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Superior Court of California
County of Fresno
By: S. Garcia, Deputy

11 Attorneys for Petitioner/Plaintiff BRIAN HOWEY

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF FRESNO

15
16 BRIAN HOWEY,

17 Petitioner/Plaintiff,

18 v.

19 CITY OF FRESNO and PACO
BALDERRAMA, IN HIS OFFICIAL
20 CAPACITY AS CITY OF FRESNO CHIEF
OF POLICE,

21 Respondents/Defendants.
22

Case No. [23CECG01468](#)

**VERIFIED PETITION FOR WRIT OF
MANDATE UNDER THE CALIFORNIA
PUBLIC RECORDS ACT AND THE
CALIFORNIA CONSTITUTION AND
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF; REQUEST
FOR ATTORNEY FEES AND COSTS**

23 Petitioner and Plaintiff BRIAN HOWEY (“Petitioner”), an individual, petitions the Court,
24 through this Verified Petition for Writ of Mandate and Complaint (“Petition”), to command
25 Respondents and Defendants, CITY OF FRESNO (the “City”) and PACO BALDERRAMA, in
26 his official capacity as the City of Fresno Chief of Police (collectively “Respondents”) to comply
27 with the California Public Records Act (“CPRA”), Government Code section 7920.000, et seq.,
28 the California Constitution, Article I, section 3(b), and Penal Code section 832.7, subdivision (b);

1 to declare that Respondents have failed to do so; and to enjoin them from continuing to violate the
2 law by withholding public records requested by Petitioner.

3 **INTRODUCTION**

4 1. This action is brought to enforce the public’s fundamental right to transparency in
5 law enforcement. As the Legislature declared in adopting a landmark law on disclosure of police
6 records, “The public has a strong, compelling interest in law enforcement transparency because it
7 is essential to having a just and democratic society.” (Stats. 2018, ch. 988, § 4 [“S.B. 1421”].)

8 2. Accordingly, the “public has a right to know all about ... officer-involved
9 shootings and other serious uses of force,” including any incident in which an officer’s use of
10 force caused great bodily injury. (S.B. 1421, § 1, subd. (b).) To conceal records of such incidents
11 “undercuts the public’s faith in the legitimacy of law enforcement, makes it harder for tens of
12 thousands of hardworking peace officers to do their jobs, and endangers public safety.” *Id.*

13 3. Respondents have violated their legal obligations by refusing to disclose public
14 records requested by Petitioner relating to an incident in which Fresno police officers repeatedly
15 used their Tasers to inflict multiple puncture wounds, shocks, and burns on Michael Sanders, who
16 died in Fresno police custody.

17 4. Despite Petitioner’s repeated requests and a letter from undersigned counsel,
18 Respondents unlawfully refused to disclose the requested records, making it necessary to file this
19 action to enforce the public’s right to know about significant use of force by police.

20 **PARTIES**

21 5. Petitioner is an investigative journalist who reports on policing issues.

22 6. Petitioner is a member of the public under Government Code section 7920.515 and
23 is beneficially interested in the outcome of these proceedings; Petitioner has a clear, present, and
24 substantial right to the relief sought herein and no plain, speedy, and adequate remedy at law other
25 than that sought herein.

26 7. Respondent City of Fresno is a local agency under Government Code section
27 7920.510 that is in possession of public records subject to mandatory disclosure under the CPRA
28 and Penal Code section 832.7, subdivision (b).

1 8. Respondent Paco Balderrama is the City of Fresno Chief of Police and is the public
2 official who oversees the department that has denied Petitioner access to the requested records.
3 In denying access to the records requested by Petitioner, the City’s representatives were acting on
4 behalf of Balderrama, and Balderrama is the public official responsible for the denial of
5 Petitioner’s requests and was acting at all relevant times for and on behalf of the City. He is sued
6 in his official capacity.

7 **JURISDICTION AND VENUE**

8 9. Under Government Code section 7923.000, “[a]ny person may institute
9 proceedings for injunctive or declarative relief, or for a writ of mandate ... to enforce that person’s
10 right under” the CPRA “to inspect or to receive a copy of any public record or class of public
11 records.”

12 10. According to Government Code section 7923.100, “Whenever it is made to appear,
13 by verified petition to the superior court of the county where the records or some part thereof are
14 situated, that certain public records are being improperly withheld from a member of the public,
15 the court shall order the officer or other person charged with withholding the records to disclose
16 those records or show cause why that person should not do so.”

17 11. The relief sought by Petitioner is expressly authorized under Government Code
18 sections 7923.000 and 7923.100, Code of Civil Procedure sections 1060 and 1085, et seq., and
19 Article 1, section 3(b) and Article VI, section 10 of the California Constitution.

20 12. Venue is proper under Code of Civil Procedure sections 394 and 395 and
21 Government Code section 7923.100. Petitioner is informed and believes that the records to which
22 he seeks access are in Fresno County and that the acts and events giving rise to the claim occurred
23 in Fresno County.

24 **FACTS**

25 13. On August 20, 2004, Michael Sanders died in police custody following an incident
26 in which several Fresno police officers used their Tasers on him multiple times.

27 14. As described in a decision ruling on civil claims brought by Mr. Sanders’s widow,
28 Lavette Sanders, Fresno police responded to a 911 call from Mr. Sanders, and subsequently used

1 Tasers on him ten times, including “several drive-stuns to Michael’s groin area,” with up to
2 fourteen electric cycles. (*Sanders v. City of Fresno* (E.D. Cal. 2008) 551 F.Supp.2d 1149, 1160.)
3 During the incident Mr. Sanders was “shot five times ... with Taser darts, drive stunned 5 times ...
4 and had a maximum of fourteen 5-second cycles applied to him.” (*Ibid.*)

5 15. According to the *Sanders* court’s recitation of facts drawn largely from deposition
6 testimony, three officers used their Tasers on Mr. Sanders. The first officer fired his Taser in dart
7 mode three times, hitting Mr. Sanders in the upper body, left arm, and back; these three shots
8 consisted of four electric cycles. (*Sanders, supra*, 551 F.Supp.2d at pp. 1158-1159, 1168.) The
9 second officer fired his Taser in dart mode twice, initially into Mr. Sanders’ stomach for one cycle
10 and then into his back, holding the trigger down for up to four more cycles. (*Id.* at pp. 1159, 1174.)
11 The third officer executed five Taser drive-stuns to Mr. Sanders’s groin, each for a five-second
12 cycle. (*Id.* at pp. 1160, 1176.)

13 16. According to the Fresno County Coroner’s report on Mr. Sanders’s death, he
14 sustained at least eleven Taser puncture wounds, including four “on the front of the right groin,”
15 with one that “show[ed] surrounding carbonization” or charring of his flesh, two on the left thigh
16 “with the probes still in place”; and two “in the left flank area with the probes still in place.”
17 A true and correct copy of the Coroner’s report is attached as **Exhibit A**.

18 17. The repeated use of Tasers on Mr. Sanders by Fresno police officers, causing
19 eleven puncture wounds, fourteen five-second cycles of shock, and charring of his flesh,
20 represents an “incident involving the use of force against a person by a peace officer ... that
21 resulted in ... great bodily injury,” requiring disclosure of all records related to that incident such
22 as investigative reports and transcripts or recordings of interviews, regardless of whether the use
23 of force was investigated or deemed legally justified or within police department policy. (Pen.
24 Code, § 832.7, subd. (b)(1)(A)(ii), subd. (b)(3).)

25 18. On information and belief, the Fresno Police Department conducted interviews of
26 Lavette Sanders, Michael Sanders’s widow, and other family and friends of Michael Sanders
27 related to the aforementioned incident.
28

1 19. On information and belief, the Fresno Police Department generated public records
2 related to the aforementioned incident, including but not limited to records relating to the
3 interview of Ms. Sanders and others, and Respondents retain copies of said records.

4 20. On or about June 6, 2022, Petitioner requested copies of the following public
5 records pursuant to the CPRA:

6 a. “Recordings and transcripts of all interviews of Lavette Sanders by investigators
7 with the Fresno Police Department and any other public agency between August
8 20-21, 2004 related to the investigation of the August 20 in-custody death of
9 Michael Sanders.”

10 b. “The recordings and transcripts of all other interviews of the family and friends of
11 Michael Sanders by detectives or investigators conducted on August 20-21, 2004
12 related to the investigation of the aforementioned incident.”

13 c. “Police reports and CAD files related to the aforementioned incident.”

14 A true and correct copy of the request is attached as **Exhibit B**.

15 21. On or about June 16, 2022, the City provided a summary “event report” and closed
16 Petitioner’s CPRA request, refusing to disclose any other records requested by Petitioner. A true
17 and correct copy of the “event report” is attached as **Exhibit C**.

18 22. On or about June 21, 2022, Petitioner wrote to Kathleen Abdulla, a senior paralegal
19 in the Fresno City Attorney’s Office, regarding his request, stating, “Per our phone conversation
20 last week, I’d like to request that this CPRA request be re-opened, as there are additional records
21 responsive to this request under SB 1421.” A true and correct copy of said message is attached as
22 **Exhibit D**.

23 23. On or about June 21, 2022, Ms. Abdulla responded in writing that the City refused
24 to produce additional records, contending the records are not subject to disclosure. A true and
25 correct copy of said message is attached as **Exhibit E**.

26 24. On or about June 21, 2022, Petitioner renewed his request for access to the
27 aforementioned records in writing, referring specifically to the requirements of Penal Code section
28 832.7, subdivision (b), to disclose records relating to an incident involving the use of force against

1 a person by a peace officer or custodial officer that resulted in death or great bodily injury. A true
2 and correct copy of said message is attached as **Exhibit F**.

3 25. On or about June 23, 2022, Petitioner had a phone call with Travis R. Stokes,
4 Assistant City Attorney for the City, regarding access to the aforementioned records. Mr. Stokes
5 contended that because Mr. Sanders' death was ruled accidental due to cocaine intoxication rather
6 than officers' use of force, the records were not disclosable under Penal Code section 832.7,
7 subdivision (b).

8 26. In a written communication to Mr. Stokes on or about June 23, 2022, Petitioner
9 noted that the incident need not result in death in order for related records to become public as
10 long as the incident resulted in great bodily injury. Further, based on facts stated in the Coroner's
11 report, Petitioner noted that Mr. Sanders sustained great bodily injury under Penal Code section
12 832.7, subdivision (b). Petitioner then renewed his request for access to responsive records. A true
13 and correct copy of said message is attached as **Exhibit G**.

14 27. On or about June 24, 2022, by written message from Ms. Abdulla, the City
15 reiterated its refusal to disclose additional records. A true and correct copy of said message is
16 attached as **Exhibit H**.

17 28. On or about July 15, 2022, after several attempts to reach a member of the City
18 Attorney's staff, Petitioner renewed his request in writing for access to the aforementioned
19 records. The City did not respond to Petitioner's renewed request. A true and correct copy of said
20 message is attached as **Exhibit I**.

