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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ANA PATRICIA FERNANDEZ, an
individual,

Plaintiff,

v.

LOS ANGELES COUNTY, THE LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT, WYATT WALDRON,
an individual, JOHN ROTH, an
individual, SUSAN O'LEARY BROWN,
an individual, ALEX VILLANUEVA, in
his Official Capacity as Sheriff of Los
Angeles County, RICHARD LEON, an
individual, MURRAY JACOB, an
individual, DAVID ROACH, an
individual, SALVADOR MORENO IV,
an individual, JASON AMES, an
individual, KYLE DINGMAN, an
individual, NICHOLAS SAYLOR, an
individual, and DOES 8-20,

Defendants.

Case No.: 2:20-cv-09876 DMG (PDx)

**FIRST AMENDED COMPLAINT FOR
DECLARATORY RELIEF AND
DAMAGES:**

- 1. VIOLATION OF THE EIGHTH
AMENDMENT [42 U.S.C. § 1983];**
 - 2. VIOLATION OF THE FOURTH
AMENDMENT [42 U.S.C. § 1983];**
 - 3. NEGLIGENCE [CAL. CIVIL CODE
§ 1714];**
 - 4. BREACH OF BAILMENT [CAL.
CIVIL CODE § 1813, ET SEQ.];**
 - 5. TRESPASS TO CHATTELS**
 - 6. FAILURE TO TRAIN**
- DEMAND FOR JURY TRIAL**

1 Plaintiff Ana Patricia Fernandez, through her counsel, brings this action against
2 Defendants Los Angeles County, the Los Angeles County Sheriff's Department, Deputy
3 Wyatt Waldron, Detective John Roth, Susan O'Leary Brown, Richard Leon, Murray
4 Jacob, David Roach, Salvador Moreno IV, Jason Ames, Kyle Dingman, Nicholas Saylor,
5 and Sheriff Alex Villanueva, in his official capacity, and makes the following allegations:

6 JURISDICTION AND VENUE

7 1. The Court has original jurisdiction of this civil action under 28 U.S.C. § 1331,
8 because the action arises under the Constitution and laws of the United States, thus raising
9 federal questions. The Court also has jurisdiction under 28 U.S.C. § 1343(a)(3) and 42
10 U.S.C. § 1983 since this action seeks to redress the deprivation, under color of the laws,
11 statutes, ordinances, regulations, customs and usages of the state of California and
12 political subdivisions thereof, of rights, privileges or immunities secured by the United
13 States Constitution and by Acts of Congress.

14 2. Plaintiff's claim for declaratory relief is authorized by 28 U.S.C. § 2201, and her
15 claim for attorneys' fees is authorized by 42 U.S.C. § 1988.

16 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2), because
17 the entirety of the events or omissions giving rise to Plaintiff's claims occurred in this
18 district.

19 4. Plaintiff submitted a Government Tort Claim form to the county of Los Angeles
20 on February 24, 2020. The county served its rejection of Plaintiff's claim on April 28,
21 2020, giving Plaintiff until October 28, 2020 to bring this action under California
22 Government Code § 945.6.

23 PARTIES

24 5. Plaintiff Ana Patricia Fernandez is a resident of Los Angeles County, California,
25 and a law-abiding citizen of the United States who is not prohibited from owning firearms.
26 She is the widow of Manuel Fernandez and the Trustee of the Fernandez Trust.

27 6. Defendant County of Los Angeles ("the County") is, and at time relevant hereto
28 was, a political subdivision of the United States, organized and existing under the laws of

1 the state of California, with its principal place of business in this judicial district. The
2 County legally responsible for the operation of the Los Angeles Sheriff's Department
3 pursuant to official decision-making channels, in policy, practices, customs, or law.

4 7. Defendant Los Angeles County Sheriff's Department ("LASD") is a local
5 government entity created under the laws of the state of California and an agency of
6 defendant County of Los Angeles. LASD is a political subdivision of Defendant County.
7 LASD oversees the storage of firearms recovered or seized by its personnel in Los
8 Angeles County, and also enforces the administrative fee required by Defendant County
9 for the return of recovered or seized firearms to their lawful owners.

10 8. Defendant Alex Villanueva is an employee of Defendant County of Los Angeles
11 and currently holds the title of Sheriff of LASD. Defendant Villanueva is, and at all times
12 relevant to this complaint was, one of the ultimate policy makers for Defendant LASD. He
13 is directly responsible for promulgating, enforcing, and continuing the policies of the
14 LASD, including the unlawful policies and procedures complained of herein. Villanueva
15 is sued solely in his official capacity.

16 9. Defendant Wyatt Waldron is, and at all times relevant to this complaint was,
17 employed by Defendant LASD. He currently holds the title of "Deputy." Plaintiff is
18 informed and believes, and on that basis alleges that, at all times relevant to this
19 complaint, Defendant Waldron was acting in the course and scope of his employment with
20 Defendant LASD. And he is, and was at certain times identified below, acting under color
21 of state law within the meaning of 42 U.S.C. § 1983.

22 10. Defendant John M. Roth is, and at all times relevant to this complaint was,
23 employed by Defendant LASD. He is, and all times relevant to this complaint was,
24 employed as a "Detective." Plaintiff is informed and believes, and on that basis alleges
25 that, in his role as detective, Defendant Roth investigated whether Plaintiff's seized
26 firearms were lawful to possess, requiring that he handle and inspect the firearms, and at
27 some point, damaged Plaintiff's property. Plaintiff is informed and believes, and on that
28 basis alleges that, at all times relevant to this complaint, Defendant Roth was acting in the

1 course and scope of his employment with Defendant LASD. And he is, and was at certain
2 times identified below, acting under color of state law within the meaning of 42 U.S.C. §
3 1983.

4 11. Defendant Susan O’Leary Brown is, and at all times relevant to this complaint
5 was, employed by Defendant LASD. She is, and at all time relevant to this complaint was,
6 employed as a Property Custodian at the Palmdale Sheriff Station, where Plaintiff’s
7 firearm property was stored for at least some of the time it was in the custody of
8 Defendant LASD. Defendant O’Leary Brown informed Plaintiff of the LASD Palmdale
9 Station’s price list (\$54 per firearm) and LASD’s general policy that the prices reflected
10 on the price list must be paid before the firearms could be released to Plaintiff. Defendant
11 O’Leary Brown also coordinated with Plaintiff regarding the release of her firearms,
12 which eventually occurred at the Palmdale Sheriff Station. Plaintiff is informed and
13 believes, and on that basis alleges that, at all times relevant to this complaint, Defendant
14 O’Leary Brown was acting in the course and scope of her employment with Defendant
15 LASD. And she is, and was at certain times identified below, acting under color of state
16 law within the meaning of 42 U.S.C. § 1983.

17 12. Doe 1, who has now been identified as Defendant Richard Leon is, and at all
18 times relevant to this complaint was, employed by Defendant LASD. Plaintiff is informed
19 and believes, and on that basis alleges that, in his role as an employee of Defendant
20 LASD, Defendant Leon handled and at some point damaged Plaintiff’s property. Plaintiff
21 is informed and believes, and on that basis alleges that, at all times relevant to this
22 complaint, Defendant Leon was acting in the course and scope of his employment with
23 Defendant LASD. And he is, and was at certain times identified below, acting under color
24 of state law within the meaning of 42 U.S.C. § 1983.

25 13. Doe 2, who has now been identified as Defendant Murray Jacob is, and at all
26 times relevant to this complaint was, employed by Defendant LASD. Plaintiff is informed
27 and believes, and on that basis alleges that, in his role as an employee of Defendant
28 LASD, Defendant Jacob handled and at some point damaged Plaintiff’s property.

1 Plaintiff is informed and believes, and on that basis alleges that, at all times relevant to
2 this complaint, Defendant Jacob was acting in the course and scope of his employment
3 with Defendant LASD. And he is, and was at certain times identified below, acting under
4 color of state law within the meaning of 42 U.S.C. § 1983.

5 14. Doe 3, who has now been identified as Defendant David Roach is, and at all
6 times relevant to this complaint was, employed by Defendant LASD. Plaintiff is informed
7 and believes, and on that basis alleges that, in his role as an employee of Defendant
8 LASD, Defendant Roach handled and at some point damaged Plaintiff's property.
9 Plaintiff is informed and believes, and on that basis alleges that, at all times relevant to
10 this complaint, Defendant Roach was acting in the course and scope of his employment
11 with Defendant LASD. And he is, and was at certain times identified below, acting under
12 color of state law within the meaning of 42 U.S.C. § 1983.

