For purposes of this definition:

a. "writings and recordings" are materials upon which information or data has been recorded or is retained in any form, however produced, e.g., handwritten, typed, printed, digitally recorded, taped, computerized, encoded or otherwise produced, reproduced or copied.

b. each copy of a writing or recording that differs in any way from the original, e.g., by virtue of an addition, deletion, alteration, notation or inscription, is a separate document.

c. documents include, but are not limited to, correspondence, memoranda, communications, books, reports, records, slips, self-stick notes, telephone and other logs, rolodexes or other telephone books, telephone message notations, notes and/or memoranda of telephone conversations, notebooks, calendars, diaries, working papers, contracts, agreements, vouchers, invoices, billings, receipts, cancelled checks, check stubs, bank drafts, bank records, data sheets, microfilm, microfiche, tape recordings, information stored in computer hard drive, or on computer disk or tape, or any other electronic or mechanical recording or transcript, and any other instrument or device which contains any information or from which any information can be derived or retrieved. (When documents are stored in computer hard drive, or on computer tapes or disks, the documents to be produced shall include all program instructions and other materials necessary for their use or retrieval).

2. The term "communication" or "communications" means any transmission or exchange of information between two or more persons, orally or in writing, and includes, without limitation, any conversation, contact or discussion, whether face-to-face or by means of telephone, telegraph, telex, electronic or other media, whether by chance or design.

3. The term "person" or "persons" includes any individual, group of individuals, sole proprietorship, partnership, corporation, company, unincorporated business association, or other entity.

4. The terms "and" and "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of the request any document which might otherwise be construed to be outside its scope.

5. The original of all documents that are responsive in whole or in part to any paragraph in Part II of this subpoena attachment are to be produced to the grand jury.

6. For any document withheld under a claim of privilege, provide a statement setting forth:

- a. the name and title of the author(s) of the document;
- b. the name and title of the person(s) to whom the documents is addressed;
- c. the names and titles of all persons to whom copies of the document, or any part thereof, were sent or shown;
- d. the date of the document;
- e. a brief description of the subject matter of the document;
- f. the nature of the claimed privilege;
- g. all facts which you claim demonstrate that the privilege has not been waived; and
- h. the paragraph(s) or subparagraph(s) of this subpoena attachment to which the document is responsive.

## **II. Items To Be Produced**

All documents, writings and recordings related to the protest activities conducted in San Francisco, California, on July 8, 2005, between the hours of 6:30 p.m. and 11:59 p.m., including but not limited to:

1. photographs;

2. developed and undeveloped film and film negatives and positives;
3. video tape recordings;
4. audio tapes;
5. digital media containing images of the said protest activities;
6. records reflecting the software used to process, manipulate or store the electronic images, video and/or audio data;
7. each camera, video recorder, audio recording device or other hardware or equipment used to record any part of the above described events of July 8, 2005.

<b>RETURN OF SERVICE<sup>1</sup></b>		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		
SERVED BY (PRINT NAME)		TITLE
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER<sup>2</sup></b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____  <div style="display: flex; justify-content: space-around; width: 100%;"> <span>Date</span> <span>Signature of Server</span> </div>             _____            Address of Server         </p>		
Additional Information		

<sup>1</sup> As to who may serve a subpoena and the manner of its service see Rule 17(d), Federal Rules of Criminal Procedure, or Rule 45(c), Federal Rules of Civil Procedure.

<sup>2</sup> "Fees and mileage need not be tendered to the witness upon service of a subpoena issued on behalf of the United States or an officer or agency thereof (Rule 45(c), Federal Rules of Civil Procedure; Rule 17(d), Federal Rules of Criminal Procedure) or on behalf of certain indigent parties and criminal defendants who are unable to pay such costs (28 USC 1825, Rules 17(b) Federal Rules of Criminal Procedure)".

**Exhibit B**



Report Type: Initial

San Francisco Police Department

INCIDENT REPORT

050764676

Incident Number 050-764-676	Occurrence to Date/Time <b>COPY</b>	Reported Date/Time 07/08/05 21:54	CAD Number 051894145
Type of Incident Assault, Aggravated, On Police Officer, W/Force -04074, Lynching by Riot -19032, Arson, Police Building -26033			
Location of Occurrence 3370 23rd St		At Intersection with/Premise type Bartlett Street All Others, explain in Narrative	
Confidential Report? <input type="checkbox"/>	Arrest Made? <input checked="" type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input checked="" type="checkbox"/>
Non-Suspect Incident? <input type="checkbox"/>	Domestic Violence? <input type="checkbox"/>	Reporting Unit 3D00	
Location Sent 22ND ST			
How Cleared? 6	Reported to Bureau Operations Center	Name Schwartz	Star Date/ Time 1511 07/08/05 22:05
Elder Victim? <input type="checkbox"/>	Gang Related? <input checked="" type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>

050764676

OFFICIAL CREATION

I declare under penalty of perjury, this report of 12 pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved.

PROP 115 CERTIFIED

Signature: [Handwritten Signature]

Reporting Officer Wolf, Michael W	Star 1568	Station Mission Station	Watch 1500-0100	Date 07/10/05 00:30:54
Reviewing Officer SGT B KAPROSCH	STAR 1289	Station Mission Station	Watch 1500-0100	Date 7/10/05
OIC SGT GRAY	STAR 1304	Station Mission Station	Watch 1500-0100	Date 7-10-5
Related Case 050-763-907	Related Case	Re-Assigned to Copies to 5G200 5G200 5B200	Assigned to 5G200	Assigned by MWW #1568

REVIEWER

Code RV 1	Name (Last, First Middle) SFPD #1568 and #1924,	Alias
Day Phone (415) 558-5400	Type Work	Home Address 630 Valencia Street
Night Phone (415) 558-5400	Type Work	Work Address 630 Valencia Street
DOB / Age Unknown	DOB 10/07/83	Age 21
Race W	Sex M	Height Weight
Hair Color	Eye Color	ID Type Jurisd ID No.
Confidential Person? <input type="checkbox"/>	Violent Crime Notification? <input type="checkbox"/>	293 PC Notification? <input type="checkbox"/>
Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>
School (if Juvenile)	Injury/Treatment	Other Information/If Interpreter Needed Specify Language See narrative

BOOKED

Code B 1	Name (Last, First Middle) Tarlow, Cody	Alias
Day Phone Refused	Type Refused	Home Address 11189 Lompico Rd
Night Phone	Type	Work Address
DOB Unknown	Date of Birth 10/07/83	Age 21
Race W	Sex M	Height Weight
Hair Color	Eye Color	ID Type/Jurisdiction/Number
Book Section #1 NW245@PC	Book Section #2 NW243(d)PC	Book Section #3 NW148.10PCX2
Book Section #4 NW664/405(b)PC	Book Section #5 NW182PC	Booking Location Mission Station
Warrant #	Court #	Action #
Dept	Enroute to	CWB Check Canedo
Star 49	Warrant Violation(s)	Bail
Mirandized <input type="checkbox"/>	Star	Date
Time	Statement <input type="checkbox"/>	
Citation #	Violation(s)	Appear Date/Time
Location of Appearance	Book/Cite Approval Sgt. Kaprosch	Star 1289
Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)
CA Form Booked Copy Attached	Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos	

Additional Booking Charges; NW 455 PC, 185 PC.

050764676

San Francisco Police Department  
ADDITIONAL REPORTEE

RP CODES: F -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

WITNESS	Code W 1	Name (Last, First Middle) SFSD 1121 ,(Unknown First Name)						Alias			
	Day Phone	Type	Home Address Refused				City	State	Zip Code		
	Night Phone (415) 734-2321	Type Work	Work Address 120 14th Street				City SF	State CA	Zip Code 94103-		
	DOB/ Unk <input type="checkbox"/>	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

WITNESS	Code W 2	Name (Last, First Middle) SFPD 554 ,(Unknown First Name)						ALIAS			
	Day Phone	Type	Home Address Refused				City	State	Zip Code		
	Night Phone (415) 558-5400	Type Work	Work Address 630 Valencia Street				City SF	State CA	Zip Code 94110-		
	DOB/ Unk <input type="checkbox"/>	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

WITNESS	Code W 3	Name (Last, First Middle) SFPD 1467 ,(Unknown First Name)						ALIAS			
	Day Phone	Type	Home Address Refused				City	State	Zip Code		
	Night Phone (415) 558-5400	Type Work	Work Address 630 Valencia Street				City SF	State CA	Zip Code 94110-		
	DOB/ Unk <input type="checkbox"/>	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

WITNESS	Code W 4	Name (Last, First Middle) SFPD 1289 ,(Unknown First Name)						Alias			
	Day Phone	Type	Work Address Refused				City	State	Zip Code		
	Night Phone (415) 558-5400	Type Work	WORK ADDRESS 630 Valencia Street				City SF	State CA	Zip Code 94110-		
	DOB/ Unk <input type="checkbox"/>	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

SFPD377 B (03/03)

050764676

San Francisco Police Department  
ADDITIONAL REPORTEE

RP CODES: F -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

<b>WITNESS</b>	Code W 5	Name (Last, First Middle) SFPD 4226 ,(Unknown First Name)						Alias			
	Day Phone	Type	Home Address Refused				City	State	Zip Code		
	Night Phone (415) 558-5400	Type Work	Work Address 630 Valencia Street				City SF	State CA	Zip Code 94110-		
	DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

<b>WITNESS</b>	Code W 6	Name (Last, First Middle) SFSD 1486 ,(Unknown First Name)						ALIAS			
	Day Phone	Type	Home Address Refused				City	State	Zip Code		
	Night Phone (415) 554-2380	Type Work	Work Address 120 14th Street				City SF	State CA	Zip Code 94103-		
	DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

<b>WITNESS</b>	Code W 7	Name (Last, First Middle) SFSD 1347 ,(Unknown First Name)						ALIAS			
	Day Phone	Type	Home Address Refused				City	State	Zip Code		
	Night Phone (415) 554-2380	Type Work	Work Address 120 14th Street				City SF	State CA	Zip Code 94103-		
	DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

<b>WITNESS</b>	Code W 8	Name (Last, First Middle) Tray, Ryan D						Alias			
	Day Phone	Type Home	Work Address				City SF	State CA	Zip Code 94120-		
	Night Phone	Type	WORK ADDRESS				City	State	Zip Code		
	DOB/	Age 03/28/76 29	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star 1568	F/U Form YES <input checked="" type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None				
School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

SFPD377 B (03/03)

050764676

ADDITIONAL SUSPECTS

BOOKED 2

CODE B 2	Name (Last, First Middle) Ernst, Doritt				Alias			
Day Phone	Type Refused	Home Address [REDACTED]			City Barkley	State CA	Zip Code	
Night Phone	Type	Work Address			City	State	Zip Code	
School (if Juvenile)	Race W	Sex F	DOB Unknown <input type="checkbox"/>	DOB 05/31/79	Height	Weight	Hair Color	Eye Color
SFNO	ID# (if Juv.)	ID No	ID No		ID No			
Book/Charge 1 NW245@PC	Book/Charge 2 NW243(d)PC	Book/Charge 3 NW148.10PCX2	Book/Charge 4 Nw664/405(b)PC	Book/Charge 5 NW182PC	Where Booked Mission Station			
Warrant #	Court #	Action #	Dept	Enroute To	CWB Check Canedo	Star 49		
Warrant Violation(s)				Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>
Citation #	Violation(s)			Appear Date/Time	Location of Appearance			
Book/Cite Approval Sgt. Beazley	Star 2073	Mass Arrest Code	M X-Rays <input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos Additional Booking Charges; NW 455 PC, NW148(b) PC, 594(a)(2) PC								

PVT-PERSON ARREST

ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.

BOOKED 3

CODE B 3	Name (Last, First Middle) Doe, John				Alias			
Day Phone	Type Refused	Home Address Refused			City	State	Zip Code	
Night Phone	Type	Work Address			City	State	Zip Code	
School (if Juvenile)	Race W	Sex M	DOB Unknown <input type="checkbox"/>	DOB	Height	Weight	Hair Color	Eye Color
SFNO	ID# (if Juv.)	ID No	ID No		ID No			
Book/Charge 1 NW245@PC	Book/Charge 2 NW243(d)PC	Book/Charge 3 NW148.10PCX2	Book/Charge 4 NW404.8@PC	Book/Charge 5 NW664/405(b)PC	Where Booked Mission Station			
Warrant #	Court #	Action #	Dept	Enroute To	CWB Check Canedo	Star 49		
Warrant Violation(s)				Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>
Citation #	Violation(s)			Appear Date/Time	Location of Appearance			
Book/Cite Approval Sgt. Beazley	Star 2073	Mass Arrest Code	M X-Rays <input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos Additional Booking Charges; NW182PC, NW243@2)PC, NW594(a)(2)PC, NW455 PC.								

PVT-PERSON ARREST

ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE PHOTOCOPY ATTACHED WITH THIS REPORT

SFPD377 C (11/02)

D 1	Code/No DAM 1	Item Description Right rear taillight				Brand	Model	
	Serial No.	Gun Make	Caliber	Color RED	Narcotics Lab No.	Quantity 1	Value TBD	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers To (D) Patrol Vehicle B1139.							
	Code/No	Item Description				Brand	Model	
	Serial No	Gun Make	Caliber	Color	Narcotics Lab No	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No	Gun Make	Caliber	Color	Narcotics Lab No	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No	Gun Make	Caliber	Color	Narcotics Lab No	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							
	Code/No	Item Description				Brand	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity	Value	
	Seized by (Star)	From Where						
	Additional Description/Identifying Numbers							

E	Code/No EVD 1	Item Description Crime scene log				Brand SFPD	Model	
1	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No	Quantity 2	Value NA	
Seized by (Star) 1901		From Where Crime Scene						
Additional Description/Identifying Numbers Crime scene log from 3337 23rd street and 3370 23rd street (vehicle).								
E	Code/No EVD 2	Item Description Radio				Brand Motorola	Model XTS3000	
2	Serial No 713256	Gun Make	Caliber	Color BLK	Narcotics Lab No	Quantity 1	Value TBD	
Seized by (Star) 2027		From Where Crime Scene						
Additional Description/Identifying Numbers SFPD departent issued radio.								
E	Code/No EVD 3	Item Description Ear piece wire				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No	Quantity 1	Value 200.00	
Seized by (Star) 2027		From Where Crime scene						
Additional Description/Identifying Numbers Ear piece wire used with SFPD issued radio.								
E	Code/No EVD 4	Item Description Written statements				Brand SFPD	Model	
4	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No	Quantity 1	Value NA	
Seized by (Star) 1901		From Where Officer Kane #4226.						
Additional Description/Identifying Numbers Written statement from the above listed individual regarding their knowledge of this incident.								
E	Code/No EVD 5	Item Description Clothing				Brand	Model	
5	Serial No.	Gun Make	Caliber	Color MUL/COL	Narcotics Lab No.	Quantity	Value NA	
Seized by (Star) 2027		From Where (B) Ernst						
Additional Description/Identifying Numbers (1) Blk blouse, (1) Blk pants, (1) blue jean jacket, (1) pair white socks and (1) pair blk shoes.								
E	Code/No EVD 6	Item Description Clothing				Brand	Model	
6	Serial No.	Gun Make	Caliber	Color MUL/COL	Narcotics Lab No	Quantity	Value NA	
Seized by (Star) 2027		From Where (B) Tarlow						
Additional Description/Identifying Numbers (1) Yellow pants, (1) green shirt, (1) blk sweater, (1) blk socks, (1) pair blue shoes.								
E	Code/No EVD 7	Item Description Clothing				Brand	Model	
7	Serial No.	Gun Make	Caliber	Color MUL/COL	Narcotics Lab No.	Quantity	Value NA	
Seized by (Star) 2027		From Where (B) Doe						
Additional Description/Identifying Numbers (1) Blu jacket, (1) Pair gray pants, (1) pair brown shoes, (1) pair white socks and (1) blk T shirt.								

