

1 C. STATEMENT OF THE CASE:

2 The general statement of the case is found in the State's response to the defendant's
3 direct appeal, which was filed with the Court of Appeals at the same time as this Petition
4 (PRP). *See*, Court of Appeals #39368-9-II.

5 To avoid repetition, the State will incorporate its argument from the Brief of
6 Respondent in this Response to the PRP.

7 D. ARGUMENT:

8 1. TRIAL COUNSEL EFFECTIVELY ASSISTED THE
9 DEFENDANT IN EVALUATING THE CASE AND DECIDING
10 WHETHER TO PLEAD GUILTY.

11 In his PRP, the defendant alleges violation of his due process rights, ineffective
12 assistance of counsel, lack of demonstrative evidence, and an erroneous ruling. PRP at 3.
13 These issues are generally briefed in the State's response to the direct appeal.

14 In his opening brief in the direct appeal, the defendant argues that his counsel at the
15 time of the plea was ineffective for failing to investigate the case, specifically to contact
16 alibi witness Seong Kim. App. Br. at 17, 19. He also argues this in his PRP. PRP at 3.

17 Counsel's decision whether or not to call a particular witness, including an alibi
18 witness, is a matter of trial strategy. *State v. Floyd*, 11 Wn. App. 1, 521 P.2d 1187 (1974),
19 *see also In re Personal Restraint of Stenson*, 142 Wn.2d 710, 735-736, 16 P.3d 1 (2001).

20 In determining whether counsel was ineffective, the Court must view counsel's
21 advice regarding a plea in the context of the police reports and discovery. In this case, the
22 defendant gave a taped statement to police. Appendix D. In his statement, the defendant
23 admits that he was driving one of two cars used in the drive-by shooting. His statement
24 makes clear that he knew that they were going to the location for the purpose of shooting at
25 a rival gang member's home. He describes the shooting in detail.

1 The three co-defendants; Ramos-Olivera, Lamas-Olivera, and Aguilar-Mera, all
2 identify the defendant as being present during the shooting. Appendices E, F, and G. They
3 all say that the defendant's role in the criminal act was as the driver of the maroon vehicle
4 from which one of the other participants fired. *Id.* From these statements, it is clear that all
5 the participants, including the defendant, understood that the purpose of their evening
6 excursion was to shoot at a rival gang member's home, and why. *Id.*

7 Defense counsel Mosley discussed the discovery with the defendant at length. *See,*
8 Appendix H. Mr. Mosley considered the defendant's alibi defense. *Id.*, at 2-3. Mr. Mosley
9 did not feel that such a defense was credible in light of the great weight of the evidence
10 that contradicted it. *Id.*, at 3. Mr. Mosley also discussed with the defendant the potentially
11 dire consequences of conviction at trial: up to 886 months in prison. *Id.*, at 2.

12 Based on the information in the record and the additional information outside the
13 record, the defendant cannot overcome the strong presumption of effective assistance of
14 counsel. The defendant cannot show deficient performance by counsel or prejudice.
15 Indeed, counsel ably assisted the defendant to a plea agreement that reduced the charges
16 from 8 counts to two; from up to 886 months in prison to 171.

17 2. DEFENSE DOES NOT DEMONSTRATE THAT COUNSEL
18 HAD A CONFLICT OF INTEREST.

19 In the handwritten section of his PRP, the defendant seems to allege that defense
20 counsel had a conflict of interest. Whether appointed or retained, defense counsel has a
21 duty of loyalty to his client. *See, Strickland v. Washington*, 466 U.S. 668, 692, 104 S.Ct.
22 2052, 2067, 80 L.Ed.2d 674 (1984). *See also*, RPC 1.7.

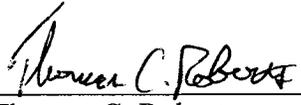
23 As required by the Sixth Amendment to the United States Constitution, counsel
24 was appointed to represent the defendant, because he could not afford an attorney. The
25 defendant has made no specific allegations, nor demonstrated how he was denied his
constitutional rights, or that his attorney had a conflict of interest.

1 E. CONCLUSION.

2 For the reasons argued above, and in the Brief of Respondent, the State respectfully
3 requests that the Petition be dismissed and the judgment affirmed.

4 DATED: April 20, 2010.

5 MARK LINDQUIST
6 Pierce County
7 Prosecuting Attorney

8 
9 Thomas C. Roberts
10 Deputy Prosecuting Attorney
11 WSB #17442

12 Certificate of Service:

13 The undersigned certifies that on this day she delivered by U.S. mail
14 to petitioner true and correct copies of the document to which this certificate
15 is attached. This statement is certified to be true and correct under
16 penalty of perjury of the laws of the State of Washington.
17 Signed at Tacoma, Washington, on the date below.

18 4/20/10 Thomas Kar
19 Date Signature

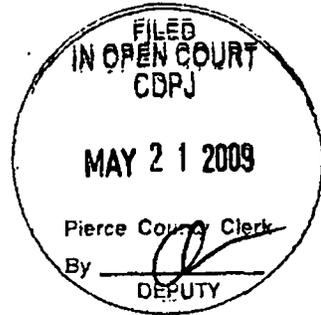
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APPENDIX “A”

Judgment and Sentence



07-1-05633-7 32114402 JDSWCD 05-22-09



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO: 07-1-05633-7

vs.

MARTIN ALEJANDRO GOMEZ-VILLA,

Defendant.

WARRANT OF COMMITMENT

- 1) County Jail
- 2) Dept. of Corrections
- 3) Other Custody

THE STATE OF WASHINGTON TO THE DIRECTOR OF ADULT DETENTION OF PIERCE COUNTY:

WHEREAS, Judgment has been pronounced against the defendant in the Superior Court of the State of Washington for the County of Pierce, that the defendant be punished as specified in the Judgment and Sentence/Order Modifying/Revoking Probation/Community Supervision, a full and correct copy of which is attached hereto.

[] 1. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Pierce County Jail).

X] 2. YOU, THE DIRECTOR, ARE COMMANDED to take and deliver the defendant to the proper officers of the Department of Corrections, and

YOU, THE PROPER OFFICERS OF THE DEPARTMENT OF CORRECTIONS, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement in Department of Corrections custody).

[] 3. YOU, THE DIRECTOR, ARE COMMANDED to receive the defendant for classification, confinement and placement as ordered in the Judgment and Sentence. (Sentence of confinement or placement not covered by Sections 1 and 2 above).

Dated: ~~4.10.08~~ 5/21/09

By direction of the Honorable

[Signature]

JUDGE

CLERK

By: _____
DEPUTY CLERK

CERTIFIED COPY DELIVERED TO SHERIFF

Date _____ By _____ Deputy

STATE OF WASHINGTON

ss:

County of Pierce

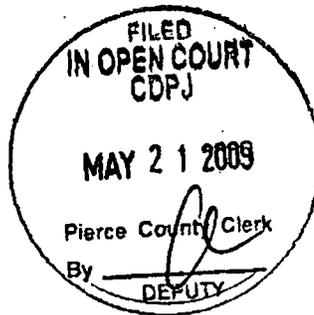
I, Kevin Stock, Clerk of the above entitled Court, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.

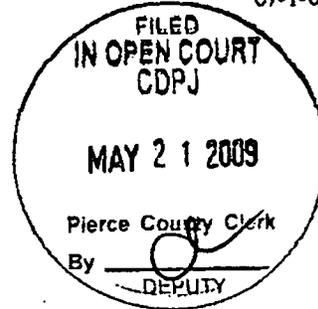
IN WITNESS WHEREOF, I hereunto set my hand and the Seal of Said Court this _____ day of _____.

KEVIN STOCK, Clerk

By: _____ Deputy

ams





SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 07-1-05633-7

vs.

MARTIN ALEJANDRO GOMEZ-VILLA

Defendant.

JUDGMENT AND SENTENCE (FJS)

- Prison [] RCW 9.94A.712 Prison Confinement
- [] Jail One Year or Less
- [] First-Time Offender
- [] Special Sexual Offender Sentencing Alternative
- [] Special Drug Offender Sentencing Alternative
- [] Breaking The Cycle (BTC)
- [] Clerk's Action Required, para 4.5 (SDOSA), 4.7 and 4.8 (SSOSA) 4.15.2, 5.3, 5.6 and 5.8

SID: WA24212844
DOB: 11/18/87

I HEARING

- 1.1 A sentencing hearing was held and the defendant, the defendant's lawyer and the (deputy) prosecuting attorney were present.

II FINDINGS

There being no reason why judgment should not be pronounced, the court FINDS:

- 2.1 CURRENT OFFENSE(S): The defendant was found guilty on 10/23/08 by [X] plea [] jury-verdict [] bench trial of:

COUNT	CRIME	RCW	ENHANCEMENT TYPE*	DATE OF CRIME	INCIDENT NO.
I	ASSAULT IN THE FIRST DEGREE (E23)	9A.36.011(1)(a) 9.41.010 9.94A.310/9.94A.510 9.94A.370/9.94A.530	FASE	10/21/07	07-294-1273 TPD
V	DRIVE-BY SHOOTING (E14A)	9A.36.05(1)	NONE	10/21/07	07-294-1273 TPD

* (F) Firearm, (D) Other deadly weapons, (V) VUCSA in a protected zone, (VH) Veh. Horn, See RCW 46.61.520, (JP) Juvenile present, (SM) Sexual Motivation, (SCF) Sexual Conduct with a Child for a Fee. See RCW 9.94A.533(8). (If the crime is a drug offense, include the type of drug in the second column.)

09-9-00478-5

as charged in the Amended Information

- Current offenses encompassing the same criminal conduct and counting as one crime in determining the offender score are (RCW 9.94A.589):
- Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number):

2.2 CRIMINAL HISTORY (RCW 9.94A.525):

	CRIME	DATE OF SENTENCE	SENTENCING COURT (County & State)	DATE OF CRIME	A or J ADULT JUV	TYPE OF CRIME
1	ASSAULT 1	CURRENT	PIERCE CO, WA	10/21/07	ADULT	SV
2	DRIVE-BY	CURRENT	PIERCE CO, WA	10/21/07	ADULT	V

- The court finds that the following prior convictions are one offense for purposes of determining the offender score (RCW 9.94A.525):

2.3 SENTENCING DATA:

COUNT NO.	OFFENDER SCORE	SERIOUSNESS LEVEL	STANDARD RANGE (not including enhancement)	PLUS ENHANCEMENTS	TOTAL STANDARD RANGE (including enhancement)	MAXIMUM TERM
I	2	XII	111-147 MOS	60 MOS - FASE	171-207 MOS	LIFE
V	2	VII	26-34 MOS	NONE	26-34 MOS	10 YRS \$20,000

- 2.4 EXCEPTIONAL SENTENCE. Substantial and compelling reasons exist which justify an exceptional sentence:
- within below the standard range for Count(s) _____.
 - above the standard range for Count(s) _____.
 - The defendant and state stipulate that justice is best served by imposition of the exceptional sentence above the standard range and the court finds the exceptional sentence furthers and is consistent with the interests of justice and the purposes of the sentencing reform act.
 - Aggravating factors were stipulated by the defendant, found by the court after the defendant waived jury trial, found by jury by special interrogatory.
- Findings of fact and conclusions of law are attached in Appendix 2.4. Jury's special interrogatory is attached. The Prosecuting Attorney did did not recommend a similar sentence.

2.5 ABILITY TO PAY LEGAL FINANCIAL OBLIGATIONS. The court has considered the total amount owing, the defend's past, present and future ability to pay legal financial obligations, including the defendant's financial resources and the likelihood that the defendant's status will change. The court finds that the defendant has the ability or likely future ability to pay the legal financial obligations imposed herein. RCW 9.94A.753.

- The following extraordinary circumstances exist that make restitution inappropriate (RCW 9.94A.753):
-

- The following extraordinary circumstances exist that make payment of nonmandatory legal financial obligations inappropriate:
-

2.6 For violent offenses, most serious offenses, or armed offenders recommended sentencing agreements or plea agreements are attached as follows:

III. JUDGMENT

3.1 The defendant is GUILTY of the Courts and Charges listed in Paragraph 2.1.

3.2 The court DISMISSES Counts _____ The defendant is found NOT GUILTY of Counts _____

IV. SENTENCE AND ORDER

IT IS ORDERED:

4.1 Defendant shall pay to the Clerk of this Court: (Pierce County Clerk, 930 Tacoma Ave #110, Tacoma WA 98402)

JASS CODE (L00) Octavio Rojas Medida (#1,700.95)
RTN/RJN \$ 4,366.02 Restitution to: Christopher Nott (#500.00)
\$ Restitution to: American Security Ins. Co. (#2,145.07)
(Name and Address--address may be withheld and provided confidentially to Clerk's Office).

PCV \$ 500.00 Crime Victim assessment.

DNA \$ 100.00 DNA Database Fee

PUB \$ 1,500.00 Court-Appointed Attorney Fees and Defense Costs

FRC \$ 200.00 Criminal Filing Fee

FCM \$ Fine

OTHER LEGAL FINANCIAL OBLIGATIONS (specify below)

\$ Other Costs for: _____

\$ Other Costs for: _____

\$ 2,300.00 TOTAL

The above total does not include all restitution which may be set by later order of the court. An agreed restitution order may be entered. RCW 9.94A.753. A restitution hearing:

shall be set by the prosecutor.

is scheduled for 7-22-09 JM CD1 at 9:00 a.m.

RESTITUTION. Order Attached

Restitution ordered above shall be paid jointly and severally with:

	NAME of other defendant	CAUSE NUMBER	(Victim name)	(Amount-\$)
RJN	JONATHAN AGULAR MERA	07-1-05632-9		
	JORGE LAMAS OLIVERA	07-1-05634-5		
	OSCAR RAMOS OLIVERA	07-1-05635-3		

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[] The Department of Corrections (DOC) or clerk of the court shall immediately issue a Notice of Payroll Deduction. RCW 9.94A.7602, RCW 9.94A.760(8).

[X] All payments shall be made in accordance with the policies of the clerk, commencing immediately, unless the court specifically sets forth the rate herein: Not less than \$ _____ per month commencing _____ RCW 9.94.760. If the court does not set the rate herein, the defendant shall report to the clerk's office within 24 hours of the entry of the judgment and sentence to set up a payment plan.

The defendant shall report to the clerk of the court or as directed by the clerk of the court to provide financial and other information as requested. RCW 9.94A.760(7)(b)

[] COSTS OF INCARCERATION. In addition to other costs imposed herein, the court finds that the defendant has or is likely to have the means to pay the costs of incarceration, and the defendant is ordered to pay such costs at the statutory rate. RCW 10.01.160.

COLLECTION COSTS The defendant shall pay the costs of services to collect unpaid legal financial obligations per contract or statute. RCW 36.18.190, 9.94A.780 and 19.16.500.

INTEREST The financial obligations imposed in this judgment shall bear interest from the date of the judgment until payment in full, at the rate applicable to civil judgments. RCW 10.82.090

COSTS ON APPEAL An award of costs on appeal against the defendant may be added to the total legal financial obligations. RCW. 10.73.160.

4.1b ELECTRONIC MONITORING REIMBURSEMENT. The defendant is ordered to reimburse _____ (name of electronic monitoring agency) at _____ for the cost of pretrial electronic monitoring in the amount of \$ _____.

4.2 [X] DNA TESTING. The defendant shall have a blood/biological sample drawn for purposes of DNA identification analysis and the defendant shall fully cooperate in the testing. The appropriate agency, the county or DOC, shall be responsible for obtaining the sample prior to the defendant's release from confinement. RCW 43.43.754.

[] HIV TESTING. The Health Department or designee shall test and counsel the defendant for HIV as soon as possible and the defendant shall fully cooperate in the testing. RCW 70.24.340.

4.3 NO CONTACT *S. Castellano; C. Nett*
The defendant shall not have contact with *L. Davis; R. Medeiros* (name, DOB) including, but not limited to, personal, verbal, telephonic, written or contact through a third party for _____ years (not to exceed the maximum statutory sentence).

[] Domestic Violence No-Contact Order, Antiharassment No-Contact Order, or Sexual Assault Protection Order is filed with this Judgment and Sentence.

4.4 OTHER:

4.4a BOND IS HEREBY EXONERATED

4.5 CONFINEMENT OVER ONE YEAR The defendant is sentenced as follows:

(a) CONFINEMENT. RCW 9.94A.589. Defendant is sentenced to the following term of total confinement in the custody of the Department of Corrections (DOC):

000 111 months on Count I

34 months on Count V

 months on Count

A special finding/verdict having been entered as indicated in Section 2.1, the defendant is sentenced to the following additional term of total confinement in the custody of the Department of Corrections:

60 months on Count No I

 months on Count No

 months on Count No

Sentence enhancements in Counts I shall run
[] concurrent [X] consecutive to each other. *to underlie Counts.*
Sentence enhancements in Counts I shall be served
[X] flat time [] subject to earned good time credit

Actual number of months of total confinement ordered is: 171 months

(Add mandatory firearm, deadly weapons, and sexual motivation enhancement time to run consecutively to other counts, see Section 2.3, Sentencing Data, above).

[] The confinement time on Count(s) contain(s) a mandatory minimum term of .

CONSECUTIVE/CONCURRENT SENTENCES. RCW 9.94A.589. All counts shall be served concurrently, except for the portion of those counts for which there is a special finding of a firearm, other deadly weapon, sexual motivation, VUCSA in a protected zone, or manufacture of methamphetamine with juvenile present as set forth above at Section 2.3, and except for the following counts which shall be served consecutively:

The sentence herein shall run consecutively to all felony sentences in other cause numbers imposed prior to the commission of the crime(s) being sentenced. The sentence herein shall run concurrently with felony sentences in other cause numbers imposed after the commission of the crime(s) being sentenced except for the following cause numbers. RCW 9.94A.589:

Confinement shall commence immediately unless otherwise set forth here:

(c) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause number. RCW 9.94A.505. The time served shall be computed by the jail unless the credit for time served prior to sentencing is specifically set forth by the court: 567 days

4.6 [] COMMUNITY PLACEMENT (pre 7/1/00 offenses) is ordered as follows:

Count I for _____ months;

Count V for _____ months;

Count _____ for _____ months;

COMMUNITY CUSTODY is ordered as follows:

Count I for a range from: 24 to 48 Months;

Count V for a range from: 18 to 36 Months;

Count _____ for a range from: _____ to _____ Months;

or for the period of earned release awarded pursuant to RCW 9.94A.728(1) and (2), whichever is longer, and standard mandatory conditions are ordered. [See RCW 9.94A.700 and .705 for community placement offenses which include serious violent offenses, second degree assault, any crime against a person with a deadly weapon finding and chapter 69.50 or 69.52 RCW offense not sentenced under RCW 9.94A.660 committed before July 1, 2000. See RCW 9.94A.715 for community custody range offenses, which include sex offenses not sentenced under RCW 9.94A.712 and violent offenses committed on or after July 1, 2000. Community custody follows a term for a sex offense -- RCW 9.94A. Use paragraph 4.7 to impose community custody following work ethic camp.]

On or after July 1, 2003, DOC shall supervise the defendant if DOC classifies the defendant in the A or B risk categories, or, DOC classifies the defendant in the C or D risk categories and at least one of the following apply:

a) the defendant committed a current or prior:		
i) Sex offense	ii) Violent offense	iii) Crime against a person (RCW 9.94A.411)
iv) Domestic violence offense (RCW 10.99.020)		v) Residential burglary offense
vi) Offense for manufacture, delivery or possession with intent to deliver methamphetamine including its salts, isomers, and salts of isomers,		
vii) Offense for delivery of a controlled substance to a minor, or attempt, solicitation or conspiracy (vi, vii)		
b) the conditions of community placement or community custody include chemical dependency treatment.		
c) the defendant is subject to supervision under the interstate compact agreement, RCW 9.94A.745.		

While on community placement or community custody, the defendant shall: (1) report to and be available for contact with the assigned community corrections officer as directed; (2) work at DOC-approved education, employment and/or community restitution (service); (3) notify DOC of any change in defendant's address or employment; (4) not consume controlled substances except pursuant to lawfully issued prescriptions; (5) not unlawfully possess controlled substances while in community custody; (6) pay supervision fees as determined by DOC; (7) perform affirmative acts necessary to monitor compliance with the orders of the court as required by DOC, and (8) for sex offenses, submit to electronic monitoring if imposed by DOC. The residence location and living arrangements are subject to the prior approval of DOC while in community placement or community custody. Community custody for sex offenders not sentenced under RCW 9.94A.712 may be extended for up to the statutory maximum term of the sentence. Violation of community custody imposed for a sex offense may result in additional confinement.

The defendant shall not consume any alcohol.

Defendant shall have no contact with: See paragraph 4.3

Defendant shall remain within [] outside of a specified geographical boundary, to wit Per CCW.

