

**BERKELEY LAW**  
CRIMINAL TRIAL PRACTICE 246.1, Section 1  
**Direct And Cross Examination**  
January 6, 2014

**First Class Agenda & Materials**

At our first class we plan to discuss:

1. The Trial Process
2. Case Inception
3. Brainstorming Toward Establishment Of An Integrated Case Theory and Trial Strategy
4. The Integral Relationship Between Trial Stages And Trial Skills, Including Investigation, Preliminary Proceedings, Witness Selection And Examination, Jury Selection, Opening Statement And Final Argument

Please take a look at the attached police reports, which will facilitate our initial class discussion, and consider them from both a prosecution and defense perspective.



Alameda County  
District Attorney's Office  
John J. Meehan, District Attorney

PROSECUTION DISCOVERY REQUEST  
PURSUANT TO PENAL CODE SECTION 1054.3

TO DEFENDANT AND HIS/HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that the District Attorney of Alameda County hereby requests discovery pursuant to Penal Code Section 1054.3. The following information is specifically requested:

1. The names, addresses and birth dates of all persons, other than the defendant, whom the defendant intends to call as witnesses at trial.
2. Relevant written or recorded statements, and reports of statements, of all intended witnesses other than the defendant, including any reports or statements of experts made in connection with the case, and the results of any physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial.

The authorities for this request are Penal Code Sections 1054--1054.7, and Meeks v. Superior Court (1991) 230 CA3d 698.

Compliance with this request must be made within 15 days from your receipt of this request (Penal Code Section 1054.5(b)), or a motion for sanctions may be filed with the Court.

Respectfully submitted,

THOMAS J. ORLOFF,  
District Attorney

MUNICIPAL COURT OF CALIFORNIA, COUNTY OF ALAMEDA  
SAN LEANDRO-HAYWARD JUDICIAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA

vs.

PAUL ELDERTS,

Defendant(s).

NO.

COMPLAINT

AXL045

5153797

ACSO-RPT#95-8554

IN CUSTODY

The undersigned, being sworn, says, on information and belief, that said defendant(s) did, in the San Leandro-Hayward Judicial District, County of Alameda, State of California, on or about May 19, 1995, commit a **FELONY**, to wit: a violation of Section 245(b) of the Penal Code of California, in that said defendant did then and there assault MARK LEWIS with a semiautomatic rifle.

**GREAT BODILY INJURY CLAUSE**

(Penal Code Section 12022.7(a))

The Undersigned further deposes and says on information and belief, that in and during the commission and attempted commission of the above offense, the said defendant PAUL ELDERTS, with the intent to inflict such injury, personally inflicted great bodily injury on MARK LEWIS.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me on

May 22, 1995

JH/dm 88725

/s/ ACSO

Deputy District Attorney  
Alameda County, California

1 DEFENDANT'S LAST NAME <b>ELBERTS</b>		FIRST <b>PAUL</b>		MIDDLE <b>HIN</b>		GEN <b>MALE</b>		2 PFN <b>949264</b>		3 LOCAL CODE <b>949264</b>		SEND VERIFICATION															
4 OTHER NAMES				5 REPORT/ARREST NUMBER <b>95-8554</b>				6 LOCAL USE				RIGHT THUMB PRINT															
7 DATE OF BIRTH <b>011270</b>		POB <b>HI</b>		HEIGHT <b>603</b>		WEIGHT <b>185</b>		HAIR <b>BRN</b>		EYES <b>BRN</b>				RACE <b>P</b>		SEX <b>M</b>											
8 BALD <b>—</b>		SKIN <b>LR</b>		GLASS <b>—</b>		BUILD <b>M</b>		MAR <b>N</b>		HAND <b>R</b>				CZ <b>Y</b>		YRCO <b>92</b>		YCAL <b>73</b>		YADR							
9 SALIENT CHARACTERISTICS (SMT'S) <b>NONE OBSERVED</b>														LEFT THUMB PRINT													
10 HOME ADDRESS <b>[REDACTED]</b>																											
11 HOME PHONE <b>[REDACTED]</b>				12 BUS. PHONE <b>18008190456</b>				13 OCCUPATION <b>TEAM LEADER</b>				14 YREM <b>91</b>															
15 EMPLOYER'S ADDRESS <b>[REDACTED]</b>														CITY <b>OAKLAND</b>				STATE <b>CA</b>		ZIP CODE <b>94621</b>							
16 ARREST DATE <b>051995</b>				17 ARREST TIME				18 DRIVERS LIC # <b>[REDACTED]</b>				19 SOC SEC # <b>[REDACTED]</b>				20 MISC ID #											
21 NON REL				22 CHECKS: PIN: NCIC: UPDATED BY:				23 CLOTHING <b>BLUE SWEAT SHIRT</b> <b>BLUE SHORTS</b>				24 CASH AT BKG															
25 CODE SECTION (USE SUB-SECTION) <b>245 (A)(2) PC</b>				26 M/F <b>F</b>		27 COURT <b>1450</b>		28 CIR <b>2</b>		29 WARRANT #		30 BAIL		31 CEN		32 NEW PFN: YES <input type="checkbox"/> NO <input type="checkbox"/> ID CONFIRMED TO PFN:											
33 ID CONFIRMED BY:														34 CII#:				35 FBI#:									
36 ARMED WITH DEADLY WEAPON <input type="checkbox"/> USED A FIREARM <input type="checkbox"/> BURGLARY CLASSIFICATION:														GREAT BODILY INJURY <input type="checkbox"/> ACTED IN CONCERT (SEX OFFENSE) <input type="checkbox"/>				37 TOTAL BAIL:				38 SIGNATURE OF PERSON PRINTED					
39 LOCATION OF ARREST <b>[REDACTED]</b>														CITY <b>CU</b>		40 CO-DEFENDANT		SEX		RACE		AGE		41 SIGNATURE OF PERSON TAKING PRINTS			
42 ARRESTING OFFICER <b>J-LIM</b>				NUMBER <b>120769</b>				43 ASSISTING OFFICER				NUMBER				44 TRANSPORTING OFFICER <b>GODLEWSKI</b>				NUMBER <b>64</b>							
45 VEH. LICENSE #				STATE		YEAR		MAKE		MODEL		COLOR		46 TOWED TO:				47 TOW TAG #									
48 I HEREBY ARREST THE ABOVE DEFENDANT ON THE CHARGE INDICATED AND REQUEST A PEACE OFFICER TO TAKE HIM INTO CUSTODY. I WILL APPEAR AS DIRECTED AND SIGN A COMPLAINT AGAINST THE PERSON I HAVE ARRESTED.																											
NAME: ADDRESS HOME: DOB: PHONE: BUSINESS: SIGNED: PHONE:																											
49 COMPLAINANT'S NAME														SEX/RACE/AGE				50 COMPLAINANT'S ADDRESS									
51 PERSON TO BE NOTIFIED <b>DAVE LOUIS HENRY ELBERTS</b>														JUV <input type="checkbox"/>		EMERGENCY <input checked="" type="checkbox"/>		52 RES. PHONE <b>[REDACTED]</b>				53 RELATIONSHIP <b>GRANDFATHER</b>		54 DATE/TIME OF NOTIFICATION			
55 ADDRESS OF PERSON TO BE NOTIFIED <b>[REDACTED]</b>														56 BUS. PHONE				57 OFFICER MAKING NOTIFICATION									
58 RELEASE INFORMATION:														59 JUVENILE DISPOSITION:													
60 PRISONER SIGNATURE/OUTGOING														61 OFFICER SIGNATURE/OUTGOING				DATE/TIME				62 REASON FOR RELEASE					
63 NARRATIVE: <b>ELBERTS GETS INTO AN ARGUMENT WITH LEWIS, THEN SHOTS LEWIS IN THE LEG WITH AN AR-47 RIFLE.</b>																											

TYPE RPT: <input checked="" type="checkbox"/> CRIMINAL <input type="checkbox"/> INCIDENT <input type="checkbox"/> DOM VIO		CASE NO. 95-8554		PAGE 1 OF 19	
[ ] PHONE [ ] INSURANCE [ ] INFO ONLY <input checked="" type="checkbox"/> COMPLAINT		EVENT FORM			
DATE/TIME REPORTED 2100		REFER CASE #(S)			
05-19-95					
CODE SECTION(S) 245(A)(2) P.C.		CRIME/INCIDENT ASSAULT WITH A DEADLY WEAPON / RIFLE		CLASSIFICATION 040101	
OCCURRED BETWEEN 5-19-95		TIME 2100		DAYS OCCURRED FRI	
LOCATION OF OCCURRENCE		CITY CASTLE VALLEY		CORPUS NO 40769	
VICTIM VEH LICENSE NO		STATE		YEAR MAKE MODEL STYLE COLOR	
INVOLVMT 1-1		NAME (LAST, FIRST, MIDDLE) LEWIS, MARK RANDALL		RESIDENCE	
RES. PHONE		DOB 3-17-55		RACE/SEX W/M	
HAIR/EYES BRN/BLU		HEIGHT/WEIGHT 600/235		DL # NO 209513	
BUSINESS NAME, ADDRESS, CITY, ZIP N/A.		OCCUPATION		SSN, OTHER # CA 54702-5858	
INVOLVMT 2-1		NAME (LAST, FIRST, MIDDLE) JOHNSON, ANNE		RESIDENCE	
RES. PHONE		DOB 9-08-62		RACE/SEX W/F	
HAIR/EYES BRN/BLU		HEIGHT/WEIGHT 503/135		DL # N9102528	
BUSINESS NAME, ADDRESS, CITY, ZIP UNEMPLOYED		OCCUPATION		SSN, OTHER # N/A.	
INVOLVMT 3-1-2		NAME (LAST, FIRST, MIDDLE) JOHNSON, BRYAN		RESIDENCE	
RES. PHONE		DOB 01-22-82		RACE/SEX W/M	
HAIR/EYES BRN/BLU		HEIGHT/WEIGHT 507/160		DL #	
BUSINESS NAME, ADDRESS, CITY, ZIP		OCCUPATION STUDENT		SSN, OTHER # N/A.	
DOMESTIC VIOLENCE		RELATIONSHIP OF PARTIES		FEARS INJURY	
PRELIMINARY INVESTIGATION		AREA CHECKED		VICTIM CONTACTED	
WITNESS CONTACTED		STATEMENT TAKEN		WEAPON INVOLVED	
TECH REQUESTED		DUSTED FOR PRINTS		DIAGRAM OF SCENE	
PHOTOS TAKEN		NEIGHBORS CONTACTED		FIREARM	
PAIN COMPLAINT		VISIBLE INJURY		BODILY FORCE	
3 OTHER		4		5 NONE	
SURR'NDG AREA (1)		29 Pharm/Med/Dental		6 Upper Level	
1 Construction Site		30 Restaurant		7 Adjacent Bldg	
2 Industrial/Comin'l		31 Retail Goods		8 Basement	
3 Open Field		32 Retail Services		9 Door	
4 Park		33 School/Public Bldg		10 Duct/Vent	
5 Parking Lot		34 Vehicle		11 Floor	
6 School Ground		35 Trans. Bus		12 Garage	
7 Shopping Ctr/Bus		36 Trans. Van		13 Louvre	
8 Street/Alley/Resid		37 Police Station Wagon		14 Pet Door	
9 Jail Yard Min.		38 Patrol Car		15 Roof	
A Jail Yard Max.		TARGET (12)		16 Sliding Glss Door	
B Courtroom		1 Attic		17 Wall	
C Holding Area		2 Automated Teller		18 Window	
STRUCTURE(RES) (1)		3 Automobile		19 Fire Escape	
1 Apartment		4 Basement		(VEHICLE ONLY)	
2 Condominium		5 Bathroom		20 Drivers Side	
3 Duplex		6 Bedroom		21 Passenger Side	
4 Mobile Home		7 Cash Register/Drawer		22 Convertible Top	
5 Single Family		8 Classrm Equip/Supply		23 Door	
6 Town House		9 Coin Changer		24 Hood	
(JAIL) (1)		10 Coin Op Machine		25 Sunroof	
7 Housing Unit		11 Customer		26 Trunk	
8 Back House		12 Dining Room		27 Windwing	
9 Multi-Purpose Room		13 Display Items		28 Window	
10 Itr		14 Family Room		29 Utility Box	
11 Cell		15 Garage/Carport		METHOD OF ENTRY (5)	
12 Infirmary		16 Kitchen		1 Unknown	
13 Clinic		17 Laundry Room		2 Attempt Only	
14 Booking Area		18 Living Room		3 Bodily Force	
15 Yard		19 Office Equip/Supplies		4 Hid in Building	
16 Mess Hall		20 Owner/Employee		5 Kicked	
(COMM'L) (1)		21 Pedestrian		6 Knob Twist	
17 Bank/Finance		22 Safe/Box		7 Lock Box	
18 Bar		23 Sales Area		8 Lock Cut/Broken	
19 Business Office		24 Snack Shop		9 Lock Picked	
20 Entertain/Recreat.		25 Storage Shed		10 Lock Punched	
21 Fast Food		26 Vending Machine		11 Lock Slipped/Key	
22 Gas Station		27 Video Game		12 Open/Unlock/No Force	
23 Hotel/Motel		28 Commissary		13 Open For Business	
24 Indus/Mfg/Whse		POINT OF ENT(S)/EX(S)		14 Pried	
25 Jewelry/Coin/Pawn		1 Unknown		15 Removed	
26 Liquor Store		2 Front		16 Smashed	
27 Market		3 Rear		17 Tunneled	
28 Mini Mart		4 Side		18 Forced	
5 Ground-Level					
SOLVABILITY FACTORS		7 THERE IS A DISTINCTIVE MO		8 A SUSPECT CAN BE DESCRIBED	
1 A SUSPECT WAS ARRESTED		9 STOLEN PROPERTY CAN BE IDENTIFIED		10 A MAJOR INJURY/SEX CRIME OCCURRED	
2 A SUSPECT CAN BE NAMED		11 CRIME SOLUTION IS HIGHLY PROBABLE		12 SUSPECT UNKNOWN	
3 A SUSPECT VEHICLE CAN BE IDENTIFIED					
4 THERE IS A WITNESS					
5 PHYSICAL EVIDENCE IS PRESENT					
REPORTING OFFICER J. LIND		CORPUS NUMBER 40769		ENTERED BY #	
APPROVING SUPERVISOR		CORPUS NUMBER		DATE	
5-21-95					
COPIES TO		11		11	
11		11		11	
11		11		11	