E 8	Code/No EVD 8	Item Description Sign				Brand	Model	
	Serial No	Gun Make	Caliber	Color MUL/COL	Narcotics Lab No.	Quantity 1	Value NA	
	Seized by (Star) 1901	From Where Crime scene						
	Additional Description/Identifying Numbers Styrofoam sign stating "From Scotland to San Francisco our resistance is global."							
E 9	Code/No EVD 9	Item Description Uniform Pants				Brand SFPD	Model	
	Serial No	Gun Make	Caliber	Color BLU	Narcotics Lab No.	Quantity 1	Value 300.00	
	Seized by (Star) 1901	From Where SFPD 1568						
	Additional Description/Identifying Numbers Damaged uniform pants.							
P 1	Code/No SFK 1	Item Description Department issued duty belt				Brand SFPD	Model	
	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value 500.00	
	Seized by (Star) 2027	From Where SFPD 1924						
	Additional Description/Identifying Numbers							
P 2	Code/No SFK 2	Item Description Department issued fire arm				Brand SIG SAUER	Model P226	
	Serial No 608687	Gun Make SIGARMS	Caliber .40	Color BLK	Narcotics Lab No	Quantity 1	Value 800.00	
	Seized by (Star) 1901	From Where SFPD 1924						
	Additional Description/Identifying Numbers							
P 3	Code/No SFK 3	Item Description SIGARMS Magazine				Brand SIG	Model P226	
	Serial No.	Gun Make SIGARMS	Caliber .40	Color BLK	Narcotics Lab No	Quantity 1	Value 40.00	
	Seized by (Star) 4	From Where Crime Scene						
	Additional Description/Identifying Numbers One full magazine containing 12 .40 cal rounds and one loss .40 cal round.							
E 10	Code/No EVD 10	Item Description Poperty receipts				Brand SFPD	Model	
	Serial No	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 3	Value NA	
	Seized by (Star) 1901	From Where						
	Additional Description/Identifying Numbers Receipts for seized property taken from Ernst, Tarlow, & Doe.							
E 11	Code/No EVD 11	Item Description Digital image disks				Brand	Model	
	Serial No.	Gun Make	Caliber	Color BLK	Narcotics Lab No.	Quantity 8	Value NA	
	Seized by (Star) 1568	From Where 1568						
	Additional Description/Identifying Numbers Images down loaded from protestor web site showing criminal activity, crime scene and injured officer. Images of (D) Patrol Vehicle. Images of injuries to Officer Wolf.							

050764676

VEHICLE INFORMATION

VEHICLE CODES: B -BOOSTED; D -DAMAGED; F -USED FELONY; T -TOWED; U -USED OTHER; V -VANDALIZED; X -STRIPPED

VEHICLE INFORMATION	Code	Plate No	State	Reg Yr	Plate Type	VIN No	
	D	1083338	CA	2099	EX	2FAFP71W51X161129	
	Veh Year	Make		Model			
	2001	Ford		Crown Vic			
	Style			Color		Plates/VIN Match?	Plates Missing?
Sedan, 4 door			Black		<input checked="" type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
Condition (Check all that apply)					Damage	Point of Entry	
APPARENTLY DRIVABLE <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input checked="" type="checkbox"/> STRIPPED? <input type="checkbox"/>					Rt rear taillight	N/A	
Crime Scene Tech Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)		Tow Check (Name) Star
<input type="checkbox"/>	<input type="checkbox"/>						
Hold For		Other Information					
		MISC Vehicle #B1139					
OWNER	Registered Owner Business Name/Last Name, First Name						Residence Phone
	CY/CNTY San Francisco						
Residence Address			City	State	Zip	Business Phone	
1800 Jerrold Ave			San Francisco	CA	94124-		

VEHICLE INFORMATION	Code	Plate No	State	Reg Yr	Plate Type	VIN No	
	Veh Year	Make		Model			
	Style			Color		Plates/VIN Match?	Plates Missing?
					<input type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
Condition (Check all that apply)					Damage	Point of Entry	
APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>							
Crime Scene Tech Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)		Tow Check (Name) Star
<input type="checkbox"/>	<input type="checkbox"/>						
Hold For		Other Information					
OWNER	Registered Owner Business Name/Last Name, First Name						Residence Phone
Residence Address			City	State	Zip	Business Phone	

VEHICLE INFORMATION	Code	Plate No	State	Reg Yr	Plate Type	VIN No	
	Veh Yr	Make		Model			
	Style			Color		Plates/VIN Match?	Plates Missing?
					<input type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
Condition (Check all that apply)					Damage	Point of Entry	
APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>							
Crime Scene Tech Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)		Tow Check (Name) Star
<input type="checkbox"/>	<input type="checkbox"/>						
Hold For		Other Information					
		MISC Vehicle #B1139					
OWNER	Registered Owner Business Name/Last Name, First Name						Residence Phone
Residence Address			City	State	Zip	Business Phone	



On 07/08/2005 at approximately 21:51 Hrs, Officer Shields #1924 and I were on patrol in full uniform and driving a marked police vehicle. We were dispatched (CAD# S051894145) to the area of "22nd and Mission Street regarding a large group of thirty or more protesters hitting windows to businesses with bats." While enroute we were informed that "the group were throwing trashcans and newspapers in the street and destroying businesses and vehicles in the area." There was also an additional update that "the group was threatening people."

It should be noted that during this evening in the Mission District there was a demonstration at 16th Street and Mission Street that turned into a march (See CAD #051893424).

Upon Officer Shields and I arriving at 23rd and Valencia Street, we observed 5-10 individuals wearing dark clothing at the corner of 23rd Street and Valencia Street. Some of these protesters were wearing masks to cover their faces. Several members of this group were dragging metal objects from the north side of 23rd Street out into both lanes of traffic. As Officer Shields and I came closer we noticed that the metal objects appeared to be newsstands. In response to this Officer Shields activated our vehicle's emergency lights and made a left turn onto E/B 23rd Street from S/B Valencia Street to investigate whether or not these were the suspects listed in our call for service.

Upon entering E/B 23rd Street, Officer Shields and I observed the small group of 5-10 individuals running E/B on 23rd Street towards Bartlett Street. Officer Shields and I immediately drove behind these individuals with our emergency lights on in an attempt to detain them for the malicious mischief vandalism that we witnessed them conduct at 23rd and Valencia Street. We also intended to detain these individuals, due to the fact they may be the suspects in our call for service. As Officer Shields and I drove closer to these individuals we found ourselves mid block on 23rd Street between Bartlett and Valencia Street. The original group of 5-10 individuals that fled from us, led Officer Shields and I into a much larger group of approximately 100 protesters. Officer Shields and I did not notice this large crowd upon turning onto 23rd Street due to the fact that the area is sparsely illuminated by streetlights and the main body of the crowd was half a block away from us.

Upon Officer Shields and I arriving at the crowd, the 5-10 individuals Officer Shields and I were attempting to detain, quickly integrated into the larger group of protesters. For reasons of Officer safety, Officer Shields and I remained in our patrol unit and did not pursue the original 5-10 vandalism suspects into the crowd of protesters. At this point Officer Shields and I decided to move the crowd onto the sidewalks to allow our free travel E/B on 23rd Street. The effect our emergency lights had on the crowd, was that approximately 1/3 of the protesters moved onto the sidewalks. The remaining crowd of protesters refused to yield to our presence and remained in the street blocking our path.

Much of the remaining crowd were wearing dark clothing and covering their faces with masks. From my training and experience I recognized these protesters as possible members of an anarchist group called "Black Block." Members of "Black Block" have a long documented history of violence and vandalism. Due to these reasons, Officer Shields and I feared for our safety and began to proceed forward in an attempt to move to a safe area to avoid being targeted by this group. Moving forward was our only option due to several members of the group beginning to flank our vehicle. Due to the fact that the protesters began to surround our Police vehicle, Officer Shields verbally stated to me "Mike, as soon as we hit Bartlett we're out of here."

Officer Shields attempted to proceed forward towards Bartlett until (B-3) John Doe yelled something to the crowd. J. Doe's statement to the crowd drew immediate attention towards Officer

Shields and I. J. Doe then began striking the right front fender of our patrol unit with a (E-8) very large styrofoam sign. This placed J. Doe between Officer Shields and I and our only route of escape. Officer Shields cautiously began moving forward towards Bartlett Street until J. Doe placed the (E-11 Photo) very large styrofoam sign directly under our patrol unit. This immediately incapacitated our patrol vehicle allowing numerous members of the protesters, which included suspected members of "Black Block" to converge on our Police vehicle. J. Doe in addition to other members of the rioting crowd began yelling statements to the effect of "get the Police." After J. Doe effectively incapacitated our Police vehicle, I informed Officer Shields that I would exit the vehicle to take J. Doe into custody for hitting our vehicle and to prevent him from inciting further violence from the crowd. Officer Shield replied back to me "go ahead."

Immediately upon exiting our Police car J. Doe looked directly at me began to run E/B on 23rd Street towards Bartlett. I pursued J. Doe onto the south sidewalk of 23rd Street and quickly caught up with him near the S/W corner of Bartlett and 23rd Street. I grabbed onto the back of J. Doe and told him to "stop, you're under arrest." Numerous members of the protesters observed J. Doe flee from me. Some of these protesters began yelling "run!" In addition to these statements an unknown number of protesters began to grab onto my extremities and my department issued baton. My baton was in my right hand when this occurred. I was able to overcome the crowds attempt to lynch J. Doe and I effectively maintained a physical grip of his body. J. Doe's reaction to my order to "stop" and he's "under arrest" was to continue pulling away from me and on at least one occasion yell something to the protester to the effect of "help me!" I perceived J. Doe's statement of "help me!" as a direct plea to the rioting crowd to lynch him. My reaction to J. Doe's physical and verbal resistance was to pull his body to the ground. I pulled him to the ground in an effort to overcome his resistance and to prevent his attempted escape from me. This drove my left knee into the cement sidewalk causing an injury (E-11) to my left knee and damage to my (E-9) pants.

Once on the ground J. Doe immediately attempted to stand back up. As I struggled with J. Doe I felt at least one rioter start pulling on my legs. As this occurred as I heard the crowd yell, "get him", "let him go!" and "run!" The pulling on my legs started to draw me back from J. Doe who was still attempting to free himself by pushing up with both his hands and thrashing his legs. During J. Doe's personal efforts to resist arrest, the crowd of rioters considerably increased in size and I thought that they might become successful in freeing J. Doe from my custody. Keeping this in mind, I attempted to incapacitate J. Doe via Carotid Restraint and attempt to place him in handcuffs to extricate him from the rioting crowd. I made the attempt to place J. Doe into a Carotid Restraint using my left arm while maintaining grip of my baton. I reached around J. Doe with my left arm in an attempt to position him for the Carotid Restraint. Prior to being able to administer the Carotid Restraint, members of the crowd began to approach us. Numerous rioters began yelling, "stop choking him!", "Why are you choking him?" As these statements were being made, numerous rioters converged onto my location. Due to the fact that I was on the ground, the rioters had a position of advantage over me, I raised my baton to a high ready position in order to defend myself from the advancing crowd. Several of these rioters made statements to the effect of "fight!" and "get up!" These statements were directed at J. Doe who was not yet subdued. Due to the fact that the approaching rioters had a position of advantage over me and one of them was armed with a stick, and because I had to raise my baton to a high ready position, I was forced to abandon my attempt to apply a Carotid Restraint on J. Doe.

I positioned my body to face the attackers in an attempt to protect J. Doe and myself. I then defended myself from the approaching attackers by forcing my bodyweight on J. Doe to keep him on the ground while maintaining a high ready position with my department issued 26-inch baton. As the attackers closed in on J. Doe and me, I extended my baton at them and verbally directed them to "get back." The results of my verbal and physical actions towards the attackers kept them at bay long enough for me to request immediate assistance via radio. I swung my baton back and forth to keep a safe distance between myself and the rioters who I believed were going to physically assault me. I do not believe that my baton made contact with any of the advancing protesters.

During this time I heard the sound of fireworks coming from the location of our patrol vehicle. I also saw a large amount of smoke coming from that area. Due to being on the ground behind parked vehicles and the fact that I was in a continuous struggle with J. Doe and the oncoming rioters, I was only capable of making short radio transmissions. This severely delayed my request for immediate assistance and caused me to be physically engaged with the J. Doe and the rioters for an extended amount of time. SFSD ESU Senior Deputy Choi and several other SFSD Deputies noticed a crowd near the intersection of 23rd Street and Bartlett and immediately responded. Upon their arrival at my location Sr. Deputy Choi immediately ran over and assisted me in trying to take J. Doe into custody. As Sr. Deputy Choi and I tried to handcuff J. Doe, he repeatedly pulled his hands away from our grip. I utilized my department issued baton to pry J. Doe's right arm out from underneath his body and Sr. Deputy Choi and I handcuffed him. As Sr. Deputy Choi and I were taking J. Doe into custody, the other Deputies were keeping the rioters at bay to prevent any further assault by them (see written statements for specific details). I also over heard an unknown individual state that "there is an Officer down, down the street."

Once Sr. Deputy Choi and I had J. Doe in custody the other SFSD Deputies responded E/B on 23rd Street to investigate the report on an "Officer Down." Sr. Deputy Choi and I remained and we instructed J. Doe to stand-up. J. Doe did not comply and Sr. Deputy Choi and I were forced to pick J. Doe up and walk him over to an awaiting SFSD wagon. As we walked J. Doe over to the SFSD wagon, J. Doe stopped walking on his own accord and we had to carry him to the wagon. Once at the SFSD wagon Sr. Deputy Choi conducted a quick arrest search of J. Doe's person and we instructed him to get into the back of the wagon. J. Doe remained limp and refused to enter the SFSD wagon. In response Sr. Deputy Choi and I picked J. Doe off the ground and placed him in the rear of the SFSD wagon feet first and I closed the inner door behind him. I did not observe any visible injuries on J. Doe and he did not complain of any pain as a result of being taken to the ground or carried to the wagon.

Now that J. Doe was secure in the rear of the SFSD wagon, I immediately ran to the location where there had been a report of an "Officer Down." Upon my arrival I saw several law enforcement Officers huddled around my partner, Officer Peter Shields #1924 (E-11 Photos). Officer Shields was bleeding profusely from the back of his head and his shirt and pants were saturated with blood. Underneath where Officer Shields was laying was a large pool of blood that run off his head and onto the ground. Several of the Law Enforcement personnel were equipped with first aid kits and were rendering aid to Officer Shields. Sr. Deputy Ramirez #1486 removed Officer Shields (P-1) duty belt and (P-2) firearm and handed them to me. I took Officer Shields duty belt and firearm back to our patrol unit and secured it inside the vehicle. I then requested a SFSD deputy to guard our patrol car.