[] Defendant shall not reside in a community protection zone (within 880 feet of the facilities or grounds of a public or private school). (RCW 9.94A.030(8))

The defendant shall participate in the following crime-related treatment or counseling services: Per CCW.

[] The defendant shall undergo an evaluation for treatment for [] domestic violence [] substance abuse [] mental health [] anger management and fully comply with all recommended treatment.

The defendant shall comply with the following crime-related prohibitions: See Appendix F.

Other conditions may be imposed by the court or DOC during community custody, or are set forth here:

[] For sentences imposed under RCW 9.94A.712, other conditions, including electronic monitoring, may be imposed during community custody by the Indeterminate Sentence Review Board, or in an emergency by DOC. Emergency conditions imposed by DOC shall not remain in effect longer than seven working days

PROVIDED: That under no circumstances shall the total term of confinement plus the term of community custody actually served exceed the statutory maximum for each offense

4.7 [] WORK ETHIC CAMP RCW 9.94A.690, RCW 72.09.410. The court finds that the defendant is eligible and is likely to qualify for work ethic camp and the court recommends that the defendant serve the sentence at a work ethic camp. Upon completion of work ethic camp, the defendant shall be released on community custody for any remaining time of total confinement, subject to the conditions below. Violation of the conditions of community custody may result in a return to total confinement for the balance of the defendant's remaining time of total confinement. The conditions of community custody are stated above in Section 4.6.

4.8 OFF LIMITS ORDER (known drug trafficker) RCW 10.66.020. The following areas are off limits to the defendant while under the supervision of the County Jail or Department of Corrections:

V. NOTICES AND SIGNATURES

5.1 COLLATERAL ATTACK ON JUDGMENT. Any petition or motion for collateral attack on this Judgment and Sentence, including but not limited to any personal restraint petition, state habeas corpus petition, motion to vacate judgment, motion to withdraw guilty plea, motion for new trial or motion to arrest judgment, must be filed within one year of the final judgment in this matter, except as provided for in RCW 10.73.100 RCW 10.73.090.

5.2 LENGTH OF SUPERVISION. For an offense committed prior to July 1, 2000, the defendant shall remain under the court's jurisdiction and the supervision of the Department of Corrections for a period up to 10 years from the date of sentence or release from confinement, whichever is longer, to assure payment of all legal financial obligations unless the court extends the criminal judgment an additional 10 years. For an offense committed on or after July 1, 2000, the court shall retain jurisdiction over the offender, for the

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purpose of the offender's compliance with payment of the legal financial obligations, until the obligation is completely satisfied, regardless of the statutory maximum for the crime. RCW 9.94A.760 and RCW 9.94A.505. The clerk of the court is authorized to collect unpaid legal financial obligations at any time the offender remains under the jurisdiction of the court for purposes of his or her legal financial obligations. RCW 9.94A.760(4) and RCW 9.94A.753(4).

5.3 NOTICE OF INCOME-WITHHOLDING ACTION. If the court has not ordered an immediate notice of payroll deduction in Section 4.1, you are notified that the Department of Corrections or the clerk of the court may issue a notice of payroll deduction without notice to you if you are more than 30 days past due in monthly payments in an amount equal to or greater than the amount payable for one month. RCW 9.94A.760Z. Other income-withholding action under RCW 9.94A may be taken without further notice. RCW 9.94A.760 may be taken without further notice. RCW 9.94A.7606.

5.4 RESTITUTION HEARING.
[] Defendant waives any right to be present at any restitution hearing (sign initials): _____

5.5 CRIMINAL ENFORCEMENT AND CIVIL COLLECTION. Any violation of this Judgment and Sentence is punishable by up to 60 days of confinement per violation. Per section 2.5 of this document, legal financial obligations are collectible by civil means. RCW 9.94A.634.

5.6 FIREARMS. You must immediately surrender any concealed pistol license and you may not own, use or possess any firearm unless your right to do so is restored by a court of record. (The court clerk shall forward a copy of the defendant's driver's license, identicard, or comparable identification to the Department of Licensing along with the date of conviction or commitment.) RCW 9.41.040, 9.41.047.

5.7 SEX AND KIDNAPPING OFFENDER REGISTRATION. RCW 9A.44.130, 10.01.200.

N/A

5.8 The court finds that Count I, V is a felony in the commission of which a motor vehicle was used. The clerk of the court is directed to immediately forward an Abstract of Court Record to the Department of Licensing, which must revoke the defendant's driver's license. RCW 46.20.285.

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5.9 If the defendant is or becomes subject to court-ordered mental health or chemical dependency treatment, the defendant must notify DOC and the defendant's treatment information must be shared with DOC for the duration of the defendant's incarceration and supervision. RCW 9.94A.562.

5.10 OTHER: per CCO

DONE in Open Court and in the presence of the defendant this date: ~~5/18/09~~ 5/21/09

JUDGE

Print name

[Signature]
Susan K. Serke

[Signature]
Deputy Prosecuting Attorney

Print name: GREGORY L. GREER
WSB # 22936

Attorney for Defendant

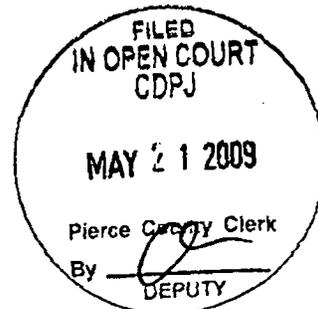
Print name: K. de Mester
WSB # 2683 6831

Defendant

Print name: Marth Alejandro Gomez-Villa

VOTING RIGHTS STATEMENT: RCW 10.64.140. I acknowledge that my right to vote has been lost due to felony convictions. If I am registered to vote, my voter registration will be cancelled. My right to vote may be restored by: a) A certificate of discharge issued by the sentencing court, RCW 9.94A.637; b) A court order issued by the sentencing court restoring the right, RCW 9.92.066; c) A final order of discharge issued by the indeterminate sentence review board, RCW 9.96.050; or d) A certificate of restoration issued by the governor, RCW 9.96.020. Voting before the right is restored is a class C felony, RCW 92A.84.660.

Defendant's signature: Gomez-Villa



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CERTIFICATE OF CLERK

CAUSE NUMBER of this case: 07-1-05633-7

I, KEVIN STOCK Clerk of this Court, certify that the foregoing is a full, true and correct copy of the Judgment and Sentence in the above-entitled action now on record in this office.

WITNESS my hand and seal of the said Superior Court affixed this date: _____

Clerk of said County and State, by: _____, Deputy Clerk

IDENTIFICATION OF COURT REPORTER

Carrie Aebangs
Court Reporter

APPENDIX "F"

The defendant having been sentenced to the Department of Corrections for a:

- sex offense
- serious violent offense
- assault in the second degree
- any crime where the defendant or an accomplice was armed with a deadly weapon
- any felony under 69.50 and 69.52

The offender shall report to and be available for contact with the assigned community corrections officer as directed:

The offender shall work at Department of Corrections approved education, employment, and/or community service;

The offender shall not consume controlled substances except pursuant to lawfully issued prescriptions;

An offender in community custody shall not unlawfully possess controlled substances;

The offender shall pay community placement fees as determined by DOC:

The residence location and living arrangements are subject to the prior approval of the department of corrections during the period of community placement.

The offender shall submit to affirmative acts necessary to monitor compliance with court orders as required by DOC.

The Court may also order any of the following special conditions:

- (I) The offender shall remain within, or outside of, a specified geographical boundary: Per CCW

- (II) The offender shall not have direct or indirect contact with the victim of the crime or a specified class of individuals: See Appendix F paragraph 4.3

- (III) The offender shall participate in crime-related treatment or counseling services. Per CCW
- (IV) The offender shall not consume alcohol; _____
- (V) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections, or _____
- (VI) The offender shall comply with any crime-related prohibitions.
- (VII) Other: _____

IDENTIFICATION OF DEFENDANT

SID No. WA24212844 Date of Birth 11/18/87
(If no SID take fingerprint card for State Patrol)

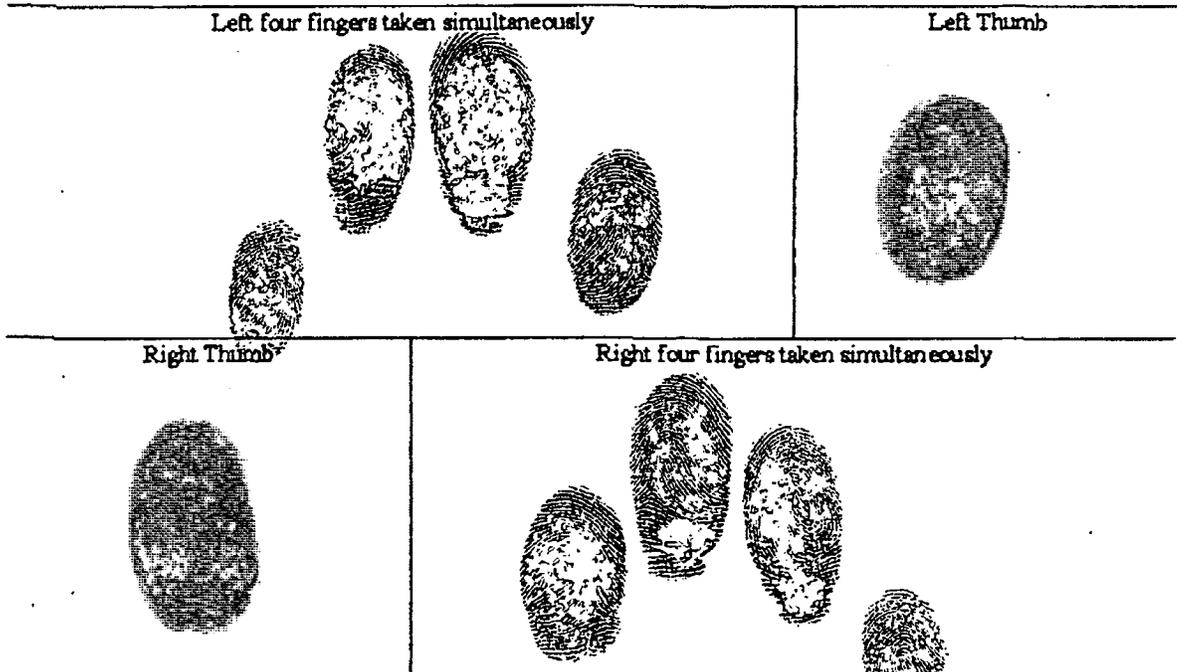
FBI No. 40378VC5 Local ID No. UNKNOWN

PCN No. 539281020 Other

Alias name, SSN, DOB: _____

Race:	<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Black/African-American	<input checked="" type="checkbox"/> Caucasian	Ethnicity:	<input type="checkbox"/> Hispanic	Sex:	<input checked="" type="checkbox"/> Male
	<input type="checkbox"/> Native American	<input type="checkbox"/> Other: :			<input type="checkbox"/> Non-Hispanic		<input type="checkbox"/> Female

FINGERPRINTS



I attest that I saw the same defendant who appeared in court on this document affix his or her fingerprints and signature thereto. Clerk of the Court, Deputy Clerk, C. August Dated: 5/21/09

DEFENDANT'S SIGNATURE: Gomez - Vith

DEFENDANT'S ADDRESS: _____

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that the document
SerialID: 1D811355-F20D-AA3E-5D41AAAD9C286775 containing 14 pages
plus this sheet, is a true and correct copy of the original that is of record in my
office and that this image of the original has been transmitted pursuant to
statutory authority under RCW 5.52.050. In Testimony whereof, I have
electronically certified and attached the Seal of said Court on this date.



Kevin Stock, Pierce County Clerk

By /S/Chris Hutton, Deputy.

Dated: Apr 20, 2010 4:15 PM

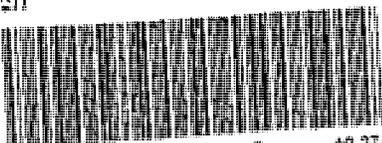


Instructions to recipient: If you wish to verify the authenticity of the certified document that was transmitted electronically by the Court, sign on to: <https://www.co.pierce.wa.us/cfapps/secure/linx/courtfilling/certifieddocumentview.cfm>, enter **SerialID: 1D811355-F20D-AA3E-5D41AAAD9C286775**. The copy associated with this number will be displayed by the Court.

APPENDIX “B”

Amended Information

Case Number: 07-1-05633-7 Date: April 20, 2010
SerialID: 1D81147E-F20D-AA3E-59468789C5FC4F8F
Digitally Certified By: Kevin Stock Pierce County Clerk, Washington



07-1-05633-7 30793743 AMINF 10-27-09



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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 07-1-05633-7

vs.

MARTIN ALEJANDRO GOMEZ-VILLA,

AMENDED INFORMATION

OCT 24 2008

Defendant.

DOB: 11/18/1987 SEX : MALE RACE: WHITE
PCN#: 539281020 SID#: 24212844 DOL#: UNKNOWN

COUNT I

I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MARTIN ALEJANDRO GOMEZ-VILLA of the crime of ASSAULT IN THE FIRST DEGREE, committed as follows:

That MARTIN ALEJANDRO GOMEZ-VILLA, in the State of Washington, on or about the 21st day of October, 2007, did unlawfully and feloniously, with intent to inflict great bodily harm, intentionally assault S. Castellano and/or C. Neff and/or L. Davis and/or R. Mederos with a firearm or deadly weapon or by any force or means likely to produce great bodily harm or death, contrary to RCW 9A.36.011(1)(a), and in the commission thereof the defendant, or an accomplice, was armed with a firearm, to-wit: a handgun and/or a rifle, that being a firearm as defined in RCW 9.41.010, and invoking the provisions of RCW 9.94A.310/9.94A.510, and adding additional time to the presumptive sentence as provided in RCW 9.94A.370/9.94A.530, and against the peace and dignity of the State of Washington.

COUNT V

And I, GERALD A. HORNE, Prosecuting Attorney for Pierce County, in the name and by the authority of the State of Washington, do accuse MARTIN ALEJANDRO GOMEZ-VILLA of the crime of DRIVE-BY SHOOTING, a crime of the same or similar character, and/or a crime based on the same conduct or on a series of acts connected together or constituting parts of a single scheme or plan, and/or

AMENDED INFORMATION- 1

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

1 so closely connected in respect to time, place and occasion that it would be difficult to separate proof of
2 one charge from proof of the others, committed as follows:

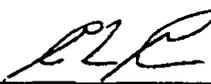
3 That MARTIN ALEJANDRO GOMEZ-VILLA, in the State of Washington, on or about the 21st
4 day of October, 2007, did unlawfully, feloniously, and recklessly discharge a firearm, thereby creating a
5 substantial risk of death or serious physical injury to S. Castellano and/or C. Neff and/or L. Davis and/or
6 R. Mederos, a human being, and the firearm was discharged from a motor vehicle or from the immediate
7 area of a motor vehicle that was used to transport the defendant, an accomplice or the firearm to the scene
8 of the discharge, contrary to RCW 9A.36.045(1), and against the peace and dignity of the State of
9 Washington.

DATED this 23rd day of October, 2008.

TACOMA POLICE DEPARTMENT
WA02703

GERALD A. HORNE
Pierce County Prosecuting Attorney

ams

By: 
GREGORY L GREER
Deputy Prosecuting Attorney
WSB#: 22936

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that the document
SerialID: 1D81147E-F20D-AA3E-59468789C5FC4F8F containing 2 pages plus
this sheet, is a true and correct copy of the original that is of record in my office
and that this image of the original has been transmitted pursuant to statutory
authority under RCW 5.52.050. In Testimony whereof, I have electronically
certified and attached the Seal of said Court on this date.



Kevin Stock, Pierce County Clerk

By /S/Chris Hutton, Deputy.

Dated: Apr 20, 2010 4:15 PM



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document that was transmitted electronically by the Court, sign on to: [https://
www.co.pierce.wa.us/cfapps/secure/linx/courtfilling/certifieddocumentview.cfm](https://www.co.pierce.wa.us/cfapps/secure/linx/courtfilling/certifieddocumentview.cfm),
enter **SerialID: 1D81147E-F20D-AA3E-59468789C5FC4F8F**.

The copy associated with this number will be displayed by the Court.

APPENDIX “C”

Declaration of Probable Cause

November 02 2007 10:13 AM

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

KEVIN STOCK
COUNTY CLERK

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 07-1-05633-7

vs.

MARTIN ALEJANDRO GOMEZ-VILLA,

DECLARATION FOR DETERMINATION OF
PROBABLE CAUSE

Defendant.

PHILIP K. SORENSEN, declares under penalty of perjury:

That I am a deputy prosecuting attorney for Pierce County and I am familiar with the police report and/or investigation conducted by the TACOMA POLICE DEPARTMENT, incident number 072941273;

That the police report, the oral reports of Detectives John Bair and Terry Krause and/or investigation provided me the following information;

That in Pierce County, Washington, on or about the 21st day of October, 2007, the defendants, JONATHAN OSWALDO AGUILAR MERA, MARTIN ALEJANDRO GOMEZ-VILLA, JORGE ANGEL LAMAS OLIVERA and OSCAR RAMOS OLIVERA, did commit the crimes of assault in the first degree and drive by shooting while being unlawfully armed with firearms.

On the above date at 2306 hours Tacoma Police responded to several residences in the 3500 block of East Howe Street regarding a shooting. When officers arrived and during the course of the investigation they spoke with victim S.Castellano who reported that a bullet struck and penetrated the front door of her house. Officers observed that a fresh bullet struck to Castellano's front door. Officers walked to a neighbor house and spoke with victim C.Neff. Neff told police that his house had also been shot during this event. Officers noted several bullet strikes that penetrated the Neff residence. Officer moved a third residence, that of victim L.Davis. Davis told police he heard the shooting. Police located bullet damage to her house. On the same block police moved to the Mederos residence that appeared to be the target of the shooting. Police noted that a vehicle associated with the Mederos house that was parked in front of the residence had been shot.

Police commenced an investigation and determined that .22 caliber ammunition recovered at the above shooting scene was ballistically linked to shell casings recovered at several recent nearby shooting scenes. The course of that investigation created probable cause for search warrants that were served at, among other places, the residence of OSCAR RAMOS OLIVARA. While serving that warrant RAMOS OLIVARA arrived. Police arrested RAMOS OLIVARA. RAMOS OLIVARA told police that RAMOS OLIVARA, AGUILAR MERA and GOMEZ VILLA were at the above location in suspect vehicles for the purpose of conducting the above shooting. RAMOS OLIVARA claimed to be a driver, but other suspects later interviewed, identified RAMOS OLIVARA as a shooter.

Police then prepared search warrants for AGUILAR MERA and GOMEZ VILLA'S residences. Police served those search warrants. AGUILAR MERA was stopped by police leaving his house in a

DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -1

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

1 suspect vehicle. GOMEZ VILLA arrived at his own residence while police were present. LAMAS
2 OLIVARA was present at GOMEZ VILLA'S residence.

3 AGUILAR MERA told police that he was present, as a driver, for the above shooting and aware
4 of the purpose of the shooting.

5 GOMEZ VILLA told police that he present, as a driver, for the above shooting and aware of the
6 purpose of the shooting.

7 LAMAS OLIVARA also told police that he was present for the shooting and was a shooter.

8 From GOMEZ VILLA'S residence officers recovered a handgun and several .22 caliber live
9 rounds and casings.

10 From RAMOS OLIVERA'S residence officers recovered a shotgun and ammunition rounds and a
11 magazine for a handgun.

12 From AGUILAR MERA'S vehicle officers recovered a .357 handgun.

13 A criminal history check is pending. Additional charges related to gun possession and additional
14 counts related to individual victims may be added as the investigation concludes and the criminal history
15 situation clarifies itself.

16 The above charged defendants all claimed affiliation with the Varro Surenos Lokotes (VLS) gang
17 set and were acting on out of loyalty to the gang.

18 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF
19 WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

20 DATED: November 2, 2007
21 PLACE: TACOMA, WA

22 /s/ PHILIP K. SORENSEN
23 PHILIP K. SORENSEN, WSB# 16441

24 DECLARATION FOR DETERMINATION
OF PROBABLE CAUSE -2

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, WA 98402-2171
Main Office (253) 798-7400

State of Washington, County of Pierce ss: I, Kevin Stock, Clerk of the
aforementioned court do hereby certify that the document
SerialID: 1D811632-F20F-6452-DC9FD9529CDE67C0 containing 2 pages plus
this sheet, is a true and correct copy of the original that is of record in my office
and that this image of the original has been transmitted pursuant to statutory
authority under RCW 5.52.050. In Testimony whereof, I have electronically
certified and attached the Seal of said Court on this date.



Kevin Stock, Pierce County Clerk

By /S/Chris Hutton, Deputy.