## ALAMEDA COUNTY SHERIFF'S DEPARTMENT

INVOLVED  
PERSONS/VEHICLES

CRIME / INCIDENT <b>245(a)(2) P.C.</b>	VICTIM <b>LEWIS</b>	CASE NO. <b>95-8554</b>	PAGE <b>2 of 9</b>
---	------------------------	----------------------------	-----------------------

4	INVOLVMT <b>I.P.</b>	NAME (LAST, FIRST, MIDDLE) <b>MILES, K.</b>	RESIDENCE ADDRESS, CITY, ZIP <b>IN FILE</b>	
RES. PHONE		DOB	RACE/SEX	HAIR/EYES
BUSINESS NAME, ADDRESS, CITY, ZIP <b>A.C.S.D. 15001 FOOTHILL BLVD</b>		OCCUPATION <b>DEPUTY</b>		BUS. PHONE <b>667-7721</b>

5	INVOLVMT <b>I.P.</b>	NAME (LAST, FIRST, MIDDLE) <b>NELSON, D.</b>	RESIDENCE ADDRESS, CITY, ZIP <b>IN FILE</b>	
RES. PHONE		DOB	RACE/SEX	HAIR/EYES
BUSINESS NAME, ADDRESS, CITY, ZIP <b>A.C.S.D. 15001 FOOTHILL BLVD</b>		OCCUPATION <b>DEPUTY</b>		BUS. PHONE <b>667-7721</b>

6	INVOLVMT <b>I.P.</b>	NAME (LAST, FIRST, MIDDLE) <b>POWELL, J.</b>	RESIDENCE ADDRESS, CITY, ZIP <b>IN FILE</b>	
RES. PHONE		DOB	RACE/SEX	HAIR/EYES
BUSINESS NAME, ADDRESS, CITY, ZIP <b>A.C.S.D. 15001 FOOTHILL BLVD</b>		OCCUPATION <b>DEPUTY</b>		BUS. PHONE <b>667-7721</b>

7	INVOLVMT <b>I.P.</b>	NAME (LAST, FIRST, MIDDLE) <b>HART, K.</b>	RESIDENCE ADDRESS, CITY, ZIP <b>IN FILE</b>	
RES. PHONE		DOB	RACE/SEX	HAIR/EYES
BUSINESS NAME, ADDRESS, CITY, ZIP <b>A.C.S.D. 15001 FOOTHILL BLVD</b>		OCCUPATION <b>SGT.</b>		BUS. PHONE <b>667-7721</b>

8	INVOLVMT <b>I.P.</b>	NAME (LAST, FIRST, MIDDLE) <b>GODLEWSKI, M.</b>	RESIDENCE ADDRESS, CITY, ZIP <b>IN FILE</b>	
RES. PHONE		DOB	RACE/SEX	HAIR/EYES
BUSINESS NAME, ADDRESS, CITY, ZIP <b>A.C.S.D. 15001 FOOTHILL BLVD</b>		OCCUPATION <b>DEPUTY</b>		BUS. PHONE <b>667-7721</b>

9	INVOLVMT <b>I.P.</b>	NAME (LAST, FIRST, MIDDLE) <b>LOVE, J.</b>	RESIDENCE ADDRESS, CITY, ZIP <b>IN FILE</b>	
RES. PHONE		DOB	RACE/SEX	HAIR/EYES
BUSINESS NAME, ADDRESS, CITY, ZIP <b>A.C.S.D. 15001 FOOTHILL BLVD</b>		OCCUPATION <b>SGT.</b>		BUS. PHONE <b>667-7721</b>

10	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR
11	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR
12	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR
13	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR

REPORTING OFFICER <b>J. LIND</b>	CORPUS NUMBER <b>60769</b>	DATE AND TIME WRITTEN <b>5-20-95 0040</b>
-------------------------------------	-------------------------------	--

## CR-3 (9/88)

CRIME/INCIDENT		VICTIM		CASE NO.		PAGE	
045 (A)(2) PC.		LEWIS		95-8554		3 of 9	
SUSPECT NAME (LAST, FIRST, MIDDLE)		RESIDENCE ADDRESS		BUS. PHONE			
1 ELDERTS, PAUL H.							
NICKNAME (AKA)		DOB		RACE/SEX		HAIR/EYES	
N/A		01/27/0		P.M.		BRN BRN	
SSN, OTHER #		BUSINESS NAME, ADDRESS, CITY, ZIP		OCCUPATION		BUS. PHONE	
		FEDERAL EXPRESS, 1 Sally Ride, WY, OAKLAND		TEAM LEADER			
SUSPECT NAME (LAST, FIRST, MIDDLE)		RESIDENCE ADDRESS		RES. PHONE			
NICKNAME (AKA)		DOB		RACE/SEX		HAIR/EYES	
SSN, OTHER #		BUSINESS NAME, ADDRESS, CITY, ZIP		OCCUPATION		BUS. PHONE	
SUSPECT		HAIR LENGTH (2)		HAIR TYPE (2)		HAIR STYLE (3)	
		1 Unknown		1 Unknown		1 Unknown	
		2 Collar Length		2 Bald		2 Afro	
		3 Long		3 Curly		3 Bangs	
		4 Medium		4 Kinky		4 Braided	
		5 Short		5 Receding		5 Bushy	
		6 Shoulder Length		6 Straight		6 Butch	
				7 Thick		7 Combed Back	
				8 Thinning			
				9 Wavy			
				10 Wig			
				11 Patchy			
		COMPLEXION (3)		MUSTACHE		SIDE BURNS	
		1 Unknown		12 Bushy		19 Flared	
		2 Acne Pocked		13 Fu Manchu		20 Lobe Length	
		3 Albino		14 Handlebar		21 Mid-Ear	
		4 Black		15 Short		22 Mutton Chop	
		5 Brown		16 Thick		23 None	
		6 Clear		17 Thin		24 Unshaven	
		7 Dark				25 Van Dyke	
		8 Fair				26 Angled	
		9 Freckled					
		10 Light					
		11 Medium					
		12 Olive					
		13 Ruddy/Reddish					
		14 Sunburned					
		15 Tanned					
		FACIAL HAIR (3)		FACIAL SHAPE (2)		FACIAL ODDITIES	
		1 Unknown		1 Unknown		1 Large Head	
		2 Broad		2 Broad		2 Small Head	
		3 High Cheekboned		3 High Cheekboned		3 Unusual Shape Head	
		4 Long		4 Long		4 Sloped Forehead	
		5 Oval		5 Oval		5 Bulging Forehead	
		6 Round		6 Round		6 Dimples	
		7 Square		7 Square		7 Bulging Eyes	
		8 Thin		8 Thin		8 Close Set Eyes	
		9 Flat		9 Flat		9 Wide Set Eyes	
		TEETH (3)		APPEARANCE (3)		10 Cross/Cock Eyes	
		1 Unknown		1 Unknown		11 Odd Shaped Eyes	
		2 Braces		2 Casual		12 Broken/Crooked Nose	
		3 Broken		3 Dirty/Unkempt		13 Beak Nose	
		4 Crooked		4 Disguised		14 Unusual Shape Nose	
		5 False		5 Military		15 Bulbous Nose	
		6 Gaps Between		6 Flaky		16 Flared Nostrils	
		7 Gold Cap		7 Well-Groomed		17 Pierced Nose	
		8 Twisted/Studded		8 Angry		18 Large Lips	
		9 Missing		9 Calm		19 Hare Lip	
		10 Retainer		10 Nervous		20 Underbite	
		11 Silver Capped		11 Polite		21 Overbite	
		12 Stained/Decayed		12 Violent		22 Cleft/Dimple Chin	
		13 Buck		13 Feminine		23 Double Chin	
		SPEECH (3)		14 Masculine		24 Point d Chin	
		1 Unknown		DISTING. MRKS. (3)		25 Large Ears	
		2 Accent - U.S.		1 Amputee/MISS Limb		26 Small Fars	
		3 Accent - Foreign		2 Artificial Limb		27 Unusual Shape Ears	
		4 Disguised		3 Cane/Crutch		28 Cauliflower Ears	
		5 Slurred Speech		4 Crippled Body Part		29 Pierced Ears	
		6 Speech Impediment					
		7 Sluttering					
		8 No Oddities					
SUSPECT		HANDS: 1 UNK 2 LEFT 3 RIGHT 4 BOTH		SCARS/MARKS/TATTOOS		SUSPECT	
1 CAP/HAT				SUSPECT		1 ARM	
2 COAT/JACKET				SUSPECT		2 BACK TORSO	
3 PANTS				SUSPECT		3 FACE	
4 SHIRT				SUSPECT		4 FRONT TORSO	
5 SHOES				SUSPECT		5 HAND	
6 MASK				SUSPECT		6 LEG	
7 GLOVE				SUSPECT		7 NECK	
8 JEWELRY				SUSPECT		8 SHOULDER	
9 OTHER				SUSPECT			
GLASSES:				SUSPECT			
GANG SUSPECTED: YES NO NAME (IF KNOWN):				SUSPECT			
WEAPONS		FEATURES (4): (GUN)		GRIPS		(KNIFE)	
TYPE		1 Automatic		14 Broken		22 Butcher	
1 Simulated		2 Revolver		15 Dark		23 Buck	
2 Handgun							

CITIZEN SIGNATURE



**ALAMEDA COUNTY SHERIFF'S DEPARTMENT**  
**CONTINUATION REPORT FORM**

CR-5 (9/89)

CRIME / INCIDENT  245(a)(2) P.C.	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.  95-8554	PAGE 5 of 9
	VICTIM LEWIS					

Suspect Status: In custody Santa Rita Jail  
 Summary: Elderts gets into an argument with Lewis then shoots Lewis in the leg with an AK-47 assault rifle.

Narrative: On 5-19-95 about 2100 hours I received a call of a shooting at 2254 Lobert St. While en route I was told that the roommate, Paul, shot the (v) and the roommate was in his room. The weapon was a rifle and the (v), Mark Lewis, is in the front door way. The (s) is now in the living room, he is Hawaiian about 5'11", thin build, wearing a Federal Express uniform.

I arrived along with several other units and saw the (v), Mark Lewis, laying on the floor at the front door entry way, inside the house, bleeding from a gunshot wound to his leg area.