I returned to Officer Shields location as the ambulance personnel were placing him in the rear of the ambulance. I then entered the Ambulance and rode with Officer Shields to SFGH. At SFGH the emergency staff treated Officer Shields for a 3" laceration to his scalp which required 7 staples. Upon the SFGH staff conducting a MRI of Officer Shields brain they located an "intra cranial hematoma" caused from the impact to his head. The SFGH Emergency staff stated that they would need to monitor Officer Shields for a minimum of 24hrs before they could release him. Officer Shields is currently (07-09-2005 / 19:00 Hrs) in stable condition and scheduled for a follow-up MRI on the morning of 07-10-2005 to see if the "intra cranial hematoma" is healing.

While I was with Officer Shields at SFGH I was able to get a very brief statement from him regarding his injuries. Officer Shields stated to me that after I left our patrol vehicle to pursue J. Doe. A (S-Unk) described as a tall white male wearing a black mask pointed a pyrotechnic device at Officer Shields and lit the fuse. Shortly thereafter, Officer Shields saw and heard a "missile like" object come directly at him. Officer Shields immediately exited his vehicle and approached (S-Unk). Officer Shields attempted to take (S-Unk) into custody. (S-Unk) resisted Officer Shields attempts to

take him into custody resulting in Officer Shields delivering several blows to (S-Unk's) zone 1 arms and zone 2 legs. As Officer Shields was physically engaged with (S-Unk) another (S-Unk) approached Officer Shields from behind and struck him at least once on the back of the head with a blunt object. When I interviewed Officer Shields he was in severe pain and medicated and was not able to give me more detail. Officer Shields will be interviewed on a later date by the SFPD General Work detail. For a detailed account of the aggravated assault on Officer Shields please refer to the General Work Inspector's chronological.

Additionally while I was at SFGH Sgt. Beazley #2073 informed me of the following. After Officer Shields and I exited our patrol unit members of the riot broke out the (D-1) right rear taillight of our (D) vehicle. The same group of rioters then ignited pyrotechnic devices underneath our patrol car in an attempt to ignite the entire vehicle. I was also informed that a crime scene had been established and a (E-1) crime scene log was maintained. After the crime scene was established CSI, Insp. G. Mar, responded and processed the scene for evidence.

At this point I returned to Mission Police station and informed 3D200 Sgt. Kaprosch #1289 of the force used by Officer Shields and me in the above incident. Sgt. Kaprosch explained to me that there were two additional suspects in custody. Sgt. Kaprosch went on to state that he and Officer Kane #4226 were attempting to render assistance to Officer Shields when (B-1) Cody Tarlow blocked their path and attempted to strike (W-5) Officer Kane #4226 with a closed fist. Sgt. Kaprosch took control of C. Tarlow's clenched fist and took him to the ground. Once on the ground Sgt. Kaprosch with the assistance of Sgt. Beazley #2073 took C. Tarlow into custody despite his resistance (see Sgt. Kaprosch and Officer Kane's statement for specific details). Sgt. Kaprosch also explained to me that the third suspect (B-2) Doritt Ernst was taken into custody by Officer Lozano #554 and Officer Lee #469.

I spoke with Officer Lozano and Lee about their participation in taking D. Ernst into custody. Officer Lozano stated that upon arriving at Officer Shields location they were attempting to clear the area to establish a crime scene. Upon Officer Lozano ordering D. Ernst to leave the crime scene she replied "I don't have to move!" Officer Lozano reacted to D. Ernst's statement by physically assisting her out of the crime scene. D. Ernst response was to immediately grab Officer Lozano's 36" baton that he was holding in his right hand and removing it from his hand. Officer Lozano, with the assistance of Officer Dempsey #471, brought D. Ernst to the ground where she was taken into custody despite her resistance (see Officer Dempsey's and Officer Lozano's statement for specific details).

Sgt. Kaprosch conducted his use of force investigation and made a log entry into the use of force log at Mission Station. Evidence not processed by C.S.I. or collected onscene by the General Work Inspectors, was booked at Mission Station. Inspectors Chin and Militello responded to Mission Station and took over the investigation. Based upon their interviews, subjects (B-1), (B-2), and (B-3) were booked on the above listed charges.

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

page 1 of 1

INCIDENT NO.

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT

DOB / AGE

RESIDENCE PHONE (DAY / NIGHT)

BUSINESS PHONE (DAY/NIGHT)

RESIDENCE ADDRESS / CITY (IF NOT SAN FRANCISCO)

ZIP CODE

BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

DATE OF STATEMENT

TIME STARTED

TIME COMPLETED

LOCATION WHERE STATEMENT TAKEN

7/8/05

AT SCENE

OTHER:

STATEMENT TAKEN BY (NAME / STAR)

IN PRESENCE OF

Borgen

Group of protesters heading east on 23<sup>rd</sup>. Officer Shields exited his vehicle and ran on foot into the crowd batten drawn. It appeared he was pursuing an individual, I chased the crowd on the south bound side sidewalk. A struggle was in place against a vehicle. Several individuals were struggling as officer Shields wielded his batten to clear the group. Officer Shields then backed away and fell to his knees. I urged the crowd to back away. I stayed with him, he appeared dazed. ~~He~~ He was holding his head. Blood was streaming from the back of his head on the left side. I urged him to sit down. He was clearly stunned & looking for his radio which I helped him unbuckle from his left side. He then called in. A civilian medic drove up and attempted to render aid / had no medical park. I then headed west bound to a group of officers who were surrounding another arrest on the south side of 23<sup>rd</sup>. I notified one officer "That an officer was down". I told him to officer Shields. As I walked towards mission under the instruction of officers officers struck me on the 3300 section south sidewalk. Asian officer with a mustache hit me with a batten in the ribs "Get out of here". It took several minutes to

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

NATURE OF PERSON GIVING STATEMENT

*[Signature]*

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO. 

--	--	--	--	--	--	--	--	--	--	--	--

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT  DOB / AGE RESIDENCE PHONE (DAY / NIGHT) BUSINESS PHONE (DAY/NIGHT)

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO ZIP CODE BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO ZIP CODE

DATE OF STATEMENT TIME STARTED TIME COMPLETED LOCATION WHERE STATEMENT TAKEN

STATEMENT TAKEN BY (NAME / STAR) IN PRESENCE OF AT SCENE  OTHER:

make this statement My heart goes out to officer shields who I attempted to protect, but his fellow officers on the scene overreacted or the beaten blow really pisses me off. There's no excuse.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF 2 PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

*[Handwritten Signature]*

INCIDENT NO. 050764676 ARREST MADE [x] SUSP. KNOWN [x] SUSP. UNK [ ] NON SUSP. INCIDENT [ ] page 1 of 2

TYPE OF INCIDENT: ASSAULT AGGRAVATED ON POLICE OFF. INITIAL: [ ] CAD NO. 05079145 SUPP. 050763907 REPORTING UNIT: 3340N DATE/TIME OF OCCURRENCE: Jun 7 10 05 1600P DATE/TIME REPORTED TO POLICE: Jun 7 10 05 1600P RELATED CASE NUMBER(S): 050763907 LOCATION OF OCCURRENCE: COUNTY: SOL #9 TYPE OF PREMISES: LOCATION SENT TO: R TC

OFFICER DECLARATION: I DECLARE, UNDER PENALTY OF PERJURY, THIS REPORT OF PAGES IS TRUE AND CORRECT... REPORTING OFFICER (PRINT): MARTIN NGWIN STAR 24 SIGNATURE: [Signature] REPORT REVIEWED BY (PRINT NAME / STAR): Sgt Galano Star 812

ASSIGN TO: 56200 04074, 19032, 26033 INCIDENT CODES: 56200 DEPUTY CHIEF SWHR MIS COPY TO: A [ ] B [ ] C [ ] ICSS ENTRY: [ ]

REPORTING PARTY: NAME (LAST, FIRST, MIDDLE): SFPD #24 RACE: A SEX: M DOB/AGE: RESIDENCE PHONE (DAY / NIGHT): BUSINESS ADDRESS / NAME OF SCHOOL IF JUVENILE / CITY IF NOT SAN FRANCISCO: EXTENT OF INJURY / TREATMENT: VIOLENT CRIME NOTIFICATION STAR: FOLLOW-UP FORM STATEMENT: OTHER INFORMATION / IF INTERPRETER NEEDED SPECIFY LANGUAGE: SIGNATURE OF PARTY REPORTING MISSING PERSON: 293 FC NOTIFICATION (SEX OFFENSE CASE ONLY): CONFIDENTIALITY REQUESTED STAR: ADD'L RP'S: [ ]

SUBJECT: CODE: NAME (LAST, FIRST, MIDDLE): RACE: SEX: DOB / AGE: ALIAS: HEIGHT: WEIGHT: HAIR COLOR: UNK: EYE COLOR: RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO: ZIP CODE: HOME / CONTACT PHONE: ID NO (SOC SEC OR DOB FBI / CI): SF NO / X NO: BOOKING SECTIONS / CHARGE # 1: CHARGE # 2: CHARGE # 3: CHARGE # 4: WHERE BOOKED: WARRANT #: COURT #: ACTION #: DEPT / ENROUTE TO: CWB CHECK (PRINT NAME / STAR): WARRANT VIOLATION(S): BAIL: MIRANDIZED: STAR: STATEMENT: CITATION #: CITE VIOLATION(S): DATE / TIME OF APPEARANCE: LOCATION OF APPEARANCE: SCHOOL NAME IF JUVENILE: I # D #: BOOK / CITE APPROVED BY (PRINT NAME / STAR): M X-RAYS: MASS ARREST CODE: OTHER INFORMATION: CITATION / WARRANT / BOOKING CHARGE(S) / MISSING PERSON - SUBJECT DESCRIPTION: YES [ ] ADD'L SUBJ'S: [ ]

PRIVATE PERSON'S ARREST: ON THIS DATE I ARRESTED THIS PERSON FOR THE PUBLIC OFFENSE(S) LISTED, COMMITTED IN MY PRESENCE IN SAN FRANCISCO CALIFORNIA. I DELIVERED THIS PERSON TO THE SFPD AND I WILL SIGN A WRITTEN COMPLAINT CHARGING THIS PERSON WITH THE COMMISSION OF THESE PUBLIC OFFENSES. SEPARATE PRIVATE PERSON'S ARREST FORM ATTACHED [ ] NAME (PRINT): SIGNATURE:

INCIDENT NO. 050764676

PROPERTY CONDITION CODES: D - DAMAGE; E - EVIDENCE; F - FOUND; L - LOST; P - PROPERTY FOR SAFEKEEPING; R - RECOVERED; S - STOLEN

ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO		CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE
	NARCOTICS LAB NO	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM		CELLULAR PHONE	1	NOKIA	METRO PCS	N/A
		RETRIEVED FROM PROPERTY OF ERNST, DOR IN CUSTODY - COUNTY JAIL #9				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO		CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE
	NARCOTICS LAB NO	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO		CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE
	NARCOTICS LAB NO	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO		CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE
	NARCOTICS LAB NO	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO		CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE
	NARCOTICS LAB NO	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO		CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE
	NARCOTICS LAB NO	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				
ITEM	CODE	ITEM	QUANTITY	BRAND	MODEL	VALUE
	SERIAL NO		CALIBER	COLOR	SEIZED BY (STAR)	FROM WHERE
	NARCOTICS LAB NO	ADDITIONAL DESCRIPTION / IDENTIFYING NUMBERS				



INCIDENT NO.

250724676

page 1 of 2

PURSUANT TO THE INVESTIGATION RELATING TO THIS CASE, I RESPONDED TO C.J. #9. IN AN ATTEMPT TO RETRIEVE ANY, ALL PROPERTY (ELECTRONIC DEVICES) WHICH MAY HAVE BEEN USED BY SUSPECTS IN CUSTODY TO FACILITATE THEIR ACTIONS OR MOVEMENTS DURING FRIDAY NIGHTS EVENTS. THE EVENT, A DEMONSTRATION RESULTED IN THE AGGRAVATED ASSAULTS ON TWO (2) SFPD OFFICERS.

UPON ARRIVAL AT C.J. #9, I MET WITH FACILITY WATCH COMMANDER THOMAS CATCHINGS #541. W. C. CATCHINGS DIRECTED ME TO AN AREA WHERE TWO (2) OF THE THREE SUSPECTS PROPERTY WAS. ONE (1) SUSPECT, TARLOW, CODY HAD SINCE BEEN OUT.

I CHECKED THE PROPERTY OF SUSPECT MEYER, GABRIEL AND IT APPEARED ONLY A RING AND U.S. CURRENCY WAS INSIDE THE PROPERTY ENVELOPE.

I THEN CHECKED THE PROPERTY OF SUSPECT ERNST, DORIT WHO IS STILL IN CUSTODY AT C.J. #9. INSIDE HER PURPLE BACK-PACK, I RETRIEVED AND RETAINED A NOKIA CELLULAR PHONE. I TOOK NO OTHER ITEMS. I LEFT A PROPERTY RECEIPT FORM IN ERNST'S PROPERTY BAG REFLECTING PROPERTY TAKEN.

I BOOKED RETAINED PROPERTY AT C. & AS EVIDENCE.

COPY

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

page 1 of 1

INCIDENT NO. 050764676

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT: KAPROSCHE, ROBERT A. DOB/AGE: ( ) RESIDENCE PHONE (DAY / NIGHT): ( ) BUSINESS PHONE (DAY/NIGHT): (415) 558-5400

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO: ZIP CODE: BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO: 630 VALENCIA ST ZIP CODE: 94110

DATE OF STATEMENT: 7/8/05 TIME STARTED: 220 HRS TIME COMPLETED: 235 HRS LOCATION WHERE STATEMENT TAKEN: AT SCENE  OTHER: MISSION STATION

STATEMENT TAKEN BY (NAME / STAR): SGT RUBINO #448 IN PRESENCE OF: SGT BEAZLEY #2073

On 07/08/05 at approximately 2145 hrs, Sgt. Beazley #2073 and I responded to 23rd St and Bartlett St on the report of an officer requesting emergency assistance. As we arrived on the scene we observed a white male wearing yellow pants, a black shirt and a black bandana over his face, refusing to let Officer Kane #4226 tend to Officer Pete Shields, who was lying on the ground with a pool of blood under his head. The male, later identified as Cody Tarlow, then raised his right hand over his head in a threatening manner, with Officer Kane directly in front of him. Officer Kane's attention was focused on Officer Shields lying on the ground. When Talow's hand was over his head, I grabbed it with my right hand and took him to the ground in handcuffing position. Sgt. Beazley and I placed him in handcuffs and he was transported back to Mission Station for further investigation. Tarlow did not complain of any pain at the scene.

I DECLARE UNDER PENALTY OF PERJURY. THIS STATEMENT OF 1 PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT: [Signature]

# INCIDENT REPORT STATEMENT

SAN FRANCISCO POLICE DEPARTMENT

page 1 of \_\_\_\_

INCIDENT NO.

0 5 0 7 6 4 6 7 6

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT <b>SFPD/ KANE #4226</b>		DOB/AGE	RESIDENCE PHONE (DAY / NIGHT) ( )	BUSINESS PHONE (DAY/NIGHT) <b>(415) 553-1373</b>
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO <b>REFUSED</b>		ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO <b>850 BRYANT ST.</b>	
			ZIP CODE <b>94110</b>	
DATE OF STATEMENT <b>7/9/05</b>	TIME STARTED <b>115 HRS</b>	TIME COMPLETED <b>145 HRS</b>	LOCATION WHERE STATEMENT TAKEN <b>AT SCENE</b> <input type="checkbox"/> <b>OTHER: MISSION POLICE STATION</b>	
STATEMENT TAKEN BY (NAME/ STAR)		IN PRESENCE OF		

On 07/08/2005 at approximately 2157 hrs my partner Officer Elias #593 and I responded to 23rd St. and Bartlett St. with 3D2D Officer Ewins #733 on a call of an officer needing emergency assistance. Upon arrival at the scene, I observed 3B16D Officer Shields #1924 sitting on the ground mid block on 23rd St. between Mission St. and Bartlett St. Officer Shields had his back against a small pickup truck. I observed a small crowd of people around Officer Shields. One man was squatting in front of Officer Shields filming him. I also observed that Officer Shields was slumped over and bleeding profusely from his head.

