

LOS GATOS POLICE DEPARTMENT

4307

FILE COPY

28

70. TYPE OF REPORT <input checked="" type="checkbox"/> CRIME <input type="checkbox"/> INCIDENT <input type="checkbox"/> ARREST <input type="checkbox"/> INFORMATION		71. CODE SECTION 187 PC	72. CLASSIFICATION Residential/Gunshot	ZONE 1	69. CASE NO. 83-0100
74. LOCATION OF OCCURRENCE 16935 Roberts Road, LG		75. DATE/TIME OF OCCURRENCE 1/10/83 1345 hours			
76. NAME: LAST, FIRST, MIDDLE ALLRED, JOHN HOWARD		77. ADDRESS 16935 Roberts Road, LG	78. PHONE Unknown		

At approximately 1700 h--

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ADDED COMMENTARY

CONFIRMS THAT THE POLICE REMOVED AND CONFISCATED ALL CLOTHING WORN BY THE ATTACKER WHEN SHOT AND, IN VIOLATION OF STANDARD PROCEDURE, NEVER TURNED IT OVER TO THE CORONER. (SEE RT 660 & 663, THIS EXHIBIT)

... information that I had in regards
by. I advised him that there was no need for me to stand
his wallet. This was the clothing that he was wearing at the
time he was brought to Good Samaritan Hospital. Coroner Sanders
stated that he had no objection to me taking the clothing and
the wallet as long as it was booked into our evidence. I told
him that it would be.

It should be noted that when V-ALLRED was brought into Good Samaritan Hospital and into the emergency room, his upper body clothing was removed, and his shoes and socks were also removed from his person. They were immediately placed into a plastic bag, and I retained this clothing. I was present while the clothing was removed, and I was the person in control of the clothing when it was placed into the plastic bag. It was in my possession the entire time I stayed him at the hospital.

I also have the wallet removed from ...
were still ...
the only ...
wear and ...
clothing

ADDED COMMENTARY

THIS KEPT THE CORONER FROM BEING ABLE TO DETECT THE "FRONT-TO-BACK" BULLET PATH, BY THE CLOTHING FIBERS AND NATURE OF THE HOLES IN THE CLOTHING

REPORTING OFFICERS	
YORKS	DETECTIVE
COPIES TO	YES
FURTHER ACTION	



Police Officer Oates examined by prosecutor:

224

1 A YES.

2 Q COULD YOU TELL WHETHER THE BLOOD ON THE RAG WAS SMEARED
3 OR WERE THEY DROPS OF BLOOD, OR HOW WOULD YOU DESCRIBE IT?

4 A PORTIONS OF IT WERE BLOODY. IT WAS NOT AS IF IT HAD BEEN
5 SOAKED IN ANY BLOOD. THAT'S ABOUT THE BEST.

6 MR. HAMES: MAY I HAVE JUST A MOMENT, YOUR HONOR?

7 THE COURT: YES.

8 Q (BY MR. HAMES) AT SOME POINT, WAS MR. ALLRED REMOVED
9 FROM ROBERTS ROAD? A YES.

10 Q AND HOW WAS HE REMOVED?

11 A HE WAS PLACED ON A STRETCHER BY THE FIRE AND AMBULANCE
12 PERSONNEL AND REMOVED TO THE AMBULANCE AND TAKEN TO THE
13 HOS

14 Q

ADDED COMMENTARY

LY

15 HOV

**FIRST POLICE OFFICER AT THE SCENE (OATES) SAW
THE ATTACKER IN A FLANNEL LONG-SLEEVED SHIRT
NEVER AGAIN MENTIONED IN THIS CASE; AND NO
BLUE-JEANED JACKET REPORTED BY OTHERS LATER**

AS

16 REM

17 A

18 Q

OD

19 ESTIMATE.

20

21 Q ALL RIGHT. NOW, AT THE TIME THAT YOU FIRST OBSERVED
22 MR. ALLRED, WAS HE FULLY CLOTHED?

23 A YES.

24 Q DO YOU RECALL WHAT TYPE OF SHIRT HE WAS WEARING?

25 A I RECALL A FLANNEL SHIRT THAT HE WAS WEARING, LONG-
26 SLEEVED, --

27 Q DO YOU REMEMBER WHETHER THAT --

28 A -- AND JEANS.

State Coroner Dr. Ozoa (expert witness) examined by prosecutor:

660

1 Q AND WHERE IS THAT LOCATED, BY THE WAY?

2 A WHICH

3 IS THAT **ADDED COMMENTARY** PRESENT

4 Q **CONFIRMATION: EXAMINING CLOTHES FOR BULLET**
5 **WOUND DIRECTION IS A VITAL AND STANDARD**
6 **AUTOPSY PROCEDURE, BUT...**

7 A

8 Q REFERRING TO THE GENTLEMAN SEATED TO MY IMMEDIATE LEFT?

9 Q NOW, DR. OZOA, WOULD YOU INDICATE TO THE JURY BEFORE WE
10 GO INTO THE DETAILS OF THE AUTOPSY, ITSELF, WHAT THE BASIC
11 PROCEDURE IS IN AN AUTOPSY THAT COMES TO THE SANTA CLARA
12 COUNTY MEDICAL EXAMINER-CORONER'S OFFICE?