13 15. Doe 4, who has now been identified as Defendant Salvador Moreno IV is, and at
14 all times relevant to this complaint was, employed by Defendant LASD. Plaintiff is
15 informed and believes, and on that basis alleges that, in his role as an employee of
16 Defendant LASD, Defendant Moreno handled and at some point damaged Plaintiff's
17 property. Plaintiff is informed and believes, and on that basis alleges that, at all times
18 relevant to this complaint, Defendant Moreno was acting in the course and scope of his
19 employment with Defendant LASD. And he is, and was at certain times identified below,
20 acting under color of state law within the meaning of 42 U.S.C. § 1983.

21 16. Doe 5, who has now been identified as Defendant Jason Ames is, and at all
22 times relevant to this complaint was, employed by Defendant LASD. Plaintiff is informed
23 and believes, and on that basis alleges that, in his role as an employee of Defendant
24 LASD, Defendant Ames handled and at some point damaged Plaintiff's property. Plaintiff
25 is informed and believes, and on that basis alleges that, at all times relevant to this
26 complaint, Defendant Ames was acting in the course and scope of his employment with
27 Defendant LASD. And he is, and was at certain times identified below, acting under color
28 of state law within the meaning of 42 U.S.C. § 1983.

1 17. Doe 6, who has now been identified as Defendant Kyle Dingman is, and at all
2 times relevant to this complaint was, employed by Defendant LASD. Plaintiff is informed
3 and believes, and on that basis alleges that, in his role as an employee of Defendant
4 LASD, Defendant Dingman handled and at some point damaged Plaintiff's property.
5 Plaintiff is informed and believes, and on that basis alleges that, at all times relevant to
6 this complaint, Defendant Dingman was acting in the course and scope of his employment
7 with Defendant LASD. And he is, and was at certain times identified below, acting under
8 color of state law within the meaning of 42 U.S.C. § 1983.

9 18. Doe 7, who has now been identified as Defendant Nicholas Saylor is, and at all
10 times relevant to this complaint was, employed by Defendant LASD. Plaintiff is informed
11 and believes, and on that basis alleges that, in his role as an employee of Defendant
12 LASD, Defendant Dingman handled and at some point damaged Plaintiff's property.
13 Plaintiff is informed and believes, and on that basis alleges that, at all times relevant to
14 this complaint, Defendant Dingman was acting in the course and scope of his employment
15 with Defendant LASD. And he is, and was at certain times identified below, acting under
16 color of state law within the meaning of 42 U.S.C. § 1983.

17 19. Doe 8, whose identity is not yet known to Plaintiff, is, and at all times relevant
18 to this complaint was, employed by Defendant LASD. Plaintiff is informed and believes,
19 and on that basis alleges, that Doe 7 was employed as a property custodian at LASD's
20 Whittier warehouse, or was employed in another similar role that involves overseeing
21 property at that warehouse, where Plaintiff's firearms were stored. Plaintiff is informed
22 and believes, and on that basis alleges, at all times relevant to this complaint, Doe 7 was
23 acting in the course and scope of their employment with Defendant LASD. And he or she
24 is, and was at certain times identified below, acting under color of state law within the
25 meaning of 42 U.S.C. § 1983.

26 20. The true names or capacities—whether individual, corporate, associate, or
27 otherwise—of the Defendants named herein as Does 9-20, are presently unknown to
28 Plaintiff, and are therefore sued by these fictitious names. Plaintiff prays for leave to

1 amend this Complaint to show the true names or capacities of these Defendants if and
2 when they have been determined. Such additional Defendants could include individuals
3 who were responsible for the damage caused to the firearms, or officials responsible for
4 imposing the excessive fine on Plaintiff.

5 **FACTUAL ALLEGATIONS**

6 **[Right to Be Free from Unreasonable Seizures]**

7 21. The Fourth Amendment to the United States Constitution provides in part that
8 “[t]he right of the people to be secure in their persons, houses, papers, and effects, against
9 unreasonable searches and seizures, shall not be violated.”

10 22. “A ‘seizure’ of property . . . occurs when ‘there is some meaningful interference
11 with an individual's possessory interests in that property.’ ” *Soldal v. Cook County*, 506
12 U.S. 56, 61 (1992) (quoting *United States v. Jacobsen*, 466 U.S. 109, 113 (1984)).

13 23. “The destruction of property is ‘meaningful interference’ constituting a seizure
14 under the Fourth Amendment, *Jacobsen*, 466 U.S. at 124-25; *Bonds v. Cox*, 20 F.3d 697,
15 701-02 (6th Cir. 1994), because the destruction of property by state officials poses as
16 much of a threat, if not more, to people’s right to be “secure . . . in their effects” as does
17 the physical taking of them.” Indeed, “[l]aw enforcement activities that unreasonably
18 damage or destroy personal property, thereby ‘seizing’ it within the meaning of the Fourth
19 Amendment, may give rise to liability under § 1983.” *Newsome v. Erwin*, 137 F. Supp.
20 2d 934, 941 (S. D. Ohio 2000).

21 24. Further, it is well established that “[a] seizure lawful at its inception can
22 nevertheless violate the Fourth Amendment because the manner of execution
23 unreasonably infringes possessory interests protected by the Fourth Amendment[.]”
24 *United States v. Jacobsen*, 466 U.S. 109, 124 (1984) (citing *United States v. Place*, 462
25 U.S. 696, 707-10 (1983)). Indeed, “[a] seizure is justified under the Fourth Amendment
26 only to the extent that the government’s justification holds force. Thereafter, the
27 government must cease the seizure or secure a new justification.” *Brewster v. Beck*, 859
28 F.3d 1194, 1197 (9th Cir. 2017). If it cannot, a seizure reasonable at its inception becomes

1 an unreasonable one. *Id.* at 1196-97.

2 **[Right to Be Free from Excessive Fines]**

3 25. The Eighth Amendment to the United States Constitution states: “Excessive bail
4 shall not be required, nor excessive fines imposed, nor cruel and unusual punishments
5 inflicted.” U.S. Const., amend. VIII. This amendment prohibits the federal government
6 from imposing unduly harsh penalties on criminal defendants.

7 26. The Supreme Court of the United States recently ruled that the Eighth
8 Amendment right to be free from excessive fines is incorporated against the states through
9 the Fourteenth Amendment. *Timbs v. Indiana*, -- U.S. --, 139 S. Ct. 683 (2019).

10 27. “A forfeiture is unconstitutionally excessive ‘if it is grossly disproportional to
11 the gravity of a defendant’s offense.’ ” *United States v. Viloski*, 814 F.3d 104, 110 (2d Cir.
12 2016) (quoting *United States v. Bajakajian*, 524 U.S. 321, 334 (1998)).

13 28. As the Supreme Court held in *Austin v. United States*, 509 U.S. 602, 610 (1993),
14 “a civil sanction that cannot fairly be said *solely* to serve a remedial purpose, but rather
15 can only be explained as also serving either retributive or deterrent purposes, is
16 punishment, as we have come to understand the term.” (emphasis added.)

17 **[State Law and the County’s \$54 Firearm Storage Fee]**

18 29. Under California law, cities, counties, and state agencies “may adopt
19 regulation[s], ordinance[s], or resolution[s] imposing a charge equal to its administrative
20 costs relating to the seizure, impounding, storage, or release of any firearm, ammunition
21 feeding device, or ammunition.” Cal. Penal Code § 33880(a).

22 30. Any fee set by local authorities to recover these costs, however, “shall not
23 exceed the actual costs incurred for the expenses directly related to taking possession of a
24 firearm, storing the firearm, and surrendering possession of the firearm to a licensed
25 firearms dealer or to the owner.” Cal. Penal Code § 12021.3 (repealed and superseded by
26
27
28

the similarly phrased Cal. Penal Code § 33880 in 2012).¹

31. On November 22, 2005, relying on then-section 12021.3, the Los Angeles County Board of Supervisors adopted a \$54 per-firearm “administrative fee” to “recover the costs of the seizure, storage and return of a firearm.”

32. The County does not charge a storage fee for non-firearm items to be returned.

33. In a letter to the Board in support of the fee’s enactment, then-Sheriff Leroy D. Baca stated that several different classifications of LASD personnel are involved in the processing of firearms, from the initial booking to the storage and release.

34. A cost breakdown attached to Sheriff Baca’s letter alleged that, for each firearm seized, a deputy spends about 20 minutes “booking” the firearm, a station clerk spends about 5 minutes entering information to DOJ/AFS databases, an evidence custodian then spends about 5 minutes verifying that the information was correct, about 20 minutes updating records and preparing the firearm for release from the station, and then 5 more minutes preparing to transfer the property to Central Property and Evidence.