As I exited the patrol vehicle I observed a man standing approximately two feet from Officer Shields. As I attempted to render aid to Officer Shields the man, later identified as Tarlow, was squared off to me, blocking my path to Officer Shields. I ordered Tarlow to move. Tarlow stood his ground. I then identified myself as a police officer and ordered Tarlow to move again. Tarlow then took several steps towards me at which time I pushed him with my two hands to his chest to move him away from me. Tarlow then made a statement that was unintelligible to me and cocked his fist backwards in an attempt to punch me. 3D107 Sgt. Kaposch #1289 came up behind Tarlow, grabbed his arm, and prevented him from striking me. 3B119 Sgt. Beazley #2073 and Sgt. Kaposch then took Tarlow into custody despite his resistance. It should be noted that Tarlow was wearing a black bandana covering the lower half of his face but his multi-colored dreadlocks were clearly visible. Tarlow was wearing a black sweatshirt with yellow pants.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF 1 PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT *R. Kane #4226*

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

page 1 of 2

INCIDENT NO.

0 5 0 7 6 4 6 7 6

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT DEMPSKY, JULIUS		DOB/AGE	RESIDENCE PHONE (DAY / NIGHT) ( )	BUSINESS PHONE (DAY/NIGHT) (415) 553 0123
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO 630 VALENCIA ST	ZIP CODE 94110
DATE OF STATEMENT 7/8/05	TIME STARTED 0020 HRS	TIME COMPLETED HRS	LOCATION WHERE STATEMENT TAKEN AT SCENE <input type="checkbox"/> OTHER: <input type="checkbox"/>	
STATEMENT TAKEN BY (NAME / STAR)		IN PRESENCE OF		

On 07-08-2005 at 2159hrs I responded to the area of 23rd and Bartlett Streets to assist Officer Shields, who was struck over the head by someone from the demonstration. Upon arrival I saw Officer Shields sitting against a truck. He was holding his head and there was a large amount of blood on his uniform and the street around him. On the sidewalk behind Officer Shields I saw Officer Lozano struggling with a female walking a bike. I saw the female push Officer Lozano. Officer Lozano grabbed the female, who pulled away from him. I ran over to Officer Lozano to assist him. The female resisted our attempts to detain her. She pulled and spun away from us. With the help of other unknown Officer the female was taken to the ground, where she continued to resist us and struggle. She was eventually placed into flex cuffs. I left the female in the custody of another Officer and assisted other Officers maintain the crime scene at 23rd and Bartlett Streets.

While standing on line, I was approached by Sgt Rubino # 448, who advised me to interview some witnesses of the assault on Officer Shields.

I spoke to (W) Dante A Esparza, [REDACTED]. Esparza stated that he was on the second floor of [REDACTED] looking out of the front windows. He heard people running and commotion coming from the street. Esparza saw a police officer chasing someone from the sidewalk, in front of [REDACTED], into the street. Esparza saw the police officer trying to take the person, he was chasing, into custody. A crowd surrounded the officer and began yelling, "Let him go." The (S) suspect walked out of the crowd, toward the officer and hit the officer on the head with a black stick. Esparza stated that the stick was approximately 12 inches long. After being struck on the head the officer stumbled and fell to the ground. The person the officer was trying to arrest got up and fled East on 23rd street. The suspect who hit the officer and the crowd fled East on 23rd Street. Esparza described the person who assaulted Officer Shields as a white male, 25-30 years old, 5'5 170 wearing a black beanie, black t-shirt, black pants. Esparza stated that there was a bald Asian male who videotaped the incident. The bald Asian male also fled east on 23rd street.

I spoke to (W) Hugo Higareda, [REDACTED]. Higareda stated that he was in the front room of his residence and heard a loud noise coming from the street. Higareda looked out the window and saw a group of guys and girls running down the street throwing garbage cans. Higareda saw a man throw a garbage can into the street. A police officer came to arrest the man, who threw the garbage can into the street. As the officer tried to arrest the man, the (S) suspect hit the cop on the head with a black stick that appeared to be heavy. The officer fell and let go of the person he was trying to arrest. The suspect that hit the officer and the man the officer was trying to

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF [REDACTED] PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

*[Handwritten Signature]*

INCIDENT NO.

page 2 of 2

arrest fled east on 23rd street with the crowd. Higareda described the suspect who struck Officer Shields as a white male with black spiked hair, wearing all black.

Inspector Chin from General Work arrived and spoke to Esparza and Higareda.

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF 2 PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT \_\_\_\_\_  
*[Signature]*

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO.

page 1 of 1

0 5 0 7 6 4 6 7 6

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT LOZANO, ANGEL G #554		DOB/AGE	RESIDENCE PHONE (DAY / NIGHT) (415) 558-5400	BUSINESS PHONE (DAY/NIGHT) (415) 558-5400
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO 630-VALENCIA		ZIP CODE 94110	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO	
DATE OF STATEMENT 7/9/05	TIME STARTED 110 HRS	TIME COMPLETED HRS	LOCATION WHERE STATEMENT TAKEN AT SCENE <input type="checkbox"/> OTHER: CO D	
STATEMENT TAKEN BY (NAME / STAR)		IN PRESENCE OF		

Ofc. Lee #469 and I responded to an emergency assistance call from 3D16D Ofc Shields #1924 and Ofc Wolfe#1568. When we arrived, we noticed that Ofc. Shields was on the ground and bleeding from the head from an assault. Ofc. Shields was also half conscious. There were still numerous people still in the area so I started to clear out the crime scene along with other officers as other officers rendered aid to Ofc. Shields. As I attempted to clear out the crime scene where Ofc. Shields was assaulted, I came across later identified Ernst who was standing in the area of the crime scene. I ordered her to move out of the crime scene and she refused by stating "I don't have to move". As I started to assist her in leaving the area of the crime scene by holding onto her bike and moving her aside, she pushed me on my right shoulder with her left hand. With her left hand, she grabbed my 36" baton that I was holding in my right hand. I immediately grabbed her and pulled to the ground with the assistance of Ofc. Dempsky #471. She continued to resist our attempts to take her into custody by swinging her arms around to try and get free of our grasp but we were eventually able to place flex cuffs on Ernst and take her into custody.

I DECLARE UNDER PENALTY OF PERJURY THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT \_\_\_\_\_

0510 764676

ON FRIDAY, JULY 8<sup>TH</sup>, 2005 I WAS ON DUTY AND IN S.F.S.D CLASS 'D' UNIFORM. SR. DEP. J. CHOI #1721 AND I WERE ASSIGNED TO THE S.F.P.D AS A WAGON TRANSPORT UNIT. OUR CALL SIGN FOR THIS ASSIGNMENT WAS 1431. SR. DEP. V. BECERRA #593 AND SR. DEP. J. RAMIREZ #1486 WERE ALSO ASSIGNED TO ASSIST S.F.P.D IN THIS UNLICENSED DEMONSTRATION INVOLVING AN ANTI-WAR, ANTI G-8 GROUP. <sup>BECERRA & RAMIREZ</sup> ~~THEIR CALL~~ SIGN WAS 1430. AT APPROXIMATELY 2200 HRS. WE HEARD A CALL OVER THE RADIO (PDA 9) FOR OFFICER NEEDS ASSISTANCE 10-25 @ 25<sup>TH</sup> ST. <sup>CODE 3</sup> ~~CALL~~ BOTH UNITS 1430 & 1431 RESPONDED FROM 22<sup>ND</sup> & VALENCIA. I WAS DRIVING OUR UNIT & SR. DEP. BECERRA WAS DRIVING THEIRS. I FOLLOWED SR. DEP. BECERRA WHO DROVE SOUTHBOUND ON VALENCIA STREET AND THEN EASTBOUND ON 23<sup>RD</sup> STREET. AT THE INTERSECTION OF 23<sup>RD</sup> STREET @ BARTLETT STREET WE RAN INTO AN S.F.P.D OFFICER LATER IDENTIFIED AS WOLF #1568 WHO WAS ATTEMPTING TO ARREST A VERY COMBATIVE AND EXTREMELY HOSTILE WMA LATER IDENTIFIED AS HIMSELF AS DOE, JOHN. THE SUSPECT WAS FIGHTING WITH OFFICER WOLF ON THE GROUND. SR. DEP. CHOI IMMEDIATELY RAN OVER FROM WHERE <sup>WE</sup> PARKED OUR VAN AND ASSISTED WOLF IN GAINING CONTROL OF THE SUSPECT. THERE WAS ALSO A HOSTILE GROUP OF DEMONSTRATORS <sup>PP 15-20</sup> WHO BEGAN TO ENCIRCLE WOLF, CHOI AND THE(S). BECERRA, RAMIREZ AND I KEPT THE DEMONSTRATORS AT BAY BY PUSHING THEM BACK WITH OUR DEPT. ISSUED ~~BY~~ RIOT BATONS AND GIVING THEM VERBAL

INCIDENT NO.

0510 764676

page 2 of 2

ORDERS TO GET BACK AND DISPERSE. IT WAS AT THIS TIME DEP RAMIREZ AND I WERE INFORMED BY AN UNIDENTIFIED WMA WHO TOLD US THERE WAS AN OFFICER DOWN AND <sup>HE</sup> WAS HURT BADLY. RAMIREZ AND I IMMEDIATELY RAN FROM OUR POSITION TO WHERE THE CIVILIAN WAS POINTING TO THE DOWNED OFFICER <sup>THE OFFICER WAS</sup> LATER IDENTIFIED AS SHIELDS, P #1924. DEPUTY RAMIREZ AND I WERE THE FIRST UNIFORMED OFFICERS TO ARRIVE AT SHIELDS' LOCATION. SHIELDS WAS COVERED IN BLOOD FROM HIS HEAD TO HIS SHOULDERS. I SAW HIM BLEEDING PROFUSELY FROM HIS HEAD. DEP. RAMIREZ RENDERED FIRST AID WHILE I KEPT <sup>AT BAY</sup> ANOTHER GROUP OF APPROXIMATELY TEN DEMONSTRATORS WHO WERE VIDEO TAPPING AND LUNGING TOWARDS SHIELDS. RAMIREZ AND AN UNIDENTIFIED WFA WHO WAS ASSISTING RAMIREZ WITH SHIELDS. THIS GROUP OF DEMONSTRATORS BECAME PHYSICALLY AGGRESSIVE BY LUNGING AT ME. I PUSHED THEM BACK WITH MY BATON. OTHER S.F.P.D OFFICERS ARRIVED AND HELPED US SECURE THE SCENE. OFFICER SHIELDS WAS TRANSPORTED TO SFGA. THE SUSPECT WAS TRANSPORTED TO COMPANY D, MISSION STATION BY S/DEPUTIES BACERRA & RAMIREZ.

NARRATIVE SUBMITTED BY:

SENIOR DEPUTY ED MANALANG #1347 (e)

9, JULY, 2005 @ 0210 HOURS.



INCIDENT NO. 050764676

Page 1 of 1

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT CHOI, JIN # 1121 - S.F.S.D.		DOB / AGE 02/20/59 36	RESIDENCE PHONE (DAY / NIGHT) 1925 856-3343	BUSINESS PHONE (DAY/NIGHT) 1415 1734-2321
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO 4753 BOXWOOD WAY, DUBLIN 94568		ZIP CODE 94568	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO 120 14TH STREET 94103	
DATE OF STATEMENT 7/9/05	TIME STARTED 0055	TIME COMPLETED 0135	LOCATION WHERE STATEMENT TAKEN AT SCENE <input type="checkbox"/> OTHER: Co. D.	
STATEMENT TAKEN BY (NAME / STAR) [Signature]		IN PRESENCE OF		

ON JULY 8, 2005 AT APPROX. 2200 HRS I SENIOR DEPUTY JIN CHOI STAR # 1121 WAS ON DUTY IN UNIFORM. I WAS ASSIGNED TO SUPPORT THE SAN FRANCISCO POLICE DEPARTMENT AS A PRISONER TRANSPORT UNIT. ON THE ABOVE DATE AND TIME, SENIOR DEPUTY ED MANALANG, STAR #1347 AND I WAS TRAVELING SOUTH BOUND ON VALENCIA ST BY 22ND STREET. WE HEARD A 10-25 (OFFICER NEEDS BACK-UP) CALL ON CAPP STREET. AS WE MADE A LEFT TURN ONTO 23RD STREET, I SAW A CLOUD OF SMOKE COMING FROM THE FRONT END OF A PATROL CAR. AFTER EXITING THE PASSENGER SIDE OF OUR VEHICLE, I SAW A SAN FRANCISCO POLICE OFFICER, LATER IDENTIFIED AS OFFICER WOLF #1568, STRUGGLING ON THE GROUND WITH A UNIDENTIFIED SUSPECT. I RAN TO WOLF AND TRIED TO HELP ~~AND~~ RESTRAIN THE SUSPECT. THE SUSPECT RESISTED AND WOULD NOT COMPLY WITH ANY OF OUR VERBAL COMMANDS TO STOP RESISTING AND TO GIVE-UP HIS ARMS. I FIRST HANDCUFFED HIS LEFT ARM AND WITH WOLF'S ASSISTANCE THEN HIS RIGHT ARM. AS WE WERE TRYING TO RESTRAIN THE SUSPECT, WE WERE BEING APPROACH BY A LARGE HOSTILE CROWD. I SAW PR. DEPUTY RAMIREZ # 1486 KEEPING THE CROWD BACK. THE SUSPECT WOULD NOT STOP RESISTING ALL THE WAY TO THE TRANSPORT VEHICLE.

DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF [Signature] PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

NATURE OF PERSON GIVING STATEMENT [Signature] #1121

INCIDENT NO. 050764676

PAGE 1 OF 8

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT RAMIREZ, JOHN (SFSO) DOB / AGE RESIDENCE PHONE (DAY / NIGHT) BUSINESS PHONE (DAY/NIGHT) (415) 554-2380

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO ZIP CODE BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO ZIP CODE

DATE OF STATEMENT 07-09-05 TIME STARTED 0040 TIME COMPLETED 0211 LOCATION WHERE STATEMENT TAKEN AT SCENE [ ] OTHER: C.O.D.

STATEMENT TAKEN BY (NAME / STAR) IN PRESENCE OF

ON FRIDAY, JULY 8<sup>th</sup>, 2005 I WAS ASSIGNED TO A WAGON TRANSPORT DETAIL AS PART OF AN EMERGENCY SERVICES UNIT ASSIGNMENT. AS PART OF THIS DETAIL TWO WAGONS WERE ASSIGNED TO ASSIST THE SAN FRANCISCO POLICE DEPARTMENT WITH CUSTODY TRANSPORT THAT MAY RESULT FROM AN UNLICENSED PROTEST.

