

**Supplemental Case Report**  
**Antioch Police Department**

CA0070100 - 300 L Street (925)779-6900

**CASE NO: 09011139**  
**EVENT NO: 09122954**

Classification: PC 243(C)(1) (BAT EMERGENCY PERSON/ETC) - FELONY

Officer ID: KINT #3652

Location Name:

Location: 821 W 14TH ST ANTIOCH

XStreet: MACAULAY ST

2nd XStreet:

Beat: 1

Occurred	Date	Time	Day
On/From	11/21/2009	02:33	Sat
To	11/21/2009	05:26	Sat
Received	11/21/2009	02:33	Sat

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CASE NO: 09011139

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REPORT - 3 SUPPLEMENT

Officer ID: GILLESPIE #4617

Supervisor: SMITH #2310

## WIT WITNESS

Race: White Sex: [REDACTED] DOB: [REDACTED] Age: [REDACTED] Type: PERSON  
Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]

### ADDRESS INFORMATION

Address Type: PERSONAL/HOME Phone: [REDACTED]  
Address: [REDACTED] Time at Address:  
Comments:

School: Grade #: Occupation:  
Employer: How long: Work Hrs:  
Language: ENGLISH Clothing:  
Crime Type:  
Suspect Status:  
Additional Info:  
Comments:

### IDENTIFICATION NUMBERS

Identification: Issued By: ID No:  
Drivers License STATE OF CALIFORNIA [REDACTED]  
SSN [REDACTED]

## WIT WITNESS

Race: White Sex: [REDACTED] DOB: [REDACTED] Age: [REDACTED] Type: PERSON  
Height: [REDACTED] Weight: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED]

### ADDRESS INFORMATION

Address Type: PERSONAL/HOME Phone: [REDACTED]  
Address: [REDACTED] Time at Address:  
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Additional Info:  
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### IDENTIFICATION NUMBERS

Identification: Issued By: ID No:  
Drivers License [REDACTED]

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**PROP Evidence 12 INCH KITCHEN KNIFE**

**ITEM#: 1**

Quantity: 1 Category: Knives all types  
Article: 12 INCH KITCHEN KNIFE Brand: COBRA  
Model: Value: Color: Black / Aluminum or Silver  
Serial #: Owner Applied #: Size:  
Special Marks:  
Officer ID: GILLESPIE #4617 Inv Date: 11/21/2009 06:58  
Obliterated Restored:  
Obliterated Removal Code:  
Obliterated Drill Size:  
Comments:

**PROP Evidence SMALL KITCHEN KNIFE**

**ITEM#: 2**

Quantity: 1 Category: Knives all types  
Article: SMALL KITCHEN KNIFE Brand:  
Model: Value: Color: Black / Aluminum or Silver  
Serial #: Owner Applied #: Size:  
Special Marks:  
Officer ID: GILLESPIE #4617 Inv Date: 11/21/2009 06:59  
Obliterated Restored:  
Obliterated Removal Code:  
Obliterated Drill Size:  
Comments: APPROX 4 INCHES

**PROP Evidence GLASS CUP**

**ITEM#: 3**

Quantity: 1 Category: Other (Use only if art. cant be cat. in above codes)  
Article: GLASS CUP Brand:  
Model: Value: Color:  
Serial #: Owner Applied #: Size:  
Special Marks:  
Officer ID: GILLESPIE #4617 Inv Date: 11/21/2009 07:01  
Obliterated Restored:  
Obliterated Removal Code:  
Obliterated Drill Size:  
Comments: BROKEN GLASS, AND A PIECE OF GLASS FROM THE GROUND WHERE IT WAS BROKEN

**PROP Evidence LIQUID BLOOD DNA EVIDENCE KIT**

**ITEM#: 4**

Quantity: 1 Category: Biological Blood, Saliva Etc.

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**Evidence 4 (Cont'd)**

Article: LIQUID BLOOD DNA EVIDENCE Brand:  
KIT

Model: Value: Color:

Serial #: Owner Applied #: Size:

Special Marks:

Officer ID: GILLESPIE #4617

Inv Date: 11/21/2009 07:03

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments:

**PROP Evidence BLOOD SAMPLE**

**ITEM#: 5**

Quantity: 1 Category: Biological Blood, Saliva Etc.

Article: BLOOD SAMPLE Brand:

Model: Value: Color:

Serial #: 52758 Owner Applied #: Size:

Special Marks:

Officer ID: GILLESPIE #4617

Inv Date: 11/21/2009 07:04

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments: COLLECTED AT 0532HRS, WITNESSED BY CPL SMITH, LOGGED BY GILLESPIE #4617

**PROP Evidence BLOOD SAMPLE FOR HIV TESTING**

**ITEM#: 6**

Quantity: 1 Category: Biological Blood, Saliva Etc.