Dated: Apr 20, 2010 4:15 PM



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APPENDIX “D”

Defendant Interview

07-05632-9
 Original Supp.

PDA:	Homeland Security:	Subject:	Gomez-Villa Interview	Incident No. 072941273.22
IBR Disposition:	Arrest	Case Management Disposition:		
Forensics:		Reporting By/Date:	T50370 - Krause, Terry 11/6/2007 4:00:00 PM	
Case Report Status:	Approved	Reviewed By/Date:	T52130 - Cerum, Jewell 11/7/2007 10:58 PM	

Related Cases:

Case Report Number Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
ASR - Advisement/Statement of Rights (all languages)		1

OFFICIAL USE
 INFORMATION RESTRICTED TO CRIMINAL JUSTICE AGENCIES. SECONDARY RELEASE IS RESTRICTED PURSUANT TO RCW 42.56 & RCW 10.97. PREPARED BY L.E.S.A.#
 DATE PREPARED

Location Address:	3601 E J St	Location Name:	
City, State, Zip:	Tacoma, WA	Cross Street:	
Contact Location:		City, State, Zip:	
CB/Grid/RD:	464 - Tacoma	District/Sector:	TA41 - Tacoma
Occurred From:	11/1/2007 5:30:00 AM Thursday	Occurred To:	
Notes:			

Offense Details: 5213 - Weapon - Firing Weapon/Drive-by

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	SO	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:	Operating/Promoting/Assisting			Tools:			
Location Type:	Street/Right of Way	Type of Security:		Evidence Collected:	Shell Casing		
Total No. of Units Entered:		Entry Method:		Notes:			

Offense Details: 2999 - Destruction / Damage / Vandalism of Property

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	PR	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:	Single Family Residence			Tools:			
Location Type:		Type of Security:		Evidence Collected:	Shell Casing		
Total No. of Units Entered:		Entry Method:		Notes:			

Call Source:	Dispatched	Assisted By:					
Phone Report:		Notified:					
Insurance Letter:		Entered By:	T50370 - Krause, Terry				
Entered On:	11/6/2007 4:00:09 PM	Approved By:	E34159 - Hamilton, Judi				
Approved On:	11/7/2007 1:44:12 PM	Exceptional Clearance:					
Adult/ Juvenile Clearance:		Exceptional Clearance Date:					
Additional Distribution:		Other Distribution:					
Validation Processing	Distribution Date:	By: NO	County Pros. Atty.	Juvenile	Other	CPS	Supervisor:
	Indexed Date:	By:	City Pros. Atty.	Military	DSHS	PreTrial	

For Law Enforcement Use Only - No Secondary Dissemination Allowed

Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: November 7, 2007 - 1:44 PM

Printed By: Hamilton, Judi

147

Notes:

Weapon 1: Firearm, Unk. Type

Offense:	5213 - Weapon - Firing Weapon/Drive-by	Serial No:	
Offender:		OAN:	
Weapon:	Firearm, Unk. Type	Automatic:	
Other Weapon:		Caliber:	.22
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 53/1:1311 - Recording - Interview / Statement

Other Common Item:		Photographed:	
Description:	Microcassette	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	
Field Test Results:		OAN:	
Property Disposition:	Booked into Property	Insurance Company:	
Disposition Location:	Tacoma Police	Policy No:	
Vehicle Information:			
License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Driveable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	
Special Features:		Hold Requested By:	
Drug Information:			
Drug Type:		Drug Measure:	
Drug Quantity:		Drug Measure Type:	
Jewelry Information:			
Metal Color:		Total # of Stones:	
Metal Type:		Inscription:	
Stone Color:		Generally Worn By:	
Firearm Information:			
Caliber:		Length:	
Gauge:		Finish:	
Action:		Grips:	
Importer:		Stock:	

Property Notes: Statement of Gomez-Villa.

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis:

Narrative: This supplemental report concerns my contact with and interview of Martin Alejandro Gomez-Villa, AKA Youngster, hereinafter referred to as Gomez-Villa. I met with Gomez-Villa and Officer Frisbie at the station. Officer Frisbie told me he advised Gomez-Villa of his Miranda warnings prior to transporting him to the station. I escorted Gomez-Villa to the CID interview room. I advised him of his Miranda warnings again. Gomez-Villa told me he understood his rights and signed the TPD form indicating same. We spoke about the incident. I showed him booking photos of several individuals associated with ELS and VSL gangs. Gomez-Villa was familiar with the VSL members but not the ELS. After speaking about the incident, Gomez-Villa agreed to give a taped statement. What follows is a transcription of the tape placed into evidence. I reviewed the tape and compared it with the transcription to insure accuracy.

Krause: Test, test. 1, 2, test. This is Detective Krause, Badge Number 466. This is a statement reference Case Number 07-294-1273. The date is 11/01 of 2007. The time is 1600 hours. We're in the CID Interview Room. Present with me is Detective Gene Miller and Martin Alejandro Gomez-Villa, and I'll spell that. M-A-R-T-I-N, Alejandro is A-L-E-J-A-N-D-R-O, last name is Gomez, -G-O-M-E-Z, hyphen Villa, V-I-L-L-A. And, uh, Mr. Gomez, uh, people normally call you Alex. Is that correct?

Gomez: Yes.

Krause: And are you aware that this statement is being recorded?

Gomez: Yes.

Krause: Okay. Before we go any further on this statement, I'm gonna show you a rights form, uh, that's been filled out and I'm gonna point to the bottom of the rights form at the signature block. Do you recognize your signature?

Gomez: Yes.

Krause: Okay. And did you put that on there?

Gomez: Yes.

Krause: Okay. Uh, before we go over the, uh, statement, I'm gonna read you this again. And what it says is, you have the right to remain silent. Any statement that you do make can be used as evidence against you in a court of law. You have the right at this time to talk to an attorney of your choice and to have your attorney present before and during questioning and the making of any statement. If you cannot afford an attorney, one, you may, you are entitled to have one appointed for you without cost to you and to have the attorney present before and during any questioning and the making of any statement. You may stop answering questions or ask for an attorney at any time. Do you understand each of these rights which I have explained to you?

Gomez: Yes.

Krause: Okay. Having been made full aware of these rights, do you voluntarily wish to answer questions now?

Gomez: Yes.

Krause: Okay. We had talked earlier off tape about the reason that we're here with you today and so what I'd like you to do to start off with is go over in your own words what happened, this incident that we're talking about, this thing that we're talking about, what you saw, where you were, what cars were involved, what happened that time.

Gomez: Okay. Uh, ---

Miller: Start, start with what caused the incident. What was it that, that made you guys do what you ended up doing?

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Gomez: Well, 'cause, uh, I can't confirm, but I know it's, uh, 'cause they, they shot up, uh, my friend's house.
Miller: And your friend is who?
Gomez: Uh, Lazy.
Miller: Lazy. L-A-Z-Y, right?
Gomez: Yes.
Miller: Okay. So, they shoot up Lazy's house, so you guys gonna go out and do what you need to do, right?
Gomez: Yes.
Miller: Okay. And they that shot up Lazy's house is who?
Gomez: Uh, I think it was the ELS.
Miller: ELS. ELS stands for what?
Gomez: Eastside Loco Surenos.
Miller: Eastside Loco Surenos. Okay. Now that's a rival gang from your gang, correct?
Gomez: Well, it's not a rival, but, uhm, they ---
Miller: Do you guys get along?
Gomez: No.
Miller: Okay. That's a rival. If you don't get along with somebody, somebody that you're not with so to speak, that's, that's basically a rival. What gang set are you with?
Gomez: Uh, VSL.
Miller: VSL stands for what?
Gomez: Varrío Surenos Lokotes.
Miller: Varrío Surenos Locos.
Krause: Locotes?
Gomez: Loketes.
Miller: Locotes?
Gomez: Yes.
Krause: Yeah. It's, I'm gonna spell that for you. You tell me if I'm spelling it right. L-O-C-O-T-E-S.
Gomez: No.
Krause: Locotes? How do you spell it?
Gomez: L-O-C, L-O-K-E-T-E ---
Miller: Okay.
Gomez: --- S.
Miller: S.
Krause: L-O-K-O-T-E-S?
Gomez: (No audible response).
Krause: Okay. So, going back to this. You have, you're gonna go out with some people, you, you went out with some people to get back at ELS. For them dumping on one of your homey's houses. Whose house got dumped on?
Gomez: Uhm, I don't know. I don't really know his name.
Miller: The guy from VLS, or VSL that got lit up.
Gomez: ELS.
Krause: No. The guy from your set, the people that you're with, who got, you said Lazy's house got shot up. Did somebody else's house get shot up, too?
Gomez: Yeah. Spider's.
Krause: Spider's house. Okay. So, you guys decide, hey, gotta go take care of business. Who was there from your side?
Gomez: From my side, it was, uhm, Chino, Spider, Joker ---
Miller: Okay. Alex, I'm gonna need you to speak up a little bit louder, otherwise the tape's not gonna pick it up.
Gomez: Okay. Chino, Spider, uh, Lazy, Joker, uhm, Pelon, Smiley. This other guy that I don't know his name and me.
Krause: Okay. What cars were involved?
Gomez: Uh, a green truck, Oldsmobile, and, and my car, an Oldsmobile Delta 88.
Krause: What color is your car?
Gomez: Burgundy.
Krause: And what color is the Olds truck?
Gomez: Green.
Krause: And who owns the Olds truck?
Gomez: Uh, Chino.
Krause: And where did you guys meet up at?

Gomez: Right there, uh, right there at my house, I think.
Krause: Down by your house?
Gomez: Yeah. Down by my house.
Krause: So when you guys leave, who is in your car?
Gomez: I'm in my car and Smiley.
Krause: And who's in the back seat of your car?
Gomez: Uh, Pelon.
Krause: So, there's just three people in your car?
Gomez: Yes.
Krause: You're driving.
Gomez: Yes.
Krause: Smiley's in the front seat.
Gomez: Yes.
Krause: And in the back seat is Pelon.
Gomez: Pelon is in the back. Yeah.
Krause: And who is in the other car? Who is in the green Olds truck?
Gomez: Uh, Joker, this other guy, uh, Spider, Lazy, Chino.
Krause: Okay. Where are they seated? Who's driving the, the Olds truck?
Gomez: Spider.
Krause: Spider is. And who's sitting in the front passenger seat?
Gomez: Uh, Chino.
Krause: And who is in the back seat?
Gomez: Uh, Joker and this other guy and, and, and Lazy.
Krause: Lazy and Joker and the guy you don't know are in the back seat.
Gomez: Yes.
Krause: Okay. So, when you left there, where did you go?
Gomez: Uh, when, when we left, I went in the opposite direction and I went to my house.
Krause: Where were you headed to?
Gomez: Uh, my house.
Krause: Okay. When you left your house, where did you go?
Gomez: Oh, I took a, I took a left on the next street and then I went over with them and then I went down on 64th, took a right and then I went down Pacific and then, and then, uh, too, took a right. I would say at 72nd, then I went down to my house.
Krause: Okay. We've gotta back up here. When you left your house with this other group of guys in the cars, all these guys left. You guys went over to do something.
Gomez: Yes.
Krause: Who was driving, which was the first car to leave?
Gomez: Uh, the truck, the green truck.
Krause: Okay. So, you're following the truck.
Gomez: Yes.
Krause: Where did you go to do the dirt?
Gomez: On McKinley.
Krause: Okay. McKinley. Where in McKinley?
Gomez: Uh, McKinley and Thirty---, Thirty---, I don't know, 48th or 39th.
Krause: Okay. You had said earlier off tape that it was by some ---
Gomez: 7-11.
Krause: Okay. The 7-11 by what other store?
Gomez: Oh, it was at Compadres or something.
Krause: Okay. So, you said the 7-11 by Compadres. You mean El Compadres?
Gomez: Yeah. El Compadres.
Krause: Okay. And this house that you guys went to go do dirt on, how far is it from that 7-11?
Gomez: Oh, about two houses.
Krause: Okay. So, when you get over there, which vehicle is in the front?
Gomez: The green truck.
Krause: It's still in the front.
Gomez: Yes.
Krause: Has anybody changed seating arrangements? Is everybody still sitting in the same place?
Gomez: I can't really tell, 'cause it has like tinted windows.
Krause: Did the car ever stop?

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Gomez: No.
Krause: Okay. Before you left your house, who had a gun?
Gomez: Uh, Smiley and Pelon.
Krause: Smiley and Pelon. Who else had a gun?
Gomez: Uh, well, in the truck, they had, uh, the, the two 22s.
Krause: And who had those?
Gomez: Uh, the, the guys in the back. I can't, I can't tell you if it was one of, one of, I don't know.
Krause: So, you said in the back of that truck was Chino. Chino's in front, excuse me.
Gomez: Yes.
Krause: Joker and Lazy are in the back and some guy you don't know.
Gomez: Yes.
Krause: Which of those three had guns?
Gomez: Uh, well, two of them had guns, but I can't, I can't, I can't tell you exactly who.
Krause: Okay. So, you guys go driving by a house. Whose house are you gonna go drive by?
Gomez: Uh, I don't know. I don't know his name. I don't even..., I never seen him before.
Krause: Okay. Did anybody tell you who was supposed to be there?
Gomez: No. They just tell me that we're rolling.
Krause: Who told you we were rolling?
Gomez: Oh, my homey's. I don't know.
Krause: And who outta your homey's said that?
Gomez: Uh, Spider and, and Chino.
Krause: Spider and Chino. Did anybody else say that?
Gomez: No.
Krause: Okay. So, you get over there, what do you see?
Gomez: When, uh, we got there and then they just started shooting and then my, my homey's from my, my passenger, my passenger, uhm, he started shooting, too, but the only one came out, 'cause, uh, it got stuck.
Krause: And who was that that was shooting?
Gomez: Uhm, Smiley.
Krause: Smiley. And what kinda gun was Smiley shooting?
Gomez: A 22 rifle.
Krause: 22 rifle. And you said Pelon had a gun.
Gomez: Yes. A 22 hand gun.
Krause: And did he shoot?
Gomez: Yes.
Krause: And how many rounds did he shoot?
Gomez: About five or six.
Krause: Okay. Same time that you guys are shooting from your car, up in front you see the other car. Was anybody shooting from that car?
Gomez: Yes.
Krause: And how many rounds did you hear there?
Gomez: Probably about ten or twelve.
Krause: In addition to the shots that came from your car?
Gomez: Well, I wasn't really paying attention. I was driving, but that's all I can hear. Or that's all I can see, you know, 'cause they were like two, two lanes, two car lanes in front of us, two cars in front of us.
Krause: Okay. Did you see the gun sticking out the window?
Gomez: No.
Krause: Then how do you know they were shooting?
Gomez: 'Cause you can see the, uh, the, uh, what do they call it? Well, you can hear it, you know, 'cause my homey got stopped ---
Krause: Now, I'm gonna, I'm gonna help you out on that. Are you talking about flash?
Gomez: Yes.
Krause: Could you see some light inside their car?
Gomez: Yes.
Krause: And how many times did you see that light?
Gomez: Well, about, I'd say ten times.
Krause: Okay. Where did, uh, both cars go after the shooting?
Gomez: Well, uh, we went opposite ways. We didn't go down, we didn't went together.
Krause: Okay. So, you rode what? To the end of the block and then what happened?
Gomez: Take the left.

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Krause: You took a left. What did the other car go?
Gomez: Well, he took a left and then down on 64th, uh, we took a right and then he, down on, uh, Pacific, uh, they went straight, I took a left.
Krause: Okay. And where did you go after that?
Gomez: Uh, my house.
Krause: You went back to your house. And where did Smiley go after that?
Gomez: Oh, I dropped him off at, uh, uh, on the, by the B&I.
Krause: And who did he meet at the B&I?
Gomez: No, he just went and got his car.
Krause: And where did the rifle go?
Gomez: Uh, it stayed at my house and then, then I gave it to my homey.
Krause: And which homey did you give it to?
Gomez: Casper.
Krause: And earlier we had talked about Casper and you had said that Casper's real name is Christian what?
Gomez: Tabacznyf.
Krause: Tabacznyf. I'm gonna spell that for the tape. T-A-B-A-C-Z-N-Y-F. Christian is common spelling.
Where did the gun that Pelon used go?
Gomez: Uh, I don't, I don't know exactly where that ---
Krause: When he left your car, okay, you dropped ---
Gomez: Yeah. When he left my car, he took the gun.
Krause: And where did you drop him off?
Gomez: They both, they both, they both took the gun with them.
Krause: Okay. And where did you drop him off at?
Gomez: Uhm, I dropped him off on his house.
Krause: Okay. And where is that at?
Gomez: Uh, down in Portland.
Krause: Portland Avenue?
Gomez: Yeah. Portland Avenue.
Krause: Portland Avenue and what?
Gomez: And, uh, Portland Avenue and like, 48th, I think it is.
Krause: Are there apartments there or is it---
Gomez: Yes.
Krause: --- a house?
Gomez: Apartments.
Krause: Okay. Do you know the name of the apartments?
Gomez: No.
Krause: Do you know what his apartment number is?
Gomez: No.
Krause: Do ---
Gomez: I just, I just, I just met him in front.
Krause: Okay. Uhm, today when we came to your house, I told you that we went through your, the room you're staying in basically, that converted garage and that there were a bunch of bullet holes in the walls and you told me those were from what kinda gun?
Gomez: 22.
Krause: And which gun fired those holes? Made those holes?
Gomez: Uh, I think it was a 22 hand gun.
Krause: Which one?
Gomez: Uh, we got, uh, it was two different ones.
Krause: And describe those guns for me. What kind were they?
Gomez: Uh, they were 22 hand guns.
Krause: Yeah, but I mean were they Rugers? What kind?
Gomez: Uh, one of them was Ruger.
Krause: Okay. And what about the other one?
Gomez: The other one was just, I don't know what kind it is.
Krause: Okay. And where are those guns at now?
Gomez: Uh, well, I don't know. One of my homey's has one of 'em.
Krause: Do you, do you know which one?
Gomez: No. I mean, I don't know, I don't know who has 'em.
Krause: Okay.

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Gomez: Just don't know.
Krause: And you know we had found a gun, you had said there was a gun in the dresser drawer in your room?
Gomez: Yes.
Krause: Where did that gun come from?
Gomez: Well, I had it for a long time.
Krause: You had it for a long time. And what kind of gun is it?
Gomez: It's, uh, I think, I believe it's a 25.
Krause: 25?
Gomez: Yes.
Krause: And how long have you had it? You said a long time?
Gomez: Yeah. It's just collection, 'cause it don't work.
Krause: Oh, you said it's broken?
Gomez: Yes. It's broken.
Krause: Okay. And I had showed you some, uh, photographs off tape. I wanna go over some of those again with you while we're on tape. I'm gonna show you this first picture and who do you recognize this to be?
Gomez: Spider.
Krause: Spider. And the picture that we're pointing at is Miguel Berumen, B-E-R-U-M-E-N. And who is this a picture of?
Gomez: Smiley.
Krause: I'm holding up a picture of Jorge Lamas-Olivera. J-O-R-G-E, Lamas is L-A-M-A-S, Olivera. And who's this a picture of?
Gomez: Lazy.
Krause: Lazy. And Lazy is Oscar Ramos-Olivera. And then I'm showing you this picture and who is this?
Gomez: Chino.
Krause: Chino. And Chino is Jonathan, J-O-N-A-T-H-A-N, Aguilar, A-G-U-I-L-A-R. Now, out of these guys that I've shown you so far, what gang are they all in?
Gomez: VSL.
Krause: VSL. Okay. And you had told us earlier off tape, how long have you been a VSL?
Gomez: Three, four months.
Krause: And where were you jumped in it at?
Gomez: Yakima.
Krause: Yakima. And who is the homey that jumped you in?
Gomez: Uh, one of my homey's. Uh, his name is, uh, Happy.
Krause: Happy.
Gomez: Yes.
Krause: So, a, a VSL member out of Yakima jumped you in and his name is Happy.
Gomez: Yes.
Krause: Okay. But you've only been doing this for a few months?
Gomez: Yes.
Krause: Okay. Now, I'm gonna show you another picture here. Who is this?
Gomez: It's Alfredo.
Krause: Alfredo. And what did you tell me about Alfredo?
Gomez: He's, uh, he's no gang member.
Krause: He's no gang member.
Gomez: --- to school with him.
Krause: Okay. And that's Alfredo Villegas, V-I-L-L-E-G-A-S. Okay. Detective Miller, do you have any other questions that you want to follow-up on?
Miller: Well, you told us that this started with Lazy's house getting shot up and that you guys went over and retaliated by doing this drive-by that we've already discussed. Correct?
Gomez: Yes.
Miller: Okay. Now, is it your understanding that something else happened after that?
Gomez: (No audible response).
Miller: Some more shootings.
Gomez: No. Not that, not that I know of. I was involved in the, in the first one.
Miller: I understand that you were involved in the first one. I'm talking about other shootings.
Krause: You had told us earlier off tape when I mentioned Little Wolfie, you had said, oh, yeah. I heard about a phone call.
Gomez: Oh, yeah. I heard, I heard that, that, that they shot, they shot his house.
Krause: Right. And what did you hear about Little Wolfie making a phone call after that?