I WAS IN OUR SHERIFF'S DEPARTMENT CLASS D UNIFORM MY PARTNER FOR THE EVEN<sup>ING</sup> DETAIL WAS SENIOR DEP. V. BECERRA #593. OUR ASSIGNED CALL SIGN WAS 1430. SR DEP. BECERRA AND I WERE PARTNERED WITH SR. DEP. E. MANALANG<sup>1347</sup> AND SR. DEP. J. CHOI #112 THEY WERE ASSIGNED TO CALL SIGN 1431.

BOTH TEAMS WERE CURRENTLY CONDUCTING PATROL FOR POSSIBLE VANDALISM THAT PROTESTERS HAD BEEN ENGAGING IN THROUGHOUT THE EVENING.

I HEARD BROADCAST OVER SFPD COMMUNICATIONS THAT SEVERAL SMALLER GROUPS HAD SEPARATED FROM THE LARGER GROUPS AND WERE ENGAGING IN ACTS OF VANDALISM SUCH AS BREAKING STORE-FRONT WINDOWS THROUGHOUT THE MISSION AREA.

SEVERAL SFPD UNITS CALLED IN TO HEADQUARTERS THE STATUS (~~OF~~<sup>OF</sup> ~~SE~~) AND ACTIVITIES OF THESE SMALLER GROUPS. AT APPROXIMATELY 2300 HRS

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

INCIDENT NO.

page 2 of 3

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT		DOB / AGE	RESIDENCE PHONE (DAY / NIGHT)	BUSINESS PHONE (DAY/NIGHT)
HOME ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO	ZIP CODE
DATE OF STATEMENT	TIME STARTED	TIME COMPLETED	LOCATION WHERE STATEMENT TAKEN	
STATEMENT TAKEN BY (NAME / STAR)		IN PRESENCE OF		

MY PARTNER AND I WERE DRIVING SOUTHBOUND ON VALENCIA ST. OUR SECOND SHERIFF TRANSPORT UNIT, 1431, ~~IS~~ DRIVEN BY S/D MANLANG AND S/D CHOI WERE BEHIND US.

AS WE APPROACHED THE INTERSECTION OF 22<sup>ND</sup> ST AND VALENCIA ST. ~~WE~~ I SAW AS A LARGE GROUP OF PEOPLE BEGAN TO WALK INTO THE INTERSECTION BLOCKING TRAFFIC. I NOTICED THAT MOST OF THE INDIVIDUALS BLOCKING THE STREET HAD BANNERS AND WERE MOSTLY DRESSED IN BLACK CLOTHING. I ALSO NOTICED THAT THE GROUP WORE HOODS AND HAD THEIR FACES CONCEALED W/ HANDKERCHIEFS AND BANDANAS. THIS GROUP REMAIN CONCENTRATED IN THE INTERSECTION AND PUSHED NEWSPAPER RACKS INTO THE INTERSECTION.

THIS GROUP THEN CHANGED DIRECTION AND TRAVELED SOUTH BOUND ON VALENCIA BLOCKING BOTH DIRECTIONS OF TRAFFIC. ONCE THEY CLEARED THE INTERSECTION SR. DEP. BECERRA CALLED IN TO ADVISE SFPD COMMAND THAT THIS LARGE GROUP WAS DISRUPTING TRAFFIC.

WE STOPPED OUR VEHICLES AND CLEARED THE INTERSECTION OF THE DEBRIS LEFT

DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

INCIDENT NO.									
--------------	--	--	--	--	--	--	--	--	--

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT	DOB / AGE	RESIDENCE PHONE (DAY / NIGHT)	BUSINESS PHONE (DAY/NIGHT)
---	-----------	-------------------------------	----------------------------

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO	ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO	ZIP CODE
---	----------	--	----------

DATE OF STATEMENT	TIME STARTED	TIME COMPLETED	LOCATION WHERE STATEMENT TAKEN
-------------------	--------------	----------------	--------------------------------

STATEMENT TAKEN BY (NAME / STAR)	IN PRESENCE OF
----------------------------------	----------------

BEHIND BY THE PROTESTERS.  
 ONCE THE INTERSECTION WAS CLEAR WE RETURNED TO OUR VEHICLES. AT THIS TIME I NOTICED THAT SEVERAL OTHER SFPD SQUAD CARS AND OTHER LAW ENFORCEMENT AGENCIES WERE IN THE AREA.

WE CONTINUED TO TRAVEL SOUTHBOUND, FOLLOWING THE GROUP OF PROTESTERS.

AT THIS TIME I HEARD A BROADCAST OVER THE SFPD COMMUNICATION CHANNEL OF A 10-25, OFFICER NEEDS IMMEDIATE ASSISTANCE. I THEN HEARD A SECOND BROADCAST FOR ASSISTANCE W/ A LOCATION OF 25<sup>TH</sup> ST AND CAPP ST.

SR. DEP. BECERRA ACTIVATED THE EMERGENCY LIGHTS + SIRENS TO OUR VEHICLE AND WE DROVE TO THE LOCATION TO ASSIST. AS WE APPROACHED 23<sup>RD</sup> ST, I SAW AN SFPD PATROL CAR "PARKED HALF WAY DOWN THE BLOCK. I ALSO NOTICED A LARGE GROUP OF PEOPLE GATHERED AROUND THE VEHICLE.

SE DEP. BECERRA PARKED BEHIND THE SFPD SQUAD CAR.

AS I EXITED THE PASSENGER DOOR I RECOGNIZED THAT THE BUILDING IN FRONT

DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

INCIDENT NO. <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span> <span style="border: 1px solid black; display: inline-block; width: 10px; height: 15px;"></span>						
NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT				DOB / AGE	RESIDENCE PHONE (DAY / NIGHT)	BUSINESS PHONE (DAY/NIGHT)
DENCE ADDRESS / CITY IF NOT SAN FRANCISCO			ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE
DATE OF STATEMENT	TIME STARTED	TIME COMPLETED	LOCATION WHERE STATEMENT TAKEN			
STATEMENT TAKEN BY (NAME / STAR)			IN PRESENCE OF			
<input type="checkbox"/> AT SCENE <input type="checkbox"/> OTHER						

OF ME WAS HORACE MANN MIDDLE SCHOOL. I THEN SAW SAN SF. DEP. MANALANG AND SR. DEP. CHOI RUNNING, NEXT TO ME.

I APPROACHED THE VEHICLE FROM THE PASSENGER SIDE AND NOTICED THAT SMOKE WAS COMING FROM UNDERNEATH THE ENGINE AREA OF THE VEHICLE. I ALSO NOTICE A WHITE SQUARE OBJECT THAT WAS LODGED UNDERNEATH THE POLICE CAR'S TIRES. HOWEVER I DID NOT SEE THE SFPD OFFICER OR OFFICERS THAT BELONGED TO THE VEHICLE.

I THEN FOCUSED MY ATTENTION BACK ON THE CROWD WHICH SEEMED FOCUS ON AN AREA ON THE SIDEWALK JUST IN FRONT OF THE SQUAD CAR.

I HEARD THE CROWD YELLING AND JEERING AND MAKING AGGRESSIVE MOTIONS AS THEY RUSHED TOWARDS THAT AREA AND QUICKLY STEPPED AWAY. I LOOKED IN THAT DIRECTION AND SAW AN SFPD OFFICER ATTEMPTING TO GAIN CONTROL OF A WHITE MALE ADULT THAT REFUSED TO COMPLY WITH THE OFFICERS ATTEMPT TO GAIN CONTROL. I SAW SR. DEP. CHOI IMMEDIATELY RESPOND TO ASSIST THE OFFICER. THE UNKNOWN

DECLARE: UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

INCIDENT NO.

page 5 of 9

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT

DOB / AGE

RESIDENCE PHONE (DAY / NIGHT)

BUSINESS PHONE (DAY/NIGHT)

RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO

ZIP CODE

DATE OF STATEMENT

TIME STARTED

TIME COMPLETED

LOCATION WHERE STATEMENT TAKEN

STATEMENT TAKEN BY (NAME / STAR)

IN PRESENCE OF

MALE THAT WAS WEARING DARK COLORED CLOTHING CONTINUED TO RESIST THEM BOTH. AS SR DEP. CHOI AND THE OFFICER BEGAN TO GAIN CONTROL I NOTICED THAT THE CROWDS YELLING AND INTERFERENCE INCREASED. THE CROWD ALSO BECAME MORE AGGRESSIVE AS THEY BEGAN TO ADVANCE IN OUR DIRECTION.

SR DEP. MANALANG AND I ADDRESSED THE CROWD I GAVE THE CROWD AN ORDER TO STEP AWAY AND TO MOVE BACK. AT THIS TIME I NOTICED THAT THERE WAS AN UNIDENTIFIED WHITE MALE DRESSED IN BLACK THAT CONTINUED TO IGNORE MY LAWFUL ORDER. I DEPLOYED MY M-26 AIR TASER FROM MY RIGHT THIGH HOLSTER AND LOCKED THE LASER ON THIS INDIVIDUAL AS AN INTENDED TARGET IF HE CONTINUED TO PRESENT A THREAT. I ADVISED THIS INDIVIDUAL TO STEP BACK THREE STEPS. AT THIS TIME THE INDIVIDUAL AND CROWD OF ABOUT 15-20 PEOPLE STEPPED BACK. SR DEP. MANALANG AND I CONTINUED TO STAND IN BETWEEN THE CROWD AND SR DEP. CHOI AND THE OFFICER THAT WERE CUFFING THE UNKNOWN SUBJECT.

DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

page 6 of 8

INCIDENT NO:				NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT				DOB / AGE		RESIDENCE PHONE (DAY / NIGHT)		BUSINESS PHONE (DAY/NIGHT)	
ADDRESS / CITY IF NOT SAN FRANCISCO						ZIP CODE		BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO				ZIP CODE	
DATE OF STATEMENT		TIME STARTED		TIME COMPLETED		LOCATION WHERE STATEMENT TAKEN							
STATEMENT TAKEN BY (NAME / STAR)								IN PRESENCE OF				AT SCENE <input type="checkbox"/> OTHER: <input type="checkbox"/>	

AT THIS TIME AN UNIDENTIFIED WHITE MALE ADULT APPROACHED ME AND STATED THAT THERE WAS "A MAN DOWN." I LOOKED AT THIS PERSON AND ASKED WHERE? AGAIN THE MAN STATED, "THERE'S ONE OF YOU DOWN," AS HE POINTED DOWN THE STREET TOWARDS MISSION STREET.

I TOOK A FEW STEPS TOWARD THE STREET TO SEE IF I COULD SEE ANYONE ON THE STREET. AT FIRST I COULDN'T SEE ANYTHING THAT

APPEARED TO BE AN OFFICER ON THE GROUND. I CALLED SR. DET. MANALANG AND ASKED HIM TO COVER ME AS I INVESTIGATED FURTHER.

AT THIS TIME I SAW AN SFPD OFFICER SITTING HUNCHED OVER HIS FEET W/ HIS BACK TO A PARKED VEHICLE.

I RAN TO HIS SIDE. THE OFFICER WAS A WHITE MALE ADULT. I SAW BLOOD ON HIS LEFT ARM, FACE AND LEFT SIDE OF HIS HEAD. ON THE SIDEWALK I SAW ANOTHER CROWD FORMING AND COMING TOWARDS US. I STILL HAD THE AIR TASER IN MY HAND. I ARMED IT TOWARDS THE CROWD AND TOLD THEM TO STEP BACK. AT THIS TIME I FOCUSED ON THE INJURED

DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

NATURE OF PERSON GIVING STATEMENT

INCIDENT NO. 

--	--	--	--	--	--	--	--	--	--	--	--

NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT					DOB / AGE	RESIDENCE PHONE (DAY / NIGHT)	BUSINESS PHONE (DAY/NIGHT)
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO				ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE
DATE OF STATEMENT	TIME STARTED	TIME COMPLETED	LOCATION WHERE STATEMENT TAKEN				
STATEMENT TAKEN BY (NAME / STAR)			IN PRESENCE OF				
			AT SCENE <input type="checkbox"/> OTHER:				

OFFICER AGAIN, I NOTICED THAT HE WAS AWAKE, TALKING, BUT HIS BREATHING WAS SOMEWHAT LABORED. SECONDS PASSED AND A FEMALE OFFICER APPROACHED US. I HEARD HER CALL HIM PETE. WE BOTH TALKED TO THE OFFICER AND WAITED FOR A RESPONSE. I HAD A SHIELD PROTECTOR TO MY HELMET IN MY UNIFORM SHIRT. I TOOK THE ~~CAVE~~ CLOTH COVER FOLDED IT AND APPLIED PRESSURE TO THE INJURY ON "PETE'S" HEAD. THE FEMALE OFFICER TOLD ME TO HELP HER PUT PETE ON HIS SIDE. I HELPED HER LAY HIM DOWN ON HIS SIDE. SHE THEN TOLD ME TO HELP TAKE HIS BELT KEEPERS OFF. I CONTINUED TO REMOVE HIS DUTY BELT. DURING THIS PROCESS THE OFFICER WAS ABLE TO HELP BY LIFTING HIS SIDE SO I COULD REMOVE HIS BELT. I THEN HANDED THE DUTY BELT TO OFFICER WOLF, PETE'S PARTNER. AS I PASSED OFFICER WOLF THE DUTY BELT I LOOKED UP AND SAW POLICE OFFICER'S EVERYWHERE. ANOTHER ASIAN OFFICER CAME TO OUR SIDE AND BEGAN TO PLACE A COLLAR AROUND PETE'S NECK. I SAW THE AMBULANCE AND PARAMEDICS ARRIVING. WHEN THE PARAMEDICS ARRIVED,

DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF (S/D J.R.) PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT: S/D J.R. #1486



INCIDENT NO:					DOB / AGE		RESIDENCE PHONE (DAY / NIGHT)		BUSINESS PHONE (DAY/NIGHT)	
NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT					ZIP CODE		BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE	
ADDRESS / CITY IF NOT SAN FRANCISCO					ZIP CODE		BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE	
DATE OF STATEMENT		TIME STARTED		TIME COMPLETED		LOCATION WHERE STATEMENT TAKEN				
STATEMENT TAKEN BY (NAME / STAR#)					IN PRESENCE OF:		AT SCENE <input type="checkbox"/>		OTHER:	

I HELPED REMOVE PETE'S VEST AND PERSONAL PROPERTY. PETE ASKED THAT HIS FAMILY BE CONTACTED. THE FEMALE OFFICER TOLD PETE SHE WOULD MAKE THE CALL. I HANDED HER PETE'S PHONE FROM HIS RIGHT UNIFORM SHIRT POCKET. AT THIS TIME THE PARAMEDICS TOOK OVER AND WE STEPPED BACK.

I THEN MET W/ MY THREE CO-WORKERS. I WAS TOLD THAT THE SUSPECT WAS IN OUR VAN AWAITING TRANSPORT. SR. DEP. BECERRA AND I TRANSPORTED THE UNIDENTIFIED SUSPECT TO MISSION STATION. WHILE EN ROUTE TO MISSION STATION I WAS TOLD THAT THE INDIVIDUAL BEING TRANSPORTED WAS RESPONSIBLE FOR THE ASSAULT ON OFFICER PETE. ONCE WE TRANSPORTED THE SUSPECT WE RETURNED TO OUR DUTY.

AT APPROXIMATELY 0020 HRS <sup>ON 07/09/05</sup> WE WENT TO SFGH TO CHECK ON OFFICER PETE'S STATUS. I THEN HANDED OFFICER YAMAGUCHI A SMITH AND WESSON POCKET KNIFE THAT I REMOVED FROM OFFICER PETE WHEN I HELPED REMOVE HIS PERSONAL EFFECTS. AT THIS TIME WE WERE TOLD HE WAS DOING BETTER. WE THEN REPORTED TO MISSION STATION (CO.D.) TO COMPLETE A STATEMENT.

DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF \_\_\_\_\_ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

Case Number

CAD Number

TT Number

05076A 676

4145

Received by

Date & Time Received

CEUS 694

7/8/05 2155

Officer Reporting Incident to Ops-Name/Star/Unit ID

Communications

Type of Incident

Officer Injured

Not for Big 19

Date Time Location of Occurrence

7/8 2200 23RD/MISSION

Name/Detail	Time	Handle
Douke TAL	2205	(25) No Adv
Borges NSC	2150	Yes No Adv
Shinn FOB	2200	Yes No Adv
Fong	2208	Yes No (Adv)
Suhr Fab	2200	(25) No Adv
MAR CSD	2220	YES
Eropeza P.A.	2228	Yes No Adv
Chin/Milakello - CW	2230	YES

23rd Mission/Bartlett

Description of Incident

Protesters/Demo Anarchist's  
 protesters placed object under car. when officers att'd  
 to remove they were jumped/Attacked

CONNOR - CSD 2234

SUSPECT INFO VEHICLE

#1	Name/Race/Sex/Age or DOB/Height/Weight/SFNO	Hair _____ Eyes _____
	Description/Other Info/Weapons	Blk Brn Bald Bro Blu Haz

#	Name/Race/Sex/Age or DOB/Height/Weight/SFNO	Hair _____ Eyes _____
	Description/Other Info/Weapons	Blk Brn Bald Bro Blu Haz

#	Name/Race/Sex/Age or DOB/Height/Weight/SFNO	Hair _____ Eyes _____
	Description/Other Info/Weapons	Blk Brn Bald Bro Blu Haz

Plate (if known)	Year/Make/Model/Color	Last Seen Direction	/B on
Description/Other Information/R/O			10-30 Yes - No

#	Name/Race/Sex/DOB or Age/Contact Info for Inspector	Shields, Pete
	Other Information/Injuries	Struck over head
	Loss: Cash/Property	hammer/bottle
	Condition: DOA Critical Serious Minor Stable	Other Info
	Transported to:	MEH Other

#	Name/Race/Sex/DOB or Age/Contact Info for Inspector	
	Other Information/Injuries	
	Loss: Cash/Property	
	Condition: DOA Critical Serious Minor Stable	Other Info
	Transported to:	MEH Other

#	Name/Race/Sex/DOB or Age/Contact Info for Inspector	
	Other Information/Injuries/Loss	
	Condition: DOA Critical Serious Minor Stable	Other Info

Case Number: 050 764 676  
 CAO Number: 9145  
 TT Number: [ ]

Received by: 1571  
 Date & Time Received: 7/18/05 2207

Officer Reporting Incident to Ops-Name/Star/Unit ID  
 YAMAGUCHI 1973 R3X520

Type of Incident: PROTEST 245a PO  
 Not for Big 19: [ ]

Date: 7/18/05 Time: 2205 Location of Occurrence: 3337-23rd ST

Description of Incident:  
 3337 23rd ST BARTLETT  
 PROTEST PLACED? UNDER SQUAD CAR. (V) OFFICER  
 GOT OUT TO REMOVE 5'S (PROTESTERS)  
 RUSHED (V) & STRUCK HIM. W/POS BOTTLE  
 SIC?  
 GW

3D11 E PRIMARY REPORT

S U S P E C T	#	Name/Race/Sex/Age or DOB/Height/Weight/SFNO	Hair	Eyes
	5	Description/Other Info/Weapons	Blk Brn Bald	Bro Blu Haz
	#	Name/Race/Sex/Age or DOB/Height/Weight/SFNO	Hair	Eyes
A N D	#	Name/Race/Sex/Age or DOB/Height/Weight/SFNO	Hair	Eyes
		Description/Other Info/Weapons	Blk Brn Bald	Bro Blu Haz
	#	Name/Race/Sex/Age or DOB/Height/Weight/SFNO	Hair	Eyes
		Description/Other Info/Weapons	Blk Brn Bald	Bro Blu Haz

Plate (if known) Year/Make/Model/Color Last Seen Direction /B on  
 Description/Other Information/R/O 10-30 Yes - No

V E I	#	Name/Race/Sex/DOB or Age/Contact Info for Inspector	1948 SHIELDS PETE BOTTLE?
		Other Information/Injuries	LARGE LAC TO REAR OF HEAD
		Loss: Cash/Property	Condition: DOA Critical Serious Minor Stable
#	#	Name/Race/Sex/DOB or Age/Contact Info for Inspector	
		Other Information/Injuries	Transported to: MEH Other
		Loss: Cash/Property	Condition: DOA Critical Serious Minor Stable
#	#	Name/Race/Sex/DOB or Age/Contact Info for Inspector	
		Other Information/Injuries/Loss	Condition: DOA Critical Serious Minor Stable
			Other Info

Name/Detail	Time	Handle
CHINN 487-562	2215	(Yes) No Adv
MILIELLO 273 545	2220	(Yes) No Adv
MAN 651	2217	(Yes) No Adv
OROPERA PAU	2217	(Yes) No Adv
		Yes No Adv
		Yes No Adv

**SAN FRANCISCO POLICE DEPARTMENT  
CHRONOLOGICAL OF INVESTIGATION**

TYPE OF CASE Aggr. Assault on P.O./Lynching		BASE NO. 050764676	VICTIM Officers Shields and Wolf
DATE Friday, July 08, 2005		DETAIL General Work	INSPECTOR ASSIGNED S. Chin #847
DATE	TIME	ACTIVITY	
7/8/2005	2215	Received a call from Operation Center regarding an assault on a Police Officer by protesters	
	2220	Called Off, Yamaguchi #1973 who briefed me on the incident. Off. Yamaguchi advised me that there was a protest in the Mission District and <b>Officer Shields #1924</b> was struck on the head. Requested for me to respond	
	2225	Received a call from Insp. Militello #273 who informed me that she was enroute to the hospital	
	2245	Responded to the scene. <b>AT THE SCENE:</b> There was police vehicle facing eastbound on 23 <sup>rd</sup> St. almost at Bartlett St. with a large piece of foam under the front tires. The right front tire was on top of the foam. There was an extinguished flare, which burned part of the foam, lying near the right front tire of the police vehicle. There were big pieces of concrete, shaped rocks under the vehicle. The right rear taillight was broken with a piece of concrete rock embedded inside the light panel. Approximately 87 yards east of the vehicle, in front of 3337 23 <sup>rd</sup> St., there was a pool of blood on the street with bandages and a scarf with the number #1924. On the sidewalk, in front of 3335 23 <sup>rd</sup> St., there was a bicycle lying on its side.	
	2300	Met with <b>Sgt. Kaprosch #1289</b> who briefed me on the incident. Sgt. Kaprosch advised me Officer Shields and Wolf were responding to a call when one of the protesters threw a large piece of foam under their vehicle. They began to surround their vehicle. <b>Officer Wolf #1568</b> exited the vehicle and attempted to take B/Doe, John into custody. Officer Shields ran after the protesters and attempted to take one in custody. While Officer Shields struggled with S1/unknown, a protester, S2/unknown, approached Off. Shields from behind and struck him on the back of the head with an object.	
	2315	Met with <b>Insp. Mar#547</b> from CSI and conducted a walk through the crime scene. Requested that he take photos of the scene and collect evidence	
	2345	Met and conducted a taped interview with <b>W1/ Hugo Higareda</b> who advised me the following: - I live at [REDACTED]. I heard some loud noises and banging coming from the streets. I looked out my bedroom window, which faces 23 <sup>rd</sup> St. and saw a bunch of people yelling and throwing the garbage bins on the street. Then I saw a police officer grab one of the S1/guys who was throwing the garbage bin and attempted to arrest him. While he was struggling with him, the crowd was yelling let him go. Then another guy S2/ walked up to the police officer and struck him on the head with a black piece of metal or stick. The officer fell down and got back up. S1/S2 and the group of people ran eastbound on 23 <sup>rd</sup> towards Mission St. S2/ was white guy wearing all black and head spike hair	
7/9/05	0005	Met and conducted a taped interview with <b>W2/ Dante Esparza</b> who told me the following: = I was visiting my friend Hugo at [REDACTED]. when I heard some loud commotion outside. As I looked out of the bedroom window, which faces 23 <sup>rd</sup> St., I saw a large crowd of people banging on things and throwing garbage cans on the street. Then I saw an Officer jump over the parked car and grab	

## **Exhibit C**

CONFIDENTIAL


Investigations Bureau General Work Detail

Per D.G.O. 5.14, Interagency Operations, (any planned or ongoing operations or investigations involving the San Francisco police department and any other outside agency) require prior approval of the member's Deputy Chief. This policy applies to operations initiated by members of the SFPD and to operations initiated by outside law enforcement agencies requesting the assistance of the San Francisco Police Department.

Name of Outside Agency: FBI / JTTF

Contact Person: \_\_\_\_\_

Operation Initiated by: INSP. LEA MILITELLO #273 SFPD. CRIMINAL WORK

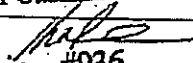
Submitted by: INSP. LEA MILITELLO #273  #273

Briefly describe the operation:

REQUEST ASSISTANCE FROM THE FBI / JTTF REGARDING INVESTIGATION OF SERIOUS ASSAULT AGAINST A SAN FRANCISCO POLICE OFFICER.

CASE # 050764676

\_\_\_\_\_  
Kevin Cashman

Approval: Captain of Investigations: Captain #936 

Deputy Chief of Investigations: Timothy J. Henrich #1696  
A/DC Investigations Bureau

## **Exhibit D**

**SAN FRANCISCO POLICE DEPARTMENT  
CHRONOLOGICAL REPORT OF INVESTIGATION**

DATE	TIME	ACTIVITY
		on the of the protesters S1/. While he struggled with S1/ , the crowd surrounds the officer and begins to push him. S2/ walks up and hits the officer on the head with a black stick . The officer stumbles and falls to the ground.. S1/S2 and the crowd fled eastbound on 23 St. towards Mission St.
	0015	Canvas the area for additional witnesses and physical evidence but to no avail. Spoke with some individuals who advised me that they saw large group of people screaming and banging on parked vehicles but didn't see the assault on Officer Shields.
	0030	Responded to SFGH and met with <b>Officer Wolf</b> who told me the following: <ul style="list-style-type: none"> <li>- Officers Shields and I were responding to a glass breaking call, when I saw a group of protesters throwing newspaper racks onto the street. We followed and they led us to a larger group of protesters walking in the middle of the street eastbound on 23<sup>rd</sup> St. We activated our lights and sirens but the protesters refused to get off the street, therefore, we could not drive our vehicle through. -</li> <li>-Some of the protesters moved while others refused to comply with our lights and sirens. B1/who was holding a large piece of white foam, began to strike our vehicle with it B1/ then threw it under the vehicle which disabled the car I exited the vehicle and chased after B1/ I grabbed B1/ on the sidewalk near the southeast corner of 23<sup>rd</sup> St at Bartlett.</li> <li>- B1/ refused to comply with my demands and continued struggling and resisting. While on the ground with B1, I was being punched and kicked by the protesters. I began to swing my baton to keep the crowd away from me and from being assaulted by the protesters</li> <li>- I never lost sight of B1. The crowd backed off and a couple of Sheriffs Deputies arrived and helped me take B1 into custody. I received a scrape on my left knee.</li> </ul>
	0035	Officer Shields received a 2-inch laceration to the back of his head. In stable condition. Unable to interview at this time
	0040	Received a bag from <b>Off. Ewins #733</b> containing a bloody baton. Also received 4 polaroid photos and a diskette from <b>Sgt. Andraychak#457</b> (attached to case file)
	0045	Responded to Mission Station. Met and conducted a taped interview with <b>B3/Ernst, D.</b> She stated the following: <ul style="list-style-type: none"> <li>- I was at 16<sup>th</sup> and Mission, when I saw a protest group gathering. I saw my friend there and I asked him what the protest was about. He told me the anti-war demo. I stayed and joined the Anarchist group</li> <li>- I was at 23<sup>rd</sup> St and I heard "officer down" and I was on the bicycle. There were a lot of people around me. This officer told me to move along and I had one hand on my bicycle and I swung my left arm. Then I was taken to the ground and arrested</li> </ul>
	0100	Met with <b>Officer Lozano#554</b> who told me the following: <ul style="list-style-type: none"> <li>- I responded to 23<sup>rd</sup> St. and Bartlett to assist Officer Shields who was struck on the head. Upon arrival, I saw that Officer Shields was bleeding and there were still a large group in the area</li> <li>- I began to move people out of the crime scene and to protect Officer Shield who was half-conscious. I made contact with B3/Doritt who was on her bike. I</li> </ul>



**SAN FRANCISCO POLICE DEPARTMENT  
CHRONOLOGICAL REPORT OF INVESTIGATION**

Page 3 of 6

DATE	TIME	ACTIVITY
		asked her to move along but she refused. She stated, "I don't have to move." - I asked B3/Doritt to move and assisted her by pushing the bike along. B3/ pushed me with her left hand and grabbed my baton away from me. I took her to the ground with Officer Dempsey #471 assistance. B3/ was taken into custody. (see statement)
	0115	Met and conducted a taped interview with B2/Tarlow, C., who stated the following: - About a half block away from where I was arrested, I was being a neutral observer watching a kid being arrested by an officer. I then hear "officer down" and a bunch of officers ran down the street - I also began to walk down the street, then I see the bloody officer. Then an officer comes charging at me. The officer shoves me back and tells me to get back - I raise my arms up and I was pushed back to the wall. Then I was thrown down by other officers and put in a van
	0130	Met and spoke with Officer Kane #4226 who stated the following: - I was responding to the area of 23 <sup>rd</sup> St and Bartlett on the assault on Officer Shields. Upon arrival, I could see that Officer Shields was bleeding and leaning against a car - I rushed over to assist Officer Shields. B2/Bartlow was standing 2 feet from Officer Shields and would not move out of the way. I told him to move and he squared off at me. - I pushed B2/ away and he raised his fist as to hit me. Sgt. Kaprosch and Sgt. Beazley assisted me taking B2/ to the ground and in custody (see statement)
	0145	Met with Deputy Sheriffs Choi #1121, Manalang #1347 and Ramirez #1486 advised them to write statements
	0200	Spoke with Deputy Sheriff Choi #1121 who advised me the following: - I was assigned to support the SFPD with prisoner transport. While on Valencia St, I heard a call of 10-25 and I responded to 23 <sup>rd</sup> St. at Bartlett. Upon arrival, I saw smoke coming from the front of the police vehicle. I exited the vehicle and saw Officer Wolf on the ground struggling with B1/Meyers. I ran over to Officer Wolf and assisted him take B1/Meyers into custody. -While struggling with B1/Meyers, a large crowd began to approach us. Deputy Sheriff Ramirez kept the crowd back. B1/Meyers refused to comply with our demands and kept resisting all the way to the transport vehicle. (see all statement)
	0230	Met with B1/Meyers who told me that his name was John Doe and he did not want to talk with me
	0300	Received statements from all parties involved in the incident (attached to case file)
	0315	Spoke with Sgt. Kaprosch and he stated the following: - I responded to 23 <sup>rd</sup> St and Bartlett with Sgt. Beazley #2073 on a call of Officer back-up. Upon arrival, I saw B2/Tarlow refusing to let Officer Kane tend to Officer Shields who was lying on the ground under a pool of blood. B2/Tarlow raised his right hand over his head at Officer Kane, I grabbed it and