Article: BLOOD SAMPLE FOR HIV Brand:  
TESTING

Model: Value: Color:

Serial #: Owner Applied #: Size:

Special Marks:

Officer ID: GILLESPIE #4617

Inv Date: 11/21/2009 07:05

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments:

**PROP Evidence DIGITAL RECORDING**

**ITEM#: 7**

Quantity: 1 Category: Cell Phones/Electronic Equipment

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Supervisor: SMITH #2310

**Evidence 7 (Cont'd)**

Article: DIGITAL RECORDING

Brand:

Model:

Value:

Color:

Serial #:

Owner Applied #:

Size:

Special Marks:

Officer ID: GILLESPIE #4617

Inv Date: 11/21/2009 07:06

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments: DIGITAL RECORDING OF VIERRA'S STATEMENT UNDER MIRANDA AT APD JAIL

**PROP Evidence VIDEO CASSETTE TAPE****ITEM#: 8**

Quantity: 1 Category: Cell Phones/Electronic Equipment

Article: VIDEO CASSETTE TAPE

Brand: SONY

Model: MINI DV

Value:

Color: Black / Red

Serial #:

Owner Applied #:

Size:

Special Marks:

Officer ID: GILLESPIE #4617

Inv Date: 11/21/2009 07:43

Obliterated Restored:

Obliterated Removal Code:

Obliterated Drill Size:

Comments: RECORDING OF OFFICER'S KINT AND HOFFMAN DURING THE INCIDENT.

Total Evidence: \$

**NARRATIVE**

On 11/21/09, at approximately 4005hrs, I was dispatched to a call of a disturbance at 821 W 14th St.

I arrived and assisted Officer Kint and Officer Hoffman by processing the scene for evidence. After Cpl. Smith took pictures of the crime scene, I collected two kitchen knives and a broken glass from the main room where the incident took place. One knife is approximately 12 inches long and the other is approximately 4 inches long. Both knives were sitting within reach of the responsables during the fight. The broken glass cup was on the counter, near where the fight took place, but it was not clear whether it had been broken during the struggle or if it was broken before the fight.

I assisted with the investigation by conducting a neighborhood canvas. I knocked on the front door of two houses [REDACTED]

[REDACTED] who advised that they had heard yelling and then the diesel engine of the AMR trucks woke them up, but they did not see anything.

I contacted the residents [REDACTED] who told me the following in summary:

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watched from [REDACTED] front window next to [REDACTED] and confirmed all the details that [REDACTED] told me. [REDACTED] also noted that [REDACTED] was very impressed with how the officers carried themselves in such a volatile

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**NARRATIVE**

(Cont'd)

*situation. [REDACTED] could not believe how disrespectful Sterling was acting toward officers and how professional the officers had handled themselves. [REDACTED] was not surprised when officers needed to defend themselves against Sterling's attack because he was acting crazy. From [REDACTED] point of view, [REDACTED] believed that Sterling started the incident by attacking Officer Kint from the doorway.*

*During the entire incident, [REDACTED] felt that the officers did not use excessive force at any point. [REDACTED] was surprised at the amount of restraint officers used in not fighting Sterling when he was making threatening gestures and comments, while yelling.*

I returned to APD and assisted the investigation by interviewing Vierra about the incident. I escorted Vierra to an interview room and read him his Miranda rights using my department issued Miranda card. I asked Vierra if he understood his rights and he said, "Yeah." I recorded the interview on my department issued digital recorder and later attached the recording to this report. I asked Vierra to explain what he saw take place and he told me the following in summary:

*He had been drinking at Mutiny with his friends and he got more drunk than he has been in 5 years. He was way too drunk to drive and so he walked from Mutiny back to the house. Vierra said that the whole incident started because his friends were concerned that would not make it to the house safely if he walked.*

*Vierra was concerned that the officers who responded to the call treated his friends badly. He said that they did not take into account the fact that Vierra was drunk and just antagonized him. Vierra did not have specific things officers did or said that was antagonistic, but just felt that they did not de-escalate the situation.*

*Vierra told me that Sterling was getting upset because Officer Hoffman's foot was in his door frame. Officer Hoffman explained that he did not have to back off and he did not have to leave because he was investigating a complaint at the residence. After a few minutes Officer Hoffman took his foot out of the door frame in order to de-escalate the situation and Sterling did comply with a request for ID.*

*Vierra did not see who started the fight and did not see what happened during the fight. He said that when the conflict became physical he backed away from the others and sat down in the corner. He did see Sterling push one of the Officers and then he saw both Officers take Sterling to the ground. While Sterling was wrestling the officers, Vierra heard one of them say, "Stop resisting" multiple times and he tried to get Sterling to stop fighting too. He noticed ARR- Rob Barr walking over to the area where the fight was taking place and he heard one of the officers say, "Back off! Everyone has to be detained!" Rob did not comply with the order and he watched him get hit by the Taser.*

*Vierra did not think that the incident should had gone the way it did, but he said that he does not think the officers did anything wrong. He blames a combination of alcohol and bad attitudes for the fight.*

*I asked Vierra multiple times if he was involved in the fight in anyway, but he denied any involvement. He did say that at one point the officers rolled over him while fighting with Sterling. Vierra says that he did not throw punches and did not get involved in the fight in any way.*

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**NARRATIVE**

(Cont'd)

While at APD jail, blood samples were taken from Vierra and I later booked them into APD evidence.

See Officer Hoffman and Officer Kint's reports for further details about the fight, arrest and charges of Vierra, Sterling and Barr.

No further action taken.

Officer S.Gillespie #4617