The (s), Paul Elderts, who was Hawaiian, about 5'11", tall, thin build, wearing a blue Federal Express uniform was arrested in the front room area.

Paramedics and Alameda County Fire Personnel treated Lewis for a gun shot wound to his right thigh area. About 2118 hours, Lewis was transported to Eden Hospital for further medical treatment. (See supplement by deputy D. Nelson)

<input type="checkbox"/> ARREST AND PROSECUTION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT	<input type="checkbox"/> PREVIOUSLY CLEARED
<input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE	<input type="checkbox"/> RELEASED TO MILITARY AUTHORITY	<input type="checkbox"/> UNFOUNDED
<input type="checkbox"/> COMPLAINT REFUSED BY D.A.	<input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE	<input type="checkbox"/> CLASSIFICATION CHANGE
<input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> TELETYPE CANCELLED
<input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> OTHER (EXPLAIN)	FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING OFFICER J-LIND	CORPUS NUMBER 20769	SECTION PATROL
DATE AND TIME WRITTEN 5-20-95 0220		

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT**  
**CONTINUATION REPORT FORM**

CR-5 (2/85)

CRIME / INCIDENT  245 @ 2 P.C.	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.  95-8534	PAGE 6 OF 19
	VICTIM LEWIS					

When Elderts was arrested and taken out of the house he told me the rifle was in his bedroom on top of his bed.

The crime scene was contained and a consent to search was signed by Elderts and Anne Johnson, Lewis' live-in girlfriend. (See attached)

A gun shot residue test was performed on Elderts by Deputy Powell before he was transported to ETS by Deputy Godlewski.

I met with Anne Johnson who said she and her 13 year old son have been living with Lewis at 2254 Lobert St. for about 3 months. Elderts rents a room from Lewis and has been living at 2254 Lobert St. for about 3 weeks.

Johnson said at about 2100 hours, Elders came home and an argument started between Lewis and Elderts over the use of the washing machine and dryer. Elderts went to his bedroom and Lewis followed. Elderts and Lewis pushed each other in the entry way of Paul's bedroom. After the argument, Lewis came back into the front room area, when she heard someone say "a gun". Lewis pushed away from him when she saw Elderts standing in the

<input type="checkbox"/> ARREST AND PROSECUTION <input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE <input type="checkbox"/> COMPLAINT REFUSED BY D.A. <input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE <input type="checkbox"/> D.A. CITATION				<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE <input type="checkbox"/> DEATH OF OFFENDER <input type="checkbox"/> OTHER (EXPLAIN)				<input type="checkbox"/> PREVIOUSLY CLEARED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLASSIFICATION CHANGE <input type="checkbox"/> TELETYPE CANCELLED FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO			
REPORTING OFFICER  J-LIND	CORPUS NUMBER  40769	SECTION  PATROL	DATE AND TIME WRITTEN  05-20-95 0300								

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

CR-5 (9/88)

CRIME / INCIDENT  245(a)(2) P.C.	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.  95-8534	PAGE 7 OF 19
	VICTIM Lewis					

front room next to the entryway to the hallway. Elderts had a rifle in his hands, then shot Lewis. Johnson took her son to the bedroom and called the police. (See statement)

Johnson's son, Bryan Johnson, also related the same story.  
(See statement)

EVIDENCE: I performed a gun shot residue test on Anne Johnson and Deputy Miles performed a gun shot residue test on Bryan Johnson. Deputy Miles gave me his gun shot residue test and I put both tests into evidence at ETS.

I took the clothing Elderts was wearing and placed them into evidence at ETS.

SCENE: I saw an AK-47 assault rifle laying on a rifle case that was opened on top of the bed in the south bedroom. Johnson said this bedroom was Elderts'. The bedroom at the southeast end of the house contained numerous free weights for weightlifting. The other bedroom was used by Lewis and Johnson. The house is a three bedroom, two bath, single family home. For further see tech report by Deputy Powell.

<input type="checkbox"/> ARREST AND PROSECUTION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT	<input type="checkbox"/> PREVIOUSLY CLEARED
<input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE	<input type="checkbox"/> RELEASED TO MILITARY AUTHORITY	<input type="checkbox"/> UNFOUNDED
<input type="checkbox"/> COMPLAINT REFUSED BY D.A.	<input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE	<input type="checkbox"/> CLASSIFICATION CHANGE
<input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> TELETYPE CANCELLED
<input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> OTHER (EXPLAIN)	FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING OFFICER J-LIND	CORPUS NUMBER L0769	SECTION PATROL
		DATE AND TIME WRITTEN 5-20-95 0325

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT**  
**CONTINUATION REPORT FORM**

CR-5 (7/88)

CRIME / INCIDENT  245 (D) (2) D.C.	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.  95-85534	PAGE 8 OF 9
	VICTIM LEWIS					

Suspect Statement: Elderts refused to give a written statement. (See attached)

Suspect Record: Elderts is not known to corpus.

Victim Statement: On 5-20-95 about 1710 hours, I met with Mark Lewis at the ICU unit at Eden Hospital. Lewis said that Paul came home on 5-19-95 about 2100 hours and an argument started over Elderts being disrespectful to him and his house. Elderts went to his bedroom and Lewis confronted him, poking Elderts chest with his finger three times. Lewis started to leave and Elderts slammed his bedroom door. Lewis went back to Elderts door, opened it, and saw Elderts trying to pour bullets from a box into a rifle. Lewis shoved Elderts causing him to fall against his tv. Elderts got up with the rifle in his hands, then pushed Lewis out of his way using the rifle. Elderts walked toward the front door and Lewis went after him. Elderts leveled the rifle pointing the barrel at Lewis' face. Eldert had his finger on the trigger. Lewis grabbed the barrel with both hands and pointed the barrel downwards. Eldert pulled the trigger, shooting Lewis in the right leg. Lewis said he wishes to press charges. (See statement)

<input type="checkbox"/> ARREST AND PROSECUTION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT	<input type="checkbox"/> PREVIOUSLY CLEARED
<input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE	<input type="checkbox"/> RELEASED TO MILITARY AUTHORITY	<input type="checkbox"/> UNFOUNDED
<input type="checkbox"/> COMPLAINT REFUSED BY D.A.	<input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE	<input type="checkbox"/> CLASSIFICATION CHANGE
<input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> TELETYPE CANCELLED
<input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> OTHER (EXPLAIN)	FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO

REPORTING OFFICER J. LIND	CORPUS NUMBER 20769	SECTION PATROL	DATE AND TIME WRITTEN 5-20-95 2100
------------------------------	------------------------	-------------------	---------------------------------------

# ALAMEDA COUNTY SHERIFF'S DEPARTMENT CONTINUATION REPORT FORM

CRIME / INCIDENT <u>245 @ (2) P.C.</u>	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO. <u>95-8534</u>	PAGE <u>9</u> OF <u>9</u>
VICTIM <u>LEWIS</u>						

Suspect Statement: On 5-20-95 about 1830 hours I recontacted Elderts at Santa Rita Jail to give him another chance to tell his side of the story since Elderts wished to remain silent on 5-19-95 about 2400 hours.

Elderts said he has been living at 2254 Lobert St. since 5-01-95. Elderts has known Lewis for about 4-5 years. Elderts said on 5-19-95 about 2100 hours he came home and Lewis and Johnson started arguing with him over the use of the washer and dryer. Elderts went into his bedroom and Lewis confronted him in his bedroom. Lewis confronts Elderts several times, then starts punching Elderts in the face and neck as Elderts tries to go to the front door with his AK-47 assault rifle. Elderts points the AK-47 rifle at Lewis' right leg. Elderts shot Lewis to get him off of him and to get out of the house. (See statement)

Elderts complained the left side of his jaw was still sore. When I talked to Elderts on 5-19-95 about 2400 hours the left side of his neck was red. No other visible injuries were seen.

<input type="checkbox"/> ARREST AND PROSECUTION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT	<input type="checkbox"/> PREVIOUSLY CLEARED
<input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE	<input type="checkbox"/> RELEASED TO MILITARY AUTHORITY	<input type="checkbox"/> UNFOUNDED
<input type="checkbox"/> COMPLAINT REFUSED BY D.A.	<input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE	<input type="checkbox"/> CLASSIFICATION CHANGE
<input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> TELETYPE CANCELLED
<input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> OTHER (EXPLAIN)	FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING OFFICER <u>J. LIND</u>	CORPUS NUMBER <u>40769</u>	SECTION <u>PATROL</u>
DATE AND TIME WRITTEN <u>5-20-95 2030</u>		

# ALAMEDA COUNTY SHERIFF'S DEPARTMENT CONTINUATION REPORT FORM

CRIME / INCIDENT	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.	PAGE
245 (E)(2) P.C.	VICTIM LEWIS				95-8557	10 OF 19

On 5-20-95 about 2010 hours I requested and received a urine sample from Elderts while at Santa Rita. The urine sample was packaged and sent to a lab to be analyzed. Since I believe Elderts was under the influence of methamphetamine. When I interviewed him on 5-19-95 about 2400 hours while at ETS.

While I was talking to Elderts on 5-19-95 about 2400 hours I saw his pupils to be very large almost to the rim in the controlled lighting in the holding cell. Elderts speech was fast and loud and he could not stop talking. Elderts could not stand still while sitting in his chair. Elderts movements were rapid and he swung his arms around as he spoke. I did not smell any odor of an alcoholic beverage coming from his person.

No other symptoms were observed or tests performed.

Case Status: Submit to DA for complaint.

<input type="checkbox"/> ARREST AND PROSECUTION <input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT <input type="checkbox"/> PREVIOUSLY CLEARED			
<input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY <input type="checkbox"/> UNFOUNDED			
<input type="checkbox"/> COMPLAINT REFUSED BY D.A. <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE <input type="checkbox"/> CLASSIFICATION CHANGE			
<input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE <input type="checkbox"/> DEATH OF OFFENDER <input type="checkbox"/> TELETYPE CANCELLED			
<input type="checkbox"/> D.A. CITATION <input type="checkbox"/> OTHER (EXPLAIN)         FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO			
REPORTING OFFICER	CORPUS NUMBER	SECTION	DATE AND TIME WRITTEN
J. LIND	40769	PATROL	5-20-95 2125


**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
STATEMENT FORM**

CR-6 (9/88)

CRIME / INCIDENT <b>245(a)(2) PC</b>	ADMONISHED STATEMENT <b>VICTIM LEWIS</b>	VICTIM/WITNESS STATEMENT <b>1-1</b>	CASE NO. <b>95-8554</b>	PAGE <b>12</b> <b>99</b>
<p><b>ADMONITION:</b> I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.</p> <p><b>WAIVER:</b> Do you understand each of these rights I have explained to you? _____</p> <p>Having these rights in mind, do you wish to talk to us now? _____</p> <p>I have been advised of my rights and understand what they are. Signed: _____ Date: _____</p> <p>STATEMENT OF: _____ Witness: _____ Time: _____</p>				
NAME (LAST, FIRST, MIDDLE) <b>LEWIS MARK</b>		INVOLVMT <b>V-1</b>	RESIDENCE ADDRESS, CITY, ZIP _____ RES. PHONE _____	
DOB _____	RACE/SEX _____	HWR/EYES _____	HEIGHT/WEIGHT _____	DL # _____
BUSINESS NAME, ADDRESS, CITY, ZIP _____		OCCUPATION _____		SSN, OTHER # _____
				BUS. PHONE _____

Paul Elderts has been renting a room from me for the past three weeks at 2254 Lobert St. I have known Elderts for about 11/2 years since I rented a room from him about 11/2 years ago. Anne Johnson is my live-in girlfriend. I have been dating Johnson for about 13/4 years.