21 29. On or about July 19, 2022, counsel for Petitioner sent a letter to Mr. Stokes
22 explaining why the City's refusal to disclose the requested records was unlawful. A true and
23 correct copy of counsel's letter is attached as **Exhibit J**.

24 30. By return email on behalf of Respondents on or about July 28, 2022, Mr. Stokes
25 again refused to disclose the requested records. A true and correct copy of Mr. Stokes's email is
26 attached as **Exhibit K**.

27
28

1 **SUMMARY OF LEGAL AUTHORITY**

2 31. The legal authority supporting this action will be set forth more fully in an
3 anticipated motion for judgment and supporting documents, but the essential legal basis for the
4 action is summarized here.

5 32. The California Constitution and CPRA require state and local agencies to make any
6 public record available for inspection or copying upon request unless the record falls within a
7 specific exemption from disclosure. (Cal. Const., art. I § 3, subd. (b)(1), (b)(7); Gov. Code,
8 §§ 7922.000, 7922.525, 7922.530.)

9 33. The requested records are public records subject to the CPRA. “Public records’
10 includes any writing containing information relating to the conduct of the public’s business
11 prepared, owned, used, or retained by any state or local agency regardless of physical form or
12 characteristics.” (Gov. Code, § 7920.530, subd. (a).)

13 34. The CPRA provides that when it is shown that public records are being improperly
14 withheld, “the court shall order the officer or person charged with withholding the records to
15 disclose the public record or show cause why the officer or person should not do so.” (Gov. Code,
16 § 7923.100.)

17 35. According to the CPRA, “If the court finds that the public official’s decision to
18 refuse disclosure is not justified ... the court shall order the public official to make the record
19 public.” (Gov. Code, § 7923.110, subd. (a).)

20 36. There is no exemption applicable to the records requested by Petitioner, and
21 Respondents have no right to continue withholding them.

22 37. “Notwithstanding ... any other law,” any “record relating to the report,
23 investigation, or findings of ... [a]n incident involving the use of force against a person by a peace
24 officer or custodial officer that resulted in death or in great bodily injury” shall not be confidential
25 “and shall be made available for public inspection pursuant to the California Public Records Act.”
26 (Penal Code, § 832.7, subd. (b)(1)(A).)

27 38. Petitioner has performed all conditions preceding the filing of this action and
28 exhausted all remedies to obtain access to the public records requested from Respondents.

1 39. Petitioner seeks attorney fees and court costs as required by the CPRA. (Gov.
2 Code, § 7923.115, subd. (a).)

3 40. Respondents' violations of law set forth above will continue unless and until they
4 are commanded by this Court to produce the public records requested and to not engage in such
5 further violations of law by a declaratory judgment declaring their conduct unlawful. Additionally,
6 absent injunctive relief, Respondents will continue to withhold public information as they have
7 done here, resulting in great and irreparable injury to Petitioner and the public at large by
8 depriving them of immediate access to information vital to the public interest and necessary for
9 self-government. Petitioner has no adequate remedy at law because the relief he seeks does not
10 consist of monetary compensation but rather the enforcement of his statutory and constitutional
11 rights of access, and the harm he has suffered through Respondents' refusal to provide access to
12 information that is required to be disclosed under California law cannot be compensated through
13 an award of monetary damages.

14 **CAUSE OF ACTION**

15 **For Violation of the California Public Records Act, Article I, Section 3(b) of 16 the California Constitution, and Penal Code section 832.7, subdivision (b) (Against All Respondents)**

17 41. Petitioner realleges and incorporates by this reference Paragraphs 1 through 40
18 above as though set forth herein in full.

19 42. Petitioner's requests describe public records as defined by the CPRA.

20 43. Petitioner's requests describe public records that must be disclosed pursuant to the
21 CPRA and Penal Code section 832.7, subdivision (b).

22 44. Respondents violated and continue to violate the CPRA and Penal Code section
23 832.7, subdivision (b) by failing to disclose public records responsive to Petitioner's requests.

24 45. Respondents have failed to demonstrate that the public records requested by
25 Petitioner qualify for any exemption from disclosure.

26 46. Respondents have repeatedly violated and continue to violate the CPRA's mandate
27 that agencies "shall make [public] records promptly available" (Gov. Code, § 7922.530, subd. (a))

28

1 and that agencies may not “delay or obstruct the inspection or copying of public records.” (Gov.
2 Code, § 7922.500.)

3 47. Respondents failed to comply with and continue to refuse to comply with Penal
4 Code section 832.7, subdivision (b) by refusing to disclose public records related to an incident
5 involving the use of force by a peace officer against a person which resulted in death or great
6 bodily injury.

7 48. An actual controversy exists as to whether the public records requested by
8 Petitioner must be disclosed, and whether those records, or any part thereof, are exempt from
9 disclosure.

10 49. Petitioner has no plain, speedy, and adequate remedy to obtain the public records
11 he has requested, other than this Petition. Petitioner is entitled to institute proceedings for a writ of
12 mandate and for declaratory and injunctive relief to enforce his rights and the public’s rights to
13 obtain records responsive to Petitioner’s requests. Furthermore, Petitioner is entitled to have the
14 proceedings resolved on an expedited basis consistent “with the object of securing a decision to
15 these matters at the earliest possible time.” (Gov. Code, § 7923.005.)

16 **PRAYER FOR RELIEF**

17 Wherefore, Petitioner prays as follows:

18 1. For a writ of mandate and injunction ordering Respondents to provide all records
19 responsive to Petitioner’s CPRA requests as set forth above;

20 2. Alternatively, if the Court does not immediately order production of the records
21 requested, that it order Respondents to show cause why the records should not be released and to
22 prepare a log of withheld records, and that it thereafter issue a writ of mandate and injunction
23 ordering the requested records to be disclosed;

24 3. For an order granting declaratory and injunctive relief, including, but not limited to,
25 declaring that the withheld materials are public records as defined by Government Code section
26 7920.530, subdivision (a) in that they contain information relating to the conduct of the people’s
27 business, prepared, owned, used, or retained by Respondents, and are subject to disclosure as
28 writings of a public agency under Article 1, section 3(b) of the California Constitution, the CPRA

1 and Penal Code section 832.7, subdivision (b) relating to an incident involving peace officers' use
2 of force resulting in death or great bodily injury; declaring that Respondents violated the CPRA by
3 both failing to promptly make the requested records available to Petitioner and the public, and by
4 excessive delays; and enjoining Respondents to provide the requested records;

5 4. For a finding and determination that Petitioner is the prevailing party in this action;

6 5. For an award of attorney fees and costs to Petitioner pursuant to Government Code
7 section 7923.115, subdivision (a) or any other applicable law;

8 6. For judgment accordingly; and

9 7. For such other and further relief as the Court may deem just and proper.

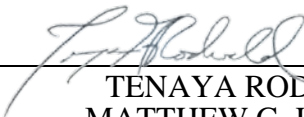
10 Dated: April 18, 2023

FIRST AMENDMENT COALITION

11
12 By  _____
13 DAVID LOY
14 Attorney for Petitioner BRIAN HOWEY

15 Dated: April 18, 2023

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

16
17 By  _____
18 TENAYA RODEWALD
19 MATTHEW G. HALGREN
20 Attorneys for Petitioner BRIAN HOWEY

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VERIFICATION


I, David Loy, declare as follows:

1. I am counsel for Brian Howey, the Petitioner in the above-named action, and I am authorized to make this verification on his behalf. Petitioner is absent from the county in which I have my office.

2. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE UNDER THE CALIFORNIA PUBLIC RECORDS ACT AND THE CALIFORNIA CONSTITUTION AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF; REQUEST FOR ATTORNEY FEES AND COSTS, and I am informed and believe the matters stated therein to be true and on that ground I allege said matters to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 18th day of April, 2023, at San Diego, California.



DAVID LOY

Exhibit A

EXHIBIT 2



Fresno County Coroner
CORONER CERTIFICATE & VERDICT
760 W. Nielsen
Fresno, CA. 93706

STATE OF CALIFORNIA,)
) ss.
County of Fresno)

IN THE MATTER RE THE DEATH OF:

MICHAEL LEWIS SANDERS, Deceased

I, LORALEE H. CERVANTES, Coroner of the County of Fresno, State of California, certify an inquiry and investigation was held into the death of MICHAEL LEWIS SANDERS, an 40 years old Male, born in California. The inquiry and investigation revealed that the decedent died on the 20th day of August 2004, at University Medical Center at 445 S. Cedar in Fresno California as follows:

MANNER OF DEATH: ACCIDENT

CAUSE OF DEATH: COMPLICATIONS OF COCAINE INTOXICATION

Sustained when the DECEDENT INGESTED A TOXIC AMOUNT OF COCAINE on the 20th day of August 2004 at an unknown hour at 4869 East Oslin Avenue in Fresno California. I certify that death occurred from the cause and in the manner stated above in accordance with the written findings contained herein.

Signed this 29th day of December 2004

LORALEE H. CERVANTES, CORONER

By Loralee H. Cervantes

0000103

SANDERS, MICHAEL LEWIS

04-08.172

**PRIVATE CASE FOR FRESNO
COUNTY - AUTOPSY REPORT**

SANDERS, MICHAEL LEWIS

40-year-old male

Date and Time of Pronouncement: 08/20/2004 0431 hours

Date of Autopsy: 08/21/2004

Permission for Autopsy: Kelly Wiefel, Fresno County Deputy Coroner

Performed At: Fresno County Morgue

Performed by: Michael J. Chambliss, M.D.

Present for Autopsy:

Detective Richard Byrd, Fresno Police Department

Joe Isquierdo, IB Technician, Fresno Police Department

Detective Mike Garcia, Fresno Police Department

Sam Cortina, Fresno District Attorney's Office

Karen Orkusyan, Pathology Assistant

Photographs are taken by Dr. Chambliss and IB Technician Isquierdo for identification purposes plus documentation of pathology and evidence of injury.

Prior to the autopsy, postmortem x-rays are taken of the entire body to look for metallic objects. No bullets are present. Two metallic objects (taser probes) are identified in the left flank with two additional metallic objects (taser probes) in the lateral left thigh.

Prior to the documentation of the external examination, nail scrapings are taken by IB Technician Isquierdo and fingerprinting was done.

PERSONAL EFFECTS:

The body is received on the autopsy cart in the morgue area of the Fresno County Coroner's Office unembalmed and unclothed. No personal effects are present on or with the body.

Prior to the internal examination, I made deep incisions in a linear fashion along the back of the arms, back region, buttocks area and legs with reflection of the skin and underlying soft tissues. This was done to search for areas of deep injury. Only small areas of subcutaneous hemorrhage are identified beneath the penetrating taser probes. No deep hemorrhage is seen. Photographic documentation was done.

EXTERNAL EXAMINATION:

The body shows good preservation. *MS*

SANDERS, MICHAEL LEWIS

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There are multiple taser puncture wounds (approximately 10) to the body to be described later. A postmortem liver probe puncture wound is present in the right upper quadrant of the abdomen performed by the Deputy Coroner.