35. According to then-Sheriff Baca’s cost breakdown, at the Central Property and Evidence Unit, another evidence custodian spends about 10 minutes verifying information and storing each firearm and a typist clerk spends about 5 minutes entering information into an unspecified “database.”

36. According to then-Sheriff Baca’s cost breakdown, to prepare a gun for release from Central Property, an evidence custodian spends approximately 10 minutes verifying and updating records and a typist clerk spends another approximately 10 minutes updating “databases.”

37. According to then-Sheriff Baca’s cost breakdown, all this work adds up to a

¹ The relevant portion of section 33880 now reads: “The fee under subdivision (a) shall not exceed the actual costs incurred for the expenses directly related to taking possession of any firearm, ammunition feeding device, or ammunition, storing it, and surrendering possession of it to a licensed firearms dealer or to the owner.” Cal. Penal Code § 33880(b).

1 claimed 90 minutes of staff time per gun (55 minutes at the station level and 35 minutes
2 Central Property), adding up to \$54.45 per firearm when taking the hourly pay of each
3 employee into account.

4 38. Then-Sheriff Baca also wrote that “an analysis of firearms evidence processing
5 over a four-year period revealed that potentially 500 guns per year would be eligible for
6 the administrative fee” and that “[a] \$54 fee would yield additional revenue of
7 approximately \$27,000 each year.”

8 39. Per California Penal Code section 12021.3, a fee cannot exceed the *actual* costs
9 an agency *directly* incurs related to the firearm seizure, storage, and return. In passing the
10 fee, the Board of Supervisors expected that about 500 firearms *in total* would be subject to
11 the fee annually. It is thus clear that the County’s administrative fee, as calculated, was
12 never intended to apply to a firearm collection of hundreds of firearms seized from a
13 single firearm owner. It was mainly contemplating the seizure of either individual firearms
14 or small collections from many different sources.

15 40. Under both the original California Penal Code section 12021.3, and the newer
16 section 33880, enactment and enforcement of the administrative fee is discretionary.
17 Localities do not have to impose a fee, and if they do, they may waive it for those
18 claiming recovered firearms that were reported stolen, illustrating that the statute
19 recognizes that the fee may be inappropriate when levied against blameless victims of
20 firearm theft.

21 41. Other localities have imposed only the DOJ fee that lessens for each additional
22 firearm.

23 42. For example, according to their website, the city of Redondo Beach charges only
24 the California DOJ fee under the Law Enforcement Gun Release (LEGR) Program of \$20
25 per firearm, with the fee for the release of each subsequent firearm being just an additional
26 \$3. It charges no fee beyond that, and if the firearms are released directly to an FFL, then
27 even that fee is not charged. *See* City of Redondo Beach, Recover Firearms,
28 https://www.redondo.org/depts/police/police_services/property_and_evidence/recover_fir

1 [earms.asp](#) (last accessed Oct. 26, 2020); *see also* California Dep't of Justice, Bureau of
2 Firearms, Law Enforcement Release Application 3, *available at* [https://oag.ca.gov/sites/
3 all/files/agweb/pdfs/firearms/forms/ler.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/firearms/forms/ler.pdf) (last accessed Oct. 26, 2020).

4 **[Defendants' Handling of Plaintiffs' Firearms & Resulting Damage]**

5 43. Plaintiff's deceased husband, Manuel Fernandez, was prohibited from owning
6 firearms, ammunition, magazines, and speed loaders due to prior felony convictions
7 stemming from 2009.

8 44. According to an investigation report by Special Agent Alvaro Arreola, the
9 California Department of Justice Bureau of Firearms' database Armed Prohibited Persons
10 (APPS) identified Mr. Fernandez as a prohibited person potentially in possession of
11 firearms.

12 45. The APPS database indicated that Mr. Fernandez had purchased 41 firearms
13 before becoming prohibited, and that there was no record existed that any of them had
14 been transferred from his possession after his felony conviction.

15 46. According Mr. Arreola's report, the Federal Bureau of Alcohol, Tobacco,
16 Firearms and Explosives (ATF) received an anonymous tip on May 30, 2018, indicating
17 that Mr. Fernandez was in possession of a large collection of firearms. The same tip was
18 also received by Defendant LASD on or around June 10, 2018.

19 47. On June 11, 2018, Defendant Deputy Wyatt Waldron presented a statement of
20 probable cause to the Los Angeles Superior Court, and the Honorable Judge Lisa Chung
21 issued a warrant for the search of Mr. Fernandez's residence.

22 48. On June 14, 2018, Defendants Waldron, Roth, and Does 8-20 executed the
23 search warrant at Mr. Fernandez's residence.

24 49. During the course of the June 14, 2018 search, Defendants Waldron, Roth, and
25 Does 9-20 discovered Mr. Fernandez's firearm collection. They arrested Mr. Fernandez
26 and seized more than 400 firearms.

27 50. On information and belief, Plaintiff alleges that Defendants Waldron, Roth, and
28 Does 8-20 damaged Plaintiffs' firearms either during the execution of the warrant and

1 seizure of the firearms or when transporting the firearms to the first station where they
2 stored, which Plaintiff believes to be the Palmdale Sheriff's Station, but could also have
3 been another station.

4 51. Under separate warrants, Defendants Waldron, Roth, and Does 8-20 executed
5 three later searches of the Fernandez property on June 15, 2018, June 21, 2018, and June
6 29, 2018. These later searches resulted in the seizure of dozens more firearms, as well as
7 ammunition magazines and speed loaders.

8 52. On information and belief, Plaintiff alleges that Defendants Waldron, Roth, and
9 Does 8-20 damaged the later-seized firearms either during the execution of the warrant
10 and seizure of the firearms or when transporting the firearms to the first station where they
11 stored, which Plaintiff believes to be the Palmdale Sheriff's Station, but could also have
12 been another station.

13 53. Between June 14, 2018, and June 28, 2014, Plaintiffs' firearms arrived at the
14 Palmdale Sheriff's Station, where Defendants Ames, Dingman, Jacob, Leon, Moreno,
15 O'Leary Brown, Roach, Roth, and Saylor booked them into LASD custody. *See* County of
16 Los Angeles Sheriff's Department Evidence and Property Page, Palmdale Station.

17 54. Plaintiff is informed and believes, and on that basis alleges that Defendants
18 Ames, Dingman, Jacob, Leon, Moreno, O'Leary Brown, Roach, Roth, Saylor, and Does
19 8-20 each handled the firearms during their processing.

20 55. On information and belief, Plaintiff alleges that Defendants Ames, Dingman,
21 Jacob, Leon, Moreno, O'Leary Brown, Roach, Roth, Saylor, and Does 8-20 were each
22 responsible for seeing to it that each firearm they handled was stored properly and safely
23 but did not do so despite written department policies regarding the proper storage of
24 firearms in LASD custody

25 56. Based on an email sent to Plaintiff's counsel by Defendant O'Leary Brown in
26 March 2019, Plaintiff is informed and believes, and on that basis alleges, that all the
27 seized firearms were at some point transferred to LASD's warehouse in Whittier for
28

1 storage and were, during that time, in the care of either Defendant O’Leary Brown, Doe 8,
2 or both.

3 57. Defendants Ames, Dingman, Jacob, Leon, Moreno, O’Leary Brown, Roach,
4 Roth, Saylor, and Does 8-20 were property custodians with LASD, either at the Palmdale
5 Station or the Whittier Warehouse, during the time that Plaintiff’s firearms were in LASD
6 custody or were otherwise responsible for properly storing, handling, and safeguarding the
7 firearms, but failed to do so.

8 58. Plaintiff is informed and believes, and on that basis alleges that, in his role as
9 detective, Defendant Roth and Doe 9 investigated whether Plaintiff’s seized firearms were
10 lawful to possess and thus not contraband, if possessed by a person not otherwise
11 prohibited from possessing firearms.

12 59. Having investigated the legality of the seized firearms, Defendant Roth and Doe
13 9 prepared a “supplemental report,” where he reported his findings that 458 of the seized
14 firearms were legal to possess, and thus not contraband.

15 60. On information and belief, Defendants Roth and Doe 9 handled the firearms in
16 the course of examining them to determine if they were legal to own in California and, at
17 some point during the examination and/or handling, damaged Plaintiffs’ firearms.