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Gomez: Uhm, they just say, he just said that they, they shot his house.
 Krause: And who got that phone call?
 Gomez: Uh, I think it was my homey Spider.
 Krause: Spider got the phone call and what did somebody do in response to that phone call?
 Gomez: I don't know. It was, it was late. It was, uhm, I was, uh, I was with my girlfriend and it was like around 11:30, 12. So everybody, everybody was getting ready to go home.
 Krause: Okay. And then I wanna ask you about your tattoos on tape. On your right forearm, you have what appears to be a script, VLS, is that correct?
 Gomez: Yes. VSL.
 Krause: Excuse me. VSL. Sorry. And that you said is Varrio Sureno Lokotes.
 Gomez: Lokotes.
 Krause: Lokotes. And on your other, it says Youngster and now what is Youngster?
 Gomez: Just my name.
 Krause: That's your nickname. Is that what people in, uh, VSL call you?
 Gomez: Yes.
 Krause: Okay. On the underside of your forearms you have Gothic, uh, Mexico and ---
 Gomez: Rosarita.
 Krause: Rosarita.
 Gomez: Yes.
 Krause: And you told us earlier off tape that's a town in Mexico near the border with, uh, ---
 Gomez: Yes.
 Krause: --- Southern California. And then on your left fingers, you've got what looks to be three unfinished boxes. You said that's gonna be what what you're done?
 Gomez: Well, uh, it's not done, but it was gonna be 1-3.
 Krause: 1-3. And what would that indicate?
 Gomez: Well, like, Sureno.
 Krause: Sureno. Okay. And what are the dots on your hand?
 Gomez: Oh, that's just, I was just playing around.
 Krause: Yeah. But what do the three dots normally mean?
 Gomez: Like, a crazy life.
 Krause: Mi Vida Loca?
 Gomez: Yes.
 Krause: Okay. And you said you don't have any other tattoos.
 Gomez: No.
 Krause: Is there any other, and is there any reason why we're going to find out later on that there's more of this that you're involved in? Other shootings that have been going on between ELS and VSL? Are you aware of anything else that involves you?
 Gomez: Not that I know.
 Krause: Not that you know. Okay. Detective Miller?
 Miller: No.
 Krause: All right. Alex, let me ask you this, is there anything that you want to add about what's been going on, what happened here particularly, this shooting? Is there anything else that you want to add?
 Gomez: No.
 Krause: No?
 Gomez: (No audible response).
 Krause: Okay. The time is now 1620 hours. That will end this recording.

In regards to the pistol, I confirmed the proof marks as being Belgian in origin which cooborates Gomez-Villa's statement that the gun is not a .22 but rather a .25. After the interview, I escorted Gomez-Villa back to the holding area to await transport.

Reviewed By:

Reviewed Date:

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PDA:	Homeland Security:	Subject:	Drive-By Shooting	Incident No. 072941273.23
IBR Disposition:	Arrest	Case Management Disposition:		
Forensics:		Reporting By/Date:	T50370 - Krause, Terry 11/6/2007 5:21:00 PM	
Case Report Status:	Approved	Reviewed By/Date:	T52130 - Lerum, Jewell 11/7/2007 12:11:05 PM	

Related Cases:

Case Report Number _____ Agency _____

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
ASR - Advisement/Statement of Rights (all languages)		1

Location Address:	3601 E J St	Location Name:	
City, State, Zip:	Tacoma, WA	Cross Street:	
Contact Location:		City, State, Zip:	
CB/Grid/RD:	464 - Tacoma	District/Sector:	TA41 - Tacoma
Occurred From:	11/1/2007 5:30:00 AM Thursday	Occurred To:	
Notes:			

Offense Details: 5213 - Weapon - Firing Weapon/Drive-by

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	SO	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:	Operating/Promoting/Assisting			Tools:			
Location Type:	Street/Right of Way	Type of Security:		Evidence Collected:	Shell Casing		
Total No. of Units Entered:		Entry Method:		Notes:			

Offense Details: 2999 - Destruction / Damage / Vandalism of Property

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	PR	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:	Single Family Residence			Tools:			
Location Type:	Single Family Residence	Type of Security:		Evidence Collected:	Shell Casing		
Total No. of Units Entered:		Entry Method:		Notes:			

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T50370 - Krause, Terry
Entered On:	11/6/2007 5:21:35 PM	Approved By:	E34159 - Hamilton, Judi
Approved On:	11/7/2007 1:44:43 PM	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	
Validation Processing	Distribution Date:	By: 160	County Pros. Atty. Juvenile Other CPS Supervisor:
	Indexed Date:	By:	City Pros. Atty. Military DSHS PreTrial

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Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: November 7, 2007 - 1:44 PM

Printed By: Hamilton, Judi

(156)

Notes:

Weapon 1: Firearm, Unk. Type

Offense:	5213 - Weapon - Firing Weapon/Drive-by	Serial No:	
Offender:		OAN:	
Weapon:	Firearm, Unk. Type	Automatic:	
Other Weapon:		Caliber:	.22
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:

Narrative:

I am a detective assigned to the Gang Unit. I am responsible for investigating crimes involving gang violence. This supplemental report concerns my actions regarding this case minus the interviews of Jorge Lamas-Olivera and Martin Alejandra Gomez-Villa. Those interviews are covered in two additional supplemental reports.

Prior to the issuance of search warrants in this case, I went with Detective Bair to the 3500 block of East Howe. I am familiar with 3591 East Howe from a previous homicide investigation and know it to be the Mederos residence. Three of the Mederos brothers are ELS (Eastside Loco Surenos) gang members. During our visit to East Howe, Detective Bair and I discovered bullet holes of a small caliber in each of the three houses to the north of 3591 to include seven holes in the first, and two each in the second and third house to the north, all on the east side of the street.

During that day I also had contact with Jorge Lamas-Olivera to show him a photomontage containing an image of Jose German in regards to Lamas-Olivera being a victim of an aggravated assault.

Once Detective Bair obtained search warrants involving this case, I assisted by going to 930 East 51st Street to interview Oscar Ramos-Olivera AKA Lazy, a VSL (Varrio Surenos Lokotes) member hereinafter referred to as Ramos. Detective Miller and I met with Ramos and transported him to the station in my vehicle. At the station, we escorted Ramos to a CID interview room. I advised Ramos of his Miranda warnings via the TPD form. Ramos told me he had been advised of his rights before and told me he understood his rights. Ramos signed the form.

I asked Ramos to tell me about an earlier incident at the Puyallup Fair. Ramos said he was the Chino, a girl and some friends when they ran into Juanelo, Gabe, and some other ELS members. Juanelo jumped Chino, accusing him of shooting at one of Juanelo's friend's house. As they were arguing, Gabe punched Chino. It should be noted that Juanelo is Juan Zuniga a confirmed ELS member. Gabe is Gabe Nevarez, an ELS member currently wanted for homicide. I asked Ramos about people he knew to be ELS members. Ramos named off Juanelo and Gabe AKA Joker, and added Lil Necio, Couchie, Pancho, Tripper, Popeye, and Pucho. In addition to Pucho, Ramos added Pucho's brothers, Yoni, Roberto, and Jesus. It should be noted that Jesus is Jesus Mederos, who is also wanted for a separate homicide. Ramos then mentioned the street names of Lil Scrappy, Screech, and Smokey. I am familiar with most of these subjects from past or current investigations. I compiled a stack of booking photographs of ELS members and showed them to Ramos. Ramos confirmed that Eduardo Sandoval is Lil Necio. Juan Acuchi is Couchie. Richard Charles Sanchez is Rat Boy. Nequith Gonzales is Screech. Santiago Mederos is Pucho. Emigdio Ortiz is Poncho. Christian Saavedra is Tripper. We then talked about VSL members. Ramos identified Jonathan Aguilar as Chino. Miguel Berumen is Spider. Martin Alejandro Gomez-Villa is Youngster. Jorge Lamas-Olivera is Smiley. One of the subjects identified with some of these subjects on an FIR is Alfredo Villegas. Ramos knows him as

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Alfredo but said he's a "square" not a gangster. Ramos and I also talked about Boxer, though I didn't show him a photograph. Boxer is known to me as Jerry Williams-Reyes. Ramos was able to describe both Chino's vehicle and address and Youngster's vehicle and address. Ramos admitted driving Chino's vehicle during the drive by but denied being a shooter. Detective Miller put Ramos on tape regarding the shooting. See Detective Miller's supplemental report concerning that interview.

I assisted Detective Bair with the secondary warrants for Chino's apartment & vehicle along with Youngster's house & vehicle. When I arrived at the location of the stop on Chino's vehicle, I observed the Sig Sauer handgun in plain view below the center console on the carpet. I later observed that this weapon was a .40 caliber. In addition to observing the Sig, I also observed the weapon recovered from Youngster's room and checked the proof marks to determine that it was a Belgian pistol and most likely a .25. I also received confirmation that Casper is Christian Tabacznyf.

Reviewed By:

Reviewed Date:

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**Tacoma Police Department
Supplemental Report**

Incident No. 072941273.1

PDA: Homeland Security: Subject: **Drive-By Shooting**

Incident No.
072941273.24

IBR Disposition: **Arrest**

Case Management
Disposition:

Forensics:

Reporting By/Date: **T10842 - Lim, Michael 11/6/2007
10:34:20 PM**

Case Report Status: **Approved**

Reviewed By/Date: **T93679 - White, Thomas 11/8/2007
8:59:47 AM**

Related Cases:

Case Report Number Agency

Non-Electronic Attachments

Attachment Type Additional Distribution Count

Location Address: **3601 E J St**

Location Name:

City, State, Zip: **Tacoma, WA**

Cross Street:

Contact Location:

City, State, Zip:

CB/Grid/RD: **464 - Tacoma**

District/Sector: **TA41 - Tacoma**

Occurred From: **11/1/2007 5:30:00 AM Thursday**

Occurred To:

Notes:

Offense Details: 5213 - Weapon - Firing Weapon/Drive-by

Domestic Violence: No	Child Abuse:	Gang Related:	Juvenile:
Completed: Completed		Crime Against: SO	Hate/Bias: None (No Bias)
Criminal Activity: Operating/Promoting/Assisting			Using:
Location Type: Street/Right of Way	Type of Security:		Tools:
Total No. of Units Entered:	Evidence Collected: Shell Casing		
Entry Method:			
Notes:			

Offense Details: 2999 - Destruction / Damage / Vandalism of Property

Domestic Violence: No	Child Abuse:	Gang Related:	Juvenile:
Completed: Completed		Crime Against: PR	Hate/Bias: None (No Bias)
Criminal Activity:			Using:
Location Type: Single Family Residence	Type of Security:		Tools:
Total No. of Units Entered:	Evidence Collected: Shell Casing		
Entry Method:			
Notes:			

Weapon 1: Firearm, Unk. Type

Call Source: Dispatched	Assisted By:
Phone Report:	Notified:
Insurance Letter:	Entered By: T10842 - Lim, Michael
Entered On: 11/6/2007 10:34:20 PM	Approved By: E94510 - Wilson, Laura
Approved On: 11/8/2007 10:31:09 AM	Exceptional Clearance:
Adult/ Juvenile Clearance:	Exceptional Clearance Date:
Additional Distribution:	Other Distribution:
Validation Distribution Date: By: County Pros. Atty. Juvenile Other CPS Supervisor:	
Processing Indexed Date: By: City Pros. Atty. Military DSHS PreTrial	
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Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.	Printed: November 13, 2007 - 12:36 PM Printed By: Lilley, Elaine

(59)

Offense:	5213 - Weapon - Firing Weapon/Drive-by	Serial No:	
Offender:		OAN:	
Weapon:	Firearm, Unk. Type	Automatic:	
Other Weapon:		Caliber:	.22
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis:

Narrative: I am a member of the TPD SWAT team and assigned to the Entry element. On 11-1-07, we were advised that two search warrants were to be served in the city in addition to two previous warrants served earlier in the morning by the team. I was assigned to scout a location with PPO Shafner and report back to Sgt. White. The location was 759 S. 93rd Street. PPO Shafner and I obtained information on the location and met with the rest of the Entry element at the 3 Sector substation. I was assigned as less-lethal operator in the BEAR (armored rescue vehicle) along with the arrest team.

We then headed to the location and set up on the SW corner of the residence in the street in the BEAR. PA announcements were made into the residence and eventually three adult males, two females, and multiple children came out of the location. We then entered the residence and cleared it with no other occupants found. Once it was cleared, it was turned over to CID personnel. I did not destroy or remove any property from the location.

We then headed to a second location to serve another search warrant. We headed to the Byrn Mar apartments at 1807 S. 82nd Street, #3, and set up in front of the unit in the BEAR. PA announcements were made and no one came out of the residence. I remained as a cover officer as the arrest team entered the unit and cleared it with no occupants found inside. I then assisted PPO Shafner in clearing a storage unit adjacent to the front door to which I assisted PPO Shafner in breaching. At the direction of Sgt. White, I set the H-bar on the storage door and PPO Shafner used a breaching tool to open the door. The storage unit had no occupants inside. The location was then turned over to CID personnel and we cleared the location.

We headed back to HQ for a tactical debrief.

Reviewed By:

Reviewed Date:

APPENDIX “E”

Report – Ramos Olivera

07-05632-9

PDA:	Homeland Security:	Subject:	Drive-By Shooting - Oscar Olivera Interview	Incident No. 072941273.19
IBR Disposition:	Arrest	Case Management Disposition:		
Forensics:		Reporting By/Date:	T57193 - Miller, Gene 11/5/2007 11:59:00 AM	
Case Report Status:	Approved	Reviewed By/Date:	T52130 - Lerum, Jewell 11/7/2007 12:10:43 PM	

Related Cases:

Case Report Number Agency

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count	
Location Address:	E 36th And J St	Location Name:	
City, State, Zip:	Tacoma, WA	Cross Street:	
Contact Location:		City, State, Zip:	
CB/Grid/RD:	464 - Tacoma	District/Sector:	TA41 - Tacoma
Occurred From:	10/21/2007 10:50:00 PM Sunday	Occurred To:	
Notes:	I am a detective with the Tacoma Police Department and am currently assigned to the Homicide Unit. I was asked to assist Detectives Bair and Krause with follow up investigation on this case. This report documents my involvement.		

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 THIS INFORMATION RESTRICTED TO CRIMINAL JUSTICE AGENCIES. SECONDARY RELEASE IS RESTRICTED PURSUANT TO RCW 42.566 & RCW 10.97. PREPARED BY L.E.S.A.#
 DATE PREPARED:

Offense Details: 5213 - Weapon - Firing Weapon/Drive-by

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	SO	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:	Operating/Promoting/Assisting	Type of Security:		Tools:			
Location Type:	Street/Right of Way	Evidence Collected:	Shell Casing				
Total No. of Units Entered:							
Entry Method:							
Notes:							

Offense Details: 2999 - Destruction / Damage / Vandalism of Property

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	PR	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Single Family Residence	Evidence Collected:	Shell Casing				
Total No. of Units Entered:							
Entry Method:							

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	T57193 - Miller, Gene
Entered On:	11/5/2007 11:59:35 AM	Approved By:	E34159 - Hamilton, Judi
Approved On:	11/7/2007 1:40:37 PM	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:		Other Distribution:	
Validation Processing	Distribution Date:	By: hes	County Pros. Atty. <input checked="" type="checkbox"/>
	Indexed Date:	By:	Juvenile <input type="checkbox"/>
			Military <input type="checkbox"/>
			Other <input type="checkbox"/>
			DSHS <input type="checkbox"/>
			CPS <input type="checkbox"/>
			PreTrial <input type="checkbox"/>
			Supervisor <input type="checkbox"/>

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 Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: November 7, 2007 - 1:40 PM
 Printed By: Hamilton, Judi

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Notes:

Arrestee A2: Ramos-Olivera, Oscar

PDA:

Aliases:	Smiley			Ethnicity:	Hispanic Origin
DOB:	4/6/1990	Age:	17	Race:	White
Height:		Weight:		Hair Color:	
Address:	930 E. 51st			County:	
City, State Zip:				Country:	
Other Address:	Tacoma			Phone:	
Resident:	Full - Time Resident			Business Phone:	
SSN:				Other Phone:	
State ID:				Employer/School:	
Driver License No:				FBI No:	
Hair Length:				Driver License State:	
Hair Style:				Glasses:	
Hair Type:	1			Teeth:	
Appearance:				Speech:	
SMT:				Right/ Left Handed:	
Attire:				Facial Feature Oddities:	
Gangs:	VSL			Distinctive Features:	
Significant Trademarks:				Body Build:	
Suspect Pretended to Be:				Tribe Affiliation:	
Place Of Birth:				Identifiers:	
Date/Time Arrested:	11/1/2007 12:00:00 PM			Modus Operandi:	
Arrest Location:	930 E. 51st			Custody Status:	
Arrest Offense:	5213 - Weapon - Firing Weapon/Drive-by			Date/Time Booked:	
Arrest Type:	Booked - Warrant or Previous Probable Cause			Held For:	
Armed With:	Unarmed			Date/Time Released:	
Miranda Read:	Yes			Juvenile Disposition:	Referred to Criminal or Adult Court
No. Warrants:				Adult Present Name:	
Fingerprints:				Detention Name:	
Type of Injury:				Notified Name:	
Hospital Taken To:				Previous Offender:	35
Attending Physician:				Fire Dept Response:	
				Taken By:	
				Medical Release Obtained:	
				Hold Placed By:	

New Charges

Arrest #	Book/Cite	Charge Description - RCW/Ordinance	Free Text Charge Description	Court	Bail	Count
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Warrants

Arrest #	Warrant #	Free Text Charge Description	Agency	Court	Bail
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Arrest Notes:

Probable Cause:

Weapon 1: Firearm, Unk. Type

Offense:	5213 - Weapon - Firing Weapon/Drive-by	Serial No:	
Offender:		OAN:	
Weapon:	Firearm, Unk. Type	Automatic:	

Other Weapon:		Caliber:	.22
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 44/1: 1305 - Recording - Cassette Tape

Other Common Item:		Photographed:	
Description:		Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	
Field Test Results:		OAN:	
Property Disposition:	Booked into Property	Insurance Company:	
Disposition Location:	Tacoma Police	Policy No:	

Vehicle Information:

License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Driveable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	
Special Features:		Hold Requested By:	

Drug Information:

Drug Type:		Drug Measure:	
Drug Quantity:		Drug Measure Type:	

Jewelry Information:

Metal Color:		Total # of Stones:	
Metal Type:		Inscription:	
Stone Color:		Generally Worn By:	

Firearm Information:

Caliber:		Length:	
Gauge:		Finish:	
Action:		Grips:	
Importer:		Stock:	

Property Notes: Audiotape of my interview with Oscar Ramos-Olivera

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis:

Narrative: I am a detective with the Tacoma Police Department and am currently assigned to the Homicide Unit. I was asked to assist Detectives Bair and Krause with follow up investigation on this case. This report documents my involvement.

I was advised that TPD SWAT was going to make the initial contact at 930 E. 51st during the early morning hours of November 1, 2007. I stood by at the 4 sector substation until contact had been made. Detective Krause and I were then instructed to respond to that location and take custody of Oscar Ramos-Olivera so that he could be interviewed regarding several back and forth gang shootings. Detective Krause and I responded and met with PPO Betts, who was maintaining Olivera until we could take custody of him. I spoke briefly with PPO Betts prior to taking custody of Olivera. PPO Betts advised me that Olivera was calm and cooperative throughout the process. I then contacted Olivera and identified myself to him. I explained that I needed to speak with him regarding some recent gang shootings and suggested that the conversation take place at our main station. Olivera agreed and was then transported to the main station. Prior to transport, Detective Krause read the search warrant to Olivera.

Upon arrival, Olivera was escorted to an interview room. Olivera was asked if he needed anything to drink and he requested a diet pop. I provided him one prior to the interview. Detective Krause advised Olivera of his rights prior to my return but I did observe the completed form with both Olivera's and Krause's signature.