On 5-19-95 about 2100 hours I was watching tv with Anne Johnson and her 13 year old son, Bryan Johnson, when Elderts came home. I talked to Elderts about being disrespectful to me and my house. I was also upset at Elderts for throwing my girlfriends clothes on the floor or on top of the dryer. Elderts said he also lives here and he is going to do things the way he wants to. Elderts then went to his bedroom and I followed him. I confronted Elderts about 2 ft into his bedroom and poked Elderts chest with my right index finger only once. Elderts told me not to touch him so I poked his chest again. Elderts told me again not to touch him and I poked Eldert's chest a third time. I turned around and walked out of Elderts bedroom. Elderts slammed the bedroom door which upset me more. I went back to

REPORTING OFFICER <b>J-LIND</b>	CORPUS NUMBER <b>60769</b>	SECTION <b>PATROL</b>	 DATE AND TIME WRITTEN <b>5-20-95 1740</b>
------------------------------------	-------------------------------	--------------------------	--

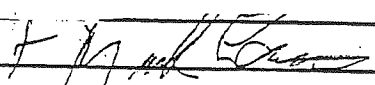
# ALAMEDA COUNTY SHERIFF'S DEPARTMENT CONTINUATION REPORT FORM

CRIME / INCIDENT	CONTINUATION	SUPPLEMENTAL	ADMONISHED STATEMENT	VICTIM/WITNESS STATEMENT	CASE NO.	PAGE
245 @ (2) P.C.	VICTIM				95-8554	11 OF 19
LEWIS						

Elderts bedroom door and opened the door. I saw Elderts trying to pour bullets from a box into a rifle. I then shoved Elderts real hard causing him to lose his balance and fall against the tv. Elderts got up and had the rifle still in his hands. Elderts pushed me by putting the rifle sideways against my chest. Elderts pushed me out of his way and then walked towards the front door. I went after Elderts when Elderts put the butt of the rifle on his shoulder and leveled it at me pointing the barrel at my face. The barrel was about 2-3 feet away from my face. I grabbed the barrel with both hands and pointed it downwards. Elderts then pulled the trigger and shot me in my right leg. I went down and told Anne and Bryan to go to my bedroom and call 911. I also told them not to come out of the bedroom.

When Elderts leveled the rifle at me, pointing the barrel at my face, he had his finger on the trigger. I wish to press charges against Elderts.

I only know Elderts by his first name "Paul"

			
<input type="checkbox"/> ARREST AND PROSECUTION <input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE <input type="checkbox"/> COMPLAINT REFUSED BY D.A. <input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE <input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE <input type="checkbox"/> DEATH OF OFFENDER <input type="checkbox"/> OTHER (EXPLAIN)	<input type="checkbox"/> PREVIOUSLY CLEARED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLASSIFICATION CHANGE <input type="checkbox"/> TELETYPE CANCELLED FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	
REPORTING OFFICER	CORPUS NUMBER	SECTION	DATE AND TIME WRITTEN
J. LIND	20769	PATROL	5-20-95 1740



# ALAMEDA COUNTY SHERIFF'S DEPARTMENT STATEMENT FORM

CRIME / INCIDENT <b>245(a)(2) P.C.</b>	ADMONISHED STATEMENT <b>[ ]</b>	VICTIM/WITNESS STATEMENT <b>[X]</b>	CASE NO. <b>95-8554</b>	PAGE <b>3</b> 9F9
VICTIM <b>LEWIS</b>				
<p><b>ADMONITION:</b> I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.</p> <p><b>WAIVER:</b> Do you understand each of these rights I have explained to you? _____</p> <p>Having these rights in mind, do you wish to talk to us now? _____</p> <p>I have been advised of my rights and understand what they are. Signed: _____ Date: _____</p> <p>STATEMENT OF: _____ Witness: _____ Time: _____</p>				
NAME (LAST, FIRST, MIDDLE) <b>JOHANSON, ANNE T.</b>		INVOLVMT <b>W-1</b>	RESIDENCE ADDRESS, CITY, ZIP [REDACTED]	RES. PHONE [REDACTED]
DOB <b>9-08-62</b>	RACE/SEX <b>WF</b>	HAIR/EYES <b>BLN BLU</b>	HEIGHT/WEIGHT <b>503135</b>	DL # <b>N9102528</b>
BUSINESS NAME, ADDRESS, CITY, ZIP <b>UNEMPLOYED</b>		OCCUPATION	STATE <b>CA</b>	
			SSN, OTHER # <b>N/A</b>	
			BUS. PHONE	

I have been living with Mark Lewis and my 13 year old son, Bryan Johnson at 2254 Lobert St. for about three months. Paul rents a room from Lewis and has been living at 2254 Lobert ST. For about 3 weeks. Lewis owns 2254 Lobert St. and has been living at 2254 Lobert ST. For the past 11/2 years.

Today 5-19-95 sometime around 2100 hours, Paul came home. Lewis, Bryan and I were sitting in the front room watching tv. Lewis told Paul not to use the washing machine and dryer since Paul was being disrespectful. Lewis and Paul continued to argue in the front room. Paul kept coming and going from his bedroom trying to overpower Lewis by intimidation. I was laying on the mat that was on the floor that was in front of the tv. Paul ran into his room and Lewis followed him. Lewis and Paul pushed each other in the entry way of Paul's bedroom. After the argument Lewis came back into the front room area. I heard someone say "a gun". Lewis pushed me away from him when I saw Paul standing in the front room next to the

REPORTING OFFICER <b>J-LIND</b>	CORPUS NUMBER <b>LO769</b>	SECTION <b>PATROL</b>	DATE AND TIME WRITTEN <b>05-19-95 2215</b>
------------------------------------	-------------------------------	--------------------------	---

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

CR-5 (9/88)

CRIME / INCIDENT  <i>245(a)(2) P.C.</i>	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input checked="" type="checkbox"/>	CASE NO.  <i>95-8554</i>	PAGE <i>14</i> OF <i>99</i>
VICTIM <i>LEWIS</i>						

entry way to the hallway. Paul had a rifle in his hands saying it was all my fault after he shot Lewis. Paul was about 10 ft away from Lewis when he shot him. I believe Paul fired the rifle twice. After Paul fired the shots I took my son and went into my bedroom. I did not know Paul and had a rifle in his bedroom. This statement is given freely and voluntarily.

*X* *LINE 57 Johnson*

*DATE : 5-19-95*  
*TIME : 10:14 PM*

<input type="checkbox"/> ARREST AND PROSECUTION <input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE <input type="checkbox"/> COMPLAINT REFUSED BY D.A. <input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE <input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE <input type="checkbox"/> DEATH OF OFFENDER <input type="checkbox"/> OTHER (EXPLAIN)	<input type="checkbox"/> PREVIOUSLY CLEARED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLASSIFICATION CHANGE <input type="checkbox"/> TELETYPE CANCELLED FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO
REPORTING OFFICER  <i>J-LIND</i>	CORPUS NUMBER  <i>LO769</i>	SECTION  <i>PATROL</i>
DATE AND TIME WRITTEN  <i>05-19-95 2215</i>		

# ALAMEDA COUNTY SHERIFF'S DEPARTMENT STATEMENT FORM

CR-6 (9/88)

<b>CRIME / INCIDENT</b> 245(a)(2) PC	<b>ADMONISHED STATEMENT</b> <input checked="" type="checkbox"/>	<b>VICTIM/WITNESS STATEMENT</b> <input type="checkbox"/>	<b>CASE NO.</b> 95-8534	<b>PAGE</b> 15 OF 9
<b>VICTIM</b> LEWIS				
<p><b>ADMONITION:</b> I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.</p> <p><b>WAIVER:</b> Do you understand each of these rights I have explained to you? _____</p> <p>Having these rights in mind, do you wish to talk to us now? <u>REFUSED</u></p> <p>I have been advised of my rights and understand what they are. Signed: _____ Date: _____</p> <p>STATEMENT OF: _____ Witness: _____ Time: _____</p>				
<b>NAME (LAST, FIRST, MIDDLE)</b> ELDERTS PAUL H		<b>INVOLVMT</b> 5-1		<b>RESIDENCE ADDRESS, CITY, ZIP</b> [REDACTED]
<b>DOB</b> [REDACTED]		<b>RACE/SEX</b> [REDACTED]	<b>HAIR/EYES</b> [REDACTED]	<b>HEIGHT/WEIGHT</b> [REDACTED]
<b>DL #</b> [REDACTED]		<b>STATE</b> [REDACTED]		<b>SSN, OTHER #</b> [REDACTED]
<b>BUSINESS NAME, ADDRESS, CITY, ZIP</b> [REDACTED]			<b>OCCUPATION</b> [REDACTED]	<b>BUS. PHONE</b> [REDACTED]
<div style="position: relative;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 1px solid black; border-radius: 50%; opacity: 0.5;"></div> </div>				
<b>REPORTING OFFICER</b> J-LIND		<b>CORPUS NUMBER</b> 60769	<b>SECTION</b> PATROL	<b>DATE AND TIME WRITTEN</b> 5-19-95 2400

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
STATEMENT FORM**

CR-6 (9/86)

CRIME / INCIDENT <u>245(a)(2) P.C.</u>	ADMONISHED STATEMENT <input checked="" type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO. <u>95-8554</u>	PAGE <u>16</u> of <u>99</u>
VICTIM <u>LEWIS</u>				
<p><b>ADMONITION:</b> I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.</p> <p><b>WAIVER:</b> Do you understand each of these rights I have explained to you? <u>YES</u></p> <p>Having these rights in mind, do you wish to talk to us now? <u>YES</u></p> <p>I have been advised of my rights and understand what they are. Signed: <u>[Signature]</u> Date: <u>5-20-95</u></p> <p>STATEMENT OF: _____ Witness: <u>TELIND #930</u> Time: <u>1830</u></p>				
NAME (LAST, FIRST, MIDDLE) <u>ELDERTS, PAUL H.</u>		INVOLVMT <u>S-I</u>	RESIDENCE ADDRESS, CITY, ZIP [REDACTED]	
DOB <u>01-12-70</u>		RACE/SEX <u>OMA</u>	HWR/EYES <u>BRN</u>	HEIGHT/WEIGHT <u>6-02/185</u>
DL # <u>A1724738</u>		STATE <u>CA</u>	SSN, OTHER # <u>570-53-5812</u>	
BUSINESS NAME, ADDRESS, CITY, ZIP <u>FEDERAL EXPRESS - 1-SALLY RADEWIN</u>			OCCUPATION <u>TEAM LEADER</u>	BUS. PHONE <u>1-800-819-0456</u>

On 5-19-95 about 2400 hours Deputy Lind read me my rights but I refused wanting to remain silent since Deputy Lind was being rude to me. Today 5-20-95 about 1830 hours Deputy Lind came to Santa Rita to give me another chance to tell my side of the story. I understand my rights and wish to give a statement that is freely and voluntarily.

I have been renting a bedroom from Mark Lewis at 2254 Lobert St. since 5-01-95. I have known Lewis for about 4-5 years. Anne Johnson also lived at 2254 Lobert St. and was Lewis' live-in girlfriend.

On 5-19-95 about 2100 hours I came home from work and walked into 2254 Lobert St. Lewis, Johnson, and her 13 year old son were watching the sharks hockey game. I sat down in a chair and started watching the game and eating my McDonald's dinner. Lewis started telling me that I could not use the washer and dryer since Johnson had told Lewis that I was not using the washer and dryer right. Lewis and Johnson kept yelling and screaming at me.

REPORTING OFFICER <u>J. LIND</u>	CORPUS NUMBER <u>60769</u>	SECTION <u>PATROL</u>	DATE AND TIME WRITTEN <u>5-20-95 1900</u>
-------------------------------------	-------------------------------	--------------------------	--

# ALAMEDA COUNTY SHERIFF'S DEPARTMENT CONTINUATION REPORT FORM

CRIME / INCIDENT	CONTINUATION	SUPPLEMENTAL	ADMONISHED STATEMENT	VICTIM/WITNESS STATEMENT	CASE NO.	PAGE
245 @ 2 P.C.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	95-8554	17 of 19
VICTIM Lewis						

I got up and said "this is bullshit" and walked into my bedroom. I then walked back into the hallway and told Lewis that I would be out at the end of the month. I turned around and started to walk back to my bedroom. Lewis got out of his chair and charged me confronting me in the hallway. Lewis started pushing with his hands hitting my chest and arms. Lewis backed me into my bedroom and I told Lewis not to touch me several times and to leave me alone. Lewis pushed me again three more times with his right hand hitting my shoulder. Lewis then said "I touched you three times so what are you going to do about that." Johnson and her son were still in the front room watching tv. Lewis then started to walk away when I tried to close my bedroom door. Lewis saw that I was trying to close my bedroom door when Lewis slammed open my bedroom door. My gun case which contained the AK-47 assault rifle was standing up behind my bedroom door. Lewis walked away and I closed my bedroom door. I grabbed my McDonalds orange drink and car keys, opened my bedroom door and started to walk towards the front door. Lewis charged me again and started pushing and swinging his fists at me. I dropped my drink in the hallway area. I was trying to block Lewis' punches and hands.