Signs of attempted medical therapy are identified to be described later.

The subject is a well-developed, well-nourished adult African American male weighing 204 pounds, measuring 67 inches in length with an appearance consistent with the recorded age of 40 years. Moderate to well-developed rigor mortis is present in the knees with minimal rigor present in the arms and well-developed rigor present in the neck region. Postmortem lividity is minimal in the back surface of the body.

The head contour is normal and the scalp shows braided black hair of medium length. The scalp region is free of injury. The face shows signs of attempted medical therapy to be described later. The eyes are closed with brown irides, clouded corneas, scleral edema and congestion bilaterally. The ears are normal set and the external canals are patent. The nose is intact and unremarkable. A black mustache and unshaven black facial hair are noted. The mouth contains natural teeth in good repair. The inside of the mouth is free of injury. The neck area is also free of injury.

Two (2) taser puncture wounds are present on the right lateral chest. The chest wall shows signs of attempted medical therapy to be described later. Additional smaller injuries are noted to the chest wall. The breasts are normal male and otherwise unremarkable. No surgical scars are seen.

The abdomen is scaphoid, soft and depressible in all quadrants. In the right upper quadrant of the abdomen is a postmortem liver probe puncture wound performed by the Deputy Coroner. Two (2) small taser puncture wounds are present on the left flank at the chest/abdominal junction with the taser probes still in place. The abdominal wall is otherwise unremarkable. No surgical scars are seen. Signs of attempted medical therapy are present to be described later.

All fingers are present on the hands and the nails are medium in length and clean. Nail scrapings were performed by the Fresno IB Technician prior to beginning the autopsy. Signs of attempted medical therapy are present to be described later. Normal symmetrical well-developed musculature involves the arms. No deformities are seen. Two (2) superficial linear abrasions are present on the back of the left forearm to be described later. No other significant injuries involve the arms.

The external genitalia shows a circumcised penis with both testicles present in the scrotal sac. No rashes or lesions are seen. The anus is patent and unremarkable. No injuries are noted to the scrotal sac or penis.

All toes are present and the nails are short and clean. Normal well-developed musculature is present. The legs show signs of attempted medical therapy to be described later. The right groin shows at least four (4) taser puncture wounds. The lateral left thigh shows two (2) taser probes *NSC*

SANDERS, MICHAEL LEWIS

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still in place. There is an abrasion over the right knee.

A group of multiple contact range taser puncture wounds are present over the front of the right groin. These will be described later.

On the left flank near the back are two (2) taser puncture wounds as previously described. The back surface of the body is otherwise unremarkable. No surgical scars are seen.

EVIDENCE OF INJURY:

I. TASER WOUNDS TO THE BODY:

1. Taser wounds to the chest region:
 - a. On the right lower lateral chest wall just above the costal cartilage margin are two (2) separately placed taser marks. These taser marks have the same dimension (1/16 of an inch in diameter). One is surrounded by bruising.
 - b. On the left lower anterior chest wall just along the costal cartilage margin is a taser mark measuring 1/16 of an inch in diameter encircled by a bruise ranging from ¼ to ½ inch in width.
2. Taser marks to the abdomen:
 - a. In the central upper abdomen near the xiphoid process is a taser mark measuring 1/16 of an inch in width encircled by a bruise ranging from ¼ to ½ inch in width.
 - b. On the left lower lateral abdomen above the hip at the junction with the back are two (2) closely associated taser marks each measuring 1/8 of an inch in diameter. The upper mark has an adjacent abrasion measuring ¼ of an inch in length. Two (2) taser probes are still in place.
3. Taser marks to the groin:
 - a. On the front of the right groin is a group of multiple contact range taser marks (at least four) in a 5 ¾ by 3 inch area.
4. Taser marks to the leg:
 - a. In the lateral left thigh are two (2) taser wounds with the probes still in place. The puncture wounds have the same dimensions as those mentioned above.

II. ADDITIONAL INJURIES TO THE BODY:

1. In the back of the left forearm are two (2) superficial linear abrasions. One measures 2 ¼ in length while the other measures slightly greater than ¾ of an inch in length.
2. There is an abrasion over the right knee.

POSTMORTEM LIVER PUNCTURE WOUND:

There is a puncture wound measuring 1/6 of an inch in diameter but is encircled by a bruise measuring ¼ inch in width. During the internal exam, this wound produces blood in the *Q150C*

SANDERS, MICHAEL LEWIS

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abdominal cavity.

INTERNAL EVIDENCE OF INJURY:

The skin and underlying soft tissues are reflected in the areas of the taser puncture wounds. Along the right flank where two (2) taser puncture wounds are noted, small areas of subcutaneous hemorrhage are noted. In the soft tissues of the lateral right thigh are two (2) small areas of hemorrhage.

Two (2) taser probes are present in the skin in the lower left thigh area. In the area of the group of contact range taser puncture marks of the right groin, the underlying subcutaneous tissue shows hemorrhage of the adipose tissue and the outer surface of the muscles. The subcutaneous tissues surrounding the muscle of the lower right abdominal wall in the area of a taser probe puncture shows a small area of hemorrhage. Two (2) additional separate areas of subcutaneous hemorrhage surround probe sites on the right lateral chest wall.

EVIDENCE OF ATTEMPTED MEDICAL THERAPY:

1. There is an endotracheal tube in the mouth.
2. There is a nasogastric tube in the left nostril.
3. There is a white defibrillator pad over the left anterior chest in the area of the breast beneath which is a patterned abrasion.
4. Disposable EKG monitor pads are present on the front of the right shoulder, front of the left shoulder, and both sides of the abdominal wall just above the hips.
5. A blood pressure cuff is present on the upper segment of the right arm.
6. A urethral catheter is in place attached to a drainage bag.
7. A fresh hospital needle puncture is present over the top of the right hand with an intravenous line in place.
8. A fresh hospital needle puncture is present over the top of the right foot covered by gauze and tape.
9. A fresh hospital needle puncture is present over the top of the left foot covered by gauze and tape.
10. A fresh hospital needle puncture is present over the front of the right groin with an intravenous catheter line in place.

INTERNAL EXAMINATION

The usual Y-shaped thoracoabdominal incision is made across the upper chest and along the midline of the chest and abdomen. Upon reflecting the skin and underlying soft tissues, localized areas of subcutaneous hemorrhage are noted beneath the taser puncture marks as previously described. No rib fractures are noted.

BODY CAVITIES: The anterior chest plate is removed to allow access to each thoracic cavity. *MSC*

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Each thoracic cavity is free of fluid. The abdominal cavity contains liquid blood associated with the postmortem liver puncture. There are a few petechiae over the pleural surface of the left lung. Petechiae are not readily identified over the pleural surface of the right lung. The heart is moderately enlarged and normally situated. Both leaflets of the diaphragm are intact. Both lungs are well expanded. All organs are present in their normal anatomic positions and assume their usual relationships.

NECK ORGANS: Layer wise dissection of both the small and large strap muscles of the neck reveal no signs of injury. Photographs are taken of the front and reflected surfaces of the muscles. The mucosa of the larynx and epiglottis is intact and unremarkable. The cartilages of the larynx are normal. The hyoid bone is intact. The thyroid gland has the usual dark purple color and is otherwise unremarkable. The prevertebral fascia is normal. The cervical spine is intact. The upper and middle segments of the trachea are normal.

RESPIRATORY SYSTEM: The right and left lungs weigh 940 and 780 grams respectively. A few petechiae are noted over the pleural surface of the left lung. Minimal anthracosis is noted over the dark red/purple pleural surfaces. Both lungs are very wet and have a slightly firm consistency. Upon tracing the tracheobronchial tree, a small amount of fluid is noted. The pulmonary arteries are anatomically normal and free of antemortem clots. No injuries are noted. Sections of both lungs show prominent congestion and edema.

CARDIOVASCULAR SYSTEM: The heart is moderately enlarged weighing 430 grams. The pericardial sac contains the usual amount of straw-colored fluid. The epicardium is free of petechiae. The coronary arterial system is right sided dominant with normal origins and vascular distribution. Sections of all major coronary arteries show focal moderate-severe atherosclerosis of the right and left anterior descending branches without thrombosis. Both atria are slightly enlarged. The heart is opened along the normal blood flow pathway beginning with the right atrium and right ventricle. The interatrial septum is intact and unremarkable. All valve leaflets are normal. The right ventricular chamber is mildly dilated. There is mild left ventricular hypertrophy. Both the endocardium and myocardium of the left ventricle and interventricular septum are homogenous red/brown. The thoracic and abdominal segments of the aorta show no significant atherosclerosis.

HEPATOBIILIARY SYSTEM: The liver is normal size weighing 1,800 grams. It has a light brown to focally yellow color, smooth surface with sharp edges. Sections of both lobes have a similar light brown/yellow color with prominent congestion. The gallbladder and biliary tract are anatomically normal with the gallbladder containing orange/brown bile.

HEMOLYMPHATIC SYSTEM: The spleen is normal size weighing 170 grams. Both the external and cut surfaces are free of significant pathologic changes. No lymphadenopathy is seen.

GASTROINTESTINAL SYSTEM: The esophagus is normal. The stomach is distended with approximately 350 ml of liquid contents and a normal gastric mucosa. Both the small and large *intestine*

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intestines are normal caliber with normal serosal surfaces. The appendix is identified and is unremarkable.

GENITOURINARY SYSTEM: The right and left kidneys weigh 190 and 150 grams respectively. Normal perinephric fat and capsules are noted over each kidney. The capsules strip with ease revealing congested dark red/brown smooth external cortical surfaces. No traumatic injuries are seen. Sections of each kidney reveal diffusely congested dark red/brown cortical and medullary layers. Normal pelvocalyceal systems and ureters are noted. The urinary bladder is empty and the bladder mucosa is normal. No traumatic injuries are seen. The prostate gland is normal size.

ENDOCRINE SYSTEM: The pancreas is normal size weighing 240 grams. It has the usual lobulated yellow/tan appearance on both the external and cut surfaces with a small amount of attached adipose tissue. The adrenal glands show normal cortical and medullary layers. The thyroid gland has been previously described.

MUSCULOSKELETAL SYSTEM: There are multiple taser puncture wounds to the body as previously described. Upon reflecting the skin and underlying soft tissues on the back surface of the body including the arms and legs, localized small areas of hemorrhage are noted beneath a few of the taser puncture marks. The vertebral column is intact. No rib fractures are noted.

CENTRAL NERVOUS SYSTEM: Upon reflecting the scalp, no signs of injury are noted on the undersurface of the scalp or outer surface of the skull. The temporalis muscles are normal. The skull is intact. Upon entering the cranial cavity, no subdural or epidural blood is seen. There is mild edema of the leptomeninges over the top of both cerebral hemispheres which also show congested meningeal blood vessels. There is slight prominence of the tonsils on the bottom of the cerebellum. The brain stem and cerebellum are normal size. The brain weighs 1,240 grams. It is placed directed into formalin for further preservation and examination at a later date. The dural leaflets are normal. The inside of the skull shows no fractures.