I began the interview by telling Olivera that I knew about his involvement at least one drive-by and explained that I wanted to understand the why. Olivera then acknowledged being involved in the Howe Street shooting but said that he and his group were only responding to his house being shot up. Olivera reiterated that they should have never brought it to his house. I then got into the background of the two gangs involved. Olivera said that his group was the "VSL", which stands for Varrio Sureno Locos. He identified the other gang involved as the "ELS", which stands for the Eastside Loco Surenos. Olivera told us that the others involved in the Howe Street shooting were "Spider", "Youngster" and "Chino". He said that they were in two vehicles that he identified as Chino's green Oldsmobile SUV and Youngster's maroon Oldsmobile. Chino, Youngster and Spider were all subsequently identified by Olivera via booking photos. Refer to Detective Krause's supplemental report for details on those identifications. Olivera stated that he was the driver of Chino's vehicle and that Chino was the shooter from that vehicle. Olivera further stated that Spider was the driver of Youngster's vehicle and that Youngster was the shooter from that vehicle. Olivera said that both weapons used were 22 caliber handguns. Olivera then again explained that he was mad because the ELS had shot at his house with his family inside and reacted without thinking about the consequences.

I then asked Olivera about a second shooting that took place by his group and he firmly denied being involved. Olivera said that ELS shot up his place and his group retaliated by shooting up the Howe Street address. The ELS then shot up his house again later that same night and that they also shot up "Lil Wolfie's" house a day or two later. "Lil Wolfie" is known to me as Juan Carlos Ruiz and is Olivera's cousin. Ruiz is currently in custody at the federal detention center awaiting deportation. According to Olivera, Ruiz found out about the shooting of his residence by his mother and Ruiz then called Chino and told him to do something about it. Olivera said that he does not know what specifically Chino did or who was with him but said that Chino told him that he'd handled it.

Following this interview and the identification of his fellow gang members via booking photos, I obtained a taped statement from Olivera regarding his involvement and knowledge of the Howe Street shooting. Refer to the attached transcript of that interview for additional details. The audiotape will be placed into evidence under this case number. It should also be noted that I conducted a separate interview with Olivera regarding information he had concerning the murder of Kyle Grinnell, (07-0520935), and several shootings that led up to the homicide. Miller: This is Detective Miller with the Tacoma Police Department's Criminal Investigations Division. Uh, the date is November 1st of 2007. The time is now 1250 hours. Uhm, I am currently in a second floor CID interview room. Present with me is Oscar Ramos Olivera. That's R-A-M-O-S hyphen O-L-I-

V-E-R-A. Uhm, Oscar, you understand that this conversation is being recorded?
Ramos-Olivera: Yes.
Miller: And is it being recorded with your permission?
Ramos-Olivera: Yes.
Miller: Okay. Now this is regarding Tacoma Police Case Number 07-294-1273, uhm, a drive-by shooting incident that occurred, uh, in the City of Tacoma. Are you familiar with that incident?
Ramos-Olivera: Yes.
Miller: Okay. Uh, before we get too terribly deep into all of this, uh, and I know you've been advised of your rights, uh, prior, uh, but I, I need to do that again on tape. So, uhm, we're gonna go ahead and go through this. Uh, before questioning and the making of any statement, I'm going to advise you of your rights. 1) You have the right to remain silent. Do you understand that?
Ramos-Olivera: Yes.
Miller: Number 2, any statement that you do make can be used as evidence against you in a court of law and because you're under the age of 18, I need to advise you of the second portion of this. If you are under the age of 18, anything you do say may be used against you in Juvenile Court or if you are transferred to an Adult Status, then anything you say may be used against you in criminal proceedings in Adult Court. Do you understand that?
Ramos-Olivera: Yes.
Miller: You have the right at this time to talk to an attorney of your choice and to have your attorney present before and during questioning and the making of any statement. Do you understand that?
Ramos-Olivera: Yes.
Miller: If you cannot afford an attorney, you are entitled to have one appointed for you without cost to you and to have the attorney present at any time during any questioning and the making of any statement. Do you understand that?
Ramos-Olivera: Yes.
Miller: You may stop answering questions or ask for an attorney at any time during any questioning and the making of any statement. Do you understand that?
Ramos-Olivera: Yes.
Miller: Okay. Uh, do you understand each of these rights that I have explained to you?
Ramos-Olivera: Yes.
Miller: And having been made fully aware of these rights, do you voluntarily wish to answer questions now?
Ramos-Olivera: Yes.
Miller: Now, Oscar, you and I have, uh, actually talked. I'm gonna have you sign this by the way. You and I have actually talked quite a bit this morning, haven't we?
Ramos-Olivera: Yes.
Miller: Uhm, in fact, I think we've been talking since about, I don't know, 8:30, quarter to 9 this morning, right?
Ramos-Olivera: Yes.
Miller: Okay. How would you describe that conversation?
Ramos-Olivera: Good.
Miller: Okay. We've been just getting along fine, right?
Ramos-Olivera: Yes.
Miller: Okay. Uhm, and I ask that basically because I want whoever listens to this tape to just understand, you know, you've been advised of your rights, you, you understand your rights. You understand you made a mistake and everything and, and quite frankly, I think, you know, you're, you're just, you're manning up, if you wanna call it that. Is that an accurate statement?
Ramos-Olivera: Yes.
Miller: Okay. Uhm, I wanna get into this, uhm, incident, uh, that occurred, but to just go straight to that incident I don't, I don't think explains it very well. Uhm, the, the, the, the case that we're talking about, this 07-294-1273 was a drive-way shooting that occurred over on East Howe Street. You're familiar with that shooting, correct?
Ramos-Olivera: Yes.
Miller: Okay. Were you present for that shooting?
Ramos-Olivera: Yes, I was.
Miller: Did you play a part or, or have a role in that shooting?
Ramos-Olivera: Yes.
Miller: Okay. Why? I think that's where we need to start is why.
Ramos-Olivera: Because they shot at my house and, and I have nephews and a baby sister in my house. And I was just wasn't thinking at the moment.
Miller: Okay. Now, uh, are you affiliated with a gang?

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Ramos-Olivera: Yes.
Miller: And which gang is that?
Ramos-Olivera: VSL
Miller: VSL. What does VSL stand for ?
Ramos-Olivera: Varrío Sureño Locos.
Miller: Varrío Sureño Locos. Correct?
Ramos-Olivera: (No audible response).
Miller: Okay. Now, you, your group has a rival group, correct?
Ramos-Olivera: Yes.
Miller: And that's the ELS?
Ramos-Olivera: Yes.
Miller: Okay. And that's the Eastside Loco Sureños?
Ramos-Olivera: Yes.
Miller: Okay. Uh, you folks don't get along, do you?
Ramos-Olivera: No.
Miller: Okay. And that's a long standing problem?
Ramos-Olivera: Yeah.
Miller: Going back how many, how long?
Ramos-Olivera: Four years.
Miller: About four years. That's basically since the Lincoln High School incident, correct?
Ramos-Olivera: Yes.
Miller: Okay. Uhm, have they ever shot up your house before?
Ramos-Olivera: No. This is the first time.
Miller: Okay. Have you ever been shot at before by these guys?
Ramos-Olivera: Yes.
Miller: Okay. So, you've been shot at before, it wasn't that you were shot at. What you're, you're basically describing is that they took it to your house and, and put your family at risk. Is that correct?
Ramos-Olivera: Yes, that's correct.
Miller: Okay. Uhm, now in the incident where, where your family was shot, was anybody injured?
Ramos-Olivera: No.
Miller: But how many people were in the house?
Ramos-Olivera: There was me, my mom, my dad, my sister, five babies.
Miller: Okay. So, we're talking your mom, your dad, your sister, you and five little ones.
Ramos-Olivera: Yes.
Miller: Okay. Uhm, and, and how did it make you feel when all that got brought upon your family?
Ramos-Olivera: Mad.
Miller: Okay.
Ramos-Olivera: Yeah.
Miller: Uhm, and so what did you do at that point? They, they've shot at your house. You have a fairly good idea of who shot at your house, correct?
Ramos-Olivera: Yes.
Miller: Okay. Did you see specifically who shot at your house?
Ramos-Olivera: No.
Miller: Okay. Do you believe that you know the group at least that shot at your house?
Ramos-Olivera: Yeah.
Miller: And who would that be?
Ramos-Olivera: Juanello and ELS.
Miller: ELS and you mention Juanello in particular. Why Juanello?
Ramos-Olivera: Because he's their leader and he's the one that tells them what to do.
Miller: Okay. So, you don't know if he was the one that pulled the trigger, but you believe that if it happened through ELS, it happened through him.
Ramos-Olivera: Yeah.
Miller: Okay. Uhm, and you said that that made you mad, obviously. Uhm, and so what did you do in reaction to your house being shot at?
Ramos-Olivera: I called my friends and they came and picked me up.
Miller: Okay. And, and who specifically did you call?
Ramos-Olivera: Chino.
Miller: Okay. Now, Chino's first name is?
Ramos-Olivera: Jonathan.

Miller: Okay. And you've previous identified Jonathan through, uh, uh, booking photos that we've shown you, is that correct?
Ramos-Olivera: Yes.
Miller: Okay. Uhm, so you give Chino a call and then what happens?
Ramos-Olivera: They came and picked me up and I was mad at the moment 'cause of what, you know, because they put my family at risk and stuff.
Miller: Did, did, did, uh, you tell Chino what had happened to you and your family?
Ramos-Olivera: Yes.
Miller: Okay. When he came over, did he come over by himself?
Ramos-Olivera: No. He came with, uh, and another car, two cars, in his car and with Spider and Youngster in Youngster's car.
Miller: Okay. Now, Spider and Youngster are two other people that you've also identified to us through ---
Ramos-Olivera: Yes.
Miller: --- photos as well, correct?
Ramos-Olivera: Yes.
Miller: Okay. So, Chino comes over in his car. Is anybody else in his car?
Ramos-Olivera: No.
Miller: Okay. And then Spider and Youngster come over in ---
Ramos-Olivera: Youngster's car.
Miller: Youngster's car. What kind of a car does Chino have?
Ramos-Olivera: It's a li---, little SUV, old school Oldsmobile.
Miller: Okay.
Ramos-Olivera: Like a little Blazer or something.
Miller: Okay. And what color was it?
Ramos-Olivera: Uh, like greenish.
Miller: Like greenish? Okay. And then Youngster, what kind of vehicle does he have?
Ramos-Olivera: A Oldsmobile, four door car, maroon.
Miller: Big one? Small one?
Ramos-Olivera: Pretty normal size, not too big, not too small.
Miller: Okay. So, it's not one of the big old school ---
Ramos-Olivera: No.
Miller: --- gun boats? Okay. Uhm, when you guys left your house, who was driving, uh, Chino's car?
Ramos-Olivera: Me.
Miller: Okay. And who else was in Chino's car?
Ramos-Olivera: Just me and Chino.
Miller: Okay. And where did Spider and Youngster go?
Ramos-Olivera: They were in Youngster's car. Spider was driving his car.
Miller: Okay. And, uh, so Youngster was the passenger then?
Ramos-Olivera: Yes.
Miller: Okay. Did you have a weapon on you at that time?
Ramos-Olivera: No.
Miller: Did Chino have a weapon on him at that time?
Ramos-Olivera: Yes.
Miller: What kind of a weapon did he have?
Ramos-Olivera: A 22 caliber.
Miller: Uhm, was it a revolver? Uh ---
Ramos-Olivera: A pistol, clip.
Miller: Pistol? With a clip? Okay. Do you know what brand it was?
Ramos-Olivera: It was a Smith and Wesson.
Miller: Smith and Wesson, okay. Do you know if Spider had a weapon on him?
Ramos-Olivera: Yes.
Miller: What kind of a weapon did he have?
Ramos-Olivera: 22 caliber Ruger, with a clip.
Miller: And, and did Youngster have a weapon?
Ramos-Olivera: No.
Miller: No. Okay. So, I'm sorry. Who was it that was driving Youngster's vehicle?
Ramos-Olivera: It was Spider, it was Spider's gun actually.
Miller: Okay. So, Spider was driving Youngster's vehicle.
Ramos-Olivera: Yeah.

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Miller: Okay. And when you guys left your house, where'd you go?
Ramos-Olivera: We were just driving around the East Side, seeing if we see anybody walking.
Miller: I mean anybody walking or anybody in particular walking?
Ramos-Olivera: ELS.
Miller: Okay. So, you're not looking for some old lady walking home from the store.
Ramos-Olivera: Nuh uh (negative).
Miller: You're looking for somebody from ELS.
Ramos-Olivera: Yes, 'cause we didn't hear no cars when they shot my house up, so we mighta thought they were walking and stuff, but.
Miller: Okay. So, you went looking and did you find anybody?
Ramos-Olivera: No.
Miller: Okay. So, then what did you do?
Ramos-Olivera: We went to Howe Street, to Roberto's.
Miller: Okay. And are you familiar with that house?
Ramos-Olivera: Yes.
Miller: Okay. Is, is that a place where you've seen ELS gang members before?
Ramos-Olivera: Yes. They live there.
Miller: Okay. And you mentioned one in particular?
Ramos-Olivera: Roberto.
Miller: Roberto.
Ramos-Olivera: And you.
Miller: And you. Any of the other?
Ramos-Olivera: Poocho.
Miller: Poocho also stays there?
Ramos-Olivera: (No audible response).
Miller: Okay. Uhm, when you guys roll passed there, I mean, do you guys roll passed, uh, just to look or do you guys roll passed and ---
Ramos-Olivera: No, we just rode, drove by and lit it up.
Miller: Okay. Walk me through that process. You guys get in the area. How did you guys come to, I mean, did you guys like stop and talk and say, hey, let's go to Howe Street? Or did you call on the phone or ---?
Ramos-Olivera: No. Spider lives up the street from there, so we're like, you know, it's close by. Let's just go there.
Miller: Okay. Uhm, when you're driving and you're getting close, lights on? Lights off?
Ramos-Olivera: Lights on.
Miller: Lights on. Uhm, what about, uh, the other car?
Ramos-Olivera: Lights on.
Miller: Okay. Are you the lead vehicle or are you the follow vehicle?
Ramos-Olivera: Lead vehicle.
Miller: Okay. So, you're driving the car in the front and Spider's driving the car behind.
Ramos-Olivera: (No audible response).
Miller: Okay. When you guys are approaching this house, is the driver's side or the passenger side of the car closest to the house?
Ramos-Olivera: Uhm, the passenger side.
Miller: The passenger side's closest to the house.
Ramos-Olivera: Yeah.
Miller: Okay. Uhm, did anybody fire a weapon from your vehicle?
Ramos-Olivera: Yes.
Miller: Who fired the weapon?
Ramos-Olivera: Chino.
Miller: Okay. Did you fire a weapon at all?
Ramos-Olivera: No.
Miller: Were you armed with a weapon during this time frame?
Ramos-Olivera: No.
Miller: Okay. So, your driving. You pass the house. Chino's in the ---
Ramos-Olivera: Passenger.
Miller: Front passenger?
Ramos-Olivera: Yes.
Miller: Okay. And he fires rounds out the window?
Ramos-Olivera: Yes.

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Miller: Are you guys moving or did you stop?
Ramos-Olivera: We're moving.
Miller: Okay. About how many rounds you figure he fired?
Ramos-Olivera: Seven or eight.
Miller: Seven or eight rounds?
Ramos-Olivera: Yeah.
Miller: Okay. Uhm, and could you see Youngster's vehicle behind you?
Ramos-Olivera: Yes.
Miller: How far back were they?
Ramos-Olivera: Like, probably about five feet or six.
Miller: So they were pretty close.
Ramos-Olivera: Yeah.
Miller: Okay. Uh, and did any shots get fired from that vehicle?
Ramos-Olivera: Yes.
Miller: Okay. And who fired those shots?
Ramos-Olivera: Youngster.
Miller: Youngster fired those shots. Uhm, and was that out the passenger side as well?
Ramos-Olivera: Yes.
Miller: Okay. And did they stop or did they keep on moving?
Ramos-Olivera: Kept moving.
Miller: Okay. Do you know what kind of a weapon that was again?
Ramos-Olivera: 22 caliber Ruger.
Miller: Okay. A 22 caliber Ruger. And any idea how many shots were fired from them?
Ramos-Olivera: Probably seven, seven or eight.
Miller: Okay. So, you guys go rolling by. First trip by, you light the place up. Do you make another lap around or do you just pretty much get out of there?
Ramos-Olivera: Get out of there.
Miller: Okay. Uhm, did you guys see any movement at that house when you're rolling by?
Ramos-Olivera: No. Uh, my homey, Youngster, said that after they were done firing they heard, they heard other gun shots, so they probably shot at us back.
Miller: Okay. So, it's possible that they shot back at you guys?
Ramos-Olivera: Yes.
Miller: Did you guys see any holes in your cars?
Ramos-Olivera: No.
Miller: Okay. So, maybe they're bad shots?
Ramos-Olivera: Yeah.
Miller: Okay. Uh, when, when you guys roll past there and you shoot, any lights on in the house? Anything at all?
Ramos-Olivera: No.
Miller: Okay. Now, you're familiar with this house, right?
Ramos-Olivera: Yes.
Miller: And you know gang members live there, correct?
Ramos-Olivera: Yeah.
Miller: Okay. Anybody else live there?
Ramos-Olivera: Yeah.
Miller: Who?
Ramos-Olivera: Mom and dad.
Miller: Okay. So, it's, this isn't just a gang house. There's other people ---
Ramos-Olivera: Yeah.
Miller: --- there, too. Right? Okay. Did you think about that in advance?
Ramos-Olivera: Not at the moment.
Miller: Uh, do you wish you would have?
Ramos-Olivera: Yes.
Miller: Okay. Uh, where did you go after you guys had done the shooting?
Ramos-Olivera: Chino's apartment.
Miller: Okay. And where are those located at?
Ramos-Olivera: 83rd and Hosmer.
Miller: And about what time you figure that was?
Ramos-Olivera: Like one, one in the morning.

Miller: Okay. You just stay there all night or what?
Ramos-Olivera: No. I called my mom and told her to pick me up.
Miller: Okay. So, your mom came over and got you?
Ramos-Olivera: Yeah. At the gas station down the street from there.
Miller: Okay. Where'd you go from there?
Ramos-Olivera: To my house.
Miller: Back to your house?
Ramos-Olivera: Yeah.
Miller: Okay. And about what time do you figure you got back to your house?
Ramos-Olivera: Like around two.
Miller: Yeah?
Ramos-Olivera: Yeah.
Miller: Uhm, then did you guys just stay up all night or what did you guys do?
Ramos-Olivera: Yeah, we just, everybody stayed up for a little bit and then like we all got tired so then my mom told us, me and my sisters and the babies to go upstairs and sleep and that they were going to stay in the living room downstairs in the front, so in case they came back, they wanted to see 'em.
Miller: Okay.
Ramos-Olivera: And then, uh, as soon as we turned off the lights, they started firing and it ---
Miller: So, they came back and did another shooting on your house?
Ramos-Olivera: Yeah. This time through the front, though.
Miller: Okay. So, the first time around, which part of the house were they shooting into?
Ramos-Olivera: The back, 'cause they thought we were in the garage.
Miller: Okay. And the second time, they, they came by, they, they came by and they lit up the house. The front of the house.
Ramos-Olivera: Yeah.
Miller: Okay. Did you see anybody or any vehicles associated with either one of these shootings?
Ramos-Olivera: Nuh uh (negative).
Miller: Okay.
Ramos-Olivera: We didn't even hear no cars or nothing. We just heard the gun shots.
Miller: Oh, again, so just the, the gun shots. Okay. Now, I know that some things took place after that. Uhm, were you involved in any other shootings ---
Ramos-Olivera: No.
Miller: --- besides the one that we've talked about?
Ramos-Olivera: After that I just, we moved out of the house to my sisters' apartments and I've just been staying at their house. I haven't talked to my friends. I haven't done nothing.
Miller: Okay. Are you familiar with some other shootings?
Ramos-Olivera: Yes.
Miller: Okay. Uhm, what shootings are you familiar with?
Ramos-Olivera: The ELS's went and shot up my aunt's house, that's where my cousin, Little Wolfie, stays.
Miller: Okay. So, your cousin, Little Wolfie, who we know from previous investigations and our previous conversations is Juan Carlos Ruiz, uh, his mom's place ---
Ramos-Olivera: Yes.
Miller: --- got shot up. That's your aunt. Correct?
Ramos-Olivera: Yes.
Miller: Okay. And what happened from that?
Ramos-Olivera: She told, well, when she talked to my cousin Juan Carlos, she told him what happened and he got mad. So, then he called my homey Chino and told him, you know, if it was true, and he was, Chino told him, yeah. And then he told Chino to go do something about it.
Miller: Okay. And now, where is Little Wolfie right now?
Ramos-Olivera: In the Immigration Building.
Miller: In the Immigration Building. Now, he's in the process of being deported. Is that correct?
Ramos-Olivera: Yes.
Miller: Okay. Uhm, and so Little Wolfie's mom's house gets lit up. His mom tells Little Wolfie what happened. Little Wolfie calls Chino. Chino confirms the house got lit up. So, Little Wolfie tells him, go do something about it.
Ramos-Olivera: Yes.
Miller: Okay. And how do you know all of that?
Ramos-Olivera: 'Cause I seen Chino at my grandma's birthday party the other day, it was like on Sunday and then I see him at McDonald's and he told me that, that they went and went to go ride on them 'cause of Little