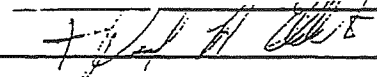
<input type="checkbox"/> ARREST AND PROSECUTION <input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE <input type="checkbox"/> COMPLAINT REFUSED BY D.A. <input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE <input type="checkbox"/> D.A. CITATION				<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE <input type="checkbox"/> DEATH OF OFFENDER <input type="checkbox"/> OTHER (EXPLAIN)				<input type="checkbox"/> PREVIOUSLY CLEARED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLASSIFICATION CHANGE <input type="checkbox"/> TELETYPE CANCELLED FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO			
REPORTING OFFICER	CORPUS NUMBER	SECTION	DATE AND TIME WRITTEN								
J. LIND	LO769	PATRIL	5-20-95 1920								

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

CR-5 (9/89)

CRIME / INCIDENT  2450 2 PC	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input checked="" type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.  95-8554	PAGE 18 OF 19
	VICTIM LEWIS					

Lewis then turned around and started to walk back to his chair. I ran to my room and tried to close my bedroom door. Lewis came to my bedroom door and kept pushing on the door, trying to get inside my bedroom. I couldn't lock my bedroom door, so I grabbed my AK-47 rifle from the black case that was next to my bedroom door. The rifle was not loaded. Lewis stopped pushing on my bedroom door, so I put a 4" clip, containing several bullets, into the rifle. All I was thinking about was getting to the front door. Lewis started pounding on my bedroom door again, forcing my bedroom door open. Lewis came into my bedroom, lost his balance, hitting the TV. Lewis grabbed the left side of my sweatshirt as I started to run out of the bedroom. I kept the rifle in my right hand. I started to run towards the front door, dragging Lewis as he was pounding on the left side of my face and neck with a closed fist. I dragged Lewis all the way to the front door, where I got caught between the footrest, chair and front door. I got the front door open, but Lewis kept holding me in, continuing to punch me. I lowered my rifle and aimed for Lewis' leg. Johnson had gotten up and was walking towards me. I fired one shot at Lewis, hitting his right leg. I shot Lewis to get him off of me and to get out of the house.

			
<input type="checkbox"/> ARREST AND PROSECUTION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT	<input type="checkbox"/> PREVIOUSLY CLEARED	
<input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE	<input type="checkbox"/> RELEASED TO MILITARY AUTHORITY	<input type="checkbox"/> UNFOUNDED	
<input type="checkbox"/> COMPLAINT REFUSED BY D.A.	<input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE	<input type="checkbox"/> CLASSIFICATION CHANGE	
<input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> TELETYPE CANCELLED	
<input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> OTHER (EXPLAIN)	FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO	
REPORTING OFFICER  J. LIND	CORPUS NUMBER  60769	SECTION  PATROL	DATE AND TIME WRITTEN  5-20-95 1940

# ALAMEDA COUNTY SHERIFF'S DEPARTMENT CONTINUATION REPORT FORM

CRIME / INCIDENT	CONTINUATION <input checked="" type="checkbox"/>	SUPPLEMENTAL <input type="checkbox"/>	ADMONISHED STATEMENT <input checked="" type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.	PAGE
245(9)(2) P.C.	VICTIM LEWIS				95-8554	19 OF 19

After I shot Lewis, I went to the phone to call 911, but Johnson was also no the phone trying to call 911 at the same time. I tried to put pressure on Lewis's wound, but Lewis wouldn't let m. I went to my room and put the rifle and case on top of my bed. The police arrived and arrested me in the front room. When I was escorted outside, I told Deputy Lind that the rifle was on top of my bed. This statement is given freely and voluntarily.

My left side of my jaw is very sore and the left side of neck was red on 5/19/95 about 2300 hours. My sweatshirt collar was torn and the hand pocket was ripped during this incident.

Deputy Lind requested a urine sample on 5-20-95 about 2005 hours, since he believed I was under the influence of methamphetamine. I freely and voluntarily gave him a urine sample.

*X Paul A. Lind*

DATE: 5-20-95			
TIME: 8:10 PM			
<input type="checkbox"/> ARREST AND PROSECUTION <input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE <input type="checkbox"/> COMPLAINT REFUSED BY D.A. <input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE <input type="checkbox"/> D.A. CITATION			
<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE <input type="checkbox"/> DEATH OF OFFENDER <input type="checkbox"/> OTHER (EXPLAIN)			
<input type="checkbox"/> PREVIOUSLY CLEARED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLASSIFICATION CHANGE <input type="checkbox"/> TELETYPE CANCELLED FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO			
REPORTING OFFICER	CORPUS NUMBER	SECTION	DATE AND TIME WRITTEN
J. LIND	40769	PATROL	5-20-95 2010

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
STATEMENT FORM**

CR-6 (9/89)

<b>CRIME / INCIDENT</b> 245(a)(2) PC	<b>ADMONISHED STATEMENT</b> VICTIM <u>LEWIS</u>	<b>VICTIM/WITNESS STATEMENT</b>	<b>CASE NO.</b> 95-8554	<b>PAGE</b> 1 of 2
<p><b>ADMONITION:</b> I want to advise you: (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.</p> <p><b>WAIVER:</b> Do you understand each of these rights I have explained to you? _____</p> <p>Having these rights in mind, do you wish to talk to us now? _____</p> <p>I have been advised of my rights and understand what they are. Signed: _____ Date: _____</p> <p>STATEMENT OF: _____ Witness: _____ Time: _____</p>				
<b>NAME (LAST, FIRST, MIDDLE)</b> JOHNSON BRYAN NEIL		<b>INVOLVMT</b> WI	<b>RESIDENCE ADDRESS, CITY, ZIP</b> [REDACTED]	
<b>DOB</b> 01-22-82	<b>RACE/SEX</b> WM	<b>HAIR/EYES</b> BRN BRN	<b>HEIGHT/WEIGHT</b> 507 160	<b>DL #</b> N9102528
<b>BUSINESS NAME, ADDRESS, CITY, ZIP</b> CUPERTINO JR HIGH SCHOOL CUPERTINO		<b>OCCUPATION</b> STUDENT (10)	<b>SSN, OTHER #</b> CA 869537002	

My name is Bryan Neil Johnson, my date of birth is 01-22-82, and I live with my mom, Anne Johnson, half the time and with my father in Cupertino the other half of the time. On 5-19-95 a little before 9:00 pm I was at my mom's house on Lobert Street. My mom lives with her boyfriend "Mark." "Mark's" roommate who's name I did not know until now, as "Paul," came home. When Paul came home, Mark asked Paul not to use the washing machine and throw his clothes around. Paul got mad and said things like, "this is my house too" and "I live here." It seemed like Paul was trying to get Mark to come over and push him or something. They were arguing in the living room. At one point Paul walked up to Mark and pushed him. They both began to push each other back and forth. Paul said, "forget this." And went into the bathroom and got his keys. Paul then went into his bedroom and came back out and they both pushed on each other saying things like, "What ya going to do?" to each other. Paul went in and out of his room a couple of times. I was next to my mom in the living room when this all happened. Paul then came out of his room with a rifle. Paul pointed the rifle at Mark the entire time. Paul then shot Mark somewhere in his legs and then Paul turned around and went into his room. I grabbed some towels and put direct pressure on Mark's legs. I also got him water. Paul was about 10 feet or less away from Mark when he shot

5/19/95 X Bryan Johnson

<b>REPORTING OFFICER</b> K. MILES #871	<b>CORPUS NUMBER</b> M5209	<b>SECTION</b> CRIM 673	<b>DATE AND TIME WRITTEN</b> 0519.25 2145
---	-------------------------------	----------------------------	--



**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

CR-5 (5/88)

CRIME / INCIDENT <u>245(a)(2) P.C.</u>	CONTINUATION	SUPPLEMENTAL	ADMONISHED STATEMENT	VICTIM/WITNESS STATEMENT	CASE NO.	PAGE
	VICTIM <u>LEWIS</u>				<u>95-8554</u>	<u>2 OF 2</u>

him. Mark was in front of the front door when he was shot and Paul was in front of the front window. After Paul shot Mark, my mom went into her bedroom and called 911. The police then showed up and arrested Paul. The foregoing is a true statement.

Signed: Bryan Johnson 5/19/95

X Bryan Johnson 5/19/95

*Mark  
Paul  
to get  
on  
wound  
Bryan Johnson  
Reserve*

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> ARREST AND PROSECUTION           | <input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT | <input type="checkbox"/> PREVIOUSLY CLEARED                                    |
| <input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE | <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY   | <input type="checkbox"/> UNFOUNDED   |
| <input type="checkbox"/> COMPLAINT REFUSED BY D.A.        | <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE   | <input type="checkbox"/> CLASSIFICATION CHANGE                                 |
| <input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE  | <input type="checkbox"/> DEATH OF OFFENDER                | <input type="checkbox"/> TELETYPE CANCELLED                                    |
| <input type="checkbox"/> D.A. CITATION                    | <input type="checkbox"/> OTHER (EXPLAIN)                  | FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO |

REPORTING OFFICER <u>K. MILES #821</u>	CORPUS NUMBER <u>MS209</u>	SECTION <u>CRIM FTS</u>	DATE AND TIME WRITTEN <u>05 19 95 2206</u>
---	-------------------------------	----------------------------	---

## ALAMEDA COUNTY SHERIFF'S DEPARTMENT

INVOLVED  
PERSONS/VEHICLES

CR-2 (9/88)

CRIME / INCIDENT <b>245PC</b>	VICTIM <b>LEWIS</b>	CASE NO. <b>95-8554</b>	PAGE <b>1 OF 3</b>
----------------------------------	------------------------	----------------------------	-----------------------

4	INVOLVMT <b>IP</b>	NAME (LAST, FIRST, MIDDLE) <b>JACOBSON, S</b>	RESIDENCE ADDRESS, CITY, ZIP <b>CONFIDENTIAL</b>					
RES. PHONE		DOB	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT	D.L. #	STATE	SSN, OTHER #
BUSINESS NAME, ADDRESS, CITY, ZIP <b>AMR 41300 CHRISTY RD FREMONT, CA</b>						OCCUPATION <b>PARAMEDIC</b>		BUS. PHONE <b>657-9999</b>

5	INVOLVMT <b>IP</b>	NAME (LAST, FIRST, MIDDLE) <b>TORRES, C</b>	RESIDENCE ADDRESS, CITY, ZIP <b>CONFIDENTIAL</b>					
RES. PHONE		DOB	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT	D.L. #	STATE	SSN, OTHER #
BUSINESS NAME, ADDRESS, CITY, ZIP <b>AMR 41300 CHRISTY RD. FREMONT, CA</b>						OCCUPATION <b>PARAMEDIC</b>		BUS. PHONE <b>657-9999</b>

6	INVOLVMT <b>IP</b>	NAME (LAST, FIRST, MIDDLE) <b>HOM, L</b>	RESIDENCE ADDRESS, CITY, ZIP <b>CONFIDENTIAL</b>					
RES. PHONE		DOB	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT	D.L. #	STATE	SSN, OTHER #
BUSINESS NAME, ADDRESS, CITY, ZIP <b>EDEN HOSPITAL 20103 LAKE CHABOT RD. CASTRO VALLEY</b>						OCCUPATION <b>TRAUMA MEDICAL DOCTOR</b>		BUS. PHONE <b>537-1234</b>

7	INVOLVMT <b>IP</b>	NAME (LAST, FIRST, MIDDLE) <b>ADAMS, MICHAEL</b>	RESIDENCE ADDRESS, CITY, ZIP <b>CONFIDENTIAL</b>					
RES. PHONE		DOB	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT	D.L. #	STATE	SSN, OTHER #
BUSINESS NAME, ADDRESS, CITY, ZIP <b>EDEN HOSPITAL 20103 LCR, CASTRO VALLEY, CA</b>						OCCUPATION <b>TRAUMA NURSE CLERK</b>		BUS. PHONE <b>537-1234</b>

8	INVOLVMT	NAME (LAST, FIRST, MIDDLE)	RESIDENCE ADDRESS, CITY, ZIP					
RES. PHONE		DOB	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT	D.L. #	STATE	SSN, OTHER #
BUSINESS NAME, ADDRESS, CITY, ZIP						OCCUPATION		BUS. PHONE