NEUROPATHOLOGY:

After proper fixation of the brain, it is examined grossly and microscopic sections are taken. The fixed brain weighs 1,200 grams. The brain externally shows cerebral edema. The bottom of the brain has a slightly gray dusky appearance. Sections of the cerebral hemispheres show narrowing of the ventricles consistent with edema. Prominent congested white matter blood vessels are focally present. The posterior right cerebrum shows a cavitory area (2 x 1 x 1 cm) lateral to the thalamic area. The cerebellum on sectioning shows very congested blood vessels adjacent to the fourth ventricle. The midpons has a very dusky gray appearance on sectioning. *MSC*

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MICROSCOPIC SECTIONS:

1. HEART AND CORONARY ARTERIES: Slightly hypertrophic myocardial fibers are seen without inflammatory cell infiltrates. Focal severe calcific coronary atherosclerosis present. Many sections of myocardium show contraction band necrosis.
2. KIDNEYS: Diffuse congestion present with congested well-preserved glomeruli, normal blood vessels and no inflammation of the interstitium.
3. SPLEEN: Congested red pulp with well-preserved white pulp nodules.
4. PANCREAS: Autolyzed tissue.
5. ADRENALS: Congested cortical blood vessels and cortex otherwise unremarkable. Medullary layers well preserved.
6. LIVER: Diffuse congestion present with mild chronic inflammation of the portal tracts. Mild steatosis present without fibrosis.
7. LUNGS: Alveolar spaces in general are open with focal disruption due to mild emphysematous changes. A few areas of terminal aspiration are noted. Occasional clusters of pigment-laden macrophages are seen in the alveolar spaces.
8. BRAIN AND MENINGES: Multiple sections show congested white matter blood vessels, focal edema and occasional red neuron formation. The meninges are free of inflammation.

MATERIALS SAVED FOR PATHOLOGY:

Representative tissue sections of the internal organs are taken and saved.

MATERIALS SAVED FOR TOXICOLOGY:

A sample of blood was taken during the autopsy for toxicologic analysis along with vitreous humor and gastric contents. An additional sample of blood was taken to be saved in the morgue refrigerator.

PATHOLOGIC DIAGNOSES:

1. Cocaine intoxication.
 - a. Elevated and fatal level of cocaine present in the postmortem blood sample (308 ng/ml).
 - b. Elevated level of cocaine metabolite (benzoylecgonine) in the postmortem blood sample (940 ng/ml). *MSG*

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2. Multiple taser probe puncture wounds
 - a. Three (3) taser probe puncture wounds involving the right lower lateral and left lower anterior chest.
 - b. A group of contact range taser puncture wounds (total of 4) on the front of the right groin. One of the puncture wounds shows surrounding carbonization.
 - c. Two (2) taser probe puncture wounds on the left lateral thigh with the probes still in place and attached portions of wire noted.
 - d. Two (2) taser puncture marks in the left flank area with the probes still in place.
3. Cardiomegaly, moderate (430 grams) with mildly enlarged atria, right ventricular dilation and mild left ventricular hypertrophy.
 - a. Focal severe atherosclerosis of the right and left anterior descending coronary arteries on microscopic sections.
4. Pulmonary congestion and edema (right, 940 grams; left, 780 grams).
5. Focally fatty liver (1,800 grams).
6. Brain with edema:
 - a. Cavitory area (2 x 1 x 1 cm) in the posterior right cerebrum.

CAUSE OF DEATH:

Complications of cocaine intoxication. *9/18/07*

Michael J. Chambliss, MD
MICHAEL J. CHAMBLISS, M.D.
Forensic Pathologist

MJC/BKM

Exhibit B

✓ On 6/6/2022 4:24:42 PM, Fresno Public Records Center wrote:



Dear Brian Howey:

Thank you for your interest in records from the City of Fresno Police Department. Your request has been received and is being processed in accordance with the California Public Records Act Gov. Code, § 6253. Your request was received by our agency on 6/6/2022 and given the reference number P019033-060622 for tracking purposes.

Records Requested: 6/6/2022

Via Records Portal

Hello,

Under the California Public Records Act, Govt Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, I am requesting electronic copies of the following:

1. Recordings and transcripts of all interviews of Lavette Sanders by investigators with the Fresno Police Department and any other public agency conducted on August 20-21, 2004, related to the investigation of the August 20 in-custody death of Michael Sanders.
2. The recordings and transcripts of all other interviews of the family and friends of Michael Sanders by detectives or investigators conducted on August 20-21, 2004, related to the investigation of the aforementioned incident.
3. Police reports and CAD files related to the aforementioned incident.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$100. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the aforementioned department's interactions with the communities it serves. I am a member of the news media and this information is not being sought for commercial purposes.

The California Public Records Act requires a response within ten business days. If access to the records I am requesting will take longer, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Please provide these records in electronic format and on a rolling basis (as they become available) whenever possible. Don't hesitate to reach out if you have any questions about my request. Please send all future communications regarding this request via the provided email address.

Thank you for your help.

Your request will be forwarded to the relevant department(s) to locate the information you seek and to determine the volume and any costs associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The California Public Records Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed. Again, thank you for using the Public Records Center.

City of Fresno Police Department

To monitor the progress or update this request please log into the [Public Records Center](#)



✓  On 6/6/2022 4:24:42 PM, Brian Howey wrote:

Request Created on Public Portal



Exhibit C

Time: 06/11/2022 06:16:08

Event: [REDACTED]

INCIDENT INFORMATION

Receive Time 08/20/2004 02:01:38	Clear Time 8/20/2004 12:41:15 PM	Call Taker O'GRADY DS, PATRICIA ID: OGRA	Position CT13
Classification 1M3	Priority 0	How Receive T	Services Police
Address [REDACTED]			
Police Agency	District SE	Beat A	Station 2362

FORMAL PRA REQUEST
6/11/2022

REPORTING PARTIES

Name	Phone [REDACTED]
Address [REDACTED]	Info 911 Caller

SYNOPSIS

CHK WELFARE 5150 OR EXTREMELY IRATE RP YELIGN AND SCREAMING ,,FEMALE CRYING IN BACK GROUND SAID WHY DID U DO THAT ,HE SAYS PD IS GOIGN TO KILL HIM

DISPOSITIONS

Closing Class 4D1	Event Dispo C	Location R	Unit Code 85	Agency: Case Number PD: [REDACTED]	Primary Staff HERRING III RS8/2014, JESSE P291
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UNIT HISTORIES / SUPPLEMENTS

Time 08/20/2004 02:02:52	Unit 3C31	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:02:55			Operator O'GRADY DS, PATRICIA ID: OGRA	Position CT13
Supplement P2 PD01 ,MALE GOING ON AND ON ABOUT STEALING HIS WEED				
Time 08/20/2004 02:02:59	Unit 3C31	Status ER	Operator FIGUEROA TM 12.1.17, ALMA ID: P1195	Position 100240
Time 08/20/2004 02:03:18	Unit 3E31	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:03:22			Operator O'GRADY DS, PATRICIA ID: OGRA	Position CT13
Supplement P2 PD01 ,HE SAYS HE NEEDS TO BE ARRESTED UNK WHAT HE DID ,, HE IS CRYING ANDTALKING TO A [REDACTED] WHO ISNT ANS NG BACK AND THE FEMALE IS STILL CRYING SAYING WHY DID U DO IT WHY DID U DO IT				
Time 08/20/2004 02:03:37	Unit 3X31	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:03:49	Unit 3E31	Status ER	Operator ESCARENO (V3722), ELOY ID: P808	Position 100190
Time 08/20/2004 02:03:57			Operator O'GRADY DS, PATRICIA ID: OGRA	Position CT13
Supplement P2 PD01 ,HE IS SCREAMING AND CRYING ABOUT ALL THE DRUGS IN THE HOUSE ,, HE SOUNDS LIEK HE IS BREAKING UP THE HOUSE				
Time 08/20/2004 02:04:01	Unit 3X31	Status ER	Operator BURGER (V3215), BEAU ID: P1252	Position 100274
Time 08/20/2004 02:04:01			Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Supplement 308S ADVD				

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: [REDACTED]

Time 08/20/2004 02:04:30		Operator O'GRADY DS, PATRICIA ID: OGRA		Position CT13
Supplement P2 PD01 ,HE IS TALKING TO THE HOUSE LIEK IT IS BUGGED AND HE KEEPS SNIFFING				
Time 08/20/2004 02:04:39		Operator O'GRADY DS, PATRICIA ID: OGRA		Position CT13
Supplement P2 PD01 ,HE DISCONNECTED				
Time 08/20/2004 02:08:46	Unit 3C31	Status AR	Operator FIGUEROA TM 12.1.17, ALMA ID: P1195	Position 100240
Time 08/20/2004 02:09:01	Unit 3E31	Status AR	Operator ESCARENO (V3722), ELOY ID: P808	Position 100190
Time 08/20/2004 02:09:16	Unit 3X31	Status AR	Operator BURGER (V3215), BEAU ID: P1252	Position 100274
Time 08/20/2004 02:10:19	Unit 308S	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:10:50	Unit 308S	Status ER	Operator BROWN II PA 2.17.21, R PAUL ID: S124	Position 100186
Time 08/20/2004 02:13:44		Operator HALE PM 4.17.17, NATHAN ID: HALE		Position PD01
Supplement P2 CT03 ,CAN YOU TRY TO LL THE PREMIS AND HAVE SOMEONE COME TO THE DOOROFFC CAN HEAR THE SUBJ YELLING				
Time 08/20/2004 02:14:37	Unit 308S	Status AR	Operator BROWN II PA 2.17.21, R PAUL ID: S124	Position 100186
Time 08/20/2004 02:15:38		Operator LANDIN DS, ANGELA ID: LAND		Position CT03
Supplement P2 PD01 ,ON CB GOT ANSWERING MACHINE TO THE [REDACTED] RESD...WILL TRY ONE MORE TIME TO CB				
Time 08/20/2004 02:16:13		Operator LANDIN DS, ANGELA ID: LAND		Position CT03
Supplement P2 PD01 ,STILL GOT ANSWERING MACHINE ON 2ND CB..FYI				
Time 08/20/2004 02:17:55		Operator HALE PM 4.17.17, NATHAN ID: HALE		Position PD01
Supplement P1 ALLD ,ET.				
Time 08/20/2004 02:19:52		Operator HALE PM 4.17.17, NATHAN ID: HALE		Position PD01
Supplement P1 FD01 ,C2 AMB FOR TAZER APPLICATION SECURE				
Time 08/20/2004 02:20:17		Operator HALE PM 4.17.17, NATHAN ID: HALE		Position PD01
Supplement STILL FIGHTING WITH THE SUBJ...NEED A HOBBLE				
Time 08/20/2004 02:20:19		Operator PEFFLEY DS, LORI ID: PEFF		Position PD04
Supplement BC ET				
Time 08/20/2004 02:20:27		Operator WORDEN RS 3/6/07, TAMI ID: WORD		Position FD01
Supplement P2 PD01 ,EMS ENRT C2 FOR TAZER APP				
Time 08/20/2004 02:21:13		Operator HALE PM 4.17.17, NATHAN ID: HALE		Position PD01
Supplement P2 ALLD ,SECURE FROM ET				

