

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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REPORT - 2 SUPPLEMENT

Officer ID: HOFFMAN #4515

Supervisor: SCHNITZIUS #2840

ARR ARRESTED

STERLING JR, FRANK THOMAS

Race: M Sex: M DOB: 07/30/1971 Age: 38 Type: PERSON
Height: 600 Weight: 200 Hair: Black Eyes: Brown

ALIASES

AKA Name: AKA DOB:

GERONIMO,
STERLING, FRANKLIN

ADDRESS INFORMATION

Address Type: Phone: (925) [REDACTED] / () -925
Address: [REDACTED] Time at Address:

Comments:

Address Type: Phone:
Address: [REDACTED] ANTIOCH CA 94509 Time at Address:

Comments:

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

Comments: UNK

School: Grade #: Occupation:
Employer: How long: Work Hrs:
Language: Clothing:

Crime Type:

Suspect Status:

Additional Info:

Comments:

IDENTIFICATION NUMBERS

Identification: Issued By: ID No:

Drivers License

SSN

Federal Bureau of
Investigation Number

DOJ

Other ID

HAZARD

[REDACTED]
[REDACTED]
019

SCARS, MARKS, TATTOOS

Location:	Feature:	Description:
RIGHT LEG	TATTOO	LEGS
RIGHT ARM	TATTOO	WIZARD
LEFT ARM	TATTOO	REAPER

ALERT/SPECIAL REGISTRANT INFORMATION

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STERLING JR, FRANK THOMAS (Cont'd)**ALERT/SPECIAL REGISTRANT INFORMATION**

(Cont'd)

Alert	Source Type:	Source #:	Supp #:	Date:
DNA	Start: CASE	09011139	2	11/21/2009
	Clear:		0	11/21/2900

Contact: CSO MING

Phone: (925) 778-2441

Agency:

ID #: 5131

Ref #:

Zone:

Date Sent for DNA:

☒ Prints☒ Photo☒ DNA Sample Collected

CDC Release Date:

Comments: CCCSO WILL COLLECT DNA ON THIS CASE, MING. PALM PRINTS ON FILE.

ARREST INFORMATION

Arrest Number: 0905190 Arrest Date: 11/21/2009 04:20

Location: 821 W 14TH ST ANTIOCH

Arrest Officer: HOFFMAN #4515

Booked By:

Arrest Lvl: FELONY

Book Date: 11/21/2009 09:25

Transport Officer:

Booking No. 260905190

XStreet: MACAULAY ST

Cite No.:

Blood Alcohol:

Appear Court:

Attitude:

Test Performance: Book

Dispo: FELONY - MDF

CHARGE INFORMATION

Charge: PC 243(C) (BATT PO/ETC W/INJURY) - FELONY

Counts: 1 Bail: Warrant No:

Description: BATT PO/ETC W/INJURY

Charge: PC 69 (OBSTRUCT/RESIST EXEC OFF) - FELONY

Counts: 1 Bail: Warrant No:

Description: OBSTRUCT/RESIST EXEC OFF

Charge: PC 71 (THREATN SCH/PUB OFCR/EMPL) - FELONY

Counts: 1 Bail: Warrant No:

Description: THREATN SCH/PUB OFCR/EMPL

Charge: PC 148(D)(1) (ATT RMV "PO" F/ARM:S/CIRC) - FELONY

Counts: 1 Bail: Warrant No:

Description: ATT RMV "PO" F/ARM:S/CIRC

PROBABLE CAUSE DECLARATION

Declarant Officer:

PCD Date: 11/23/2009 04:20

Facts:

PCD Inds:

PROSECUTION LIAISON INFORMATION

DA Date: 12/09/2009 08:51

DA No.:

DA Name:

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STERLING JR, FRANK THOMAS (Cont'd)**PROSECUTION LIAISON INFORMATION**

(Cont'd)

Charges Reqst'd: PC 243 (C)(2), PC 69, PC 245 (A)(1)

Charges Filed: PC 69 - 2 CNTS, PC
242/243(C)(2) - 2CNTS W/DEF
ENHANCEMENTS

Lvl Requested: F

Lvl Filed: F

Status: FEL FILE

Court Date:

Court No.:

Comments: PKG: 12/9/2009 08:51:39 ** R1-R8, RAP, PHOTOS ** 2831
TAKEN BY GREEN 12-9-09

Detective ID: GREEN #3639

Det Assignment:

NCF Code:

Inv Unit:

Strike No:

NARRATIVE

On November 21, 2009 I was working patrol in full uniform and in a fully marked Antioch Police Department (APD) patrol vehicle. At approximately 0233 hours I was dispatched to assist Officer Kint with a call of a noise complaint at 821 West 14th Street. The RP reported that males at the location were intoxicated and yelling.