9	INVOLVMT	NAME (LAST, FIRST, MIDDLE)	RESIDENCE ADDRESS, CITY, ZIP					
RES. PHONE		DOB	RACE/SEX	HAIR/EYES	HEIGHT/WEIGHT	D.L. #	STATE	SSN, OTHER #
BUSINESS NAME, ADDRESS, CITY, ZIP						OCCUPATION		BUS. PHONE

10	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR
11	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR
12	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR
13	INVOLVMT	ADDITIONAL VEH. LICENSE NO.	STATE	YEAR	MAKE	MODEL	STYLE	COLOR

REPORTING OFFICER <b>D. NELSON</b>	CORPUS NUMBER <b>NOA22</b>	DATE AND TIME WRITTEN <b>051995</b>	<b>2135</b>
---------------------------------------	-------------------------------	--	-------------

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

CR-5 (9/28)

CRIME / INCIDENT	CONTINUATION	SUPPLEMENTAL	ADMONISHED STATEMENT	VICTIM/WITNESS STATEMENT	CASE NO.	PAGE
245 PC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	95-8854	2 OF 3
VICTIM LEWIS						
WHILE ON PATROL TODAY, 05-19-95, ABOUT 2100 HOURS, I RECEIVED A DETAIL OF A SHOOTING THAT OCCURRED AT 2254 LOBERT ST.						
I ARRIVED ABOUT 2106 HOURS. THE VICTIM (LEWIS) WAS LAYING ON THE GROUND AT THE FRONT DOOR ENTRY WAY. INSIDE THE HOUSE, LEWIS WAS APPARENTLY SUFFERING FROM A GUNSHOT WOUND TO HIS LEG.						
AT 2118 HOURS, LEWIS WAS TRANSPORTED TO EDEN HOSPITAL ON AMR RIG- # 5641. PARAMEDICS S. JACOBSON AND C. TORRES WERE THE TWO ATTENDING PARAMEDICS ON THE RIG. I FOLLOWED THE AMBULANCE TO THE HOSPITAL AND WE ARRIVED AT 2126 HOURS.						
LEWIS WAS IMMEDIATELY BROUGHT INTO THE TRAUMA ROOM. THE STAFF IN THE TRAUMA ROOM, LED BY DR. HOM, TREATED LEWIS. AT 2200 HOURS LEWIS WAS BROUGHT TO THE OPERATING ROOM FOR SURGERY.						
AT 2225 HOURS I SPOKE WITH TRAUMA NURSE MICHAEL ADAMS, NEAR THE SURGERY ROOM. ADAMS SAID AS HE WHEELED LEWIS TO SURGERY, LEWIS SAID HIS ROOMMATE, PAUL, SHOT HIM. LEWIS TOLD ADAMS THAT PAUL SHOT HIM ON PURPOSE, WITH A RIFLE.						
ADAMS TOLD ME IT APPEARED LEWIS SUSTAINED A GUNSHOT WOUND TO HIS RIGHT LEG, SPECIFICALLY, THE UPPER RIGHT MEDIAL. LEWIS SUSTAINED MAJOR VASCULAR DAMAGE AS A RESULT OF THE INJURY.						
I CONTACTED DR. HOM WHO STATED THE INJURY APPEARED TO BE A "THROUGH AND THROUGH" WOUND. LEWIS HAD A HOLE, 5 TO 10 M.M. IN DIAMETER, ON THE INSIDE PORTION OF THE UPPER RIGHT THIGH. LEWIS HAD A SECOND						
<input type="checkbox"/> ARREST AND PROSECUTION <input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE <input type="checkbox"/> COMPLAINT REFUSED BY D.A. <input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE <input type="checkbox"/> D.A. CITATION		<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT <input type="checkbox"/> RELEASED TO MILITARY AUTHORITY <input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE <input type="checkbox"/> DEATH OF OFFENDER <input type="checkbox"/> OTHER (EXPLAIN)		<input type="checkbox"/> PREVIOUSLY CLEARED <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CLASSIFICATION CHANGE <input type="checkbox"/> TELETYPE CANCELLED FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO		
REPORTING OFFICER	CORPUS NUMBER	SECTION	DATE AND TIME WRITTEN			
D. NELSON	N0422	PATROL	051995 2220			

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

CR-5 (9/88)

CRIME / INCIDENT	CONTINUATION <input type="checkbox"/>	SUPPLEMENTAL <input checked="" type="checkbox"/>	ADMONISHED STATEMENT <input type="checkbox"/>	VICTIM/WITNESS STATEMENT <input type="checkbox"/>	CASE NO.	PAGE
245PC	VICTIM LEWIS				95-8884	3 <sup>05</sup>

HOLE ABOUT 5 TO 10 MM IN DIAMETER ON THE MID SECTION OF HIS UPPER REAR THIGH NEAR HIS BUTTOCKS. DR. HOM COULD NOT DETERMINE WHICH WOUND WAS THE ENTRANCE WOUND AND WHICH WAS THE EXIT WOUND. DR. HOM SAID X-RAYS OF LEWIS DID NOT DETECT ANY SIGN OF A PROJECTILE STILL LOADED WITHIN HIS BODY.

ON 05-20-95 AT 0005 HOURS, LEWIS WAS TRANSFERRED FROM SURGERY AND PLACED INTO I.C.U. HIS CONDITION WAS LISTED AS SERIOUS.

I WAS UNABLE TO OBTAIN A STATEMENT FROM LEWIS, DUE TO THE SERIOUSNESS OF HIS MEDICAL CONDITION.

<input type="checkbox"/> ARREST AND PROSECUTION	<input type="checkbox"/> PROSECUTED BY OUTSIDE DEPARTMENT	<input type="checkbox"/> PREVIOUSLY CLEARED
<input type="checkbox"/> COMPLAINANT REFUSES TO PROSECUTE	<input type="checkbox"/> RELEASED TO MILITARY AUTHORITY	<input type="checkbox"/> UNFOUNDED
<input type="checkbox"/> COMPLAINT REFUSED BY D.A.	<input type="checkbox"/> JUVENILE REPRIMAND AND RELEASE	<input type="checkbox"/> CLASSIFICATION CHANGE
<input type="checkbox"/> PROSECUTION FOR ANOTHER OFFENSE	<input type="checkbox"/> DEATH OF OFFENDER	<input type="checkbox"/> TELETYPE CANCELLED
<input type="checkbox"/> D.A. CITATION	<input type="checkbox"/> OTHER (EXPLAIN)	FURTHER POLICE ACTION <input type="checkbox"/> YES <input type="checkbox"/> NO

REPORTING OFFICER	CORPUS NUMBER	SECTION	DATE AND TIME WRITTEN
D. NELSON	N0922	PATROL	051495 2350

Report # 95-8554

Consent to Search:

Date: 05-19-95

I, PAUL ELDERTS, having been informed of my constitutional right not to have a search made of the premises hereinafter described without a search warrant, and of my right to refuse to consent to such search, hereby authorize the following named officers, DEPUTIES LIND POWELL  
AND MILES, who have identified themselves to me as members of the Alameda County Sheriff's Department, to conduct a complete search of my residence located at [REDACTED]  
CASTRO VALLEY.

These officers are authorized by me to take from my residence any letters, papers, materials, or other property which they may desire to remove.

This written permission is being given by me to the above named officers voluntarily and without threats or promises of any kind.

SIGNED: [Signature]

WITNESSED: Michael R. Stebbins # 790

[Signature] # 997

Consent To Search:

Date 5-19-95

I, ANNE JOHNSON, having been informed of my constitutional right not to have a search made of the premises and/or vehicle hereinafter described without a search warrant, and of my right to refuse to consent to such search, hereby authorize the following named officers, DEPUTY LIND, DEPUTY POWELL AND DEPUTY MILES, who have identified themselves to me as members of the Alameda County Sheriff's Department, to conduct a complete search of my residence located at [REDACTED]

These officers are authorized by me to take from my residence any letters, papers, materials, or other property which they may desire to remove. This written permission is being given by me to the above named officers voluntarily and without threats or promises of any kind.

Signed: -

Anne E. Johnson

Witnessed:

J. LIND #930

## ALAMEDA COUNTY SHERIFF'S DEPARTMENT

## PROPERTY CONTROL — LOSS LIST

CR-4 (9/88)

CRIME / INCIDENT 245 (A) (2) PL	VICTIM LEWIS, MARK	CASE NO. 95-8554	PAGE 1 OF 6
SPECIAL PROCESSING REQUEST	DUST	NINHYDN	PHOTO
			OTHER / REMARKS

PROPERTY CODE: S = Stolen R = Recovered L = Lost E = Evidence O = Under Observation  
 A = 8102 W&I (5150) D = Domestic Violence F = Found W = Search Warrant  
 (Use all applicable codes. For example, if property is both stolen & recovered, code is S/R)

SUBMITTED  
 Y=Yes N=No

NO.	ARTICLE	QTY	SERIAL NO.	BRAND/MAKE	MODEL NAME/NO	MISC. DESCRIPTION	CODE	VALUE	SUB	ENT
1	BULLET CASING	1	N/A	PMC	7.62 X 39MM	NEXT TO FT DOOR/Red Sx on CASE	E	N/A	Y	N
2	LIVE BULLET	1	N/A	PMC	7.62 X 39 MM	NEXT TO SPINNING S/W CASE LIVES FOR	E	N/A	Y	N
3	RIFLE	1	5M07839	K&B INC	SA85M	7.62 X 39 CAL	E	N/A	Y	Y
4	AMMO MAGAZINE	1	—	—	7.62 X 39 AM	56 Round clip FROM ITEM #3	E	N/A	Y	N
5	LIVE BULLETS	—	—	PMC	7.62 X 39 MM	FROM ITEM #4	E	N/A	Y	N
6	LIVE BULLET	1	—	PMC	7.62 X 39 MM	FROM CHAMBER OF ITEM #3	E	N/A	Y	N
7	RIFLE CASE	1	—	HOPPER	PROTECTOR	CASE FOR ITEM #3	E	N/A	Y	N
8	LIVE ROUND	1	—	PMC	7.62 X 39 MM	FROM ITEM #7	E	N/A	Y	N
9	GSR	1	001150	ALSO LAB	—	OF SUB EVIDENTS HANDLS FOR ITEM #3	E	N/A	Y	N
10	RECIPT	1	10545	TRADERS	—	—	E	N/A	Y	N
11	FILM	2 ROLLS	—	Kodak	35MM	TWO ROLLS OF 36 DEARLY LINE SCRE	E	N/A	Y	N
12	CLOTHES	1	—	—	—	Y-CLOTHES FROM LIVING ROOM	E	N/A	Y	N
13	AMMO MAGAZINES	2	—	UKN	7.62 X 39 MM	90 ROUND MAGAZINE FROM CRST ROOM	E	N/A	Y	N

ADDITIONAL PROPERTY DESCRIPTION/TECH FOLLOW UP/FOUND PROPERTY/ETC.

ONE GREEN TEE SHIRT, ONE PAIR UNDER SHORTS, ONE PAIR OF SHORTS -

BICYCLE	<input type="checkbox"/> STOLEN <input type="checkbox"/> RECOVERED <input type="checkbox"/> BOYS	MAKE	MODEL	WHEEL	NO. OF GEARS	LICENSE NO	FRAME NO
	<input type="checkbox"/> FOUND <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> GIRLS	FRAME COLOR	SEAT COLOR	BRAKE TYPE	LIGHTS	FENDERS	OTHER
PROPERTY VALUES	CASH/NOTES \$	JEWELRY/PRECIOUS METAL \$	CLOTHING \$	LOCAL-STOLEN MOTOR VEH \$	OFFICE EQUIPMENT \$	TV/RADIOS/CAMERAS \$	
	FIREARMS \$	HOUSEHOLD GOODS \$	CONSUMABLE GOODS \$	LIVESTOCK \$	MISCELLANEOUS \$	TOTAL \$	
I CERTIFY THIS IS A TRUE AND ACCURATE DESCRIPTION OF MY LOSS				REPORTING OFFICER J-K-ADWEL	CORPUS NUMBER P4069	DATE AND TIME WRITTEN 05-19-95 0400	
CITIZEN SIGNATURE							

ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM

R-5 (11/90)

CRIME/INCIDENT 245(a)(2) PC Evidence Report	CONT. <input checked="" type="checkbox"/> SUPP. <input checked="" type="checkbox"/> STATEMENT <input type="checkbox"/>	CASE NO.	PAGE
	(V) LEWIS, Mark	95-8554	2 of 6

On Friday, 05-19-95, about 2100 hours, I responded, as a cover unit, to [REDACTED] Castro Valley, about a shooting. When I arrived, Sergeant HART and Sergeant LOVE were already on scene. There was a subject, later identified as Mark LEWIS, laying on the floor in the open front doorway of the residence. LEWIS was screaming and was laying in what appeared to be a pool of blood. I assumed a perimeter position in the back of the residence. Sergeant HART and other deputies made entry into the residence, secured the scene, and arrested a possible suspect, later identified as Paul ELDERTS. Alameda County Fire personnel and American Medical Response Ambulance personnel made entry and treated and transported the victim to the hospital.