Wolffie's house got shot up and he showed me the 40, uh, gun.
Miller: Okay. Uh, do you know what specifically they did?
Ramos-Olivera: No. They just, he just told me they were going to go ride on 'em.
Miller: Okay. And you said that Chino had a 40 at that point?
Ramos-Olivera: Yeah.
Miller: Okay. Did he have a 40 with him when you guys did that other shooting?
Ramos-Olivera: No.
Miller: No. So, we're just talking 22s in the earlier shooting, but now he's got a 40?
Ramos-Olivera: Yeah.
Miller: Okay. Do you know who went with him for that other shooting?
Ramos-Olivera: He didn't tell me specifically who, but he just told me that they were going to go ride on 'em.
Miller: Okay. So, do you know if there were any other weapons involved?
Ramos-Olivera: Uh, I don't know.
Miller: Do you know if anybody else was involved?
Ramos-Olivera: Probably the homeys.
Miller: The homeys, but you don't know in particular who ---
Ramos-Olivera: I don't know ---
Miller: ---only because he said they ---
Ramos-Olivera: --- exactly which ones.
Miller: Okay. And that's fine. I mean, you, you know what you know. You don't know what you don't know.
Uh, now, you said that Chino lives in the area of 83rd and Hosmer. Correct?
Ramos-Olivera: Yes.
Miller: Some apartments.
Ramos-Olivera: Yes.
Miller: Okay. Where's Youngster live?
Ramos-Olivera: 93rd and Yaki.
Miller: Okay. Is that a house? Apartment?
Ramos-Olivera: House.
Miller: A house. What color house is it?
Ramos-Olivera: Light bluish.
Miller: One story? Two story?
Ramos-Olivera: One story.
Miller: One story. Anything else about the house that kinda stands out?
Ramos-Olivera: A gravel drive through and like a little fence.
Miller: A gravel drive way and there's a little fence.
Ramos-Olivera: Yes.
Miller: Okay. Uh, and the other person that you mentioned is Spider. What's Spider's real name?
Ramos-Olivera: Miguel.
Miller: Okay. Any idea where Miguel is right now?
Ramos-Olivera: Portland, Oregon.
Miller: Okay. And what's got him down in Portland, Oregon?
Ramos-Olivera: He's hiding out. He wants things to calm down.
Miller: Okay.
Ramos-Olivera: And he don't want anything happening to his family.
Miller: Okay. So, he's laying low. Do you know who he's laying low with?
Ramos-Olivera: His mom.
Miller: His mom. She lives down in the Portland, Oregon area as well?
Ramos-Olivera: Yes.
Miller: Okay. Any idea how he got down there?
Ramos-Olivera: Uh, his mom came and picked him up.
Miller: Okay. The weapons that were used in that shooting that you were involved in, uh, do you know where they are?
Ramos-Olivera: They're either might be at Chino's apartment or Youngster's house.
Miller: Okay. So, you're thinking either Chino's apartment over at 83rd and Hosmer or Youngster's house there at 93rd and, uh, Yakima.
Ramos-Olivera: Right.
Miller: Okay. Do you know for sure?
Ramos-Olivera: Not for sure, but when Spider left, he might of left his here, so. (unintelligible).
Miller: Okay. So, it's possible that Spider took his with him?

Ramos-Olivera: Yes.
Miller: Okay. Spider being Miguel, obviously. The one that went down to Portland, Oregon. Correct?
Ramos-Olivera: Yes.
Miller: Okay. Okay. Is there anything else that you can think of that I need to be aware of regarding this case? Anything that might help me with my investigation?
Ramos-Olivera: Not at the moment.
Miller: Okay. Is everything that you've told me true and correct to the best of your knowledge?
Ramos-Olivera: Yes.
Miller: Have there been any threats or promises made to you regarding this case?
Ramos-Olivera: No.
Miller: Okay. The time is now 1309 hours and that'll conclude this taped statement.

End of Interview/bb

Reviewed By:		Reviewed Date:	
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**Tacoma Police Department
Supplemental Report**

Incident No. 072941273.20

PDA: Homeland Security: Subject: **Drive-By Shooting**

Incident No.
072941273.20

IBR Disposition: **Arrest**

Case Management

Forensics:

Disposition:

Reporting By/Date: **T91670 - Wade, Edward 11/1/2007
4:00:00 PM**

Case Report Status: **Approved**

Reviewed By/Date: **T93679 - White, Thomas 11/8/2007
8:59:32 AM**

Related Cases:

Case Report Number Agency

Non-Electronic Attachments

Attachment Type Additional Distribution Count

Location Address: **3601 E J St**

Location Name:

City, State, Zip: **Tacoma, WA**

Cross Street:

Contact Location:

City, State, Zip:

CB/Grid/RD: **464 - Tacoma**

District/Sector: **TA41 - Tacoma**

Occurred From: **11/1/2007 5:30:00 AM Thursday**

Occurred To:

Notes:

Offense Details: 5213 - Weapon - Firing Weapon/Drive-by

Domestic Violence: No	Child Abuse:	Gang Related:	Juvenile:
Completed: Completed		Crime Against: SO	Hate/Bias: None (No Bias)
Criminal Activity: Operating/Promoting/Assisting		Type of Security:	Using:
Location Type: Street/Right of Way		Evidence Collected: Shell Casing	Tools:
Total No. of Units Entered:			
Entry Method:			
Notes:			

Offense Details: 2999 - Destruction / Damage / Vandalism of Property

Domestic Violence: No	Child Abuse:	Gang Related:	Juvenile:
Completed: Completed		Crime Against: PR	Hate/Bias: None (No Bias)
Criminal Activity:		Type of Security:	Using:
Location Type: Single Family Residence		Evidence Collected: Shell Casing	Tools:
Total No. of Units Entered:			
Entry Method:			
Notes:			

Weapon 1: Firearm, Unk. Type

Call Source: Dispatched	Assisted By:
Phone Report:	Notified:
Insurance Letter:	Entered By: T91670 - Wade, Edward
Entered On: 11/6/2007 7:36:07 AM	Approved By: E94510 - Wilson, Laura
Approved On: 11/8/2007 10:31:58 AM	Exceptional Clearance:
Adult/ Juvenile Clearance:	Exceptional Clearance Date:
Additional Distribution:	Other Distribution:
Validation Processing	Distribution Date: By: County Pros. Atty. Juvenile Other CPS Supervisor:
	Indexed Date: By: City Pros. Atty. Military DSHS PreTrial
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Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.	
Printed: November 13, 2007 - 12:36 PM Printed By: Lilley, Elaine	

(142)

Offense:	5213 - Weapon - Firing Weapon/Drive-by	Serial No:	
Offender:		OAN:	
Weapon:	Firearm, Unk. Type	Automatic:	
Other Weapon:		Caliber:	.22
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis:

Narrative: I am a member of the SWAT Team and assigned as an Assistant Team Leader for the Entry Element.

On 11-01-07 at 0530 hours I attended a briefing for the service of two (2) search warrants for CID. The addresses for the warrants were 3601 East Spokane St. and 930 East 51st St.

I was transported to 3601 East Spokane via PPO Tscheuschner's marked patrol car and established a perimeter position just south of 3601 E. Spokane St. in the roadway.

I remained at the position as several males and females w/children exited the residence and were detained by the Arrest Team located at the intersection of E. 36th St. and Spokane St.

After the occupants were detained, I moved forward with other members of the Entry Element to clear the residence of any subjects/hazards. I entered nearly every room of the house and did not locate any subjects and/or hazards.

I did not search for or locate any property/evidence, I did not remove any property/evidence, and I did not damage any property at 3601 E. Spokane St.

PPO Tscheuschner and I stayed in the residence until relieved by members of CID and released by Sgt. T. Davidson.

PPO Tscheuschner and I then drove to 930 East 51st St. where the rest of the Entry Element was already in the residence.

I went inside and then was tasked with entering the detached garage. I was tasked with being the breacher if the garage door was locked. I approached the door and it was locked. Utilizing a ram, I breached the door causing minor damage to the door knob and door frame.

I did not enter the garage or travel trailer in the back (south) yard. I did not search for or locate any property/evidence and I did not remove any property/evidence.

I then was transported back the TPD HQ for a debrief. At the debrief the SWAT Team was advised that there would be several more search warrants to be served on behalf of CID. The locations were 758 S. 93rd St. and 1807 S. 82nd St. #3.

(142a)

At approximately 1235 hours, I was transported to 758 S. 93rd St. via PPO Tscheuschner's marked patrol car and we established a perimeter position just east of the residence in the roadway.

Members of the Arrest Team had made several announcements into the residence and several males and females w/children had been detained. There was information received from some of the people detained by the Arrest Team that there was a female sleeping inside the residence.

PPO Tscheuschner made several PA announcements and a female came out of the detached garage located on the north side of the residence. She was detained by Arrest Team.

I then joined the rest of the Entry Element and made entry into the house. I entered the living room area and then went into the kitchen. I then went to the detached garage which had all doors open. The area was cleared of subjects/hazards.

I did not search for any property/evidence, I did not remove any property/evidence, and I did not damage any property at 758 S. 93rd St.

At 1335 hours, PPO Tscheuschner and I arrived at 1807 S. 82nd St. #3 and maintained a containment position just north of the location in the parking lot. I did not make entry into the residence.

I did not speak to or interview any subject detained in any of the warrants.

Reviewed By:

Reviewed Date:

APPENDIX “F”

Report – Lamas Olivera

Original Supp.

PDA:	Homeland Security:	Subject:	Lamas-Olivera Interview	Incident No. 072941273.21
IBR Disposition:	Arrest	Case Management Disposition:		
Forensics:		Reporting By/Date:	T50370 - Krause, Terry 11/6/2007 3:44:00 PM	
Case Report Status:	Approved	Reviewed By/Date:	T52130 - Lerum, Jewell 11/7/2007 12:10:49 PM	

Related Cases:

Case Report Number _____ Agency _____

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
ASR - Advisement/Statement of Rights (all languages)		1

Location Address:	3601 E J St	Location Name:	
City, State, Zip:	Tacoma, WA	Cross Street:	
Contact Location:		City, State, Zip:	
CB/Grid/RD:	464 - Tacoma	District/Sector:	TA41 - Tacoma
Occurred From:	11/1/2007 5:30:00 AM Thursday	Occurred To:	
Notes:			

Offense Details: 5213 - Weapon - Firing Weapon/Drive-by

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	SO	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:	Operating/Promoting/Assisting			Tools:			
Location Type:	Street/Right of Way		Type of Security:				
Total No. of Units Entered:		Evidence Collected:	Shell Casing				
Entry Method:		Notes:					

Offense Details: 2999 - Destruction / Damage / Vandalism of Property

Domestic Violence:	No	Child Abuse:		Gang Related:		Juvenile:	
Completed:	Completed	Crime Against:	PR	Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:				Tools:			
Location Type:	Single Family Residence		Type of Security:				
Total No. of Units Entered:		Evidence Collected:	Shell Casing				
Entry Method:		Notes:					

Call Source:	Dispatched		Assisted By:	
Phone Report:		Notified:		
Insurance Letter:		Entered By:	T50370 - Krause, Terry	
Entered On:	11/6/2007 3:44:43 PM		Approved By:	E34159 - Hamilton, Judi
Approved On:	11/7/2007 1:33:36 PM		Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:		
Additional Distribution:		Other Distribution:		
Validation Processing	Distribution Date:	By: les	County Pros. Atty.:	Juvenile
	Indexed Date:	By:	City Pros. Atty.:	Military
			Other:	CPS
			DSHS:	PreTrial:
				Supervisor:

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Printed: November 7, 2007 - 1:33 PM
 Printed By: Hamilton, Judi

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Notes:

Weapon 1: Firearm, Unk. Type

Offense:	5213 - Weapon - Firing Weapon/Drive-by	Serial No:	
Offender:		OAN:	
Weapon:	Firearm, Unk. Type	Automatic:	
Other Weapon:		Caliber:	.22
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Investigative Information

Means:		Motive:	
Vehicle Activity:		Direction Vehicle Traveling:	

Synopsis:	
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Narrative: This supplemental report concerns my contact with and interview of Jorge Lamas-Olivera, hereinafter referred to as Lamas. I met with Lamas and Officer Ramirez in the holding area at the station. I have had contact with Lamas recently where he viewed a photomontage and identified "Popeye" from a rival gang the ELS (Eastside Loco Surenos). I had no difficulty communicating with Lamas in English. Officer Ramirez had been instructed to standby in case there was an issue regarding a language barrier. I asked Lamas how well he understood English and he told me "pretty good." I escorted Lamas to one of the CID interview rooms. While we were in the room he was not handcuffed. Also present in the room was Officer Ramirez and Detective Miller. I read the Miranda warnings to Lamas via a card with warnings written in Spanish that I have carried for years going back to numerous arrests I made involving Mexican nationals in the early 90's. Lamas told me he understood his rights. I asked Lamas if he could read Spanish. He said he could. I then went over the standard TPD Miranda warnings written in Spanish and English. Lamas signed the rights advisement. Officer Ramirez and Detective Miller were present. Lamas did not request an attorney or invoke his right to remain silent at any time during his contact with me.

After the advisement, I asked Lamas how long he had been in VSL, to which Lamas replied, "A month." I asked Lamas who jumped him in. Lamas told me he wasn't jumped in, he just walked in. I am a gang detective with the commensurate training and experience involving same and am familiar with the method of "walking in" to join a gang. This is unusual but not unprecedented. I asked Lamas about the events leading up to the shooting. Lamas told me they all met at Youngster's house. I asked him why they were going to go shoot. Lamas told me it was because his car got shot and because ELS shot up Lazy's house. Lamas told me he didn't know why they (VSL) got shot. I asked Lamas who made the decision to go shoot, to which Lamas replied, "Everybody." I asked Lamas where the shooting took place, to which Lamas replied, "38th & McKinley." I asked Lamas how they knew where to go, to which Lamas replied, "Chino knew which house."

I drew a diagram of two vehicles and asked Lamas to describe the order of march, the type of vehicles, who was seated where, and who had guns/what type. Lamas told me the first car was Chino's green Olds Blazer-type vehicle and the second car was Youngster's Olds. Lamas initially said brown, then red for the color and told me he didn't know the English word for the color he wanted to say. I prompted him with maroon, to which he then nodded and said that was the right color. Lamas said Chino was driving the green Olds. Lamas couldn't remember who was in the front seat. Spider and Lazy were in the backseat. There were two other people in the car, but Lamas didn't know who they were. Spider had a .22 rifle. Lazy had a 12-gauge shotgun. Youngster was driving his maroon Olds. Lamas was seated in the front passenger seat and armed with a .22 pistol. Molina was in the backseat and armed with a .22 pistol.

I asked Lamas about the drive-by and he told me they, "Just shot the house." I asked Lamas to

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identify who shot. Lamas told me, "Lazy, me, and Molina." Lamas told me he didn't know if Spider shot. Lamas said Molina shot twice. I asked Lamas how many times he shot. Lamas told me he fired once and then his, "gun got stuck." I asked Lamas why they targeted the house. Lamas related that Chino and Youngster said the ELS were at a party there. I asked Lamas if he was forced into this shooting because of his new status in the gang. I asked Officer Ramirez to speak to Lamas about this issue in Spanish to get the point across of exactly what motivated Lamas to go and to shoot. Lamas replied in Spanish. Officer Ramirez said Lamas was not prompted to shoot, that it was his decision. Lamas was angry about getting shot at and was angry about the prior shootings.

I asked Lamas if he had been in trouble before to which Lamas said he had been arrested once in Lakewood but not for anything gang related. I asked Lamas about the guns. Lamas said both his gun and Molina's gun came from Youngster's house that day. Youngster gave Lamas the gun specifically for the shooting. Lamas thinks the other guns came from Spider's house (the .22 and the shotgun) and went back to Spider's after the shooting. There was some incidental conversation between Officer Ramirez and Lamas during the course of the interview, however other than the area I've quoted as translated by Officer Ramirez, my conversation was directly with Lamas in English.

At the conclusion of the interview, I escorted Lamas back to the holding area to await transport.

Reviewed By:		Reviewed Date:	
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APPENDIX “G”

Report – Aguilar Mera

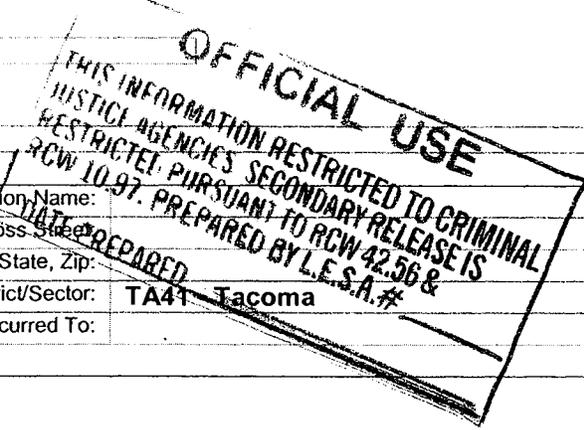
PDA:	Homeland Security:	Subject:	Transcription - Jonathan Aguilar-Mera	Incident No. 072941273-25
IBR Disposition:	Arrest	Case Management Disposition:		
Forensics:		Reporting By/Date:	T07670 - Bair, John 11/7/2007 10:29:00	
Case Report Status:	Approved	Reviewed By/Date:	T52130 - Lerum, Jewell 11/7/2007 12:11:12	

Related Cases:

Case Report Number _____ Agency _____

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
Location Address: 3601 E J St	Location Name:	
City, State, Zip: Tacoma, WA	Cross Street:	
Contact Location:	City, State, Zip:	
CB/Grid/RD: 464 - Tacoma	District/Sector: TA41 - Tacoma	
Occurred From: 11/1/2007 05:30:00 Thursday	Occurred To:	
Notes:		



Offense Details: 5213 - Weapon - Firing Weapon/Drive-by

Domestic Violence: No	Child Abuse:	Gang Related:	Juvenile:
Completed: Completed		Crime Against: SO	Hate/Bias: None (No Bias)
Criminal Activity: Operating/Promoting/Assisting			Using:
Location Type: Street/Right of Way	Type of Security:		Tools:
Total No. of Units Entered:	Evidence Collected: Shell Casing		
Entry Method:			
Notes:			

Offense Details: 2999 - Destruction / Damage / Vandalism of Property

Domestic Violence: No	Child Abuse:	Gang Related:	Juvenile:
Completed: Completed		Crime Against: PR	Hate/Bias: None (No Bias)
Criminal Activity:			Using:
Location Type: Single Family Residence	Type of Security:		Tools:
Total No. of Units Entered:	Evidence Collected: Shell Casing		
Entry Method:			
Notes:			

Call Source: Dispatched	Assisted By:						
Phone Report:	Notified:						
Insurance Letter:	Entered By: T07670 - Bair, John						
Entered On: 11/7/2007 10:29:54	Approved By: E203949 - Titus, Marie						
Approved On: 11/7/2007 16:02:49	Exceptional Clearance:						
Adult/Juvenile Clearance:	Exceptional Clearance Date:						
Additional Distribution:	Other Distribution:						
Validation Processing	Distribution Date:	By: [Signature]	County Pros. Atty:	Juvenile	Other	CPS	Supervisor:
	Indexed Date:	By:	City Pros. Atty:	Military	DSHS	PreTrial	

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Printed: November 7, 2007 - 4:03 PM
 Printed By: Titus, Marie

(Handwritten initials)

Weapon 1: Firearm, Unk. Type

Offense:	5213 - Weapon - Firing Weapon/Drive-by	Serial No:	
Offender:		OAN:	
Weapon:	Firearm, Unk. Type	Automatic:	
Other Weapon:		Caliber:	.22
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Property Item No. 54/1: 1307 - Recording - Confession

Other Common Item:		Photographed:	
Description:	mini-cassette	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	
Status:	E - Evidence (Including Other Seized Property And Tools)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	
Field Test Results:		OAN:	
Property Disposition:	Booked into Property	Insurance Company:	
Disposition Location:	Tacoma Police	Policy No:	

Vehicle Information:

License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Driveable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	
Special Features:		Hold Requested By:	

Drug Information:

Drug Type:		Drug Measure:	
Drug Quantity:		Drug Measure Type:	

Jewelry Information:

Metal Color:		Total # of Stones:	
Metal Type:		Inscription:	
Stone Color:		Generally Worn By:	

Firearm Information:

Caliber:		Length:	
Gauge:		Finish:	
Action:		Grips:	
Importer:		Stock:	

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Property Notes:

Mini-cassette confession from Jonathan Aguilar-Mera.