18 61. After Plaintiffs paid Defendant County’s required \$54-per-firearm fee (as
19 alleged further below), Plaintiff requested that all the lawful firearms (i.e., those firearms
20 not determined to be unlawful to possess under state law) be transferred to Carol Watson’s
21 Orange Coast Auctions, a properly licensed firearm dealer, to be sold at auction.

22 62. To effectuate the transfer to Orange Coast Auctions, Defendants transferred the
23 firearms from the Whittier warehouse to the Palmdale Sheriff Station, and they were then
24 released to Orange Coast Auctions.

25 63. Upon release of the firearms to Carol Watson’s Orange Coast Auctions, Plaintiff
26 discovered the extent of the damage to her firearms that resulted from being in LASD
27 custody through photographs taken by auction house personnel at the police station
28 showing how poorly the firearms were transported and stored by Defendants LASD,

Ames, Dingman, Jacob, Leon, Moreno, O’Leary Brown, Roach, Roth, Saylor, Waldron and Does 8-20

64. For instance, photographs show dozens of long guns were packed together tightly in plastic bins. Photographs also revealed that handguns were thrown haphazardly on top of each other; they were not stored in separate envelopes that would have protected them from damage.

65. Orange Coast Auctions estimated that the damage to the firearms caused by Defendants’ poor storage, handling, and transport of them while in LASD custody resulted in them selling for approximately \$96,000 less than they would have had they not been damaged.

66. Defendants’ storage of the firearms was in violation of LASD’s written policies described in the Department’s “Manual of Policy and Procedures” (“the Manual”). Volume 5, Chapter 4 of the Manual describes the LASD’s policies for storage of property and evidence.

67. Volume 5, Chapter 4, Subtopic 070.00 of the Manual states that “all property/evidence items shall be stored in a secure manner in a secure facility.” It goes on to state that “high value items” must be stored in a safe.

68. To the extent the firearm collection was damaged because it was so large, Subtopic 070.30 would also apply, which explains that when property and evidence involved in a case is of such a large bulk or quantity that it is not feasible to store at a station or unit, the watch commanders “shall contact Central Property and Evidence (CPE) and arrange for immediate transfer.”

69. Defendants’ storage of the firearms also conflicted with guidelines for evidence and property handling from the California Commission on Peace Officer Standards and Training (“the Commission”).

70. The Commission advises that “[a]gencies must develop specific guidelines detailing the acceptable methods for the receipt, packaging and storing of evidence and property that meet both agency needs and judicial standards.” Cal. Comm’n on Peace

Officer Standards & Training, Law Enforcement Evidence & Property Management Guide 4-1 (3d ed. 2013), *available at* <https://www.crime-scene-investigator.net/PDF/law-enforcement-evidence-and-property-management-guide.pdf>.

71. The Commission’s guideline entitled Guideline 4.3: Firearms Handling Procedures, directs agencies to package firearms into appropriate gun boxes. *Id.* at 4-4. “[A] firearm must be rendered unloaded and safe with the action open and placed in a specifically designed firearms storage container (e.g., cardboard gun box or similar container), and secured to the container using nylon ties.” *Id.* at 4-5.

72. Plaintiff is informed and believes, and on that basis alleges, that Defendant LASD has neither investigated nor disciplined any of its employees who handled the firearms for violating any of its written storage policies or other guidance regarding the proper storage of property in LASD custody, including firearms and property of significant value.

73. Given the disregard for their own written policies and guidelines and that, to Plaintiffs’ knowledge, Defendant LASD has neither investigated nor disciplined its employees who handled the firearms for violating its written storage policies, Plaintiff alleges that it is Defendants’ longstanding (though unwritten) policy or custom to store firearms haphazardly without care for any damage that may result notwithstanding any written policy or guidance on the subject.

[Plaintiff’s Payment of the County’s \$54-Per-Firearm Fee]

74. On September 27, 2018, after Mr. Fernandez was charged for his unlawful possession of firearms, but before any trial could begin, he passed away.

75. The charges against Mr. Fernandez were dismissed due to his death.

76. Upon Mr. Fernandez’s death, any interest in the seized firearms passed to Plaintiff, as she was the trustee of the Fernandez Trust.

77. In order for Plaintiff to retrieve the seized firearms that were not contraband, 451 in total, Defendants demanded that Plaintiff pay Defendant County’s “fee” of \$54 *per firearm*—or \$24,354.

1 78. Indeed, counsel for Plaintiff spoke with Defendant O’Leary Brown, the property
2 custodian for the LASD Palmdale Sheriff’s Station, who informed Plaintiff’s counsel of
3 Palmdale Station’s price list reflecting the fee of \$54 per firearm for the return of firearm
4 property and LASD’s general policy that the prices reflected on the price list must be paid
5 before the firearms could be released to Plaintiff.

6 79. There are myriad problems with how the County’s “administrative fee” was
7 applied to Plaintiffs’ firearms.

8 80. First, the work performed for each firearm appears to have been duplicative,
9 with various employees seemingly entering the same information and updating the same
10 databases.

11 81. Second, no reasonable reduction was given in consideration of the fact that
12 hundreds of firearms were all taken from the same individual. Unlike a situation where a
13 single stray firearm is recovered and has to be processed, much of the work here was the
14 same for each firearm, which would cut down on the amount of time necessary to process
15 each firearm.

16 82. For the per-firearm fee to not be in violation of state law, it must not exceed the
17 actual administrative costs incurred by LASD. Yet LASD per-firearm fee rests on the
18 assumption that the processing the 451 firearms that were returned to Plaintiff took them
19 *more than 675 employee hours*, despite the fact that all the firearms came from the same
20 source.

21 83. What’s more, the Board of Supervisors plainly never contemplated a situation
22 such as this where hundreds of firearms all came from one source. As then-Sheriff Baca
23 wrote, “an analysis of firearms evidence processing over a four-year period revealed that
24 potentially 500 guns per year would be eligible for the administrative fee. A \$54 fee
25 would yield additional revenue of approximately \$27,000 each year.” Here, Plaintiff has
26 paid almost that entire amount on her own, just to retrieve her own property.

27 84. In refusing to reduce the fee to reflect that all of the firearms came from the
28 same person and required less work to process, the LASD fee as applied to Plaintiff

exceeded the actual administrative costs borne by LASD in violation of California Penal Code section 33880 and became unconstitutionally excessive as applied to Plaintiff.

85. Insofar as the so-called “fee” exceeded the actual administrative costs borne by LASD, its existence can only be punitive in nature. *See Austin*, 509 U.S. at 610 (“[A] civil sanction that cannot fairly be said solely to serve a remedial purpose, but rather can only be explained as also serving either retributive or deterrent purposes, is punishment, as we have come to understand the term.”).

86. Plaintiff, through her counsel, thus expressed to Defendants that Plaintiff was willing to pay a reduced fee that more reasonably reflected the actual administrative costs of Defendants’ processing and storing the firearm collection.

87. Defendants refused to negotiate a lower fee amount, stating that there was no discretion to lower the per-firearm fee regardless of the circumstances because it was set by county ordinance, leaving Plaintiff no other option to take possession of her property but to pay the full amount of \$24,354.

88. On December 9, 2019, Plaintiff’s counsel sent a letter to Deputy County Counsel Lana Choi of the Sheriff’s Legal Advisory Unit, informing Defendants that Plaintiff would pay the full amount of the demanded “administrative fees” “under protest in order to get the firearms out of the possession of the county” and “to stop any claim that the continued storage of the firearms justify[ed] the current or any additional storage fees.” But Plaintiff’s counsel repeated that Plaintiff remained open to negotiating a lower fee with the County.

89. In summary, Plaintiff had to pay over \$24,000 for the “service” of Defendants storing her firearms so poorly that nearly \$100,000 in damage was done to them.

DECLARATORY JUDGMENT ALLEGATIONS

90. There is an actual and present controversy between the parties. Plaintiff contends that Defendant LASD’S per-firearm fee of \$54, imposed under Penal Code section 33880, constitutes an excessive and punitive fine as applied to a large collection of firearms all seized from a single owner who was never convicted of any charges. Plaintiff thus desires

1 a judicial declaration that California Penal Code section 33880, as applied here by
2 Defendants, violates Plaintiff's rights under the Eighth Amendment. Plaintiff also desires
3 a declaration that the County's fee, at minimum, violates the clear mandate of Penal Code
4 section 33880 against charging a fee greater than the actual administrative costs related to
5 processing and storing the firearms.