I was in front of the residence when Deputy GODLEWSKI brought ELDERTS out to his car. Sergeant HART requested that I conduct a Gunshot Residue Collection Kit on ELDERTS' hands. I explained to ELDERTS that I was forming this as the evidence collection process. ELDERTS told me: "You don't have to do that. I did it, I shot him." I then conducted the Gunshot Residue Collection Kit on both of ELDERTS hands.

Deputy J. LIND, who was the primary officer on the scene, requested I take control of the crime scene and conduct Field Evidence Technician duties. Deputy LIND advised me that he had a consent to search the residence from Anne JOHNSON, a resident and domestic partner of the victim. Deputy LIND showed me that there was an assault rifle, which is the suspected weapon involved in this incident, laying on the bed in the east bedroom of the residence. I asked Anne JOHNSON who this room was occupied by. JOHNSON told me that she rented the room to Paul ELDERTS, the suspect.

Deputy GODLEWSKI was transporting ELDERTS to ETS. I contacted Deputy GODLEWSKI, via the radio, and advised him that I needed consent, from ELDERTS, to search ELDERTS room. Deputy GODLEWSKI advised that ELDERTS gave verbal consent. Deputy GODLEWSKI advised that he would obtain a written consent to search from ELDERTS when they arrived at ETS. (See supplemental report by Deputy GODLEWSKI.)

CRIME SCENE:

[REDACTED] Castro Valley, is a single level, three bedroom, two bathroom, single family dwelling with a family room and a kitchen and an attached single car garage. The residence has a stucco finish on the outside and sheetrock inside. The residence is located on the north side of Lobert Street. Lobert street runs east and west. There is a single family residence on the east and the west sides of the residence. Highway 580 is located to the rear/north of the residence with a barrier wall between the residence and the highway. The front door faces south, towards Lobert street.

REPORTING OFFICER	CORPUS #	SECTION	DATE AND TIME
J.K. POWELL	P4069	PATROL	05-20-95 1640



ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM

SCR-5 (11/90)

CRIME/INCIDENT 245(a)(2) PC Evidence Report	CONT.[X] SUPP.[X] STATEMENT [ ] (V) LEWIS, Mark	CASE NO. 95-8554	PAGE 3 of 6
---	--	---------------------	----------------

The master bedroom is located on the north-east corner of the house and has a bath room in the south-east corner of the bedroom. There is a bedroom on the center east side of the residence; JOHNSON told me this is the room she rents to ELDERTS. There is a bathroom west of the east bedroom. The third bedroom is located on the south-east corner of the house and is a spare bedroom with a bed and weight lifting equipment.

The Kitchen is located on the north-west corner of the residence and the garage is located on the south-west corner of the residence.

The living room, or family room, is located in the center of the residence with the front door on the south wall, facing Lobert Street. Just inside the front door was a pile of clothes. The clothes were saturated with a red wet substance, presumably the victims blood. The carpet in this area was saturated with a red wet substance. About one foot north-east of the door was an expended bullet casing. In the north-east corner, of the living room, was a live bullet casing.

The east bedroom, the bathroom west of the east bedroom, the south-east bedroom, and the living room are joined by a sub-hallway. On the floor, in the middle of this hallway, was a crushed McDonald's drink cup. There were ice-cubes on the floor and in the drink cup. The door to the east bedroom, leading from the hallway, was splattered with an amber color liquid. This liquid was also splattered over the weapon on the bed, the dresser on the west wall inside the east bedroom, and a speaker on the north-west wall of the east bedroom. From the splatters, which were still wet, it appeared that the drink had been thrown against the open bedroom door and spread throughout the room. The wet splatters on the rifle would be consistent with the weapon case being open, and on the bed, when the drink was thrown against the door.

It appeared that there had been a struggle in the east Bedroom. The T.V. and VCR, which are located on the south wall of the room, had apparently been sitting on a pair of large speakers. The T.V. and VCR were knocked over and laying on the floor next to the foot of the bed. The VCR was on and the T.V. was off. There was a crushed McDonald's bag on the floor in the north-west corner. This bag contained french fries.

VIDENCE:

- tem # 1: Expended bullet casing. PMC, 7.62 X 39mm, from just inside the front door, on the floor. The casing has red streaks, possibly blood, on the outside.
- tem # 2: Live bullet. PMC, 7.62 X 39mm, from floor next to speaker in north-east corner of living room.

REPORTING OFFICER	CORPUS #	SECTION	DATE AND TIME
J.K.POWELL	P4069	PATROL	05-20-95 1710

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

5 (11/90)

CRIME/INCIDENT 245(a)(2) PC Evidence Report	CONT.[X] SUPP.[X] STATEMENT [ ]	CASE NO.	PAGE
	(V) LEWIS, Mark	95-8554	4 of 6

- Item # 3:** Assault Rifle: KBI INC., Model SA85M, Serial #SM07839, Caliber 7.62 X 39mm. (Similar to an AK-47) The rifle was laying in an open case, in plain sight, on the bed in the east bedroom. There was a magazine in the weapon and the bolt was closed. When I removed the magazine there were three live PMC 7.62, X 39mm rounds in it. When I opened the bolt there was one live PMC 7.62 X 39mm round in the chamber. Gloves were worn while handling the weapon.
- Item # 4:** 7.62 X 39mm ammunition magazine. Magazine appears to hold six rounds. Collected from item # 3.
- Item # 5:** Three live bullets. PMC, 7.62 X 39mm, from magazine listed in item #4.
- Item # 6:** One live bullet. PMC, 7.62 X 39mm, recovered from chamber of item #3.
- Item # 7:** Hoppes Protecto Rifle case. Recovered from bed in east bedroom.
- Item # 8:** One live round. PMC 7.62 X 39mm. Bullet was laying next to rifle in case, on bed in east bedroom.
- Item # 9:** Gunshot Residue Collection Kit. Conducted on suspect ELDERTS' hands.
- Item #10:** Receipt. This receipt was located in the rifle case, on the bed in the east bedroom. The receipt shows the above listed rifle (Item #3), was purchased from Traders Sports INC., San Leandro, on 05-09-94, by Paul Hiapumalulaui ELDERTS. A photo-copy of the receipt is attached to this report. Sheriff's Radio was unable to locate a dealers report of sale, or registration, on the weapon.
- Item #11:** Kodak 35mm film. I took photos of the crime scene and all items of evidence. The film was placed into evidence for processing.
- Item #12:** Clothes. One green tee shirt, one pair of shorts, one pair of bikini underwear. These items were saturated with apparent blood and located inside the front doorway, on the floor, of the residence. The clothes were cut off the victim, by the medical personnel, and I could not locate any bullet holes in the clothes. Because the clothes were saturated with apparent blood, they were hung up in the over-night evidence room to dry.

REPORTING OFFICER	CORPUS #	SECTION	DATE AND TIME
J.K. POWELL	P4069	PATROL	05-20-95 1740

ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM

R-5 (11/90)

CRIME/INCIDENT 245(a)(2) PC Evidence Report	CONT. <input checked="" type="checkbox"/> SUPP. <input checked="" type="checkbox"/> STATEMENT <input type="checkbox"/>	CASE NO.	PAGE
	(V) LEWIS, Mark	95-8554	5 of 6

Item #13: Two ammunition magazines. 7.62 X 39mm, ninety round magazines. These magazines appear to fit the rifle listed in #3. The magazines were empty. They were located inside a brown bag in the closet in the east bedroom.

All items were handled with gloves, to preserve any evidence that may later be recovered by the laboratory. All items of evidence were packaged and placed into evidence, at ETS, by me.

REPORTING OFFICER	CORPUS #	SECTION	DATE AND TIME
J.K. POWELL	P4069	PATROL	05-20-95 1750



# TRADER SPORTS INC.

DISCOUNT SPORTING GOODS  
585 E. 14TH ST. SAN LEANDRO, CA 94577  
FISHING • HUNTING • CAMPING  
RIFLES • SHOTGUNS • BOOTS • JACKETS  
WE BUY • SELL • TRADE

10545  
23-8614  
DATE 5-9-94

NAME PAUL HIA POMALULANI ELDERTS

ADDRESS 2318 Pacific Ave ALAMEDA CA

HOME PHONE 510-522-8180 WORK PHONE 94501

CDL # A1724738 DROS # A30139511

BIRTHDATE 1-12-76

SOLD BY En CASH ☒ CHARGE ☒ SPECIAL ORDER LAYAWAY CREDIT

QUAN.	DESCRIPTION	PRICE	AMOUNT
-------	-------------	-------	--------

1	1 KRI RIFLE		799.77
---	-------------	--	--------

	MODEL SA-85M		
--	--------------	--	--

	CAL 7.62 X 39	DLOS F22	14.00
--	---------------	----------	-------

	S&W S.M. 07839		
--	----------------	--	--

--	--	--	--

1	MAGAZINE		24.95
---	----------	--	-------

1	MAGAZINE TACED		39.95
---	----------------	--	-------

			578.87
--	--	--	--------

			72.51
--	--	--	-------

			951.38
--	--	--	--------

PAID FULL

ALL FIREARM SALES ARE FINAL AT TIME OF SALE.  
ABSOLUTELY NO REFUNDS OR EXCHANGES.  
LAYAWAY MUST BE PICKED UP WITHIN 60 DAYS  
OR MERCHANDISE WILL BE RETURNED TO STOCK.

WHEN A CUSTOMER DECIDES TO CHANGE TO A DIFFERENT  
MODEL OR ORDER IS CANCELLED THERE WILL BE A  
CHARGE OF \$25.00 PLUS ANY NON-REFUNDABLE STATE  
REGISTRATION FEES. ALL FIREARMS ARE CONSIDERED  
USED WHEN TAKEN FROM THE STORE.