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: [REDACTED]

Time 08/20/2004 02:22:40		Operator PEFFLEY DS, LORI ID: PEFF		Position PD04
Supplement BC SEC				
Time 08/20/2004 02:25:56	Unit 3C31	Status ECOMM	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Comment Name Check OLS:CA NAM: [REDACTED] AGE: RAC: Request Key:6088579				
Time 08/20/2004 02:42:59		Operator HALE PM 4.17.17, NATHAN ID: HALE		Position PD01
Supplement P2 ALLD ,ANY SGT AVAIL TO ASSIST ON THIS CALL				
Time 08/20/2004 02:43:46	Unit 6111	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:44:04	Unit 6111	Status ER	Operator SCHROEDER RS 6.21.08, COREY ID: ID35	Position 250016
Time 08/20/2004 02:52:12	Unit 508S	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:52:13	Unit 508S	Status ER	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:52:51	Unit 209S	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:52:53	Unit 209S	Status ER	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 02:55:56	Unit 6111	Status AR	Operator SCHROEDER RS 6.21.08, COREY ID: ID35	Position 250016
Time 08/20/2004 03:01:58	Unit 6V11	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 03:02:00	Unit 6V11	Status ER	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 03:06:13	Unit 3B31	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 03:10:50	Unit 3B31	Status AR	Operator VAN OVERBEEK PM12/16, MARTIN ID: P791	Position 100174
Time 08/20/2004 03:13:42	Unit 209S	Status AR	Operator DEJONG RT 8.5.14, RICHARD N ID: S106	Position 100205
Time 08/20/2004 03:14:13	Unit 6V11	Status AR	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 03:15:29	Unit 402L	Status D	Operator PEFFLEY DS, LORI ID: PEFF	Position PD04
Time 08/20/2004 03:15:42	Unit 402L	Status ER	Operator GARZA RT 9.6.17, JOSE V ID: L22	Position 100183
Time 08/20/2004 03:17:12	Unit 3G31	Status D	Operator HALE PM 4.17.17, NATHAN ID: HALE	Position PD01
Time 08/20/2004 03:20:47	Unit 3G31	Status AR	Operator TAFOYA TM 7.30.07, MARCUS ID: P1054	Position 100221
Time 08/20/2004 03:24:57	Unit 402L	Status AR	Operator GARZA RT 9.6.17, JOSE V ID: L22	Position 100183
Time 08/20/2004 03:34:07	Unit 6V15	Status D	Operator SONDEREGGER DS, MATTHEW ID: SOND	Position CT01
Time 08/20/2004 03:34:08	Unit 6V15	Status ER	Operator SONDEREGGER DS, MATTHEW ID: SOND	Position CT01
Time 08/20/2004 03:44:48		Operator REYNOLDS DS, SHARON ID: REYN		Position COMS2
Supplement MEDIA MAPS`D				

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: [REDACTED]

Time 08/20/2004 03:52:38	Unit 2J31	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 03:52:38			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement 2J31 Comment: RELV OFFC AT SCENE				
Time 08/20/2004 03:53:11			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement P1 ALLD ,NEED 4 UNITS TO RELV 2 TO OSLIN SCENE..2 TO UMC				
Time 08/20/2004 03:53:35	Unit 2J31	Status ER	Operator ESPINOSA TM 6.9.16, TONYA L. ID: P1165	Position 100155
Time 08/20/2004 03:55:00	Unit 2E31	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 03:55:00	Unit 2D31	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 03:55:14	Unit 2E31	Status ER	Operator BOWLING (V3491), JOSH ID: P1188	Position 100138
Time 08/20/2004 03:55:29	Unit 2D31	Status ER	Operator ARANAS (V3182), CHRISTOPHER ID: P830	Position 100113
Time 08/20/2004 03:55:33	Unit 2B31	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 03:56:36	Unit 2D31	Status ECOMM	Operator ARANAS (V3182), CHRISTOPHER ID: P830	Position 100113
Comment NAM: [REDACTED] Request Key:6088692				
Time 08/20/2004 03:56:37	Unit 2D31	Status ECOMM	Operator ARANAS (V3182), CHRISTOPHER ID: P830	Position 100113
Comment NAM: [REDACTED] Request Key:6088694				
Time 08/20/2004 03:56:41	Unit 2B31	Status ER	Operator SOTELO PM 9.17.18, MARK ID: P1190	Position 100271
Time 08/20/2004 03:57:00	Unit 2D31	Status ECOMM	Operator ARANAS (V3182), CHRISTOPHER ID: P830	Position 100113
Comment NAME ID [REDACTED] Request Key:6088695				
Time 08/20/2004 03:59:38	Unit 2J31	Status AR	Operator ESPINOSA TM 6.9.16, TONYA L. ID: P1165	Position 100155
Location UMC				
Time 08/20/2004 04:01:27	Unit 2D31	Status AR	Operator ARANAS (V3182), CHRISTOPHER ID: P830	Position 100113
Time 08/20/2004 04:03:47	Unit 2E31	Status AR	Operator BOWLING (V3491), JOSH ID: P1188	Position 100138
Time 08/20/2004 04:07:13	Unit 2B31	Status AR	Operator SOTELO PM 9.17.18, MARK ID: P1190	Position 100271
Time 08/20/2004 04:07:43	Unit 6H21	Status D	Operator SONDEREGGER DS, MATTHEW ID: SOND	Position PD04
Time 08/20/2004 04:07:45	Unit 6H21	Status ER	Operator SONDEREGGER DS, MATTHEW ID: SOND	Position PD04
Time 08/20/2004 04:10:23	Unit 3C31	Status CL	Operator FIGUEROA TM 12.1.17, ALMA ID: P1195	Position 100240
Location HQ				
Time 08/20/2004 04:22:05	Unit 3C31	Status AR	Operator FIGUEROA TM 12.1.17, ALMA ID: P1195	Position 100240

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: [REDACTED]

Location HQ				
Time 08/20/2004 04:22:15	Unit K33	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 04:24:32	Unit 6H21	Status AR	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 04:25:13			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement P2 CT03 ,NEED CHAP TO LOC... [REDACTED]				
Time 08/20/2004 04:28:18			Operator PEFFLEY DS, LORI ID: PEFF	Position CT03
Supplement P2 PD01 ,2E31 ... CHAPLIN ADVISED .. IS THERE A # FOR HIM TO CONTACT THE OFFICER AT ?				
Time 08/20/2004 04:32:08			Operator PEFFLEY DS, LORI ID: PEFF	Position CT03
Supplement P2 PD01 ,2G31 .. NEG HS ON [REDACTED] AND [REDACTED]				
Time 08/20/2004 04:32:55	Unit 3E31	Status CL	Operator ESCARENO (V3722), ELOY ID: P808	Position 100190
Location HQ				
Time 08/20/2004 04:38:52	Unit 3E31	Status AR	Operator ESCARENO (V3722), ELOY ID: P808	Position 100190
Location HQ				
Time 08/20/2004 04:44:14	Unit CHAP1	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 04:44:14	Unit CHAP1	Status ER	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 05:03:39			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement P1 CT03 ,HAS THE SR CHAP GREG MC CALLISTER BEEN CONTACTED TO RESP ..IF NOT..CONT HIM HAVE HIM RESP TO HQ PLZ...				
Time 08/20/2004 05:07:23			Operator PEFFLEY DS, LORI ID: PEFF	Position CT03
Supplement P2 PD01 ,CHAP1 SR CHAP MCCALLISTER IS JUST NOW LEAVING HIS HOME AND WILL ARRIVE SHORTLY				
Time 08/20/2004 05:12:32			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement P2 FD01 ,NEED EMS PERSONNEL NAMES/BADGES IN CALL PLZ				
Time 08/20/2004 05:15:54	Unit 3B31	Status CL	Operator VAN OVERBEEK PM12/16, MARTIN ID: P791	Position 100174
Location HQ				
Time 08/20/2004 05:16:44			Operator LUCAS RS 7.9.06, MICHELLE ID: LUCA	Position FD01
Supplement EMS NAMES/BADGES...UNIT 122..1)DANSBY,NATHAN ,2)HENRICKSEN,BRIAN ..PER EMS THEY DONT CARRY THEIR BADGE/CERT NUMBERS				
Time 08/20/2004 05:16:58			Operator LUCAS RS 7.9.06, MICHELLE ID: LUCA	Position FD01
Supplement P2 PD01 ,EMS NAMES/BADGES...UNIT 122..1)DANSBY,NATHAN ,2)HENRICKSEN,BRIAN ..PER EMS THEY DONT CARRY THEIR BADGE/CERT NUMBERS				

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event:

Time 08/20/2004 05:29:04	Unit 6114	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 05:29:53	Unit 3B31	Status AR	Operator VAN OVERBEEK PM12/16, MARTIN ID: P791	Position 100174
Location HQ				
Time 08/20/2004 05:30:01	Unit 6114	Status ER	Operator SINOR RS 7/15/05, M V ID: ID52	Position 250016
Time 08/20/2004 05:33:41	Unit 6114	Status AR	Operator SINOR RS 7/15/05, M V ID: ID52	Position 250016
Time 08/20/2004 06:47:20	Unit 2D31	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 06:47:22	Unit 2D31	Status AR	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 06:48:53	Unit 209S	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 06:48:57	Unit 209S	Status AR	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Location SE				
Time 08/20/2004 06:53:43	Unit 3A11	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Location UMC				
Time 08/20/2004 06:53:47	Unit 3B11	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 06:53:47			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement 3B11 Comment: SCENE RELF				
Time 08/20/2004 06:54:04	Unit 3B11	Status ER	Operator UNRUH (V3580), DAVID J ID: P656	Position 100170
Time 08/20/2004 06:54:11	Unit 3A11	Status ER	Operator MORA RT 10.2.09, TOM ID: P358	Position 100228
Location UMC				
Time 08/20/2004 06:55:54	Unit 3A11	Status AR	Operator MORA RT 10.2.09, TOM ID: P358	Position 100228
Location UMC				
Time 08/20/2004 06:56:54	Unit 3E11	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 06:56:54			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement 3E11 Comment: RESP TO SCENE				
Time 08/20/2004 06:57:21	Unit 3E11	Status ER	Operator SERRANO (V3690), JASON M ID: P667	Position 100162
Time 08/20/2004 06:58:25	Unit 3A12	Status D	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Time 08/20/2004 06:58:25			Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Supplement 3A12 Comment: RESP TO SCENE				
Time 08/20/2004 06:58:49	Unit 3A12	Status ER	Operator HERNANDEZ RT 5.29.12, RAYMOND ID: P530	Position 100252

Fresno Police
Department
Event Report

Time: 06/11/2022 06:16:08

Event: [REDACTED]