13 A THE BASIC PROCEDURE IS WE GO THROUGH A SYSTEMATIC
14 EXAMINATION OF THE BODY, WHICH INCLUDES EXTERNAL EXAMINATION
15 AND THEN THE INTERNAL EXAMINATION AND FINALLY A MICROSCOPIC
16 EXAMINATION, IF NECESSARY. THE EXTENT OF THE EXAMINATION WILL
17 INCLUDE VISUAL INSPECTION OF THE BODY. IN CASE OF HOMICIDE,
18 WE VIEW THE BODY IN GENERAL IN THE CLOTHING OR WHATEVER MAY
19 COME WITH THE BODY, PICTURES ARE THEN TAKEN AT THAT TIME, AND
20 WE EXAMINE THE CLOTHES FOR BLOODSTAINS, FOR BULLET HOLES, STAB
21 WOUNDS AND SO ON.

22
23 AGAIN AN EXAMINATION OF THE UNCLOTHED BODY IS THEN PERFORMED,
24 AGAIN PAYING ATTENTION ESPECIALLY TO INJURIES THAT MAY BE
25 PRESENT IN ANY PART OF THE BODY. PHOTOGRAPHS ARE THEN TAKEN
26 ALSO, THE MORE RELEVANT CONDITIONS, AND THEN AFTER THIS, WE
27 PROCEED WITH THE INTERNAL EXAMINATION. WE OPEN THE BODY,
28 PAYING SPECIAL ATTENTION TO WHAT WE FOUND IN THE OUTSIDE.

R-3

1 Q AND IN THIS PARTICULAR CASE, DID YOU KNOW WHERE IN
2 PAR

3 A
4 HOSI
5
6 ROCI

ADDED COMMENTARY
THE CORONER VERIFIED HE WAS NEVER PERMITTED TO SEE THE ATTACKER'S CLOTHES IN THIS CASE. THE POLICE TOOK AND KEPT THEM FROM HIM. (SEE FOLLOWING PAGE(S))

M A
ENCY

7 Q
8 A I AM REFERRING TO AN INVESTIGATOR'S REPORT HERE THAT WE
9

10 Q NOW, YOU INDICATED THAT MR. ALLRED AT THE TIME THAT YOU
11 FIRST SAW HIM HAD VARIOUS THINGS CONNECTED TO HIM AND THAT HE
12 WAS NUDE; IS THAT CORRECT? A THAT'S CORRECT.

13 Q AND WHEN YOU SAY HE WAS NUDE, DID HE HAVE ANY CLOTHING
14 THAT WAS SENT ALONG WITH HIM?

15 A NO, I DON'T RECALL THERE WAS ANY CLOTHING AT ALL WITH
16 HIM, EITHER ON HIM OR WITH THE BODY.

17
18 AT THE TIME THAT YOU FIRST OBSERVED HIM?

19 A FIRST OF ALL, HE HAD AN AIRWAY, WHICH IS PUT IN THE MOUTH
20 JUST TO FACILITATE BREATHING.

21 Q IS THIS SOME SORT OF A TUBE THAT IS PLACED IN THE MOUTH?

22 A NO. AN AIRWAY IS NOT -- IT'S JUST A -- WELL, YOU CAN
23 CALL IT A TUBE EXCEPT IT'S A PLASTIC DEVICE WHICH IS CURVED
24 WHICH FITS INTO THE MOUTH. IN ADDITION TO THAT, THOUGH, HE
25 HAD AN ENDOTRACHEAL TUBE, WHICH IS WHAT YOU ARE PROBABLY
26 REFERRING TO. IT'S A TUBE ABOUT THAT LONG (INDICATING).