**SAN FRANCISCO POLICE DEPARTMENT  
CHRONOLOGICAL REPORT OF INVESTIGATION**

DATE	TIME	ACTIVITY
		took B2/ to the ground. Sgt. Beazley and I took B2/ into custody.
	0400	Follow-up
	1400	Insp. Militello responded to SFGH to get condition of Officer Shields. <b>INJURIES:</b> 3-inch laceration to the back of scalp, received 7 staples and suffered Intracranial Hematoma. - Officer Shields was still unable to give a complete interview. Officer Shields did state that he saw S1/throw a lit projectile at the vehicle. He exited the vehicle and began to chase S1/. While attempting to take S1/ into custody, S2/ struck him on the head from behind. Officer Shield also recalls seeing and hearing a demonstration "observer" saying, "that's enough, that's enough."
	1600	Called RW/3/ Troy, R. who advise me that he was informed to get counsel before making any further statements. Further stated that he would call on Monday to set up and appointment for an interview
	1645	Met with Insp. Mar from CSI and handed him the bloody baton for possible latent prints. I was advised that he would contact me with results
7/10/05	0700	Received photos and documentation from Insp Militello who retrieved the information from the Anarchist Website. (attached to case file)
		<b>BOOKED:</b> <b><u>GABRIEL MEYERS WM 6/6/77</u></b>  N/W 245(C) PC N/W 243(D) PC N/W 148.10 PC- 2CTS N/W 404.6 (B) PC N/W 664/405(B) PC N/W 182 PC N/W 243 (C) PC 594(A)(2) PC  <b><u>CODY TARLOW WM 10/7/83</u></b>  N/W 245(C) PC N/W 243(D) PC N/W 148.10 PC- 2CTS N/W 664/405(B) PC N/W 182 PC N/W 455 PC 185 PC 594(A)(2) PC

**SAN FRANCISCO POLICE DEPARTMENT  
CHRONOLOGICAL REPORT OF INVESTIGATION**

DATE	TIME	ACTIVITY
		<p><u>DORITT ERNST WF 05/31/74</u></p> <p>NW 245(C) PC                      NW 243(D) PC                      NW 148.10 PC- 2CTS                      NW 664/405(B) PC                      NW 182 PC                      NW 455 PC                      148(B) PC                      594(A)(2) PC</p>
	1000	Reviewed CAD and called original caller JOHN at 999-3652 and left message to call back. Also called Charles Armstrong at 250-5721 and left message to call back
	1130	<p>Spoke with <b>Charles Armstrong</b> who stated the following:</p> <ul style="list-style-type: none"> <li>- I was working on Friday night as Muni Supervisor. I picked up a group of protesters walking southbound on Mission St. at 19<sup>th</sup>. while I followed them, they were throwing newspaper racks in the middle of the street stopping the flow of traffic</li> <li>- They also threw paint at the PG&amp;E building. They were just in the middle of the street and banging parked cars. I did not see the assault on the Police Officer</li> <li>- I also saw the protesters throw a big white mattress under a vehicle on Mission St. and then I saw it under the Police car too.</li> </ul>
	1800	Received a call from Insp. Militello advising me that Officer Kevin Martin was ordered by Deputy Chief Suhr to recover a cellphone from above booked individuals's property
7/11/05	0930	Met and discussed case with <b>Captain Cashman #936</b> . I was advised to write a brief statement regarding reward issued by the Mayor's Office
	1000	Responded to SFGH and was advised that Officer Shields was discharged on 7/10/2005
	1100	Received supplemental report written Officer Kevin Martin (attached to case file)
	1415	<p>Received a call from <b>John</b> who called the Police during the night of the protest. John stated the following:</p> <ul style="list-style-type: none"> <li>- I was driving northbound on Mission street, when I noticed a group of people in both lanes of traffic. They were throwing newspaper racks on the street and I saw some of the people with baseball bats breaking windows</li> <li>- I made U-turn and began to travel southbound on Mission but ran into a large group of people. I went into Walgreen's and when I came out I looked up 23<sup>rd</sup> St and saw a large group of people running everywhere</li> <li>- I heard sirens and saw a police vehicle up the block. I then got back in the car and left the area</li> </ul>
	1530	Met and discussed the incident with Special Agents Scott Merriam and Suzanne Solomon from the Federal Bureau of Investigations
	2015	Special Agent Merriam called Insp. Militello and informed her that due to

**SAN FRANCISCO POLICE DEPARTMENT  
CHRONOLOGICAL REPORT OF INVESTIGATION**

Page 6 of 6

DATE	TIME	ACTIVITY
		attempted arson on the Police Vehicle the Federal Bureau of Investigation will be assisting in the investigation
7/12/05	0900	Received a note from Insp. Correa #766 stating that Kelly Burke from the District Attorney's Office received an anonymous call regarding information of the suspect who assaulted Officer Shields
	0930	Responded to DA's office and spoke with Kelly Burke who stated the following: - At approximately 0755 hrs, I received a call from an unknown number. I picked up the phone and spoke with a person who stated he had information regarding the suspect who assaulted Officer Shields
	1100	Responded [REDACTED] Officer Shields. Conducted a taped interview and he stated the following: - Officer Wolf and I were responding to a vandalism call. I was driving southbound on Valencia and turned on 23 <sup>rd</sup> St. There was a large group of protesters all over the place. I was not able to drive through 23 <sup>rd</sup> St, so I turned on my red/blue light - The protesters refused to move off the streets and one of the them, later identified as B/Meyers began to strike the vehicle with a large white sign. B/Meyers then threw the styrofoam underneath the vehicle, which disabled it. I was not able to drive the vehicle - Officer Wolf jumped out of the car and began to chase B/Meyers. I got out of the vehicle and saw a lit rocket coming at me. I saw the S1/person throw the rocket and I chased after him eastbound on 23 <sup>rd</sup> St. - I caught S1/ from behind and attempted to take him to custody. S1/ was resisting and I struck him with my baton. While I was striking him, I heard a female voice behind me saying, "stop hitting him." - I reached for my handcuffs and I was struck from behind on the back of the head. I was dazed and felt pain on the left side of my face. I stumbled back and I heard someone say, "that's enough." - I touched the back of my head and realized I was bleeding from my head. I looked up and saw a person wearing lime-colored hat, possible legal observer who helped me get my radio out
	1330	Rebooking package

**Exhibit E**

1 AFFIDAVIT IN SUPPORT OF COMPLAINT

2  
3 I, Nasson Walker, Special Agent of the Federal Bureau of  
4 Investigation ("FBI"), United States Department of Justice,  
5 having been duly sworn, do depose and state the following:

6 I. EXPERIENCE OF AFFIANT AND SUMMARY OF REQUEST

7 I have been a Special Agent of the FBI since June 2004. I  
8 have been assigned to the Domestic Terrorism squad for the  
9 Sacramento Division since my arrival in Sacramento in November  
10 2004, and have investigated primarily those matters involving  
11 environmental terrorism.

12 Three individuals, Eric McDavid, Lauren Weiner, and Zachary  
13 Jenson (the "subjects"), were arrested on January 13, 2006 for  
14 conspiring to damage or destroy certain property by explosive or  
15 fire, including the United States Forest Service Institute of  
16 Forest Genetics and certain other publicly- and privately-owned  
17 infrastructures, in violation of 18 U.S.C. § 844(n).

18 Based on my personal participation in this investigation,  
19 discussions with other investigating agents and other law  
20 enforcement agencies, and interviews with reliable witnesses, I  
21 am familiar with the facts and circumstances of this  
22 investigation. The information set forth in this Affidavit  
23 reflects my personal knowledge or has been provided to me by  
24 other law enforcement officers, investigative analysts, and  
25 agents with whom I have spoken, or whose reports I have reviewed.  
26 As this Affidavit is submitted for the limited purpose of  
27 demonstrating probable cause to support a complaint, I have not  
28 included in this Affidavit all information known to me related to

1 this investigation and arrest.

2 I believe probable cause exists to support a complaint  
3 charging Eric McDavid, Lauren Weiner, and Zachary Jenson with  
4 conspiring to use fire or explosives to damage property, in  
5 violation of 18 U.S.C. § 844(n).

## 6 II. USE OF A CONFIDENTIAL SOURCE

7 The investigation of Eric McDavid, Zachary Jenson, and  
8 Lauren Weiner utilizes a Confidential Source ("CS") who is deeply  
9 embedded within the subjects' cell. The CS has worked for the  
10 FBI since early 2004. S/he has worked for no other agencies and  
11 has no criminal history. The CS receives compensation for  
12 his/her work with the FBI. The s/he has provided information  
13 that has been utilized in at least twelve separate anarchist  
14 cases. Since July 2005, the CS has provided information about  
15 the subjects and their actions, and s/he has participated in  
16 consensual audio and video monitoring, participated in-person  
17 debriefs with law enforcement, and provided electronic summaries  
18 of what s/he has witnessed. The CS's information has been  
19 corroborated by law enforcement investigation, and his/her  
20 information has proved accurate and reliable. S/he has agreed to  
21 testify in court concerning illegal activity s/he has witnessed.  
22 On December 22, 2005, the CS was granted authority to participate  
23 in Tier 1 Otherwise Illegal Activity as part of his/her  
24 involvement in the investigation of Eric McDavid, Zachary Jenson,  
25 and Lauren Weiner.

## 26 III. OVERVIEW OF THE INVESTIGATION AND SUBJECTS

### 27 A. Background of the Earth Liberation Front ("ELF")

28 The ELF is a recognized eco-terrorist group that advocates

1 "direct action" (i.e. criminal activity) against targets  
2 identified as contributing to the destruction/exploitation of the  
3 Earth and its resources. The ELF is loosely-organized. "Cells"  
4 comprised of a small number of individuals form independently.  
5 These cells then carry out criminal actions on behalf of the ELF.  
6 Environmental extremists under the ELF banner have been known to  
7 use arson and/or explosives to damage or destroy or attempt to  
8 damage or destroy government, commercial, and residential  
9 facilities. Past targets include, but are not limited to, car  
10 dealerships, housing developments, United States Forest Service  
11 facilities, and facilities engaged in genetic engineering  
12 research and development. Since 1997, estimates of damage  
13 inflicted by ELF run in excess of \$100 million.

14 ELF adherents share a strong philosophical connection to the  
15 anarchist movement. The anarchist movement seeks to end the  
16 current system of government, economy and replace them with  
17 systems characterized by a lack of authoritarian/hierarchical  
18 relationships. A popular source of anarchist thought is  
19 CrimethInc, an organization that publishes books and  
20 instructional pamphlets that teach anarchist values and tactics.  
21 *Evasion*, a popular CrimethInc book, describes the life of an  
22 unnamed anarchist who travels by hitchhiking and train-hopping  
23 and who subsists by shoplifting and foraging in dumpsters. The  
24 *Evasion* lifestyle is emulated by many anarchists.

25 B. Eric McDavid

26 Eric McDavid, age 28, is an anarchist, known to friends and  
27 associates within the anarchist movement by the alias, "D".  
28 McDavid maintains no permanent residence; rather, he lives a



1 transient lifestyle, traveling often, by train-hopping and  
2 hitchhiking, and living temporarily with friends and other  
3 anarchists dispersed throughout the country. McDavid is  
4 described by the CS as extremely cautious of law enforcement  
5 surveillance. He does not use a cellular telephone. He  
6 maintains no permanent residence. He travels by unconventional  
7 means. He communicates by email but frequently changes his email  
8 address. McDavid has written an article on security matters that  
9 he has shared with his family and other anarchists. The article  
10 allegedly offers instruction on how to act during encounters with  
11 law enforcement officers.

12 McDavid was identified by the CS as an attendee at the  
13 August 2004 CrimethInc convergence in Des Moines, IA. The  
14 convergence, a meeting of anarchists from across the country, was  
15 meant to be a staging point for travel to New York City, NY to  
16 protest the Republican National Convention.

17 Beginning December 27, 2004, the FBI Joint Terrorism Task  
18 Force (JTTF) investigated one arson and two attempted arsons by  
19 the ELF. Notations spray-painted at the scene of the first  
20 incident (an attempted arson at a housing development under  
21 construction) included references to *Evasion*. Paint spilled on  
22 the street at the same construction site spelled the letters,  
23 "ELF". A letter sent to four Sacramento-area newspapers,  
24 postmarked January 15, 2005, claimed responsibility for the first  
25 two attempted arsons on behalf of the ELF. The body of the  
26 letter contained numerous references to anarchist thought. The  
27 letter was signed, "Agent Emma Goldman and the CrimethInc Senior  
28 Officers of the Earth Liberation Front." Emma Goldman is a

1 popular historical figure in the anarchist movement.

2       Based upon the apparent connection of the above-described  
3 arson/attempted arsons to the anarchist movement and Eric  
4 McDavid's participation in the anarchist movement, the JTTF  
5 attempted to interview McDavid on February 24, 2005 at his  
6 parents' residence at 26800 Black Oak Ridge Road, Foresthill, CA.  
7 Agents made contact with Eileen McDavid, his mother, who said  
8 that Eric McDavid was traveling at the time, and she had no way  
9 to contact him. She said that his mode of transportation is  
10 hitchhiking.

11       Eric McDavid is an associate of Ryan Daniel Lewis, who was  
12 convicted on October 14, 2005 on three counts of 18 U.S.C. §  
13 844(i) for separate arson incidents. McDavid reported to the CS  
14 that Lewis introduced him to anarchist thought. On August 31,  
15 2005, FBI Joint Terrorism Task Force (JTTF) Agents interviewed  
16 Lewis, who identified McDavid in a digital photo recovered from  
17 the hard drive of Lewis' computer. Lewis further advised that  
18 McDavid was a friend and had intentions to travel by hitchhiking  
19 to protests at destinations around the country, including the  
20 Presidential Inauguration in Washington, DC.

21       In June 2005, McDavid traveled to Philadelphia, PA to  
22 protest the 2005 Biotechnology Industry Organization (BIO) annual  
23 trade conference. The CS, who also attended the protest  
24 activities, reported that McDavid offered training to other  
25 anarchists on how to construct and use Molotov cocktails.  
26 McDavid advocated violent protest and reported to the CS his  
27 desire to kill a police officer, expressing his regret that he  
28 was not involved in the physical altercation between protesters

1 and police that resulted in one officer's death. McDavid also  
2 told the CS that his friends in California were under  
3 investigation and that he had left in order to avoid becoming  
4 involved.

5 In July 2005, McDavid traveled to Bloomington, IN to attend  
6 a CrimethInc-organized convergence of anarchists. The  
7 convergence offered entertainment, training, and an opportunity  
8 to protest a nearby construction project. Shortly after the  
9 event, McDavid spoke with the CS about his plans to engage in  
10 criminal activity in support of his political beliefs. He  
11 prefaced the disclosure of his plans by warning that if the CS  
12 were working with law enforcement, he would kill him/her.  
13 McDavid then described his plans to construct explosive devices  
14 from household items and target various commercial and government  
15 facilities. He intended to follow a recipe for explosives found  
16 in an anarchist cookbook.

17 McDavid identified his targets as banks, commercial trucks,  
18 mountaintop removal projects in West Virginia, Communist party  
19 offices, and a facility in Placerville, CA engaged in the genetic  
20 engineering of trees. This last target has been identified by  
21 law enforcement as the United States Forest Service Institute of  
22 Forest Genetics in Placerville, CA. McDavid explained that he  
23 had not been involved in the arsons in Northern California for  
24 which his friends, including Ryan Lewis, were arrested. He  
25 criticized Ryan Lewis for performing direct-action in close  
26 proximity to an established residence.