6 91. Plaintiff also contends that Defendants' refusal to release the firearms to Plaintiff
7 upon her husband's death and the dismissal of all charges violated the Fourth Amendment
8 prohibition on unreasonable seizures. Regardless of the legality of the original search and
9 seizure, Defendants had no probable cause to continue the seizure of Plaintiffs' property
10 after Mr. Fernandez's death because the fee they sought to extract from Plaintiffs was
11 unreasonably excessive under all the circumstances—including Defendants'
12 extraordinarily poor storage and handling of Plaintiffs' firearm collection that resulted in
13 about \$96,000 of damage to the property. Plaintiff thus desires a judicial declaration that
14 Defendants violated Plaintiff's rights under the Fourth Amendment.

15
16 **FIRST CLAIM FOR RELIEF**
17 **Violation of Eighth Amendment Right to Be Free from Excessive Fines**
18 **42 U.S.C. § 1983, U.S. Const.**
19 **(Against Defendants Los Angeles County, LASD, and Villanueva)**

20 92. Plaintiff realleges and incorporates by reference the allegations contained in
21 Paragraphs 1 through 91, inclusive, as though fully set forth below.

22 93. The Eighth Amendment states: "Excessive bail shall not be required, nor
23 excessive fines imposed, nor cruel and unusual punishments inflicted." U.S. Const.,
24 amend. VIII. This amendment prohibits the federal government from imposing unduly
25 harsh penalties on criminal defendants. It has been incorporated against state and local
26 governments via the Fourteenth Amendment. *Timbs*, 139 S. Ct. 683.

27 94. California Penal Code section 33880, which authorizes Defendants to charge a
28 fee for seizing, storing, and returning firearms, prohibits localities from charging more
than their actual administrative costs for doing so.

95. Plaintiff's late husband, Manuel Fernandez, had his collection of hundreds of

firearms seized pursuant to a warrant by Defendants LASD, Waldron, Roth, and Does 9-20.

96. Before any conviction, however, Mr. Fernandez passed away, Defendants dismissed the charges against him, and full ownership of the seized firearm collection passed on to Plaintiff. In order to secure the release of her firearms, however, Plaintiff had to pay LASD an “administrative fee” \$54 per firearm for each of 451 firearms—for a total fee of \$24,354.

97. Plaintiff is informed and believes, and on that basis alleges that the costs for processing and storage Plaintiffs’ firearms were substantially lower than the actual processing costs associated with the typical seizure of hundreds of firearms coming from hundreds of different individuals—the type of situation Defendant Los Angeles County had in mind when it adopted the fee. Moreover, according to a conversation with Defendant O’Leary Brown, Defendants do not charge a storage fee for property other than firearms, conflicting with the contention that the fee is meant simply to reimburse Defendants for their storage costs.

98. Defendants refused to reduce the fee or even negotiate in good faith to come to a reasonable arrangement, citing that the fee was set by Defendant County’s duly adopted ordinance—an official policy—and they had no discretion to reduce it.

99. In charging substantially more for the return of the firearms than the costs Defendants had borne to seize, process, and store them, the “administrative fee” became unconstitutionally excessive and punitive in violation of the Eighth Amendment under the standard set by *Austin v. United States*, 509 U.S. 602, 610 (1993).

100. It is the official policy of Defendants County, LASD, and Sheriff Villanueva to charge a fee of \$54 per firearm for the release of seized firearms, and County and LASD personnel have no discretion to reduce the fee to reflect the Defendants’ actual costs. In levying the entire \$54 per-firearm fee and refusing to lower it even though it was excessive and punitive as applied to Plaintiff, Defendants Ames, Dingman, Jacob, Leon, Moreno, O’Leary Brown, Roach, Roth, Saylor, Waldron, and Does 8-20 were thus

1 following the official policy set by Defendant County and enforced by Defendants LASD
2 and Sheriff Villanueva.

3 101. Alternatively, to the extent it is *not* the policy of Defendants County, LASD, and
4 Sheriff Villanueva that County and LASD employees lack discretion to reduce the \$54
5 per-firearm-fee, Defendants County, LASD, and Sheriff Villanueva failed to properly
6 screen, train, and/or supervise their officers and personnel, including Defendants Ames,
7 Dingman, Jacob, Leon, Moreno, O’Leary Brown, Roach, Roth, Saylor, Waldron, and
8 Does 8-20 with regard to the applicable written policies, guidelines, and laws.

9 102. As a result of such failures to train, Defendants failed to apply the written
10 policies, guidelines, and laws that led to Plaintiff’s harm—*i.e.*, the violations of
11 her constitutional rights described herein including, inter alia, the Eighth Amendment
12 right to be free from excessive fines.

13 103. As a direct and proximate consequence of the acts of Defendants County,
14 LASD, and Villanueva, their agents and employees, Plaintiff suffered significant financial
15 loss and is entitled to compensation for that loss.

16 **SECOND CLAIM FOR RELIEF**
17 **Violation of Fourth Amendment Right to be Secure from Unreasonable Seizures**
18 **42 U.S.C. § 1983**
(Against All Defendants)

19 104. Plaintiff realleges and incorporates by reference the allegations contained in
20 Paragraphs 1 through 105, inclusive, as though fully set forth below.

21 105. The Fourth Amendment provides in part that “[t]he right of the people to be
22 secure in their persons, houses, papers, and effects, against unreasonable searches and
23 seizures, shall not be violated.”

24 106. “A ‘seizure’ of property . . . occurs when ‘there is some meaningful interference
25 with an individual’s possessory interests in that property.’ ” *Soldal v. Cook County*, 506
26 U.S. 56, 61 (1992) (quoting *United States v. Jacobsen*, 466 U.S. 109, 113 (1984)). So
27 regardless of the legality of the initial seizure, a seizure legal at inception can later become
28 unlawful if the government lacks probable cause to continue a seizure past a certain point

1 or unreasonably damages or destroys personal property.

2 107. During the execution of various valid search warrants, Defendants seized
3 firearms from Plaintiff's now-deceased husband, and proceeded to transport, handle, and
4 store them with extreme negligence or reckless disregard for their condition.

5 108. Defendants' disregard for their own written policies on storage of firearms and
6 failure to discipline any employee for such disregard indicates that the custom and
7 longstanding practice of Defendants LASD and Sheriff Villaneuva is to haphazardly store
8 seized firearms, regardless of what their written policies or guidelines state. The Supreme
9 Court in *Monell* held that municipalities may be held liable under section 1983 for
10 constitutional violations resulting from not just official county policy, but also customs.
11 (*Benavidez v. Cty. of San Diego* (9th Cir. 2021) 993 F.3d 1134, 1153.)

12 109. Defendants lacked probable cause to continue to withhold the firearms after the
13 death of Mr. Fernandez, the dismissal of the charges against him, and the transfer of the
14 firearms' ownership to Plaintiff because the levying of the County's \$54 per-firearm fee
15 was unconstitutional as applied to Plaintiff. The once lawful seizure became an
16 unconstitutional one. The failure to return Plaintiffs' firearms once probable cause
17 evaporated and Plaintiff demanded their return violates the Fourth Amendment.

18 110. Further, when Defendants released the firearms to Plaintiff, they had lost about
19 \$96,000 in value due to the damage done to them during their storage and/or during their
20 transport to and from Defendants' storage facilities. The damage to Plaintiffs' seized
21 property by Defendants violates the Fourth Amendment.

22 111. At all times herein mentioned, Defendants County, LASD, and Villaneuva
23 authorized and ratified the wrongful acts of the individual defendants and Does 8-20. The
24 individual Defendants' wrongful conduct was the result of policies, practices, and customs
25 of Defendants County, LASD, and Villanueva—notwithstanding the official Defendants'
26 written policies.

27 112. Defendants County, LASD, and Sheriff Villanueva failed to properly screen,
28 train and/or supervise their officers and personnel, including Defendants Ames, Dingman,

Jacob, Leon, Moreno, O’Leary Brown, Roach, Roth, Saylor, Waldron, and Does 8-20 with regard to such written policies, guidelines, and laws. Their officers and personnel thus wrongly applied an excessive fine on the Fernandez firearms, and also stored them poorly resulting in extensive damage.

113. As a result of such failures to train, Defendants Ames, Dingman, Jacob, Leon, Moreno, O’Leary Brown, Roach, Roth, Saylor, Waldron, and Does 8-20 failed to apply the official Defendants’ written policies, guidelines, and laws, leading to Plaintiff’s harm—*i.e.*, the violations of her constitutional rights described herein including, inter alia, the violation of her constitutional rights including, inter alia, the Fourth Amendment right to be free from unreasonable searches and seizures.