27 Q INDICATING ABOUT 16 TO 18 INCHES?

28 A ABOUT A FOOT, YES, SOMEWHERE AROUND THERE, AND THIS IS

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<input checked="" type="checkbox"/> CRIME	<input type="checkbox"/> INCIDENT	187 PC	Residential/Gunshot
<input type="checkbox"/> ARREST	<input type="checkbox"/> INFORMATION		ZONE 1
73. PAGE NO. 5		74. LOCATION OF OCCURRENCE	
<input type="checkbox"/> FOLLOWUP		<input checked="" type="checkbox"/> SUPPLEMENT	
75. DATE/TIME OF OCCURRENCE		16935 Roberts Road, LG	
1/10/83 1345 hours		76. NAME: LAST, FIRST, MIDDLE	
ALLRED, JOHN HOWARD		CODE (V)	77. ADDRESS
DOB 2/16/50		16035 Roberts Road, LG	
<input checked="" type="checkbox"/> RES.		<input type="checkbox"/> BUS.	
78. PHONE		Unknown	

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ADDED COMMENTARY

SAME AS PREVIOUS PAGE:

SPECIFYING THE SHIRT AND JACKET THAT WERE SHOT THROUGH. (IRONICALLY, THIS LISTS DIFFERENT CLOTHES THAN ORIGINALLY NOTED BY OFFICER OATES. A SWITCH?) -- SEE RT 224 , THIS EXHIBIT

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room.

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III. PRO

IV. ATTACHMENTS: None.

- V. EVIDENCE SEIZED/PROPERTY RECOVERED: Evidence seized - V-JOHN ALLRED's clothing and wallet:
1. One pair of boxer type underwear, striped;
 2. One pair of blue Levi jeans, condition-bloody and cut;
 3. One Levi's blue jean jacket, bloody and cut;
 4. One white pullover tee shirt with blue stripes on sleeves, bloody and cut;
 5. One bloody towel, believed to be white in color;
 6. One pair of socks, bloody;
 7. One pair of Stadia tennis shoes blue in color;
 8. One brown wallet containing \$324.56 and also containing miscellaneous papers. (The monies are stored in the safe, and all other items are stored in the evidence room at this point with recommendations that they be taken to the Santa Clara County Crime Lab for the analyzing which will be stated in the recommendations.)

There were no other items taken from the person of V-ALLRED.

REPORTING OFFICERS		TYPED BY			DATE AND TIME		REVIEWED BY	
YORKS								
COPIES TO	<input type="checkbox"/> DETECTIVE	<input type="checkbox"/> DIST. ATTN.	<input type="checkbox"/> COURT	<input type="checkbox"/> CII	<input type="checkbox"/> PATROL	<input type="checkbox"/> JUVENILE	<input type="checkbox"/> OTHER	
FURTHER ACTION	<input type="checkbox"/> YES	<input type="checkbox"/> NO	REASON					

R-5

1 IN HERE (INDICATING). WAS THERE ANY INDICATION THAT THERE WAS
2 SMEARING OR STREAKING THERE THAT YOU COULD TELL?

3 A NO, THERE WASN'T ANY OBVIOUS INDICATION OF STREAKING OR
4 SMEARING.

5 Q

6 TO EN

7 MORE

8 A

9 YOU C

10 SOME

11 ON C

12 USUAL

13 THAT SORT OF REAGENT, IT WOULD PROBABLY MAKE EVERYTHING RUN.

14 Q I SEE. OKAY. SO THERE ISN'T ANY REALLY EFFECTIVE WAY
15 THAT YOU CAN DO THAT?

17 Q ALL RIGHT. NOW, WITH RESPECT TO THE ANALYSIS OF
18 MR. ALLRED'S SHIRT, THIS T-SHIRT, YOU SAID THAT YOU CHECKED
19 FOR STIPPLING OR POWDER MARKINGS ON THE SHIRT, DIDN'T FIND
20 ANY, AND YOU SEARCHED THE RADIUS OF 5 INCHES?

21 A THAT'S CORRECT.

22 Q ANY PARTICULAR REASON YOU USED THAT DISTANCE?

23 A OKAY. IN LIGHT OF THE FACT THAT THE AREA OF INTEREST
24 SHOWED A LOT OF MOLD GROWING AND THE SHIRT WAS ALSO VERY
25 BLOODY, MUCH OF THE AREA WAS OBSCURED BY THE GROWTH OF MOLD
26 AND EVERYTHING, SO I FIGURED A RADIUS OF 5 INCHES WOULD BE

27
28 RANGE OF FIRING, WITHIN A FOOT OR LESS, SO I FIGURED I WOULD

ADDED COMMENTARY

PROSECUTION AGENTS ALLOWED MOLD TO GROW ON
ATTACKER'S CLOTHES FOR 7 MONTHS WHILE KEEP-
ING THEM FROM THE CORNOER AND THE DEFENSE
--KNOWING THAT PROLIFERATING MOLD WOULD
OBFUSCATE PROOF OF BULLET WOUND DIRECTION
OF ENTRY, ENTERING ATTACKER'S FRONT, NOT
BACK

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