As Officer Kint and I arrived on West 14th Street I could see figures in the front yard of 821 West 14th Street. They were walking back and forth between the home and the front yard. As we parked the subjects had walked inside of the home.

I exited my vehicle and began to walk towards the open front door of 821 West 14th Street. I could hear extremely loud music coming from the location. As I approached the door I could also see three males through the doorway screaming and dancing. I could see that they were holding objects (including one subject holding a bicycle) over their heads. They were yelling wildly and also appeared to be chanting ritualistically.

Officer Kint and I walked onto the front porch and began to speak with the subjects. It should be noted that the porch is only a few feet wide from the front door to the steps leading up to it. We were in a very enclosed and tight space. We advised them of the call (neighbors complaining about the noise they were making). One subject (later identified as ARR-STERLING, Frank) immediately began to yell at Officer Kint and I. STERLING told us that he had been living on the street for nine years and knew all of his neighbors. STERLING accused us of harassing him and fabricating the call for service so we could do so.

There were two other subjects in the home with STERLING (later identified as BARR and VIERRA). All three subjects appeared to be extremely intoxicated, however, BARR and VIERRA were initially cooperative with us. I attempted to calm STERLING explaining to him that neighbors were concerned about their erratic behavior and were bothered by the noise. I also told him that we saw them in the front yard as we arrived which was probably what was disturbing the neighbors.

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STERLING grew more infuriated with us and began to make threats towards me and Officer Kint. On several occasions, STERLING threatened me that he would **"beat your ass"** and actually challenged me to come inside of his home so he could fight me. As STERLING continued to yell at me, he took off his jacket he was wearing and began to throw his hands in the air, still challenging me. I began to fear that STERLING was preparing for an attack against us.

All attempts by Officer Kint and I to calm STERLING were ineffective and even appeared to anger him even more. He continued to threaten us by telling us that he was going to **"beat your ass!"** On several occasions, STERLING continued to challenge us to come inside of his home so he could do so.

I feared that if I attempted to leave, STERLING would use that opportunity to attack us. I continued to try to talk to STERLING to calm him with no success. In an attempt to calm the situation, Officer Kint told STERLING that we would leave and asked him to please keep the noise level to a minimum so as not to disturb the neighbors.

At this point, BARR (who had initially been cooperative) began to talk to us and told us that we **"better"** leave the home. BARR now appeared agitated as well. BARR approached me (while I was still standing at the threshold of the front door) and told me that he would **"make you leave"** if I did not do so. BARR then placed his right hand down at my waist level and began to gently push me as he said this.

I decided to take BARR into custody as I felt he was threatening to cause me harm if I did not leave and had also assaulted me by pushing me. I grabbed BARR'S right arm and attempted to place it behind his back for handcuffing. Officer Kint began to assist me.

I suddenly saw STERLING charge at Officer Kint and push him. I saw Officer Kint's body jerk back as a result of being pushed. In order to assist Officer Kint from STERLING'S attack, I let go of my hold of BARR and grabbed STERLING'S arm. I then struck him with my closed right fist to try to prevent him from attacking Officer Kint any further. I struck STERLING with a closed fist for the following reasons:

We were in a tight space and my force options were limited. I had to take control of STERLING immediately.

STERLING was already agitated and had made several threats to attack us already. I felt as though STERLING was going to actively fight and because of the rapid escalation of force by STERLING I had to act immediately.

STERLING actively attacked Officer Kint by pushing him. STERLING was aggressive in his attack and I believed that STERLING was going to try to hurt us.

After I struck STERLING, he momentarily fell to his knees and immediately grabbed me around my legs. I felt STERLING pick me up off of the ground in what I believed to be in an attempt by him to take me to the ground. I was able to briefly keep my balance, however, STERLING was able to take me to the ground and I landed on my back. STERLING was yelling violently and immediately began to punch me with closed fists

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in my face.

I was holding on to STERLING'S shirt to keep a hold of him. STERLING stood to his feet and momentarily stood over me and continued to punch me. I stood to my feet and drove STERLING into a wall in the living room to try to gain control of him. STERLING began to yell at VIERRA and BARR **"Hit them! Hit them! Fuck them up! Fuck these cops!"** I believed that STERLING was trying to incite VIERRA and BARR to attack Officer Kint and I.

I gave STERLING several commands to stop resisting and to lay down on the ground. STERLING replied by yelling **"Fuck you!"** He then continued to punch me on my face and on the back of my head. STERLING also yelled, **"Come on!"** several times while fighting me. I punched STERLING several more times in the face as we faced each other. I did this because STERLING was actively attacking me and my attempts at taking him to the ground were ineffective.