REC'D BY

CUSTOMER COPY

SUBTOTAL

TAX

TOTAL

HEAD BOARD

BED

CD  
CASE

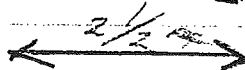
DRESSER



GUN CASE  
KBS SPORTS FILE

DRESSER

BOXES

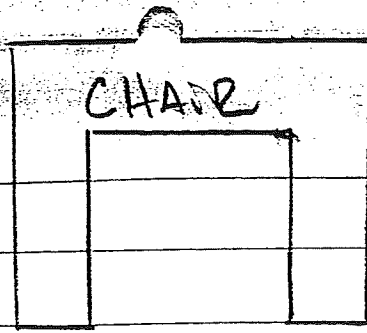
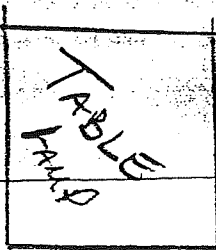
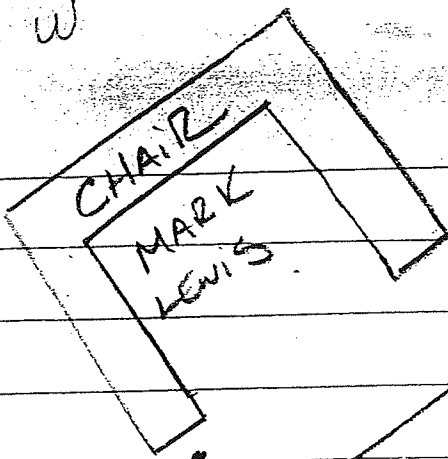


TV

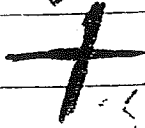
GUN CASE



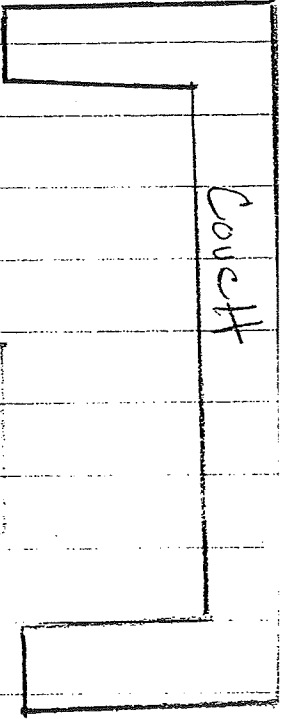
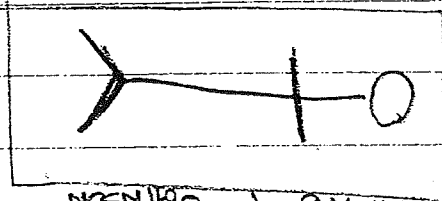
W



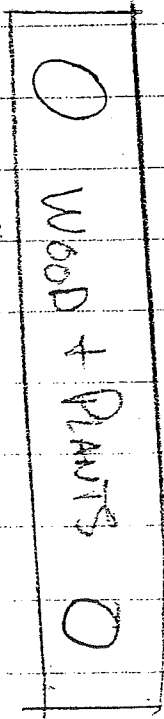
KITCHEN  
ENTRYWAY



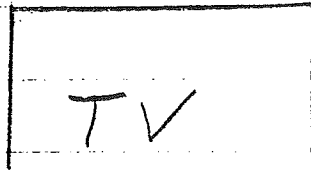
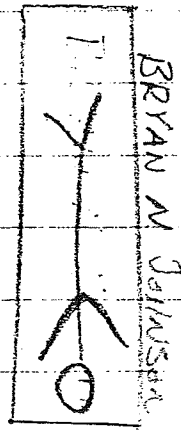
S



FRONT WINDOW



(X) LEWIS  
CLAIMS  
PAVIL



HALLWAY

BATHROOM

FL

HALLWAY ENTRYWAY

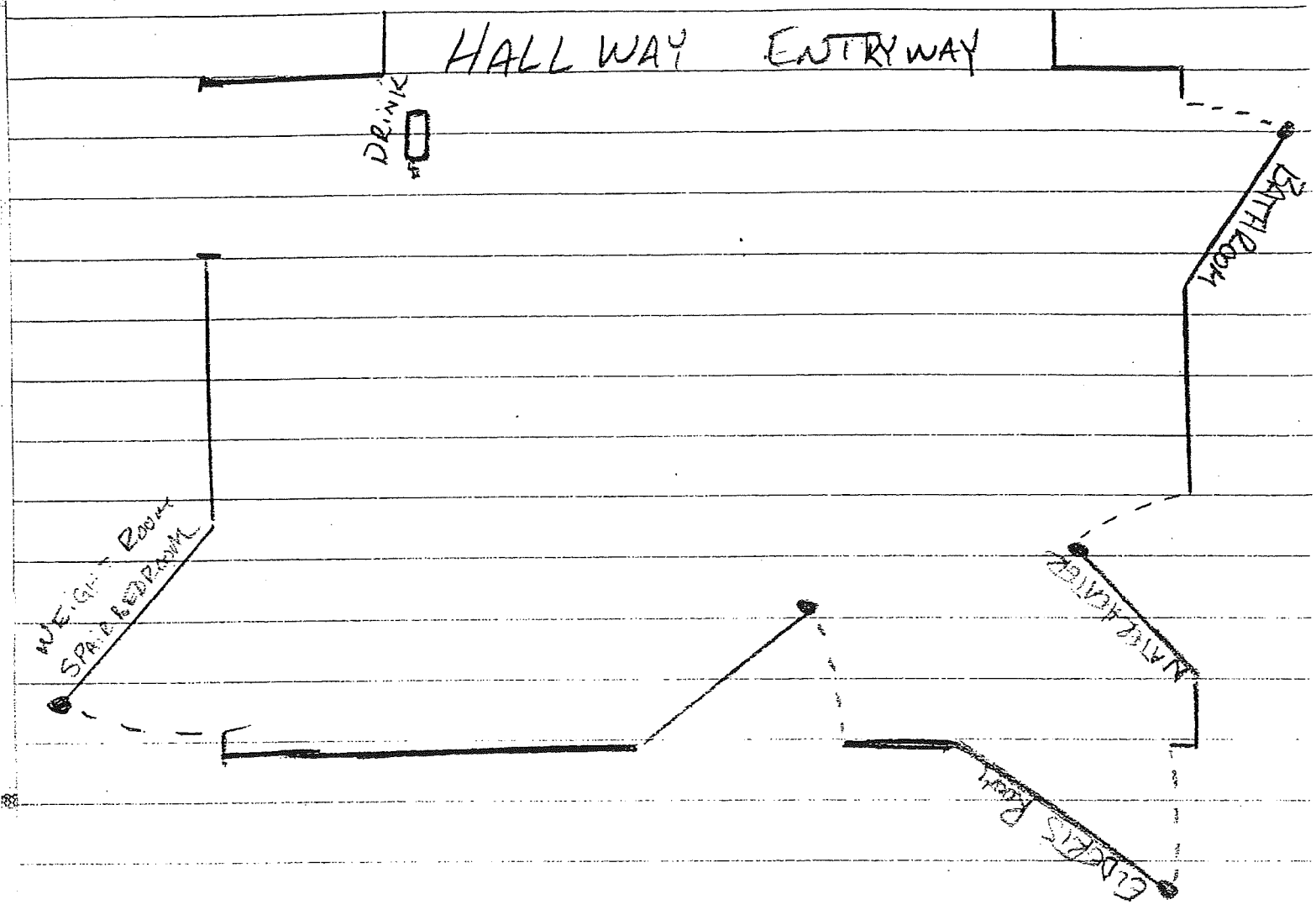
DRINK

BATHROOM

WEIGHT ROOM  
SPA BED ROOM

WATER CENTER

ELDER'S ROOM



NO PIZZA NO ONE WAS EATING  
NEVER WAS TALK TOO ABOUT IT  
NEVER PUT CLOTH ON FLOOR  
DID HE SEE THE CLOTH ON FLOOR  
THE NOTE WAS IN MY ROOM  
NEVER SAID THAT ~~GANDI~~ I WAS  
GOING TO DO IT MY WAY HOW  
WOULD HE KNOW BECAUSE IT WAS  
BETWEEN ME AND ANNE THAT MORNING  
NEVER STOOD IN FRONT OF TV  
AND WAS SHOOTING

HE ~~CHARGED~~

I WAS TELLING HIM NOT TO TOUCH ME  
ALL THE WAY TO THE BEDROOM  
NEVER SLAM DOOR HE SLAMMED IT OPEN  
NO SHELF IN ROOM  
THEY WERE NOT STANDING

JUST A CLIP.

NO CLIP ON  
FLOOR IN GUN



5-8557  
#26 OF 6



# TRADER SPORTS INC.

DISCOUNT SPORTING GOODS  
685 E. 14TH ST. SAN LEANDRO, CALIF. 94577  
FISHING • HUNTING • CAMPING  
RIFLES • SHOTGUNS • BOOTS • JACKETS  
WE BUY • SELL • TRADE

10545  
238614  
DATE 5.9.94

NAME PAUL HIA POMALULANI ELDERTS

ADDRESS 2318 PACIFIC AVE ALAMEDA CA.

HOME PHONE # 510-522-8180 WORK PHONE # 94501

CDL # A1724738 BIRTHDATE: 1-12-76 DROS # A30139511

SOLD BY	CASH	CHARGE	SPECIAL ORDER	LAYAWAY	CREDIT
En		X			

QUAN.	DESCRIPTION	PRICE	AMOUNT
1	KRI RIFLE		799.97
	MCMC SA-85M		
	CAL 7.62 X39	DLOS F22	14.00
	S&W SM07839		
1	MAGAZINE		24.95
1	MAGAZINE TACED		39.95
			578.87
		TAC	-72.51
			951.38
	PA. A. ID		
	FULL		

ALL FIREARM SALES ARE FINAL AT TIME OF SALE.  
ABSOLUTELY NO REFUNDS OR EXCHANGES.  
LAYAWAY MUST BE PICKED UP WITHIN 60 DAYS  
OR MERCHANDISE WILL BE RETURNED TO STOCK.

WHEN A CUSTOMER DECIDES TO CHANGE TO A DIFFERENT  
MODEL OR ORDER IS CANCELLED THERE WILL BE A  
CHARGE OF \$25.00 PLUS ANY NON-REFUNDABLE STATE  
REGISTRATION FEES. ALL FIREARMS ARE CONSIDERED  
USED WHEN TAKEN FROM THE STORE.

SUBTOTAL

TAX

TOTAL

REC'D BY

CUSTOMER COPY

**ALAMEDA COUNTY SHERIFF'S DEPARTMENT  
CONTINUATION REPORT FORM**

-5 (11/90)

CRIME/INCIDENT 245(a)(2) PC	CONT. <input checked="" type="checkbox"/> SUPP. <input checked="" type="checkbox"/> STATEMENT <input type="checkbox"/>	CASE NO.	PAGE
Evidence Report	(V) LEWIS, Mark	95-8554	5 of 6

tem #13: Two ammunition magazines. 7.62 X 39mm, ninety round magazines. These magazines appear to fit the rifle listed in #3. The magazines were empty. They were located inside a brown bag in the closet in the east bedroom.

11 items were handled with gloves, to preserve any evidence that may later e recovered by the laboratory. All items of evidence were packaged and laced into evidence, at ETS, by me.

REPORTING OFFICER	CORPUS #	SECTION	DATE AND TIME
J.K. POWELL	P4069	PATROL	05-20-95 1750



# INSTITUTE OF FORENSIC SCIENCES

2945 Webster Street • Oakland, California 94609 • Phone (510) 451-1060

INSTITUTE NUMBER

151942

## TOXICOLOGY LABORATORY

JAMES E. MEEKER, Ph.D.  
Chief Toxicologist

SHARON H. VAN METER, M.D.  
Director

NAME:

ELDERTS, PAUL H.  
95-8554

SUBMITTED BY:

ALAMEDA CO. SHERIFF  
LIND

SAMPLES RECEIVED: URINE

BY:	DATE:	TIME:	SEALED:	FROM:
LL	05-23-95	12:00	YES	LOCKED BAG

REQUESTS:

AMPHETAMINES

URINE:

METHAMPHETAMINE

0

CHARGES:

12:01 56.12 00N

704 021

DATE

5-25-95

DONE BY:

CHECKED:

077 001 011 0300 100 000

151942



## INSTITUTE OF FORENSIC SCIENCES

2945 Webster Street • Oakland, California 94609 • Phone (510) 451-1060

## TOXICOLOGY LABORATORY

JAMES E. MEEKER, Ph.D.  
Chief ToxicologistSHARON H. VAN METER, M.D.  
Director

## NAME:

ELDERTS, PAUL H.  
95-8554

## SUBMITTED BY:

ALAMEDA CO. SHERIFF  
LIND

SAMPLES RECEIVED: URINE

BY:  
LLDATE:  
5-23-95TIME:  
12:00SEALED:  
YESFROM:  
LOCKED BAG

## REQUESTS:

AMPHETAMINES

\*11-22-95 URINE DRUG SCREEN AND THC REQUESTED  
PER BROSCHE, HDA'S

## URINE:

ETHANOL	0
CALCULATED AS BLOOD	*
METHAMPHETAMINE	0
CANNABINOIDS	0

NO COMMON NARCOTIC ANALGESICS, ANTIHISTAMINES, PHENOTHIAZINES,  
ANTIDEPRESSANTS, STIMULANTS, BARBITURATES OR OTHER ORGANIC BASES ARE  
RECOVERED.

\*ONLY FIRST SPECIMEN SUBMITTED.

ALCOHOL ANALYST  
CATALINA S. GOCHUICO

I certify, under penalty of perjury, under the laws of the State of California, that the attached blood/urine analysis was performed during the regular course of my duties, and is a true and correct copy thereof. I further certify that I am qualified to perform these analyses pursuant to Title 17 of the California Code of Regulations, and that the equipment used in arriving at the results was in proper working order at the time I performed this analysis.

DATE 12-8-95