Time 08/20/2004 07:06:59	Unit 3B11	Status AR	Operator UNRUH (V3580), DAVID J ID: P656	Position 100170
Time 08/20/2004 07:11:34	Unit 2D31	Status ER	Operator ARANAS (V3182), CHRISTOPHER ID: P830	Position 100113
Location CE				
Time 08/20/2004 07:11:51	Unit 3E11	Status AR	Operator SERRANO (V3690), JASON M ID: P667	Position 100162
Time 08/20/2004 07:12:11	Unit 3A12	Status AR	Operator HERNANDEZ RT 5.29.12, RAYMOND ID: P530	Position 100252
Time 08/20/2004 07:15:22	Unit 2J31	Status CL	Operator ESPINOSA TM 6.9.16, TONYA L. ID: P1165	Position 100155
Location CENTRAL				
Time 08/20/2004 07:18:37	Unit 2B31	Status CL	Operator SOTELO PM 9.17.18, MARK ID: P1190	Position 100271
Location HQ				
Time 08/20/2004 07:18:40	Unit 3B11	Status ER	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Location HQ				
Time 08/20/2004 07:19:16	Unit 2E31	Status ER	Operator BOWLING (V3491), JOSH ID: P1188	Position 100138
Location CE				
Time 08/20/2004 07:20:00	Unit 2B31	Status ER	Operator SOTELO PM 9.17.18, MARK ID: P1190	Position 100271
Location HQ				
Time 08/20/2004 07:20:07	Unit 2B31	Status AR	Operator SOTELO PM 9.17.18, MARK ID: P1190	Position 100271
Location HQ				
Time 08/20/2004 07:20:14	Unit 2B31	Status CL	Operator SOTELO PM 9.17.18, MARK ID: P1190	Position 100271
Location HQ				
Time 08/20/2004 07:20:53	Unit 2D31	Status AR	Operator ARANAS (V3182), CHRISTOPHER ID: P830	Position 100113
Location CE				
Time 08/20/2004 07:25:36	Unit 2J31	Status AR	Operator ESPINOSA TM 6.9.16, TONYA L. ID: P1165	Position 100155
Location CENTRAL				
Time 08/20/2004 07:25:58	Unit 6H21	Status ER	Operator VALDEZ (V3086), LYDIA ID: VALD	Position PD01
Location HQ				
Time 08/20/2004 07:26:41	Unit 2E31	Status AR	Operator BOWLING (V3491), JOSH ID: P1188	Position 100138
Location CE				
Time 08/20/2004 07:28:46	Unit 209S	Status CL	Operator DEJONG RT 8.5.14, RICHARD N ID: S106	Position 100205

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: [REDACTED]

Location SW				
Time	Unit	Status	Operator	Position
08/20/2004 07:29:12	2B31	AR	SOTELO PM 9.17.18, MARK ID: P1190	100271
Location HQ				
Time	Unit	Status	Operator	Position
08/20/2004 07:29:33	3B11	AR	VALDEZ (V3086), LYDIA ID: VALD	PD01
Location HQ				
Time	Unit	Status	Operator	Position
08/20/2004 07:36:42	2B31	CL	SOTELO PM 9.17.18, MARK ID: P1190	100271
Location SCENE				
Time	Unit	Status	Operator	Position
08/20/2004 07:38:57	209S	AR	DEJONG RT 8.5.14, RICHARD N ID: S106	100205
Location [REDACTED]				
Time	Unit	Status	Operator	Position
08/20/2004 07:39:11	209S	CL	DEJONG RT 8.5.14, RICHARD N ID: S106	100205
Location SW				
Time	Unit	Status	Operator	Position
08/20/2004 07:39:25	6H21	AR	VALDEZ (V3086), LYDIA ID: VALD	PD01
Location HQ				
Time	Unit	Status	Operator	Position
08/20/2004 07:41:30	3B11	ER	VALDEZ (V3086), LYDIA ID: VALD	PD01
Location [REDACTED]				
Time	Unit	Status	Operator	Position
08/20/2004 07:52:22	3B11	AR	UNRUH (V3580), DAVID J ID: P656	100170
Location [REDACTED]				
Time	Unit	Status	Operator	Position
08/20/2004 07:52:22	2B31	AR	SOTELO PM 9.17.18, MARK ID: P1190	100271
Location SCENE				
Time	Unit	Status	Operator	Position
08/20/2004 07:52:32	2B31	CL	SOTELO PM 9.17.18, MARK ID: P1190	100271
Location CE				
Time	Unit	Status	Operator	Position
08/20/2004 07:53:23	2B31	ECOMM	SOTELO PM 9.17.18, MARK ID: P1190	100271
Location CE				
Comment LIC [REDACTED] LIT:PC LIS:CA Request Key:6089011				
Time	Unit	Status	Operator	Position
08/20/2004 07:53:33	3B31	CL	VAN OVERBEEK PM12/16, MARTIN ID: P791	100174
Location SE				
Time	Unit	Status	Operator	Position
08/20/2004 07:56:46	209S	AR	DEJONG RT 8.5.14, RICHARD N ID: S106	100205
Location SW				

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: [REDACTED]

Time 08/20/2004 08:01:39	Unit 3B31	Status AR	Operator VAN OVERBEEK PM12/16, MARTIN ID: P791	Position 100174
Location SE				
Time 08/20/2004 08:02:43	Unit 2B31	Status AR	Operator SOTELO PM 9.17.18, MARK ID: P1190	Position 100271
Location CE				
Time 08/20/2004 08:18:21	Unit 3B31	Status ECOMM	Operator YANOVSKY RS 1.3.11, LAURA ID: YANO	Position PD03
Location SE				
Comment License Plate Check LIC [REDACTED] LIS:CA Request Key:6089072				
Time 08/20/2004 10:03:20			Operator VALDEZ (V3086), LYDIA ID: VALD	Position CT04
Supplement P1 PD03 ,HAVE DET GARCIA OR DET BYRD LL [REDACTED] FOR OFFICER MORA/3A11..STANDG BY AT UMC.				
Time 08/20/2004 10:08:21			Operator FISH DS, TONIANN ID: WISE	Position CT03
Supplement P2 PD03 ,DET GARCIA ADVSD				
Time 08/20/2004 10:27:24	Unit 308S	Status AR	Operator YANOVSKY RS 1.3.11, LAURA ID: YANO	Position PD03
Location UMC				
Time 08/20/2004 10:51:33	Unit 3A11	Status CL	Operator MORA RT 10.2.09, TOM ID: P358	Position 100228
Location SE				
Time 08/20/2004 11:13:50			Operator FISHER DS, SHERI ID: FISH	Position PD02
Supplement 308S WAS ADVISED DISPO NEEDED ON THIS CALL				
Time 08/20/2004 11:16:09			Operator YANOVSKY RS 1.3.11, LAURA ID: YANO	Position PD03
Supplement P2 CT03 ,PER 308S, PLS LL DUTY OFFICE, NEED TO CONTACT OFFICER HERRING P291(3X31) FOR DISPO ON THIS CALL				
Time 08/20/2004 11:23:03			Operator FISH DS, TONIANN ID: WISE	Position CT03
Supplement P2 PD03 ,PER CSU THEY WILL CALL HIM AND TAKE CARE OF IT				
Time 08/20/2004 12:34:05			Operator BROWN DS, ELAINE ID: BROW	Position PD03
Supplement P2 CT03 ,LL 6H21, NEED CLEARANCE FOR THIS CALL SO I CAN CLEAR 6H21 AND 6V11 OFF CALL PLS				
Time 08/20/2004 10:18:00	Unit 3C31	Dissociate Status OFF		
Time 08/20/2004 10:55:58	Unit 3X31	Dissociate Status IN		
Time 08/20/2004 11:00:43	Unit 3A11	Dissociate Status IN		
Time 08/20/2004 11:08:11	Unit 308S	Dissociate Status IN		
Time 08/20/2004 12:41:11	Unit 6H21	Dissociate Status OFF		

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event:

Time 08/20/2004 12:41:14	Unit 6V11	Dissociate Status IN
Time 08/20/2004 02:52:55	Unit 508S	Dissociate Status IN
Time 08/20/2004 03:13:44	Unit 6I11	Dissociate Status IN
Time 08/20/2004 04:06:19	Unit 6V15	Dissociate Status AR
Time 08/20/2004 04:22:33	Unit K33	Dissociate Status D
Time 08/20/2004 04:26:46	Unit 3G31	Dissociate Status IN
Time 08/20/2004 04:58:00	Unit 402L	Dissociate Status IN
Time 08/20/2004 05:56:17	Unit 3E31	Dissociate Status IN
Time 08/20/2004 05:56:30	Unit 2D31	Dissociate Status IN
Time 08/20/2004 06:47:16	Unit 209S	Dissociate Status ON
Time 08/20/2004 07:12:58	Unit 6I14	Dissociate Status IN
Time 08/20/2004 07:26:04	Unit 2J31	Dissociate Status OFF
Time 08/20/2004 07:35:53	Unit 209S	Dissociate Status 3D
Time 08/20/2004 07:38:03	Unit 2E31	Dissociate Status OFF
Time 08/20/2004 07:39:08	Unit 2D31	Dissociate Status IN
Time 08/20/2004 07:46:40	Unit 3A12	Dissociate Status IN
Time 08/20/2004 07:51:20	Unit 3E11	Dissociate Status 5AOF
Time 08/20/2004 07:53:14	Unit 3B11	Dissociate Status IN
Time 08/20/2004 07:59:01	Unit 209S	Dissociate Status IN
Time 08/20/2004 08:02:49	Unit 2B31	Dissociate Status IN
Time 08/20/2004 08:26:36	Unit 3B31	Dissociate Status IN
Time 08/20/2004 08:47:44	Unit CHAP1	Dissociate Status OFF

STAFF

Police Unit 209S	Staff DEJONG RT 8.5.14, RICHARD N ID: S106
Police Unit 2B31	Staff SOTELO PM 9.17.18, MARK ID: P1190
Police Unit 2D31	Staff ARANAS (V3182), CHRISTOPHER ID: P830
Police Unit 2E31	Staff BOWLING (V3491), JOSH ID: P1188
Police Unit 2J31	Staff ESPINOSA TM 6.9.16, TONYA L. ID: P1165