My strikes had little to no effect on STERLING and he continued to punch me on my face and torso area. I then felt several strikes to the back of my head and back area which I believed were being delivered by VIERRA and BARR. I felt myself being pulled backwards by them and I lost any attempt of control over STERLING. My attention was drawn towards VIERRA and BARR whom I saw were both standing behind me and were both pulling me. I felt repeated strikes to my back and head area.

As my attention was momentarily drawn towards VIERRA and BARR, I felt myself get struck by some type of blunt object on the left side of my face from the front. I did not see what the object was, however, it felt hard and blunt. I could tell that it was not a fist. I also saw that STERLING was standing directly in front of me. I believed that STERLING struck me with some type of object. The impact of the strike knocked me backwards and caused my vision to blur. At that point VIERRA and BARR stopped attacking me and I saw them walk towards where STERLING and Officer Kint were still fighting.

I felt pain to the left side of my face and immediately felt that my face was bleeding. My vision was blurred and I felt very disoriented. I was able to see STERLING knock Officer Kint to the ground. I then saw STERLING sit on top of Officer Kint's chest and begin to punch Officer Kint multiple times in the face. Officer Kint was attempting to defend himself and was covering up his face to prevent from being struck by STERLING. I saw VIERRA and BARR cheering STERLING on and were standing next to STERLING.

I feared that STERLING was going to cause serious injury to Officer Kint. STERLING was still screaming and was telling VIERRA and BARR to hit Officer Kint. In order to defend Officer Kint, I charged STERLING and knocked him off of Officer Kint. I gave STERLING several more commands to stop resisting with no success.

I delivered several strikes to STERLING'S face area in an attempt to get him to stop his attack. STERLING now began to grab at my firearm with his left hand. I looked down and saw STERLING'S left hand on my firearm as he was pulling it. I felt my hip pulling towards the side where STERLING was pulling my firearm.

I delivered several more strikes to STERLING'S face, now fearing that he was trying to remove my firearm

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from my holster. STERLING let go of his grip and turned around onto his chest and began to get up on all fours. I feared that STERLING was trying to gain his footing to continue to his attack.

I was physically exhausted and did not feel that my efforts at controlling him were effective. I was afraid that if STERLING gained his footing he would be able to cause harm to me and Officer Kint. I was also afraid of losing control of STERLING as Officer Kint and I were obviously outnumbered and VIERRA and BARR were also attacking us.

Because of these reasons, I decided to place STERLING in a carotid restraint. I secured the carotid restraint and held it for several seconds until STERLING stopped resisting us. I believe he lost consciousness. It should be noted that I still felt someone hitting me and pulling me from behind while I was applying the carotid restraint on STERLING.

After STERLING stopped resisting, I turned around and saw BARR standing about five feet away from me with his fists clenched. It should be noted again that I was physically exhausted and my vision was still blurred at this point. I was afraid that Officer Kint and I were going to be overtaken by STERLING, BARR and VIERRA. Because of these reasons I removed my department issued X26 TASER and pointed it at BARR. BARR quickly advanced on me and I deployed the TASER.

BARR fell down and I ordered him to turn around onto his stomach. BARR ignored my commands and began to sit up. I cycled the TASER for one more cycle. After this, BARR complied and placed his hands behind his back. I handcuffed STERLING and BARR and Officer Kint handcuffed VIERRA.

After this I called for medical personnel for all parties on scene and asked for a supervisor to respond to our scene. Corporal Smith arrived along with several other officers. Corporal Smith took photographs of my injuries and of the scene. I received a small laceration to my left cheek area. I also felt pain to my face, head and torso area. I was treated by AMR and I eventually drove to Kaiser on Deer Valley Road. Dr. Meyer treated me at Kaiser and closed my wound with Indermil. I did not need any further treatment.

It should be noted that while I was still initially on scene, officers escorted VIERRA to a patrol vehicle. While walking outside, VIERRA leaned over to me and spontaneously said, *"I am so sorry for what happened officer. I'm sorry."* VIERRA was eventually secured in a patrol vehicle. I did not solicit this statement from him in any way. It was made spontaneously by VIERRA.

STERLING was transported to the Contra Costa County Regional Medical Center (CCCRMC) to be treated for his injuries (facial swelling and bleeding). He was eventually transported to the Martinez Detention Facility where he was booked under the following charges:

69 PC - Obstruct / resist executive officer

71 PC - Threat of injury made to police officer

243(C) PC - Battery on police officer / emergency personnel with injury

148(D)(1) PC - Attempt to remove firearm from peace officer

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STERLING'S criminal history shows that he has been convicted of possession of a dangerous weapon, possession of marijuana for sales, hit and run with property damage, felon in possession of a firearm and possession of a controlled substance.

No further information at this time

Officer R. Hoffman #4515