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:
Synopsis:	

Narrative:

Bair This is going to be case number 07-2941273. Today is the 1st of November, 2007, the time right now is 1626 hours. We're currently located at 3701 South Pine in the 2nd Floor Interview Room. Present is myself, Detective John Bair, also present is Detective Brian Vold, ID 332, and with us is JONATHAN OSWALDO AGUILAR-MERA. And JONATHAN, do I have your permission to tape this?

Aguilar-Mera Yes you do.

Bair And JONATHAN, before I go any further, in front of me is a Miranda Rights form that you signed prior to taking this taped statement. Is this your signature I'm pointing to?

Aguilar-Mera Yes it is.

Bair And I'm going to read into the tape the rights, which I've already read to you. You have the right to remain silent. Do you understand that?

Aguilar-Mera Yes I do.

Bair Any statement that you do make can be used as evidence against you in a court of law. Do you understand that?

Aguilar-Mera Yes sir.

Bair You have a right at this time to talk to an attorney of your choice and to have your attorney present before and during any questioning and the making of any statement. Do you understand that?

Aguilar-Mera Yes sir.

Bair If you cannot afford an attorney, you're entitled to have one appointed to you, for you, without cost to you, and to have the attorney present at any time, during any questioning and the making of any statement. Do you understand that?

Aguilar-Mera Yes sir.

Bair You may stop answering questions or ask for an attorney at any time, during any questioning and the making of any statement. Do you understand that?

Aguilar-Mera Yes I do.

Bair And having, do you understand each of these rights I've, uh, which I've explained to you?

Aguilar-Mera Yes.

Bair And having been made fully aware of these rights, do you voluntarily wish to answer questions now?

Aguilar-Mera Yes.

Bair And JONATHAN, what's your nickname? What do they call you?

Aguilar-Mera CHINO.

Bair CHINO. And um, prior to today, off tape, reading your Miranda, have you ever had your Miranda read to you in the past? This right here.

Aguilar-Mera Oh.

Bair Have you ever had your rights read to you?

Aguilar-Mera Yes, I have.

Bair Okay and can you state your first, your middle, and your last name and the spelling of all your names?

Aguilar-Mera JONATHAN OSWALDO AGUILAR MERA, J-O-N-A-T-H-A-N, O-S-W-A-L-D-O, A-G-U-I-L-A-R, M-E-R-A.

Bair And JONATHAN where do you currently live at? What's your address?

Aguilar-Mera 82nd Street South, Apartment number three.

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Bair Okay, is that in, what city?
Aguilar-Mera Tacoma, Washington.
Bair Do you know your phone number there?
Aguilar-Mera Uh, we don't have a house phone.
Bair Do you have a cell phone?
Aguilar-Mera 253-226-5542.
Bair And do you work anywhere?
Aguilar-Mera Uh, yes I do.
Bair Where do you work at?
Aguilar-Mera Drywall Incorporated.
Bair Do you know your work phone number?
Aguilar-Mera Uh, no I don't, yes I do, 926-8668.
Bair And your apartment, do you know the name of your apartment?
Aguilar-Mera Bryn-Mawr Village.
Bair And who lives with you in the apartments?
Aguilar-Mera Mother and Step-father.
Bair What's your mother's name?
Aguilar-Mera Uh, MARIA.
Bair Her last name? You don't know it?
Aguilar-Mera Oh, Aguilar.
Bair Okay and your Step-father?
Aguilar-Mera Angel.
Bair Angel, what's his last name?
Aguilar-Mera Sarrento.
Bair Do you have any siblings?
Aguilar-Mera My brother.
Bair Where does he live?
Aguilar-Mera On the streets.
Bair You don't know where he lives? Okay.
Aguilar-Mera No, I don't, sir.
Bair Do you currently drive any vehicles?
Aguilar-Mera I drive my mother's truck. I don't own any vehicles though.
Bair When you say truck, what kind of truck are you talking about?
Aguilar-Mera Um, I drive her, her Oldsmobile, uh, Bravada, every now and then.
Bair Is that an SUV or a truck?
Aguilar-Mera SUV.
Bair Okay, what color is it?
Aguilar-Mera Green.
Bair Okay, now we've had a chance to talk off tape, is that correct?
Aguilar-Mera Yes we have.
Bair And before we talked, did I read you these Miranda? That I gave you right here?
Aguilar-Mera Yes you did.
Bair And you wished to talk freely, is that correct?
Aguilar-Mera Yes I do.
Bair Is this statement you're giving on your own free will today?
Aguilar-Mera Yes it is.
Bair Okay and when we talked off tape, we asked you a number of different questions that we took notes on. Can you tell me, first off, what gang you're currently with?
Aguilar-Mera VSL.
Bair What does VSL stand for?
Aguilar-Mera Varios Surenos Locotes
Bair And how long have you been in the VSL gang?
Aguilar-Mera Two years.
Bair Two years, and who put you in?
Aguilar-Mera Um, LITTLE LOONEY, RETON, uh, SPIDER, um, LITTLE DREAMER and that's all I, that's about it.
Bair Okay.
Aguilar-Mera Long time ago.
Bair And these people that put you in, are some of them residents of Tacoma?

Aguilar-Mera None of them are.
 Bair None of them are. And you told us off tape that you're from a particular town, what town is that?
 Aguilar-Mera Um, Ya..., Yakima.
 Bair Okay and these people that put you into the gang, are they from that same town?
 Aguilar-Mera Yes sir.
 Bair How long total have you lived in Tacoma?
 Aguilar-Mera Eight years.
 Bair And in that eight years, the whole time you've been here, have you been involved in gangs?
 Aguilar-Mera Um, no sir.
 Bair So how long do you think you've been involved in gangs total?
 Aguilar-Mera Three years.
 Bair Does that include the Yakima time?
 Aguilar-Mera Yes sir.
 Bair Okay, so even though you've been in Tacoma eight years, was there a period in time when you were a resident of Tacoma you weren't in the gang?
 Aguilar-Mera Yes there was.
 Bair Okay. And we also talked off tape about the friends that you currently have; can you name them again?
 Aguilar-Mera Yeah, um.
 Bair Name whoever your friends are that you run with.
 Aguilar-Mera Uh, I don't know, CASPER, uh, SPIDER, LAZY, YOUNGSTER, STOMPER, uh, SMILEY.
 Bair Okay, let's go over their, those guys again. The first one you named was who?
 Aguilar-Mera CASPER.
 Bair CASPER, how long have you known CASPER?
 Aguilar-Mera About three years.
 Bair Three years and what's CASPER drive?
 Aguilar-Mera Um, oh, a white uh, Grand Am.
 Bair Okay and the next person, did you name off?
 Aguilar-Mera Uh, YOUNGSTER.
 Bair That's YOUNGSTER?
 Aguilar-Mera Um-huh.
 Bair Okay, do you know YOUNGSTER's real name?
 Aguilar-Mera Uh, ALEX.
 Bair Okay, do you know CASPER's real name?
 Aguilar-Mera No, I don't.
 Bair Okay. And YOUNGSTER/ALEX, how long have you known him?
 Aguilar-Mera About three years.
 Bair And do you know what he drives?
 Aguilar-Mera A '88, it's a Oldsmobile '88.
 Bair An Oldsmobile '88, what color is it?
 Aguilar-Mera Maroon.
 Bair Okay and who else did you name off/
 Aguilar-Mera STOMPER.
 Bair STOMPER? And do you know STOMPER's real name?
 Aguilar-Mera No.
 Bair Okay, is STOMPER related to anybody that we've already talked about?
 Aguilar-Mera YOUNGSTER.
 Bair Okay, so that's YOUNGSTER's?
 Aguilar-Mera Younger brother.
 Bair Younger brother. How long have you known STOMPER?
 Aguilar-Mera Six months.
 Bair Six months, does he own a vehicle?
 Aguilar-Mera No, he doesn't.
 Bair Okay, the next person you named?
 Aguilar-Mera SPIDER.
 Bair SPIDER, do you know SPIDER's real name?
 Aguilar-Mera Um, MIGUEL.
 Bair Okay, how long have you known MIGUEL?
 Aguilar-Mera Three years.

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Bair Three years? Okay, what about his vehicle?
Aguilar-Mera He doesn't drive one.
Bair Okay and who else have you named?
Aguilar-Mera Um, FRANCISCO.
Bair FRANCISCO? How long have you known FRANCISCO?
Aguilar-Mera Five, six months.
Bair Six months? And does he drive a vehicle?
Aguilar-Mera No.
Bair And who else have you named?
Aguilar-Mera PELON.
Bair PELON, is that P-E-L-O-N?
Aguilar-Mera Um-huh.
Bair How long have you known PELON?
Aguilar-Mera Three months.
Bair Three months. Is that PELON's real name?
Aguilar-Mera No.
Bair Do you know his real name?
Aguilar-Mera No.
Bair How about FRANCISCO? Is that his real name?
Aguilar-Mera Um, most likely.
Bair Okay. And who else did you name?
Aguilar-Mera GIGGLES.
Bair Do you know GIGGLES' real name?
Aguilar-Mera No I don't.
Bair How long have you known GIGGLES?
Aguilar-Mera About a year.
Bair How about a vehicle, does vehicle, does GIGGLES drive a vehicle?
Aguilar-Mera No, he doesn't.
Bair Okay, who else?
Aguilar-Mera SMILEY.
Bair SMILEY? Do you know SMILEY's real name?
Aguilar-Mera No, I don't.
Bair Do you know what kind of vehicle he drives?
Aguilar-Mera A Mustang, blue Mustang.
Bair Okay. And who else? Is there any other friends that we were talking about off tape?
Aguilar-Mera Uh, no.
Bair How about a guy named OSCAR?
Aguilar-Mera Oh yeah, and LAZY.
Bair Okay, what's OSCAR's name?
Aguilar-Mera LAZY.
Bair LAZY. And how long have you known OSCAR?
Aguilar-Mera Um, about a year and a half.
Bair Okay, what kind of vehicle does OSCAR drive?
Aguilar-Mera He doesn't.
Bair Okay. So I bring all these names up, I bring all these names up because we talked about these people off tape, correct?
Aguilar-Mera Yes sir.
Bair Okay, so let's switch gears here and talk a little bit about what's happened since the time, about Sunday, about a week or so ago. Can you tell me what you know got you into the position where you're in trouble right now? How it all started.
Aguilar-Mera Um, we were havin' a barbecue, all of, most of those guys that I just named and other people, and um, the barbecue was over and uh, SMILEY was on his way to go drop off two people, which is FRANCISCO and PELON and then everybody else was going home. Um, SMILEY went and dropped off PELON and FRANCISCO. As soon as he got to their apartments at Sunrise, he was shot at by some guys from ELS who he says he didn't know who it was, it was just from ELS. Um, SMILEY then went to my house where, where I was at already from dropping other people off. Um, where I was with YOUNGSTER and he told us about it so we went and we went to go pick up SPIDER and some guns and then after we picked up SPIDER, uh, LAZY called us, telling us that his house got shot up so we went and picked him up. Um, then after that, we were driving around and SPIDER's dad calls us telling us that his house got shot up so um,

we're in three cars now 'cause CASPER met up with us on the street and then uh, lead us to ROBERTO's house where we did the first drive-by. After that, uh, I took the people in my car home and I headed home with YOUNGSTER and the other two cars headed to, headed on a different direction, but later on called me and told me that they hit up LITTLE T's house.

Bair Okay, let's go over that a little bit in smaller details, a little bit of it at a time. The first time you're contacted is by you said uh, SMILEY, right?

Aguilar-Mera Outside my, in, in my parking lot.

Bair Now when he contacts you, does he contact you by phone? He comes, he pull up? Is he by himself?

Aguilar-Mera He pulls up with uh, PELON and, and FRANCISCO.

Bair What vehicle is he driving?

Aguilar-Mera His blue Mustang.

Bair Okay and what's the first thing SMILEY says to you?

Aguilar-Mera These mother fuckas just shot at me.

Bair These mother fuckas just shot at me.

Aguilar-Mera Um-huh.

Bair Did he tell you who?

Aguilar-Mera These fools from ELS.

Bair These fools from ELS, does he tell you who?

Aguilar-Mera No, he doesn't.

Bair Is there anything that he shows you that proves that he had been shot at?

Aguilar-Mera A hole in his left light, headlight.

Bair Of his car.

Aguilar-Mera Of his car.

Bair Okay, does PELON or FRANCISCO tell you who shot at 'em?

Aguilar-Mera Oh yeah.

Bair What did they tell you?

Aguilar-Mera Some guys from ELS.

Bair Some guys from ELS? Did they tell you where at?

Aguilar-Mera Yeah, in uh, the apartments.

Bair Which apartments?

Aguilar-Mera The Sunrise Apartments.

Bair Okay, which are located where?

Aguilar-Mera On Portland and 34th.

Bair Okay and after that happens, what takes place next?

Aguilar-Mera Uh, we drive to SPIDER's house.

Bair And you say we, did they drive in their car?

Aguilar-Mera No. All of 'em in my mother's truck.

Bair Okay, so they all piled in, they get out of the Mustang, they pile in your mother's uh?

Aguilar-Mera SUV.

Bair SUV, the green one you've already described, is that correct?

Aguilar-Mera Yes.

Bair And you guys go from there to where?

Aguilar-Mera SPIDER's house.

Bair SPIDER's house.

Aguilar-Mera To pick him up.

Bair And let's, let's describe first off, who SPIDER is, do you know SPIDER's first name?

Aguilar-Mera MIGUEL.

Bair And where does SPIDER live?

Aguilar-Mera Um.

Bair Do you know where it is? You told me it's on a particular part of the street.

Aguilar-Mera It's on the east side of Tacoma.

Bair And is it on a...

Aguilar-Mera By McKinley.

Bair Is it near...

Aguilar-Mera On a corner.

Bair On the corner, okay. Do you remember how big the house is? Is it a two-story, one-story, or do you remember?

Aguilar-Mera Um.

Bair It's okay if you don't remember.

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Aguilar-Mera Yeah, I don't remember.
Bair You don't remember, okay. So you meet over at SPIDER's house and what happens there? You guys tell SPIDER?
Aguilar-Mera Um, I think we called him over the phone.
Bair Okay.
Aguilar-Mera On, when we was on his way, on our way.
Bair And you informed him about the shooting?
Aguilar-Mera Yes.
Bair And what takes place when you get to SPIDER's house?
Aguilar-Mera He comes out with two guns and we ride in the car.
Bair What kind of guns does he come out with?
Aguilar-Mera Uh, a .22 and uh, a, no, he comes out with one gun, then, comes out with a .22.
Bair Okay, was it a handgun, rifle?
Aguilar-Mera Handgun.
Bair Okay and does SPIDER get in the vehicle with you, what happens...
Aguilar-Mera Yeah, he gets in the vehicle and we head to OSCAR's house.
Bair Okay and what happens when you get to OSCAR's house?
Aguilar-Mera He tells us that his house has been shot at and we picked him up.
Bair Okay, do you leave with OSCAR?
Aguilar-Mera Yes.
Bair And then what happens?
Aguilar-Mera And then we meet up with uh, with CASPER and the other car on the street.
Bair Do you know the other car?
Aguilar-Mera Yeah. It's YOUNGER's car but YOUNGSTER...
Bair YOUNGSTER's car?
Aguilar-Mera But YOUNGSTER was in my car with me.
Bair Okay, so who drives YOUNGSTER's car when you meet up?
Aguilar-Mera Now I'm not that sure right now.
Bair Okay.
Aguilar-Mera I don't remember.
Bair Okay, so CASPER's car, this Grand Am, you said before, and YOUNGSTER's car which you said I think was a, what kind of car?
Aguilar-Mera It, a Oldsmobile '88.
Bair Oldsmobile '88. Is there anybody else that's with you guys?
Aguilar-Mera Um, yeah, GIGGLES.
Bair Okay. What happens, well let me hear this straight, you have GIGGLES, CASPER...
Aguilar-Mera In one car.
Bair In one car. You have YOUNGSTER...
Aguilar-Mera Me.
Bair SMILEY, PELON, FRANCISCO and you in another.
Aguilar-Mera Um-huh.
Bair Which is your rig. And then you have OSCAR and SPIDER in this Oldsmobile?
Aguilar-Mera Um-huh.
Bair And somebody else that you can't...
Aguilar-Mera And the driver.
Bair You don't know who the driver was?
Aguilar-Mera I'm not sure.
Bair Okay. What happens then?
Aguilar-Mera Um, CASPER leads us to by ROBERTO's block, um...
Bair Who's ROBERTO, is he a guy...
Aguilar-Mera ELS gang member.
Bair Okay, ELS so he's a rival.
Aguilar-Mera Um-huh.
Bair What's, what's ROBERTO been, done to you guys?
Aguilar-Mera Um, he shot at BOXER a long time ago.
Bair Okay.
Aguilar-Mera And a lot other things a long time ago.
Bair Okay. So you guys think that...
Aguilar-Mera And his brother's a, a big player.

Bair Who's his brother?
Aguilar-Mera His brother's YONI, he's a big player in ELS so...
Bair His brother, YONI? Okay. And what do you know about YONI?
Aguilar-Mera That he's just a big player in ELS.
Bair You know any dirt he's done?
Aguilar-Mera Um, in the past, you know, just shootings and stuff.
Bair Okay, so you guys go over there, I mean, is there some kind of discussion as to why you're gonna' go to ROBERTO's house? Do you guys think he's involved in the shootings at these houses that just took place?
Aguilar-Mera Uh, yeah.
Bair Who's, who's talking? Tell me what's being said to make you guys think that this is ROBERTO?
Aguilar-Mera Well, it's not ROBERTO, not just ROBERTO, you know, his brother, YONI, lives there.
Bair Okay.
Aguilar-Mera And his brother does dirt, you know.
Bair Okay.
Aguilar-Mera ROBERTO does dirt and they're both in ELS and they, it's a hang, it's a ELS hangout place I guess.
Bair But is there a discussion that...
Aguilar-Mera Yes, because we uh, somebody from us asked where are we gonna' catch these fools, slippin', and then somebody from the group, which I can't remember who were all in the group, said um, well they hang out at ROBERTO's.
Bair Okay, so there's a discussion as to where you're gonna' do this retaliation, correct?
Aguilar-Mera Yes sir.
Bair So tell me what happens. How, how does this go down and do you remember where you were at in Tacoma?
Aguilar-Mera Yeah, we were driving down McKinley Street.
Bair Okay.
Aguilar-Mera Um, we turned right on 34th I believe.
Bair Okay.
Aguilar-Mera I believe that's where SPIDER lives too.
Bair Okay.
Aguilar-Mera We go straight down the street and then we follow, we're following CASPER's car, takes a right on ROBERTO's block, which I don't know what block it is. Slows down, points at the house, like right by the house, um, the guy in behind me, um, and my passenger's, in the back passenger, he starts shooting.
Bair And who is that guy that's shooting from your car?
Aguilar-Mera Uh, most, I believe it was SMILEY.
Bair You believe it was SMILEY or you know for sure?
Aguilar-Mera I believe it was SMILEY.
Bair Okay and what happens next?
Aguilar-Mera Um, I, I'm keep, I just keep on driving, just hear more shots. Uh, the car behind, in behind mine is also shooting and then we just pull out, you know.
Bair Okay.
Aguilar-Mera (Talk over) away from the scene.
Bair So first off, while this shooting's going down over there, you're, you're saying this is ROBERTO's block, right?
Aguilar-Mera Um-huh.
Bair Do you know which house at that time, which house ROBERTO's is?
Aguilar-Mera I didn't.
Bair Okay, the house, the car that's in front of you, who's in that car?
Aguilar-Mera CASPER and GIGGLES.
Bair And the car is in the middle is your car, right/
Aguilar-Mera Yes sir.
Bair And you're saying in your front seat is who?
Aguilar-Mera YOUNGSTER.
Bair YOUNGSTER? And then behind YOUNGSTER, in the back, is who?
Aguilar-Mera SMILEY.
Bair And then in the middle of the back?
Aguilar-Mera PELON.
Bair PELON? And then the left, behind the driver?
Aguilar-Mera FRANCISCO.