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: XXXXXXXXXX

Police Unit 308S	Staff BROWN II PA 2.17.21, R PAUL ID: S124
Police Unit 3A11	Staff MORA RT 10.2.09, TOM ID: P358
Police Unit 3A12	Staff HERNANDEZ RT 5.29.12, RAYMOND ID: P530
Police Unit 3B11	Staff UNRUH (V3580), DAVID J ID: P656
Police Unit 3B31	Staff VAN OVERBEEK PM12/16, MARTIN ID: P791
Police Unit 3C31	Staff FIGUEROA TM 12.1.17, ALMA ID: P1195
Police Unit 3E11	Staff SERRANO (V3690), JASON M ID: P667
Police Unit 3E31	Staff ESCARENO (V3722), ELOY ID: P808
Police Unit 3G31	Staff TAFOYA TM 7.30.07, MARCUS ID: P1054
Police Unit 3X31	Staff BURGER (V3215), BEAU ID: P1252
	Staff HERRING III RS8/2014, JESSE ID: P291
Police Unit 402L	Staff GARZA RT 9.6.17, JOSE V ID: L22
Police Unit 508S	Staff DEWALL PM 12.9.19, ANTHONY ID: S138
Police Unit 6H21	Staff GARCIA RT 8.3.07, MICHAEL ID: P387
Police Unit 6I11	Staff SCHROEDER RS 6.21.08, COREY ID: ID35
Police Unit 6I14	Staff SINOR RS 7/15/05, M V ID: ID52
Police Unit 6V11	Staff VIVEROS PM 5.18.15, JOHN ID: P817
Police Unit 6V15	Staff SCHREINER (V2433), R BRAD ID: P878
Police Unit CHAP1	Staff DANIEL, ROGER ID: CH12
Police Unit K33	Staff PLYMALE RS 12.5.07, SEAN T ID: P768
	Staff TYMO RT 10.19.05, * ID: K008

RESPONSE TIMES

	Event	Police	Fire	
Receive	08/20/2004 02:01:38	08/20/2004 02:02:11		
Save	08/20/2004 02:02:41			
Dispatch	08/20/2004 02:02:52	08/20/2004 02:02:52		
Enroute	08/20/2004 02:02:59	08/20/2004 02:02:59		
Arrive	08/20/2004 02:08:46	08/20/2004 02:08:46		

Fresno Police Department
Event Report

Time: 06/11/2022 06:16:08

Event: XXXXXXXXXX

Last Clear	08/20/2004 12:41:14	08/20/2004 12:41:14		
No. of Units	24	24	0	

Exhibit D

✓ ↩ On 6/21/2022 9:18:20 AM, Brian Howey wrote:

Good morning Ms. Abdulla,

Per our phone conversation last week, I'd like to request that this CPRA request be re-opened, as there are additional records responsive to this request under SB 1421.

Please call or email if you have any questions.

Thank you,
Brian Howey

✓ ✉ On 6/16/2022 1:18:20 PM, Fresno Public Records Center wrote:

[Click Here to View Entire Message](#)

Exhibit E

View Message

CC: Romi.Morgan@fresno.gov; Jennifer.Davis@fresno.gov;
Kathleen.Abdulla@fresno.gov; Ricardo.Farfan@fresno.gov
Subject: [Records Center] Police Dept. Public Records Request :: P019033-060622
Body:

RE: PUBLIC RECORDS REQUEST of June 06, 2022, Reference # P019033-060622.

Dear Brian Howey,

The City of Fresno (City) received your public records request under the California Public Records Act (Gov. Code, § 6250 et seq.) on June 06, 2022, and your supplemental request on June 17, 2022. Your original request states:

"Under the California Public Records Act, Gov't Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, I am requesting electronic copies of the following:

- 1. Recordings and transcripts of all interviews of Lavette Sanders by investigators with the Fresno Police Department and any other public agency conducted on August 20-21, 2004, related to the investigation of the August 20 in-custody death of Michael Sanders.*
- 2. The recordings and transcripts of all other interviews of the family and friends of Michael Sanders by detectives or investigators conducted on August 20-21, 2004, related to the investigation of the aforementioned incident.*
- 3. Police reports and CAD files related to the aforementioned incident."*

Your supplemental request states:

Request that this CPRA request be re-opened, as there are additional records responsive to this request under SB 1421.

The City responds as follows:

The City provided a response to the original request on June 16, 2022, via the GovQA portal. The The previously submitted response is incorporated by this reference.

The City is unable to produce records responsive to the supplemental request on the grounds: (a) the requested records are not subject to disclosure pursuant to Penal Code Section 832.7 (Senate Bill 1421), as the City did not conduct an Internal Affairs investigation into the referenced incident; (b) the records are not required to be disclosed under the investigatory records exemption (Gov. Code, § 6254(f); *Williams v. Superior Court* (1993) 5 Cal.4th 337; *Haynie v. Superior Court* (2001) 26 Cal.4th 1061); and (c) the records contain information protected by a constitutional right to privacy (Gov. Code, § 6254(k); U.S. Const., 14th Amend.; Cal. Const. Art. I, § 1).

Final determinations for this response were made by Travis R. Stokes, Assistant City Attorney for the City of Fresno.

Please feel free to contact the Fresno City Attorney's Office at 559-621-7500 if you have any questions.

Very truly yours,

Kathleen Abdulla
Senior Paralegal
for
TRAVIS R. STOKES
Assistant City Attorney
City of Fresno

Close

Exhibit F

✓ ↩ On 6/21/2022 1:59:47 PM, Brian Howey wrote:

Hello and thank you for your reply.

Based on my understanding of CA Penal Code Section 832.7, I believe your office has presented an incorrect interpretation of state law in it's reasoning for denying access to a public record.

As is clearly stated in the aforementioned penal code, "[a] record relating to the report, investigation, or findings of any of the following: [...] (ii) An incident involving the use of force against a person by a peace officer or custodial officer that resulted in death or in great bodily injury.." ... "shall not be confidential and shall be made available for public inspection pursuant to the California Public Records Act"

The law goes on to say, "[r]ecords that shall be released pursuant to this subdivision include all investigative reports; photographic, audio, and video evidence; transcripts or recordings of interviews..." etc.

As is clearly stated in the law, the creation of an IA report is in no way required in order for a record related to a police use of force incident that resulted in death or serious injury to be considered public. In fact, the interview transcripts, recordings, and police report I have requested are all listed specifically in the law as being public records. Investigative reports are listed separately -- not in conjunction with -- photographic, audio, and video evidence, and transcripts and recordings of interviews.

Please release the requested records by 6/24/2022.

Thank you for your time,
Brian Howey

✓ ✉ On 6/21/2022 12:07:16 PM, Fresno Public Records Center wrote:

[Click Here to View Entire Message](#)

Exhibit G

✓ On 6/23/2022 7:09:24 PM, Brian Howey wrote:

Mr. Stokes,

Per our phone conversation earlier today, I'd like to provide more information that proves that the records I have requested do in fact fall under CA Penal Code Section 832.7.

As you pointed out, the Fresno County Coroner's report listed Michael Sanders' cause of death as "complications of cocaine intoxication." Because Mr. Sanders' death was ruled to have been caused by cocaine intoxication rather than the officers' use of force, you told me in our phone conversation that records related to that case do not fall under SB 1421 / Penal Code 832.7.

However, as is outlined in said penal code, uses of force by police officers need not lead to death in order for related records to become public under SB 1421. In addition to death, use of force incidents resulting in "great bodily injury" also qualify.

A review of the Fresno County Coroner's report shows that Mr. Sanders sustained "multiple taser probe puncture wounds" as a result of his interaction with Fresno PD officers. Among those wounds were three taser probe puncture wounds to the chest, four taser puncture wounds to the right groin (including one that showed "surrounding carbonization," the medical term for the conversion of flesh to charcoal, or charring), two taser probe puncture wounds to the left thigh, and two taser puncture marks to the left flank area with probes still in place, for a total of at least 11 puncture wounds. (see "Fresno County Coroner, Coroner Certificate and Verdict" conducted by Laroalee H. Cervantes 12/29/2004, p. 3 & 8)

There is a large body of cases and statutes defining "great bodily injury." The term means more than a minor or trivial injury but does not require the victim to suffer a long-term or permanent injury (People v. Escobar, 3 Cal. 4th 740, 746 (1992); Cross, 45 Cal. 4th at 64.). A series of minor injuries when viewed in the aggregate can amount to great bodily injury, such as bruising over multiple body parts, or swelling and pain (People v. Jaramillo, 98 Cal. App. 3d 830, 836 (1979). And if a medical professional deems a particular injury significant, that injury is by definition a great bodily injury (People v. Sanchez, 131 Cal. App. 3d 718, 734 (1982).

Although I find it unlikely, it's possible Mr. Sanchez's injuries could be considered minor if each were considered individually. However, there is no doubt that 11 puncture wounds viewed in aggregate, including at least one that caused Mr. Sanders' flesh to char, would certainly amount to great bodily injury if "bruising" or "swelling and pain" have met the same standard.

With that in mind, I'm requesting that you reopen my public records request and provide the requested records no later than July 1, 2022.

Thank you for your help.
Brian Howey

Exhibit H

View Message

CC: Romi.Morgan@fresno.gov; Jennifer.Davis@fresno.gov;
Kathleen.Abdulla@fresno.gov; Ricardo.Farfan@fresno.gov
Subject: [Records Center] Police Dept. Public Records Request ::
P019033-060622

Body:

AMENDED RESPONSE TO THE CITY OF FRESNO'S
JUNE 21, 2022 RESPONSE

RE: PUBLIC RECORDS REQUEST of June 06, 2022, Reference #
P019033-060622

Dear Brian Howey,

The City of Fresno (City) received your public records request under the California Public Records Act (Gov. Code, § 6250 et seq.) on June 06, 2022, and your supplemental request on June 17, 2022. Your original request states:

"Under the California Public Records Act, Govt Code §§ 6250 et seq., California Penal Code §§832.7-832.8, and Art. I, § 3(b) of the California Constitution, I am requesting electronic copies of the following:

- 1. Recordings and transcripts of all interviews of Lavelle Sanders by investigators with the Fresno Police Department and any other public agency conducted on August 20-21, 2004, related to the investigation of the August 20 in-custody death of Michael Sanders.*
- 2. The recordings and transcripts of all other interviews of the family and friends of Michael Sanders by detectives or investigators conducted on August 20-21, 2004, related to the investigation of the aforementioned incident.*
- 3. Police reports and CAD files related to the aforementioned incident."*

Your supplemental request states:

Request that this CPRA request be re-opened, as there are additional records responsive to this request under SB 1421

The City responds as follows:

The City provided a response to the original request on June 16, 2022, via the GovQA portal. The previously submitted response is incorporated by this reference.

The City is unable to produce records responsive to the supplemental request on the grounds: (a) the requested records are not subject to disclosure pursuant to Penal Code Section 832.7 (Senate Bill 1421), as the City did not conduct an Internal Affairs investigation into the referenced incident and there was no report, investigation, or finding of an incident involving the use of force against a person by a peace officer that resulted in death or great bodily injury; (b) the records are not required to be disclosed under the investigatory records exemption (Gov. Code, § 6254(f), *Williams v. Superior Court* (1993) 5 Cal.4th 337; *Haynie v. Superior Court* (2001) 26 Cal.4th 1061); and (c) the records contain information protected by a constitutional right to privacy (Gov. Code, § 6254(k); U.S. Const., 14th Amend., Cal. Const. Art. I, § 1).

Final determinations for this response were made by Travis R. Stokes, Assistant City Attorney for the City of Fresno

Please feel free to contact the Fresno City Attorney's Office at 559-621-7500 if you have any questions.