27 In August 2005, McDavid arrived in Philadelphia, PA to  
28 attend an anarchist convergence called Pointless Fest. There, he

1 requested that the CS assist with his bombing plans by furnishing  
2 a gas mask and a chemical equivalency list, which is a list that  
3 translates chemicals necessary to build explosives into common  
4 household items. McDavid also asked that the CS be present to  
5 administer first aid, if necessary, while McDavid handled the  
6 explosives. McDavid stated that he planned to commit the  
7 bombings sometime in Spring 2006.

8 During Pointless Fest, McDavid invited Zachary Jenson and  
9 Lauren Weiner to participate in his direct-action plans. Weiner  
10 reported to the CS that she, Jenson, and McDavid intended to  
11 spend the Christmas 2005 holiday with their respective families  
12 and assemble in California in Winter 2005/2006 to make  
13 preparations for a bombing campaign. Following the campaign,  
14 they would go into hiding. Weiner described her role as taking  
15 care of the details and Jenson's role as writing the  
16 communication(s) to claim responsibility for the action(s).

17 C. Zachary Jenson

18 Zachary Jenson, age 20, is an anarchist and close associate  
19 of Eric McDavid. Jenson, who goes by the alias "Ollie", is a  
20 native of Monroe, WA, a suburb of Seattle, WA. He has  
21 accompanied McDavid on travels to numerous destinations in the  
22 United States, including the CrimethInc convergences in Des  
23 Moines, IA and Bloomington, IN and the BIO 2005 protest in  
24 Philadelphia, PA. Jenson has no permanent residence, having  
25 adopted a transient lifestyle similar to that described in the  
26 anarchist book, *Evasion*.

27 Jenson maintains a personal web page at  
28 [www.myspace.com/ollieaucksen](http://www.myspace.com/ollieaucksen). On the site, Jenson lists his

1 occupation as a "wanderer/drug addict" and identifies one of his  
2 favorite books as *Days of War, Nights of Love* by CrimethInc.  
3 This book contains a chapter-by-chapter description of anarchist  
4 values and objectives. Jenson's site also contains several  
5 journal entries in which Jenson documents his interactions with  
6 McDavid. Information from Jenson's journal entries corroborates  
7 reporting from the CS regarding McDavid and Jenson's travels.  
8 According to journal entries on this site and another website  
9 Jenson maintains, [www.livejournal.com/jancazbru](http://www.livejournal.com/jancazbru), McDavid and  
10 Jenson have traveled to Washington, Oregon, California, Nevada,  
11 Texas, Oklahoma, Florida, Pennsylvania, West Virginia, Indiana,  
12 Tennessee, Missouri, and Colorado since February 2005. Their  
13 most common means of transportation was hitchhiking and train-  
14 hopping.

15 Jenson, like McDavid, is security conscious and is careful  
16 not to disclose information on his website regarding his  
17 politically-motivated illegal activity. In one journal entry,  
18 Jenson recounts illegal activity he conducted somewhere in the  
19 San Francisco Bay area. A verbatim text of the entry, dated May  
20 21, 2005, reads as follows:

21 what happened friday night cant be told  
22 here online. it can only be told in person,  
23 so everyone back home will have to wait  
24 because of security. imagine: music blaring,  
25 kids running in the streets, dancing and shouting,  
adrenaline surging, cops right behind us.  
we ran fast. and you know what kind of tags  
were left upon the concrete. yeah, you know.

26 The FBI JTTF has researched the above-described incident and  
27 concluded that it took place at a protest in downtown Palo Alto,  
28 CA. During this incident, dumpsters were moved and overturned in

1 the streets, store windows were broken, and graffiti was sprayed  
2 on walls and sidewalks. Photos of the protest obtained through a  
3 public source depicts an individual spray-painting the phrase,  
4 "pandas are sexy" onto a sidewalk. Jenson's web pages contain  
5 numerous references to pandas and the "panda house", Jenson's  
6 name for his former residence at 20131 Forest Park Drive N.E.,  
7 Shoreline, WA.

8 D. Lauren Weiner

9 Lauren Weiner, age 20, is an anarchist from Philadelphia, PA  
10 who uses the aliases "Ren" and "Fireflie". She met Eric McDavid  
11 and Zachary Jenson at the August 2004 CrimethInc convergence in  
12 Des Moines, IA and hosted the two at her home while they were in  
13 Philadelphia, PA to protest the BIO 2005 trade conference.  
14 Weiner favors violent protest. She was present at the June 21,  
15 2005 protest in Philadelphia during which protesters assaulted a  
16 Philadelphia police officer, who later died. Weiner expressed  
17 her support for the individuals who assaulted the officer. She  
18 has also expressed her desire to conduct direct-action in the  
19 Philadelphia area.

20 During September 24-25, 2005, Weiner attended protests in  
21 Washington, DC of the World Bank. She also participated in skill  
22 share classes with other anarchists to learn how to better  
23 organize an anarchist collective and plan direct-action  
24 campaigns.

25 IV. SELECTED EVENTS SUPPORTING PROBABLE CAUSE

26 I submit that the following events support a finding of  
27 probable cause to believe that Eric Mc David, Lauren Weiner, and  
28 Zachary Jenson conspired to damage or destroy property by fire or

1 explosive:

2 A. Reconnaissance of the USFS Institute for Forest Genetics

3 On January 10, 2006, surveillance agents observed the CS and  
4 subjects as they traveled to Auburn, CA. The subjects conducted  
5 Internet research of potential targets. The CS reported via text  
6 message to an FBI agent that after finishing their research, the  
7 group intended to perform reconnaissance of the Nimbus Dam and  
8 the "tree thing". At approximately 1:37 p.m. that day, the car  
9 containing the CS and subjects arrived at the California  
10 Department of Fish and Game Region II Nimbus Fish Hatchery. At  
11 approximately 3:23 p.m., the car was reported by surveillance  
12 agents as parked outside the USFS Institute of Forest Genetics on  
13 Carson Road in Placerville, CA. USFS agents followed their  
14 movements as they entered the property and walked around the  
15 grounds. The subjects were recorded on video surveillance, and  
16 one USFS agent reported that one subject signed the guest  
17 registry under a fictitious name. The subjects and CS left the  
18 facility at approximately 3:48 p.m. After they departed, McDavid  
19 told the group that human casualties resulting from their actions  
20 would be acceptable, according to a report from the CS.

21 B. Purchase of Bleach at Wal-Mart

22 On January 9, 2006, surveillance agents observed the CS and  
23 subjects as they traveled to various sites in Auburn, CA. During  
24 their visit, the CS temporarily separated from the subjects and  
25 met with an FBI agent. During this meeting, the CS advised that  
26 the group, among other things, intended to obtain materials to  
27 make a homemade explosive device from various grocery and  
28 hardware stores and begin preparing the chemicals to be used in

1 the device on or about January 12, 2006 by following a recipe in  
2 the book, *Poor Man's James Bond*.

3 In conversations conducted in the presence of the CS, and  
4 observed by agents via consensual video and audio monitoring, the  
5 subjects planned a trip to San Francisco, CA for the following  
6 day. They expected to meet one of Jenson's friends during the  
7 trip. Jenson urged the group to create an alibi for the meeting  
8 so as to explain why they would be together. Weiner suggested  
9 that they pose as farm workers. McDavid explained that they  
10 would acquire materials for a device at some point during the  
11 trip. Materials mentioned were potassium chloride, a hot plate,  
12 and a car battery.

13 Agents observed Jenson and McDavid reading unknown  
14 literature. As they read, they discussed bomb-making materials.  
15 McDavid appeared to read aloud some of the materials needed for a  
16 recipe he was following: beaker, hot plate, water hydrometer,  
17 potassium chloride, jugs, bottle, petroleum jelly, ammonia, and  
18 iodine. He explained to the group that material from this recipe  
19 would need to be dried. Jenson emphasized the need for a timer  
20 on the device to afford the group time to egress from the target  
21 location before detonation. McDavid suggested the need for a  
22 one-hour delay.

23 On January 11, 2006, surveillance agents observed the CS and  
24 subjects as they traveled to San Francisco, CA. On the return  
25 trip, they stopped at a Wal-Mart store at 3661 Truxel Rd,  
26 Sacramento, CA. There, according to surveillance video and a  
27 copy of the store receipt, the subjects purchased several items,  
28 including bleach and a car battery.



1 C. The Subjects Cook Bleach and Further Discuss Their  
2 Targets

3 On January 12, 2006, the subjects visited several stores in  
4 Auburn, CA, including a Kmart, Long's Drug, and BelAir. McDavid  
5 was observed carrying a plastic bag as he exited the Long's Drug  
6 Store. The CS reported to an FBI agent via text message that the  
7 subjects had purchased items specifically for use in producing  
8 explosive materials. After they returned from shopping, they  
9 spent approximately one and one half hours on the porch of 33070  
10 Main Street cooking bleach. During this process, the glass bowl  
11 containing the bleach broke. At which point, the group stopped  
12 the process and returned inside the cabin.

13 While in the cabin, and in the presence of the CS, agents  
14 observed via consensual audio and video recording, the subjects  
15 as they discussed targets. Jenson said he was concerned about  
16 targeting four separate targets and suggested focusing on one.  
17 His statement provoked a discussion among the group about what  
18 facility to target. McDavid said he wanted to target the USFS  
19 Institute of Forest Genetics ("IFG") because of its involvement  
20 in genetic engineering. Weiner stated that she preferred to  
21 target a facility that affects more people instead of something  
22 remote. McDavid concluded that he is flexible and willing to  
23 take suggestions from the group, that a cellular telephone tower  
24 could be the target, but he wanted the IFG to represent a  
25 fallback target. After being asked, Jenson responded that his  
26 preferred target is a power station, Weiner's is a cellular  
27 telephone tower. Weiner expressed her desire to create a state  
28 of martial law and undermine corporations.

1           When planning for the next day's activities, they discussed  
2 possibly testing an incendiary device at an unspecified remote  
3 location. They also discussed purchasing glassware for heating  
4 bleach. McDavid asked the CS if s/he had seen the white  
5 crystals. He explained that if they had a bigger tray, they  
6 would be able to produce more crystals. The group agreed to  
7 compose a list of materials to purchase the following day and to  
8 separate into groups of two to make the purchase.

9           D.    Purchase of Additional Materials from Kmart

10           On January 13, 2006, surveillance agents observed the  
11 subjects and the CS in the Kmart on Bell Road in Auburn, CA. The  
12 agents observed the subjects, not the CS, carry bags of items  
13 from the Kmart to the CS's car. In a search subsequent to a  
14 lawful arrest, agents determined that the subjects had purchased  
15 respirator masks, rubber gloves, bleach, glass cleaner, and  
16 glassware.

17           E.    The "Burn Book"


18           On January 13, 2006, subsequent to his arrest, agents  
19 discovered a pocket-sized notebook on the person of Eric McDavid.  
20 The book contained a hand-drawn diagram of what appeared to be  
21 the grounds of the USFS IFG facility in Placerville, CA, and the  
22 notebook also contained the address of the IFG. The notebook  
23 also contained hand-drawn diagrams of what appeared to be pipe  
24 bombs, as well as lists of ingredients for creating homemade  
25 explosives. According to the CS, the subjects called the  
26 notebook the "burn book" because they agreed to burn it later.

27 V.    CONCLUSION


28           Based on the facts set forth in this Affidavit, I contend

1 that probable cause exists to charge Eric McDavid, Zachary  
2 Jenson, and Lauren Weiner with conspiring to use fire or  
3 explosives to damage property, in violation of Title 18 U.S.C.  
4 § 844(n).

5 I declare under penalty of perjury under the laws of the  
6 United States of America that the foregoing is true and correct  
7 to the best of my knowledge.

8  
9   
10 NASSON WALKER  
Special Agent  
Federal Bureau of Investigation

11 Read and approved as to form

12  
13   
14 ELLEN V. ENDRIZZI  
Assistant U.S. Attorney

15  
16 Subscribed and sworn to before me  
17 this 13th day of January, 2006

18   
19 HONORABLE GREGORY G. HOLLOWS  
20 United States Magistrate Judge

<http://www.sacbee.com/content/news/environment/story/14116791p-14946141c.html>  
(registration required)

3 indicted in alleged eco-terror plot

By Denny Walsh -- Bee Staff Writer

Published 2:15 am PST Thursday, January 26, 2006

Three people alleged to be part of an eco-terrorism movement were indicted Wednesday by a federal grand jury in Sacramento on a charge of conspiring to damage and destroy property by fire and an explosive.

Eric Taylor McDavid, 28; Zachary O. Jenson, 20; and Lauren Weiner, 20, are accused in the one-count indictment of plotting to blow up a U.S. Forest Service genetics lab in Placerville, the Nimbus Dam and nearby fish hatchery in Rancho Cordova, and cellular telephone towers and electric power stations in unspecified locations.

While it is not in the indictment, other court papers filed by the government say the trio planned to publicly proclaim after the arson campaign that it was carried out in the name of the Earth Liberation Front, a movement advocating violent criminal acts against what its followers believe are symbols of the destruction and exploitation of the environment.

"Since 1997, estimates of damage inflicted by ELF (nationwide) run in excess of \$100 million," according to an FBI search warrant affidavit filed in connection with the case.

The defendants are scheduled to be arraigned today before U.S. Magistrate Judge Gregory G. Hollows.

The indictment replaces a criminal complaint with the same charge that was filed against the three 10 days ago.

They are seeking bail, which is strongly opposed by prosecutors. Hollows is expected to rule by the end of the week on the bail issue.

"These three individuals planned to commit a number of dangerous and destructive acts in our region, all in the name of the Earth Liberation Front," U.S. Attorney McGregor Scott said Wednesday at a news conference in the federal courthouse. "Because of the exceptional investigative work of the FBI's Joint Terrorism Task Force and the brave efforts of a confidential source, they were prevented from carrying out their planned attacks."

Scott described McDavid as the "instigator" of the plot to construct and use explosive devices made with household items. McDavid recruited the confidential source at an "anarchist convergence" in July in Bloomington, Ind., and Jenson and Weiner at a similar gathering a month later in Philadelphia, Scott said.

The three defendants were arrested Jan. 13 in Auburn in a shopping center parking lot after purchasing items the FBI suspects were to become bomb-making materials.

Three days earlier, FBI agents had watched the foursome allegedly scout the Nimbus Dam and the forest genetics lab.

"We will never really know how close we came to a big boom," Scott said.

The case is based on extensive electronic surveillance - both audio and

ATT00017

video - and on information from the paid FBI informant, who was working with the defendants and posing as an ELF sympathizer.

Much of their activity in the six days leading up to their arrests was underwritten by the FBI without the knowledge of the defendants. The undercover source, using government funds, bought items intended for use in making an explosive device.

The FBI rented a cabin in Dutch Flat that the group used, although the defendants thought their fourth partner rented it. The laptop computer they used to research possible targets was an FBI computer furnished by the source, court papers say.

Scott noted that the indictment is the second time in a year a group of young people have been charged in Sacramento federal court as Earth Liberation Front followers bent on property destruction by arson in the name of the movement.

"I hope this latest indictment serves as a wake-up call to idealistic young people who may be contemplating criminal action in furtherance of a cause," Scott said.