114. Plaintiff’s constitutional rights were violated as a proximate result of the deliberate indifference of Defendants County, LASD, and Villaneuva in the training and supervision of its officers, detectives, and employees as regards the handling and storage of seized firearms in LASD custody per LASD policy and state guidelines

115. As a direct and proximate consequence of the acts of Defendants’ agents and employees, Plaintiff suffered a severe financial loss and is entitled to compensation for that loss.

THIRD CLAIM FOR RELIEF
Negligence
California Civil Code § 1714
(Against All Defendants)

116. Plaintiff realleges and incorporates by reference the allegations contained in Paragraphs 1 through 115, inclusive, as though fully set forth below.

117. Upon the seizure of Plaintiff’s property, Defendants had a legal duty to use due care in transporting and storing that property, including the 451 firearms that Plaintiff eventually had to pay over twenty thousand dollars to retrieve.

118. Defendants breached that duty by failing to properly store the firearms while they were in their care and during their transport, as they packed the long guns all together in bins and stacked pistols on top of each other. This was done with disregard to

1 Defendant LASD'S policy manual, the California Commission on Peace Officer
2 Standards and Training's guidelines for handling seized property, and constitutional
3 protections against unlawful seizures.

4 119. Defendants' breach was the direct and proximate cause of Plaintiff's resulting
5 harm of \$96,000 in lost value when the firearms were sold at auction.

6 120. Defendants County of Los Angeles, LASD, and Sheriff Villanueva are liable for
7 the actions or omissions of their employees under California Government Code section
8 815.2, which states that "[a] public entity is liable for injury proximately caused by an act
9 or omission of an employee of the public entity within the scope of his employment if the
10 act or omission would, apart from this section, have given rise to a cause of action against
11 that employee or his personal representative."

12 121. Defendants' negligence or reckless disregard of their duty of care was the main
13 factor in causing Plaintiff's harm, and Plaintiff is entitled to compensation for the
14 resulting financial loss.

15
16 **FOURTH CLAIM FOR RELIEF**
17 **Breach of Bailment**
18 **California Civil Code § 1813, et seq.**
19 **(Against All Defendants)**

20 122. Plaintiff realleges and incorporates by reference the allegations contained in
21 Paragraphs 1 through 121, inclusive, as though fully set forth below.

22 123. By seizing her late husband's firearms, Defendants created an involuntary
23 bailment of that property.

24 124. Defendants, as bailees, had sole actual and physical possession and custody of
25 the firearms.

26 125. Defendants, as bailees, failed to adequately care for the firearms, transporting
27 and storing them in such a way that tremendous damage resulted to them.

28 126. Defendants breached the bailment because they returned the firearms to Plaintiff
in damaged condition that they had caused.

127. Defendants County of Los Angeles, LASD, and Sheriff Villanueva are liable for

1 the actions or omissions of their employees under California Government Code section
2 815.2, which states that “[a] public entity is liable for injury proximately caused by an act
3 or omission of an employee of the public entity within the scope of his employment if the
4 act or omission would, apart from this section, have given rise to a cause of action against
5 that employee or his personal representative.”

6 128. Defendants’ breach of bailment caused Plaintiff’s harm in the form of damage to
7 her property, and Plaintiff is entitled to compensation for the resulting financial loss.

8 **FIFTH CLAIM FOR RELIEF**
9 **Trespass to Chattels**
(Against All Defendants)

10 129. Plaintiff realleges and incorporates by reference the allegations contained in
11 Paragraphs 1 through 128, inclusive, as though fully set forth below.

12 130. Except for a few firearms that are not at issue here, Plaintiff lawfully owned the
13 firearms seized following the death of her husband. A seizure of property is an
14 interference to possessory interests only, and not ownership rights, such that Defendants,
15 or any of them, never had an ownership interest in Plaintiff’s firearms. Defendants only
16 had a possessory interest in the firearms from the time they were seized up through the
17 time Plaintiff’s husband passed away, which made her eligible as a matter of law to
18 receive the firearms.

19 131. Any damage that resulted to the firearms while they were in Defendants’
20 possession was an intentional and substantial interference with Plaintiff’s enjoyment of
21 her property and constituted a trespass to chattels.

22 132. Plaintiff did not consent to Defendants’ interference with her ownership rights to
23 her property.

24 133. Plaintiff seeks a remedy against Defendants for their wrongful exercise of
25 control over Plaintiff’s personal property by demanding an excessive fine be paid prior to
26 its return, and the resulting damage to that property.

27 134. Defendants County of Los Angeles, LASD, and Sheriff Villanueva are liable for
28 the actions or omissions of their employees under California Government Code section

1 815.2, which states that “[a] public entity is liable for injury proximately caused by an act
2 or omission of an employee of the public entity within the scope of his employment if the
3 act or omission would, apart from this section, have given rise to a cause of action against
4 that employee or his personal representative.”

5 135. Plaintiff was harmed in the form of lost value to the firearms due to the damage
6 done to them while they were in the possession of Defendants. Plaintiff is entitled to
7 compensation for her loss.

8 **SIXTH CLAIM FOR RELIEF**
9 **Failure to Train**

(Against Defendants Los Angeles County, LASD, and Alex Villanueva)

10 136. Plaintiff realleges and incorporates by reference the allegations contained in
11 Paragraphs 1 through 136, inclusive, as though fully set forth below.

12 137. Defendants County, LASD, and Villanueva are responsible for the operations,
13 practices, and customs of the Los Angeles Sheriff’s Department.

14 138. Defendants LASD and Villanueva are also responsible for the hiring, screening,
15 training, retention, supervision, discipline, counseling, and control of the personnel and
16 officers under their supervision and command, including the personnel who forced
17 Plaintiff to pay an excessive fine to retrieve her firearms, and the personnel who poorly
18 stored and transported her firearms, resulting in damage to them.

19 139. On information and belief, Defendants, and each of them, will deny that in
20 committing the acts and omissions against Plaintiff described herein, including the
21 violations of the Fourth and Eighth Amendments described above.

22 140. Defendants County, LASD, and Villanueva, and each of them, had notice of
23 the applicable state law regarding the imposition of administrative fees under Penal
24 Code section 33880, as the \$54 fee that is one of the subjects of this litigation exists based
25 on the authority granted by that section.

26 141. Defendants Los Angeles County, LASD, and Villanueva, and each of
27 them, also had notice of LASD policies described in the Department’s “Manual of Policy
28 and Procedures”, specifically, the sections pertaining to the policies for storage of property

1 and evidence. Further, they had notice of the guidelines laid out by the California
2 Commission on Peace Officer Standards and Training in their “Law Enforcement
3 Evidence and Property Management Guide,” specifically, the portions discussing firearm
4 handling and storage procedures.

5 142. Notwithstanding such notice, Defendants failed to properly screen, train and/or
6 supervise their officers and personnel, including Defendants Ames, Dingman, Jacob,
7 Leon, Moreno, O’Leary Brown, Roach, Roth, Saylor, Waldron, and Does 8-20, with
8 regard to such written policies, guidelines, and laws. Their officers and personnel thus
9 wrongly applied an excessive fine on the Fernandez firearms, and also stored them poorly
10 resulting in extensive damage. Failure to train constitutes a basis for *Monell* liability
11 where the failure amounts to deliberate indifference to the rights of those who deal with
12 municipal employees. (*Benavidez v. Cty. of San Diego* (9th Cir. 2021) 993 F.3d 1134,
13 1153-1154.)

14 143. As a result of such failures to train, Defendants Ames, Dingman, Jacob, Leon,
15 Moreno, O’Leary Brown, Roach, Roth, Saylor, Waldron, and Does 8-20 failed to properly
16 apply the written policies, guidelines, and laws of Defendants County, LASD, and
17 Villanueva, leading to Plaintiff’s harm. Plaintiff resultantly suffered violations of
18 her constitutional rights including, inter alia, the Eight Amendment right to be free from
19 excessive fines and the Fourth Amendment right to be free from unreasonable searches
20 and seizures.