Very truly yours,

Kathleen Abdulla
Senior Paralegal
for
TRAVIS R. STOKES
Assistant City Attorney
City of Fresno

Exhibit I


Preferred Method to Receive Records:

Electronic via Records Center

Not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

New Message

Messages 9

 Print Messages (PDF)

On 7/15/2022 1:32:06 PM, Brian Howey wrote:

Hello,

I have called your office several times in an attempt to speak with a member of your staff regarding this request, but have not received a call back. Your 6/24/2022 message appears to be a response to my original request for second review of my request, but doesn't appear to respond directly to my 6/23 message.

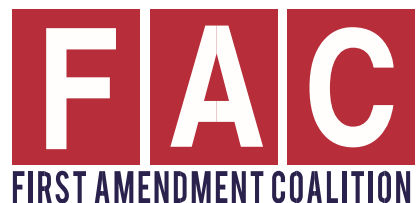
As soon as possible, please acknowledge my 6/23/2022 message in which I explain that the requested records fall under California Penal Code Section 832.7 because Mr. Sanders suffered great bodily injury as a result of his interactions with Fresno Police Department officers on Aug. 20, 2004, as detailed in the coroner's report Mr. Stokes cited our previous phone conversation.

Thank you,
Brian Howey

On 6/24/2022 4:18:32 PM, Fresno Public Records Center wrote:

[Click Here to View Entire Message](#)

Exhibit J



David Loy, Legal Director
dloy@firstamendmentcoalition.org
Direct: 619.701.3993

July 19, 2022

VIA ELECTRONIC MAIL

Travis Stokes
Assistant City Attorney
City of Fresno
2600 Fresno St.
Fresno, CA 93721-3602

Email: travis.stokes@fresno.gov

Re: Public Records Request P019033-060622

Dear Mr. Stokes:

The First Amendment Coalition (“FAC”) is a nonprofit public interest organization dedicated to advancing free speech, more open and accountable government, and public participation in civic affairs. I am writing on behalf of FAC to address the City of Fresno’s response to the above-referenced public records request by journalist Brian Howey.

On June 6, 2022, Mr. Howey requested copies of the following records pursuant to S.B. 1421:

1. Recordings and transcripts of all interviews of Lavette Sanders by investigators for the Fresno Police Department and any other public agency conducted on August 20-21, 2004, related to the August 20 investigation of the in-custody death of Michael Sanders.
2. The recordings and transcripts of all other interviews of the family and friends of Michael Sanders by detectives or investigators conducted on August 20-21, 2004, related to the investigation of the aforementioned incident.
3. Police reports and CAD files related to the aforementioned incident.

I understand the City responded by producing an “event report” but refusing to disclose any additional records on the grounds that there was no “incident involving the use of force against a person by a peace officer that resulted in death or great bodily injury” and thus the records fall within the “investigatory records exemption” and also that “the records contain information protected by a constitutional right to privacy.”

The California Constitution and California Public Records Act (“CPRA”) require state and local agencies to make any public record available for inspection or copying on request unless the record falls within a specific exemption. Cal. Const., Art. I, § 3(b)(1); Govt. Code § 6253. This letter explains why the exemptions asserted by the City are mistaken and the City must immediately disclose the requested records.

1. Officers caused great bodily injury to Mr. Sanders by using Tasers on him and inflicting multiple puncture wounds and charring.

The requested records relate to an incident in which Mr. Sanders died after an encounter with Fresno police officers. The facts were described in litigation initiated by Lavette Sanders, Mr. Sanders' widow. *Sanders v. City of Fresno*, 551 F. Supp. 2d 1149 (E.D. Cal 2008).

After Fresno police responded to a 911 call from Mr. Sanders, officers used Tasers on him multiple times, including "several drive-stuns to Michael's groin area." *Id.* at 1160. During the incident, Mr. Sanders was "shot five times ... with Taser darts, drive stunned 5 times ... and had a maximum of fourteen 5-second cycles applied to him." *Id.*

According to an autopsy report filed with the court, which is attached for your convenience, Mr. Sanders suffered "[m]ultiple taser probe puncture wounds," including three to the chest; four "on the front of the right groin, with one that "show[ed] surrounding carbonization" or charring of his flesh; two on the left thigh "with the probes still in place; and two "in the left flank area with the probes still in place."

The use of multiple Tasers on Mr. Sanders represents an "incident involving the use of force against a person by a peace officer ... that resulted in ... great bodily injury," requiring disclosure of records related to that incident such as the "investigative reports" and "transcripts or recordings of interviews" requested by Mr. Howey.¹ Penal Code § 832.7(b)(1)(a)(ii), (b)(3).

The use of a taser causes "excruciating pain that radiates throughout the body." *Bryan v. MacPherson*, 630 F.3d 805, 824 (9th Cir. 2010). The pain inflicted on Mr. Sanders by multiple Taser strikes, combined with multiple puncture wounds, including one that charred the flesh of his groin, unquestionably amounted to great bodily injury.

Although the Legislature did not define "great bodily injury" in Penal Code § 832.7, it necessarily intended to adopt previous judicial constructions of the same term. *Hughes v. Pair*, 46 Cal. 4th 1035, 1046 (2009); *Brooks v. Mercy Hospital*, 1 Cal. App. 5th 1, 7 (2016).

As construed by courts, "great bodily injury" includes pain, wounds, and bruising similar to those suffered by Mr. Sanders. *People v. Washington*, 210 Cal. App. 4th 1042, 1047–48 (2012) ("some physical pain or damage, such as lacerations, bruises, or abrasions" constitutes great bodily injury); *People v. Jung*, 71 Cal. App. 4th 1036, 1042 (1999) ("Abrasions, lacerations, and bruising can constitute great bodily injury."); *People v. Bustos*, 23 Cal. App. 4th 1747, 1755 (1994) (holding "multiple abrasions, lacerations, and contusions" were great bodily injury).

In addition, Penal Code § 832.7 "shall be broadly construed if it furthers the people's right of access." Cal. Const. Art. I, § 3(b)(2). Therefore, the term "great bodily injury" must be broadly construed, especially in light of the Legislature's findings that "[t]he public has a strong, compelling interest in law enforcement transparency because it is essential to having a just and

¹ These records must be disclosed even if there was no "Internal Affairs investigation," as the City represented in responding to Mr. Howey's request.

democratic society” and “[t]he public has a right to know all about ... serious uses of force” by police officers. S.B. 1421 §§ 1(b), 4.

For these reasons, the requested records must be disclosed because they relate to an incident involving the use of force that resulted in great bodily injury.²

2. Any applicable right to privacy does not justify withholding the requested records in their entirety.

Any applicable “constitutional right of privacy” is not absolute. The CPRA’s “strong public policy supporting transparency in government” can override asserted privacy interests in appropriate circumstances. *Marken v. Santa Monica-Malibu Unified School Dist.*, 202 Cal. App. 4th 1250, 1271 (2012).

The public interest in police use of force and related investigations is especially compelling. *See Comm’n on Peace Officer Standards & Training v. Superior Court*, 42 Cal. 4th 278, 297, 299 (2007) (“Law enforcement officers carry upon their shoulders the cloak of authority to enforce the laws of the state. In order to maintain trust in its police department, the public must be kept fully informed of the activities of its peace officers... Peace officers hold one of the most powerful positions in our society; our dependence on them is high and the potential for abuse of power is far from insignificant.”) (citation and quotation marks omitted).

Certainly, the officers involved in the incident can claim no right to privacy against disclosure of records required by S.B. 1421. Penal Code § 832.7(b)(6)(A) (disallowing redaction of “names and work-related information of peace and custodial officers”); *Michael v. Gates*, 38 Cal. App. 4th 737, 745 (1995) (holding police officer has no “constitutional right to privacy” against disclosure of records pursuant to statute).

Given that Ms. Sanders placed the incident at public issue by filing suit, resulting in a published opinion and other publicly available documents, it is difficult to see how her right to privacy could preclude disclosure of the records requested by Mr. Howey. *See Register Div. of Freedom Newspapers v. County of Orange*, 158 Cal. App. 3d 893, 902 (1984) (“By making his personal injury claim, Clemens placed his alleged physical injuries, and medical records substantiating the same, in issue. Furthermore, by voluntarily submitting these records to the County for the purpose of reaching a settlement on his claim, Clemens tacitly *waived* any expectation of privacy regarding these medical records.”) (emphasis in original).

² Because the officers’ use of force resulted in great bodily injury, it is unnecessary at this point to discuss whether the force also resulted in Mr. Sanders’ death. That said, when a statute requires that an outcome was a “result” of an action, the action need only have been a “substantial factor” in bringing about the outcome. *In re S.O.*, 24 Cal. App. 5th 1094, 1101 (2018). A substantial factor may be “minor,” and it need only contribute to the result in a way that is “more than negligible or theoretical.” *People v. Lockwood*, 214 Cal. App. 4th 91, 102–03 (2013). Other concurrent causes do not negate use of force as a substantial factor. *Major v. R.J. Reynolds Tobacco Co.*, 14 Cal. App. 5th 1179, 1195–96 (2017). If the Taser use contributed to Mr. Sanders’ death, even concurrently with other causes, it “resulted in death” under Penal Code § 832.7.

The Legislature has provided that an agency may “redact a record” covered by S.B. 1421 for limited purposes, Penal Code § 832.7(b)(6)-(7), but it may not categorically withhold such records. Govt. Code § 6253(a) (requiring disclosure of any “reasonably segregable portion of a record ... after deletion of the portions that are exempted by law”). Therefore, the City may not assert the right to privacy to withhold the records requested by Mr. Howey in their entirety.

For these reasons, please ensure that the City of Fresno discloses the requested records to Mr. Howey as soon as possible. Thank you for your attention to this matter. Please let me know if you have any questions. I will be on vacation July 20-25.

Sincerely,

FIRST AMENDMENT COALITION

A handwritten signature in black ink, appearing to read 'D. Loy', with a stylized flourish extending to the right.

David Loy
Legal Director

cc: Brian Howey

Exhibit K



David Loy <dloy@firstamendmentcoalition.org>

letter regarding CPRA request

Travis Stokes <Travis.Stokes@fresno.gov>
To: David Loy <dloy@firstamendmentcoalition.org>
Cc: Brian Howey <steelandballast@berkeley.edu>

Thu, Jul 28, 2022 at 10:07 AM

Dear Mr. Loy:

Thank you for your below email and attachments. The City of Fresno stands by its response to Mr. Howey's Public Records Act request.

Travis R. Stokes

Assistant City Attorney

Police Legal Advisor

[City of Fresno](#)

[2600 Fresno Street](#)

[Fresno, CA 93721-3602](#)

Telephone: (559) 621-7546

Facsimile: (559) 488-1084

travis.stokes@fresno.gov

From: David Loy <dloy@firstamendmentcoalition.org>
Sent: Tuesday, July 19, 2022 12:46 PM
To: Travis Stokes <Travis.Stokes@fresno.gov>
Cc: Brian Howey <steelandballast@berkeley.edu>
Subject: letter regarding CPRA request

External Email: Use caution with links and attachments

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