Bair FRANCISCO and you believe SMILEY was shooting?
Aguilar-Mera Yes.
Bair How do you know that to be true?
Aguilar-Mera I, uh, I believe because it's his car that got shot at.
Bair Earlier?
Aguilar-Mera Yeah.
Bair Okay.
Aguilar-Mera Earlier that night.
Bair The Mustang.
Aguilar-Mera The Mustang.
Bair Okay. And what kind of gun was SMILEY using when he was shooting at ROBERTO's house?
Aguilar-Mera A .22 caliber.
Bair Okay and was there other places on that street that were hit besides the suspected house of SMILEY?
Aguilar-Mera I believe so.
Bair Okay. And this .22 caliber, was it a rifle, you know, was it a handgun? Do you know?
Aguilar-Mera It's a rifle.
Bair It was a rifle and then behind you was who?
Aguilar-Mera Um, OSCAR and SPIDER and another person.
Bair And you don't know that person?
Aguilar-Mera I don't.
Bair And that person, that other person you don't know was the driver?
Aguilar-Mera Um-huh.
Bair Is that right, he was the driver?
Aguilar-Mera He was the driver, yes.
Bair So either OSCAR or SPIDER were shooting or both?
Aguilar-Mera Both.
Bair Both of 'em were and what kind of guns did they have?
Aguilar-Mera .22's.
Bair .22's. Okay. So you said that the shooting takes place, more than one house sounds like it was hit, and what happens next?
Aguilar-Mera The drive-by goes by and we take off, um, everybody turns to the right and go down Fairbanks, hits Portland, and I drop off FRANCISCO and PELON at the Sunrise and then go home and then a couple minutes later my phone uh, lights up and I get a message saying that they just hit another house, LITTLE T's house.
Bair And who's telling you that?
Aguilar-Mera CASPER.
Bair And who did you know LITTLE T to be?
Aguilar-Mera Um, I didn't know him to be anybody that night, I just knew he was an ELS gang member.
Bair How did you know him to be an ELS gang member?
Aguilar-Mera Just uh, word around.
Bair Okay. And did they tell you where this shooting took place?
Aguilar-Mera Uh, by the Compadre.
Bair The Compadre. Is that a restaurant?
Aguilar-Mera It's a Mexican store on McKinley Street.
Bair Okay.
Aguilar-Mera Next to 7-11, across the street from a muffler shop.
Bair Okay and what time did that conversation and connection with you guys did this shooting, how long we talking did the other shooting take place?
Aguilar-Mera Minutes.
Bair Within minutes? Okay. And you say you weren't involved in that.
Aguilar-Mera No sir.
Bair Okay and then after that happened and you go home, um, I asked you off tape about some additional shootings that took place maybe a couple days later. Remember that?
Aguilar-Mera Um-huh, yes sir.
Bair What did you tell me about how that all went down? First, who, who's house was the next one to get shot?
Aguilar-Mera Oh, it was my, my homeboy's.
Bair Now who's your homeboy?

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Aguilar-Mera GIGGLES.
 Bair Okay and is that he same night or how many days?
 Aguilar-Mera It's, I believe it's on a Wednesday or a Thursday.
 Bair Alright. Okay.
 Aguilar-Mera Not positive, not 100% positive.
 Bair And besides GIGGLES' house, who else was shot?
 Aguilar-Mera Uh, LITTLE WOLFIE's house.
 Bair And you told me off tape where...
 Aguilar-Mera LITTLE WOLFIE is in prison.
 Bair You told me also that LITTLE WOLFIE and GIGGLES, where do they...
 Aguilar-Mera Oh, they kind of live around the same block.
 Bair Okay so they're not too far away from each other?
 Aguilar-Mera No.
 Bair What happened, if you know, in response to those two shootings? What does your crew do?
 Aguilar-Mera They um, they go and do another drive-by.
 Bair And where is that at?
 Aguilar-Mera Uh, I heard it was at ROBERTO's.
 Bair Okay, do you know who did those drive-bys?
 Aguilar-Mera Uh, I don't know who did 'em.
 Bair Do you remember who you told me who you thought did 'em?
 Aguilar-Mera Um, maybe GIGGLES because his house got shot at.
 Bair In the same night?
 Aguilar-Mera Um-huh.
 Bair And who would have been with GIGGLES to help him with that endeavor?
 Aguilar-Mera Probably CASPER.
 Bair Okay and do you know what kind of gun they used?
 Aguilar-Mera Um, probably a .22.
 Bair Okay and I asked you, we both asked you about where these .22's would now be located. What'd you tell me?
 Aguilar-Mera Um, that, or the shotgun, and you guys could've find, uh, one of MIGUEL's shotguns in my room.
 Bair Okay, so you took MIGUEL's shotgun from this night, right?
 Aguilar-Mera Yeah, from Sunday.
 Bair From Sunday.
 Aguilar-Mera 'Cause he didn't it.
 Bair Okay.
 Aguilar-Mera Over at his house.
 Bair So to clarify what you told me, you told me that when he got in your car, he had a .22, but he, there was also a shotgun?
 Aguilar-Mera He wasn't, he didn't bring out the shotgun from his house.
 Bair When did you get the shotgun?
 Aguilar-Mera Uh, the night after that?
 Bair Monday then.
 Aguilar-Mera Monday night.
 Bair Okay. Was there any dirt that you did with the shotgun?
 Aguilar-Mera No, never been used.
 Bair So there'd be a shotgun in your house. How about the .22's? Where'd the .22's end up after this?
 Aguilar-Mera Um, one of 'em was given to LAZY and then the other one was given to CASPER, well it belongs to CASPER.
 Bair So..., one belongs to CASPER, so CASPER let somebody use it during the shooting?
 Aguilar-Mera Um-huh.
 Bair Who'd he let use it?
 Aguilar-Mera Uh, probably SPIDER or LAZY.
 Bair SPIDER or LAZY, okay. Were you aware that SPIDER had his own gun? Were you aware of SPIDER getting in a shooting a long time ago with someone in a Burger King?
 Aguilar-Mera Um, I heard that he got in a shoot out.
 Bair Okay, was that with his own gun or was that with CASPER's gun?
 Aguilar-Mera Uh, his own.
 Bair Okay. So we're talking about three different .22's here right?

Aguilar-Mera Yes.

Bair One belonging to SPIDER, one belonging to CASPER, and who belongs to the third one?

Aguilar-Mera And the rifle just belongs to, that belongs to everybody.

Bair Okay.

Aguilar-Mera But it stays at YOUNGSTER's house.

Bair But if I'm hearing you correctly, CASPER still has this .22, and who has the rifle right now?

Aguilar-Mera Well, he owns it so he should have it.

Bair Okay. Who owns the rifle right now?

Aguilar-Mera The rifle always stayed at YOUNGSTER's.

Bair YOUNGSTER's house? And how about this .22 SPIDER was using, do you think he's got that?

Aguilar-Mera No.

Bair Why don't you think that?

Aguilar-Mera Because he left all his guns with us and bounced. Left.

Bair Okay and that was recently.

Aguilar-Mera Oh yeah.

Bair How long ago is recently?

Aguilar-Mera Probably like last um, he, I think he was already gone by the time GIGGLES' house got shot at.

Bair Okay, that would be (talk over)?

Aguilar-Mera It was after, after you guys talked to him.

Bair Okay, we talked to him on Monday.

Aguilar-Mera Monday and then yeah, and then on Tuesday...

Bair When did he leave? Tuesday?

Aguilar-Mera Tuesday.

Bair So Monday he got with you guys and gave his guns away?

Aguilar-Mera Yes sir.

Bair And where was he supposed to be headed?

Aguilar-Mera He didn't tell us, just told us he was gonna' take off.

Bair And how would he get to where he's going?

Aguilar-Mera Probably family.

Bair Okay. So did you know anything about any other guns that were at SPIDER's house that we may have found today?

Aguilar-Mera No. Probably just that (unintelligible), probably owned some guns.

Bair Why do you think that?

Aguilar-Mera 'Cause he's Mexican.

Bair Okay, other than, other than that speculation, you haven't seen guns?

Aguilar-Mera Nah, I, I never seen...

Bair Other than the shotgun and .22 he had?

Aguilar-Mera Yeah.

Bair Okay.

Aguilar-Mera Other than that.

Bair Um, you also had a gun in your car today when you were detained, is that correct?

Aguilar-Mera Yes sir.

Bair Tell me about that.

Aguilar-Mera It's just my brother's .40 cal.

Bair Okay and your brother is, what's his name?

Aguilar-Mera ANGEL.

Bair And how did that gun become?

Aguilar-Mera He broke into a car and he found it in the car.

Bair Okay. When did he give you this gun?

Aguilar-Mera He never gave it to me.

Bair Well, does ANGEL use your truck, your...

Aguilar-Mera He uses my mom's truck too.

Bair Okay, so when this gun was found in your vehicle today, he's responsible for, is what you're saying?

Aguilar-Mera Um, yes.

Bair Where was it at?

Aguilar-Mera Um, I'm not sure.

Bair You don't know where the gun was at?

Aguilar-Mera I don't know where it was at.

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Bair Okay. When he rides in the car with you, where does he keep the gun?
Aguilar-Mera Um, next to the seat.
Bair Okay, driver's seat or passenger seat, or in the middle?
Aguilar-Mera Driver's, in the middle.
Bair In the middle. And how about the ammunition that was found in your vehicle today? What caliber was that?
Aguilar-Mera Um, .22 caliber ammunition.
Bair Okay, where would that have come from?
Aguilar-Mera Um, that was all given to me by uh, SPIDER.
Bair Okay and how long ago did SPIDER give you ammunition.
Aguilar-Mera Well, he gave me ammunition like six months ago.
Bair Okay and you never needed it?
Aguilar-Mera No, it was just laying in, around my car and then I cleaned my car out and I took most of the ammunition out and put it in my room, but just a couple weeks ago, I found that little half box, I just never really cared about it and just left it right there in my, by my glove box.
Bair So you're carrying around (unintelligible) ammunition for no real reason?
Aguilar-Mera Yes sir, I don't use a .22 caliber.
Bair Is there any casings in your car?
Aguilar-Mera Uh, no sir.
Bair Okay. So if I was to inform you that the people involved in this may be changed some of the events, as far as who shot and who drove.
Aguilar-Mera Um-huh.
Bair What would be your response to that?
Aguilar-Mera Um, I would say like for you guys to investigate, you know, and kind of make sense out of how things happened.
Bair Well, here's the only thing I can say in response to this, is that you've got .22 caliber casings in your vehicle, or .22 caliber bullets.
Aguilar-Mera Um-huh.
Bair In your ca., in your car and you're telling me that you just kind of cleaned out your car and put these back in here?
Aguilar-Mera No, those, like I cleaned the, I got most of 'em, I cleaned out my car and then I took all the ammunition that SPIDER had gave me, 'cause he gave me a lot more.
Bair Why would SPIDER give you .22 ammunition if you didn't have a .22?
Aguilar-Mera To give 'em and take 'em to YOUNGSTER's house.
Bair And why, why, I mean why did that ever, did that ever, why didn't that ever take place? Why did you never get 'em to YOUNG, to YOUNGSTER's house?
Aguilar-Mera Just smacking. Aguilar-Mera Not, yeah. He had ammunition at his house, he didn't need it.
Bair Okay, so it's not suspicious that you're carrying around .22 ammunition when someone's saying that you were involved as a shooter, not just a driver?
Aguilar-Mera Um.
Bair That's just, that's just coincidence?
Aguilar-Mera Yes sir.
Bair Okay, so other than that gun, you're telling me that br., that gun that we found today belongs to your brother and he stole it from a car. When did that theft take place?
Aguilar-Mera Um, about a week and a half ago.
Bair Okay.
Aguilar-Mera Two weeks, before the, all these shootings.
Bair Okay. There's one more thing you mentioned to me about the house over there where ROBERTO lives.
Aguilar-Mera Okay.
Bair You told me about, you told me about a uh, we're gonna' go ahead and time, the time right now is uh, 1655 hours, we're gonna' go ahead and go to Side B of the tape.
End of Side A
Beginning of Side B
Bair Okay, the time is still 1655 hours. We're continuing with Side B, um, JONATHAN, do I still have your permission to tape this?
Aguilar-Mera Yes sir.
Bair Um, there's one thing I wanted to ask you and that has to deal with the dating situation with, of RO...

this guy, ROBERTO, okay? You indicated off tape that you're involved with somebody that's close to him. Tell me about that.

Aguilar-Mera Oh, well I talk to his girlfriend, I dated her awhile back, awhile back.

Bair What's his girlfriend's name?

Aguilar-Mera ROXANNE.

Bair Now was ROXANNE cheating on ROBERTO at the same time?

Aguilar-Mera Um, every once in a while.

Bair Okay and I asked you off tape, I informed you off tape, and your, you told me you were, well I'll ask your response again. Off tape, when you guys were in this three car caravan, shooting the weapons, what was your recall of what houses were hit?

Aguilar-Mera Um, a house, I thought ROBERTO's house was the one before his.

Bair Okay.

Aguilar-Mera And...

Bair Are you aware that more than one house was hit?

Aguilar-Mera Now I am. You, you told me.

Bair Okay, were you aware then?

Aguilar-Mera No, I wasn't.

Bair Okay.

Aguilar-Mera I, I wasn't even aware if ROBERTO's house got hit.

Bair Okay, did ROXANNE ever indicate to you that her house was hit?

Aguilar-Mera No.

Bair She ever indicate her car was hit?

Aguilar-Mera No. I didn't, I didn't talk to ROXANNE after the shootings.

Bair Would there be any reason because you dated her or cheated on her with, you know, against her...

Aguilar-Mera Um-huh.

Bair ...current boyfriend, ROBERTO, would there be that reason why the house was missed purposely?

Aguilar-Mera No.

Bair So if she would have been in the house, it would have been okay...

Aguilar-Mera Yeah.

Bair ...if you would have hit it? That would have been okay with you?

Aguilar-Mera Ye....

Bair And we asked you if the loyalty to the gang is more important than the loyalty to a female. Remember off tape?

Aguilar-Mera Yes.

Bair What'd you tell me?

Aguilar-Mera I said yes.

Bair Yes meaning?

Aguilar-Mera I'd rather be with my friends than, than the girl.

Bair Okay. Detective Vold, do you have anything?

Vold No, I do not.

Bair We've given you this chance to talk freely today and uh, um, is there anything else that you'd like to say that we didn't bring up right now?

Aguilar-Mera No, just that, you know, I'm sorry I did all that.

Bair Okay. The time right now is 1658 hours. This concludes this interview.

End of taped statement/pmp

Reviewed By:

Reviewed Date:

174

APPENDIX “H”

Declaration of Kirk Mosley

④

Room 946
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PIERCE COUNTY
PROSECUTING ATTORNEY

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IN THE PIERCE COUNTY SUPERIOR COURT
STATE OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

vs.

MARTIN GOMEZ-VILLA,

Defendant.

CAUSE NO. 07-1-05633-7

DECLARATION OF KIRK MOSLEY

I declare as follows:

My name is Kirk Mosley and I was assigned through the Department of Assigned Counsel to represent Mr. Gomez-Villa on Pierce County Cause Number 07-1-05633-7. Mr. Gomez-Villa was charged with Four Counts of Assault in the First Degree, and Four Counts of Drive-By Shooting. The counts were weapon enhanced adding additional time to the presumptive sentence if the defendant was convicted at trial. I received the case file on November 13, 2007. On November 14, 2007, I received discovery pages 1-190, reviewed the discovery and prepared for the pre-trial conference scheduled for November 15, 2007.

The pre-trial conference was held on November 15, 2007, I met with Mr. Gomez-Villa in a conference room after the pretrial for a short period of time. On November 27, 2007, I had a 24 minute telephone conference with Mr. Gomez-Villa, thorough the attorney line at the jail. On December 20,

ORIGINAL

1 2007, I had a conference with Mr. Gomez-Villa in a private room at the jail. The meeting lasted
2 approximately 1.5 hours. The discovery, to date, was reviewed (pages 1-196) with Mr. Gomez-Villa. On
3 January 9, 2008, an Omnibus Hearing was held and the forms were provided to, and discussed, with Mr.
4 Gomez-Villa. On March 26, 2008, discovery pages 205-854 were discussed and reviewed by the client at
5 a conference room at the jail. The meeting lasted approximately 2.5 hours. Ms. Benson, Mr. Gomez-
6 Villa's sister, asked if she could read the discovery. Ms. Benson was provided a room and all the
7 discovery to review at my office in Tukwila, Washington. On May 5, 2008, I had a lengthy telephone
8 conversation on the attorney line at the jail with Mr. Gomez-Villa regarding the case. On June 13, 2008, I
9 had a telephone conference on the attorney line at the jail with Mr. Gomez-Villa regarding the case. On
10 June 24, 2008, I had a telephone conference on the attorney line at the jail with Mr. Gomez-Villa
11 regarding the case. On August 19, 2008, I had a conference with Mr. Gomez-Villa in a private conference
12 room at the jail. The conference lasted approximately two hours. On September 23, 2008, I had a
13 conference with Mr. Gomez-Villa in a private conference room at the jail. The conference lasted
14 approximately one hour. On October 22, 2008, I had a conference with Mr. Gomez-Villa in a private
15 conference room at the jail. The conference lasted approximately 1.8 hours. On October 23, 2008, I had a
16 conference in Judge Serko's jury room. I spoke with my client for approximately two hours.

17 I do not feel it is appropriate to specifically discuss the subject matter of any conversations
18 between Mr. Gomez-Villa and myself. However, I can say that there were many meetings and phone
19 conferences. Mr. Gomez-Villa was aware that he was facing 818 months (68 years) to 886 months (74
20 years) if convicted as charged. At no time was a credit for time served offer contemplated by this
21 attorney. At no time was a dismissal for lack of evidence contemplated by this attorney as there was no
22 basis for a CrR 3.6 motion.

23 I did receive information sometime, I believe, in the spring of 2008 in regard to a short note
24 produced by Seong Kim. My office, through my legal assistant, did contact the business and asked if Mr.
25 Gomez-Villa was an employee and if so did they have any documentation, such as a time card, schedule,

1 etc., that proved he worked or was at the store on October 21, 2007. The inquiry was met with negative
2 results and the person contacted did not know who Martin Gomez-Villa was. Based on the discovery, the
3 co-defendant's sworn statements, witness interviews, the recorded confession of the crime by Mr. Gomez-
4 Villa, and the staleness of the information provided by Ms. Kim (approximately 6 months into the case), I
5 did not view the note and information as credible evidence.

6 Mr. Gomez-Villa entered a plea of guilty on October 23, 2008, to one count of Assault in the First
7 Degree with a Firearm Enhancement, and one count of Drive-By Shooting with the understanding that the
8 State was offering the low end of the sentencing range, or 111 months, plus 60 months flat time for the
9 Firearm Sentencing Enhancement for a total of 171 months.

10 I swear under the penalty of perjury under the laws of the State of Washington that this
11 declaration is true and correct.

12 DATED this 4th day of April, 2010

13
14 
15 KIRK MOSLEY

APPENDIX “I”

Declaration of Gregory Greer

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5
6 IN THE COURT OF APPEALS
7 OF THE STATE OF WASHINGTON
8 DIVISION II

9 STATE OF WASHINGTON,

10 Respondent,

NO. 39803-6-II

11
12 v.

DECLARATION OF GREGORY GREER

13 MARTIN GOMEZ-VILLA

14 Appellant.

15 I, Gregory Greer, declare under penalty of perjury under the laws of the State of
16 Washington, the following is true and correct:

17 1. That I was the deputy prosecuting attorney assigned to the defendant's case
18 #07-1-05633-7 for the Pierce County Prosecutor's Office.

19 2. During the course of handling Mr. Gomez-Villa's case and the cases of the
20 co-defendants, I discussed this case with defense counsel Kirk Mosley several times. We
21 discussed the evidence, legal issues, and possible resolutions of this case.

22 3. The case was set for trial October 23, 2008. The case, with all co-
23 defendants, was assigned to Judge Serko for trial. I was prepared to proceed to trial at that
24 time.
25

DECLARATION OF GREGORY GREER

Document2

Page 1

Office of Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-2171
Main Office: (253) 798-7400

1 4. After additional negotiations before trial began, I offered to reduce the
2 charges to one count of assault in the first degree (with firearm enhancement) and one
3 count of drive-by shooting, in exchange for guilty pleas by all four defendants. All four
4 agreed to plead guilty.

5 5. During that time, Mr. Mosley and the defendant were in the jury room
6 consulting regarding the plea.

7 6. At Mr. Mosley's request, and in his presence, I reviewed the case and the
8 evidence with the defendant. I discussed the principles of accomplice liability with the
9 defendant. I reviewed the consequences of a plea and the consequences of going to trial
10 with the defendant in detail.

11 7. I saw Mr. Mosley discuss and explain to the defendant the evidence, the
12 consequences of pleading guilty, and the consequences of going to trial.

13 Dated: April 20, 2010

14 Signed at Tacoma, WA.

15
16
17


Gregory Greer

18 Certificate of Service:
19 The undersigned certifies that on this day she delivered by U.S. mail
20 and or ABC-LMI delivery to the attorney of record for the appellant and
21 appellant c/o his attorney true and correct copies of the document to which
22 this certificate is attached. This statement is certified to be true and correct
23 under penalty of perjury of the laws of the State of Washington. Signed at
24 Tacoma, Washington, on the date below.

25

Date Signature