21 PRAYER FOR RELIEF

22 WHEREFORE, Plaintiffs pray that this Court:

23 1. Enter a declaratory judgment that California Penal Code section 33880(a), as
24 applied to Plaintiff Fernandez by way of Defendants’ \$54 per-firearm “administrative
25 fee,” was punitive and constituted an excessive fine in violation of Plaintiffs’ rights under
26 the Eighth Amendment to the United States Constitution;

27 2. Enter a declaratory judgment that Defendants’ \$54 per-firearm “administrative
28 fee,” as applied to Plaintiff, violates California Penal Code section 33880(a) and its

1 express mandate that such fees do not exceed the actual costs incurred for the seizure,
2 impounding, storage, or release of any firearm, ammunition feeding device, or
3 ammunition;

4 3. Enter a declaratory judgment that Defendants' conduct as complained of in this
5 complaint violates Plaintiffs' rights under the Fourth Amendment to the United States
6 Constitution;

7 4. Award compensatory and general damages, in an amount to be proven at trial,
8 against Defendants Los Angeles County and LASD and against each Defendant sued in
9 his or her personal capacity;

10 5. Award exemplary and punitive damages, in an amount to be proven at trial,
11 against Defendants Los Angeles County and LASD and against each of the individual
12 Defendants sued in his or her personal capacity;

13 6. Award reasonable attorneys' fees and costs of suit, according to proof;

14 7. Award interest; and

15 8. Grant any such other and further relief as the Court may deem proper.

16 **DEMAND FOR JURY TRIAL**

17 Pursuant to Federal Rule of Civil Procedure 38 and Central District Local Rule 38-
18 1, Plaintiff hereby demands a trial by jury in the above-captioned action of all issues
19 triable by jury.

20
21 Dated: October 12, 2021

MICHEL & ASSOCIATES, P.C.

22 

23 _____
24 Anna M. Barvir
25 Counsel for Plaintiff Ana Patricia
26 Fernandez
27
28

CERTIFICATE OF SERVICE
IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *Fernandez, v. Los Angeles County, et al.*
Case No.: 2:20-cv-09876 DMG (PDx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

**FIRST AMENDED COMPLAINT FOR DECLARATORY
RELIEF AND DAMAGES**


on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Henry Patrick Nelson
nelson-fulton@nelson-fulton.com
Amber Logan
amberlogan@nelson-fulton.com
Nelson & Fulton
3435 Wilshire Blvd., Suite 2800
Los Angeles, CA 90010

*Attorneys for Los Angeles County, Los Angeles County Sheriff's Department, Sheriff
Alex Villanueva, Deputy Wyatt Waldron, Deputy John Roth, Susan O'Leary Brown*

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

Executed October 12, 2021.



Laura Palmerin

Defendants.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CASE NO. 2:20-cv-9876-DMG-PDx

0029

1	APPEARANCES OF COUNSEL VIA ZOOM VIDEO CONFERENCE:	1	TUESDAY, SEPTEMBER 12, 2023; 9:56 A.M.
2	FOR THE PLAINTIFF:	2	* * *
3	MICHEL & ASSOCIATES	3	ANA PATRICIA FERNANDEZ,
4	BY: JOSHUA ROBERT DALE, ESQ.	4	having been first duly sworn, testified as follows:
5	180 East Ocean Boulevard	5	EXAMINATION
6	Suite 200	6	MS. LOGAN: Good morning. Can we state
7	Long Beach, California 90802	7	everyone's appearances, please? I'm Amber Logan
8	(562) 216-4444	8	representing the county of Los Angeles and the other
9	JDale@michellawyers.com	9	defendants in the case.
10	FOR THE DEFENDANTS:	10	MR. DALE: Good morning. I'm Joshua Dale, and
11	LOGAN MATHEVOSIAN & HUR	11	I represent Ms. Fernandez.
12	BY: AMBER A. LOGAN, ESQ.	12	THE WITNESS: I'm Ana Patricia Fernandez.
13	3435 Wilshire Boulevard	13	BY MS. LOGAN:
14	Equitable Plaza, Suite 2750	14	Q. Good morning, Ms. Fernandez. As I indicated,
15	Los Angeles, California 90010	15	I represent the county of Los Angeles in the lawsuit
16	(213) 365-2703	16	that you have filed with regard to the seizure of some
17	Amberlogan@lmhfirm.com	17	firearms and other things from your property.
18		18	I'm going to be taking your deposition today.
19		19	Have you ever had your deposition taken
20		20	before?
21		21	A. I have, yes.
22		22	Q. How many times?
23		23	A. It was one time, work-related through my
24		24	company.
25		25	Q. How long ago was that?
Page 2		Page 4	
1	I N D E X	1	A. Oh, maybe 20 years ago.
2		2	Q. Okay. So not much has changed in 20 years,
3	WITNESS EXAMINATION PAGE	3	but I'm going to go over a few of the rules that you
4	Ana Fernandez By Ms. Logan 4	4	have probably forgotten since then.
5		5	A deposition is the same as a court
6		6	proceeding. Even though we're in an informal setting,
7		7	the oath you have been administered is the same oath
8	E X H I B I T S	8	that you would be given in a court of law testifying
9	DEFENDANTS' PAGE	9	today.
10	Exhibit 1 Los Angeles County Sheriff's 44	10	Do you understand that?
11	Department evidence and property	11	A. Yes.
12	page, 145 pages	12	Q. And I'm entitled to your best and most
13	Exhibit 2 Claim for damages to person or 46	13	truthful answers today under oath.
14	property	14	Do you understand that?
15		15	A. Yes.
16	QUESTIONS INSTRUCTED NOT TO ANSWER	16	Q. Okay. At the conclusion of this deposition,
17	None.	17	the reporter is going to prepare a transcript which
18		18	consists of all of my questions and all of your answers.
19		19	You'll have an opportunity to review that transcript and
20		20	to make any changes or corrections to your answers. But
21	INFORMATION REQUESTED	21	I would caution you that if you make a substantive
22	None.	22	change such as changing a "yes" answer to a "no" answer,
23		23	that could appear that you are not believable and could
24		24	affect your credibility at a future proceeding.
25		25	Do you understand that?
Page 3		Page 5	

<p>1 A. Yes.</p> <p>2 Q. Okay. So think closely and carefully about</p> <p>3 your questions -- about your answers. I'm sorry.</p> <p>4 Also, if I do ask you a question and you do</p> <p>5 not understand the question that I'm asking you, please</p> <p>6 do not answer the question. Please just ask me to</p> <p>7 restate it, and I will restate it in a manner that you</p> <p>8 will you understand what I'm asking you. Okay?</p> <p>9 I'm entitled to your best and most truthful</p> <p>10 answers today, but what I'm not entitled to is a guess.</p> <p>11 And the example, if I ask you what is the size of my</p> <p>12 computer screen right now, you haven't seen my computer</p> <p>13 screen, so you would have to guess. But if I ask you</p> <p>14 what is the size of your computer screen, even though</p> <p>15 you may not know the exact dimensions, you can take a</p> <p>16 look at it and give me a reasonable estimate based on</p> <p>17 what you can see.</p> <p>18 Do you understand the difference between a</p> <p>19 guess and an estimate?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So I'm not entitled to a guess.</p> <p>22 Please state your answers -- you're doing well</p> <p>23 so far -- but please state your answers audibly because</p> <p>24 the court reporter cannot take things down like we do in</p> <p>25 ordinary conversations like nodding our heads. The</p> <p style="text-align: right;">Page 6</p>	<p>1 Q. All right. I'm going to be asking you some</p> <p>2 things -- about things that occurred in the year 2018</p> <p>3 and 2019. It was a long time ago so if you need time to</p> <p>4 think about your answers, please take the time to think</p> <p>5 about your answers.</p> <p>6 How old are you?</p> <p>7 A. I'm 62 -- 63.</p> <p>8 Q. You look great for 63, by the way.</p> <p>9 What is your birthday?</p> <p>10 A. February 29, 1960.</p> <p>11 Q. What is your current address?</p> <p>12 A. 1511 North Avon Street, Burbank, California.</p> <p>13 Q. Can you spell that street name, please?</p> <p>14 A. A-v-o-n.</p> <p>15 Q. How long have you been at Avon Street?</p> <p>16 A. Since 2018.</p> <p>17 Q. Where did you live before Avon Street?</p> <p>18 A. In Agua Dolce.</p> <p>19 Q. Do you recall that address?</p> <p>20 A. I don't. It was on Caprock Street.</p> <p>21 Q. Okay. Caprock Street.</p> <p>22 How long did you live on Caprock Street in</p> <p>23 Agua Dulce?</p> <p>24 A. For 19 years.</p> <p>25 Q. And in June of 2018, who lived at Caprock with</p> <p style="text-align: right;">Page 8</p>
<p>1 court reporter is not required to interpret your</p> <p>2 gestures. So please make sure that you answer audibly.</p> <p>3 Okay?</p> <p>4 A. Yes.</p> <p>5 Q. If you need to take a break at any time,</p> <p>6 please let me know. I would ask if there's a question</p> <p>7 pending, can you please answer the question before you</p> <p>8 take a break?</p> <p>9 A. Okay.</p> <p>10 Q. And I know your attorney is in the room with</p> <p>11 you, but you are not allowed to confer with anyone else</p> <p>12 other than your attorney during this deposition.</p> <p>13 Do you understand that?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Have you taken -- do you have any</p> <p>16 medical conditions that prevent you from testifying and</p> <p>17 giving your best testimony today?</p> <p>18 A. No.</p> <p>19 Q. Have you taken any medications or drugs that</p> <p>20 would prevent from you giving your best testimony today?</p> <p>21 A. No.</p> <p>22 Q. Is there anything that is affecting your</p> <p>23 memory or ability to recall that would prevent you from</p> <p>24 giving your best testimony today?</p> <p>25 A. No.</p> <p style="text-align: right;">Page 7</p>	<p>1 you?</p> <p>2 A. My husband and my daughter.</p> <p>3 Q. And what was your husband's name?</p> <p>4 A. Manuel Fernandez.</p> <p>5 Q. And your daughter?</p> <p>6 A. Ana Sophia Fernandez.</p> <p>7 Q. In June of 2018, was Ana Sophia Fernandez an</p> <p>8 adult over the age of 18?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have any other children besides Ana</p> <p>11 Sophia Fernandez?</p> <p>12 A. Yes.</p> <p>13 Q. How many?</p> <p>14 A. I have two.</p> <p>15 Q. What are their names?</p> <p>16 A. Diego Manuel and Marcus Antonio.</p> <p>17 Q. Both last name Fernandez; correct?</p> <p>18 A. Yes.</p> <p>19 Q. In June of 2018, was Diego Manuel an adult</p> <p>20 over 18?</p> <p>21 A. Yes.</p> <p>22 Q. Was Marcus Antonio over 18 in June of 2018?</p> <p>23 A. Yes.</p> <p>24 Q. In June of 2018, did Diego Manuel live in the</p> <p>25 Agua Dolce area?</p> <p style="text-align: right;">Page 9</p>

<p>1 A. No.</p> <p>2 Q. What city did he live in?</p> <p>3 A. San Jose, California.</p> <p>4 Q. How about Marcus? Did he live in the Agua</p> <p>5 Dulce area in June of 2018?</p> <p>6 A. No.</p> <p>7 Q. What city did he live in?</p> <p>8 A. He was in Cascade, California.</p> <p>9 Q. Do you remember what month in 2018 you moved</p> <p>10 out of Caprock?</p> <p>11 A. Yes. It was in September.</p> <p>12 Q. Did your daughter move with you?</p> <p>13 A. No.</p> <p>14 Q. Did she stay at Caprock?</p> <p>15 A. No.</p> <p>16 Q. She moved somewhere other than your Avon</p> <p>17 residence?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Who helped you move from the house in</p> <p>20 Caprock?</p> <p>21 A. It was pretty much myself, some help of a few</p> <p>22 friends.</p> <p>23 Q. Can you describe the Caprock house for me?</p> <p>24 And by "describe," how many bedrooms and other rooms</p> <p>25 aside from bedrooms were in that house.</p> <p style="text-align: right;">Page 10</p>	<p>1 a big container you would see like in a truck.</p> <p>2 Q. Like a big metal container?</p> <p>3 A. Yes.</p> <p>4 Q. Did he just have the one?</p> <p>5 A. There was another one down the hill. So if</p> <p>6 you went down the hill on the property, there was</p> <p>7 another one on the bottom.</p> <p>8 Q. Were they about the same size?</p> <p>9 A. I don't remember.</p> <p>10 Q. When did you marry Manuel Fernandez?</p> <p>11 A. In 1984.</p> <p>12 Q. And where is your marriage certificate</p> <p>13 recorded? In what county?</p> <p>14 A. LA.</p> <p>15 Q. Can you recall when Mr. Fernandez began --</p> <p>16 started his gun collection?</p> <p>17 A. Before we were married.</p> <p>18 Q. When you married in 1984, approximately how</p> <p>19 many guns did Mr. Fernandez have? Do you know?</p> <p>20 A. I don't know.</p> <p>21 Q. Okay. Was it more than ten?</p> <p>22 A. I don't know.</p> <p>23 Q. How often would you say Mr. Fernandez</p> <p>24 purchased guns after you were married?</p> <p>25 A. Not -- I don't know.</p> <p style="text-align: right;">Page 12</p>
<p>1 A. The house had a bedroom and two offices</p> <p>2 downstairs and three bedrooms upstairs. There were two</p> <p>3 bathrooms downstairs, two bathrooms upstairs. There was</p> <p>4 a den, living room, loft area.</p> <p>5 Q. About how many square feet would you say that</p> <p>6 house was?</p> <p>7 A. I believe it was like 3600.</p> <p>8 Q. So did you have a garage at that location?</p> <p>9 A. Yes.</p> <p>10 Q. A covered garage?</p> <p>11 A. Yes.</p> <p>12 Q. How many cars could fit in that garage?</p> <p>13 A. Four-car garage.</p> <p>14 Q. Did you have any outhouses or storage sheds on</p> <p>15 the property?</p> <p>16 A. I had a little gardening shed on the side of</p> <p>17 the house.</p> <p>18 Q. No other sheds on the property?</p> <p>19 A. No.</p> <p>20 Q. Okay. Did you have any storage bunkers or</p> <p>21 other containers on the outside of the property?</p> <p>22 A. My husband had a container.</p> <p>23 Q. What did that container look like? Can you</p> <p>24 describe it for me?</p> <p>25 A. It's like the container on a truck. It's like</p> <p style="text-align: right;">Page 11</p>	<p>1 Q. So do you know or can you give me an estimate</p> <p>2 of how many guns he would purchase in a year after you</p> <p>3 were married?</p> <p>4 A. No. I mean, it wasn't like a methodical</p> <p>5 thing. When he saw one that he wanted, he would get it,</p> <p>6 but no, I wouldn't know.</p> <p>7 Q. Okay. Did he discuss with you before he</p> <p>8 purchased the guns?</p> <p>9 A. No.</p> <p>10 Q. In June of 2018 -- I'm going to make a couple</p> <p>11 of distinctions before I ask you that question one.</p> <p>12 Throughout the deposition, I will be asking</p> <p>13 you about handguns which I mean a gun that you can hold</p> <p>14 in your hand, and I will also ask you about long guns</p> <p>15 which means a rifle or a shotgun or something that</p> <p>16 requires you to hold with two hands. Okay?</p> <p>17 So in June of 2018, do you know how many</p> <p>18 handguns Mr. Fernandez had?</p> <p>19 A. No.</p> <p>20 Q. Okay. Do you know how many long guns</p> <p>21 Mr. Fernandez had in June of 2018?</p> <p>22 A. No, I don't.</p> <p>23 Q. Do you have any estimate of the amount of</p> <p>24 weapons that -- the amount of handguns Mr. Fernandez had</p> <p>25 at that time?</p> <p style="text-align: right;">Page 13</p>

<p>1 A. No.</p> <p>2 Q. And do you have any estimate about the number</p> <p>3 of long guns Mr. Fernandez had at that time?</p> <p>4 A. No.</p> <p>5 Q. How did Mr. Fernandez purchase the weapons?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you know whether they were online or gun</p> <p>8 shows?</p> <p>9 A. I don't know. I mean, I know he bought some</p> <p>10 at gun shows because I've been with him.</p> <p>11 Q. How often did you go to gun shows?</p> <p>12 A. Not that often.</p> <p>13 Q. So once a year or less than that?</p> <p>14 A. Less than that.</p> <p>15 Q. And how often did Mr. Fernandez go to gun</p> <p>16 shows?</p> <p>17 A. I don't know. More than me.</p> <p>18 Q. Do you know how much Mr. Fernandez spent on</p> <p>19 his gun collection when purchasing the collection of</p> <p>20 guns that he has?</p> <p>21 A. No. Sometimes I would know, but typically, I</p> <p>22 didn't.</p> <p>23 Q. So if he bought individual guns, sometimes you</p> <p>24 would know how much they cost. Is that your answer?</p> <p>25 A. Yes. Every now and then -- every now and</p> <p style="text-align: right;">Page 14</p>	<p>1 Q. How about gun stores? Do you know if he went</p> <p>2 to gun stores to purchase?</p> <p>3 A. Well, I know he went to gun stores, and I</p> <p>4 think one time I did go with him to -- I think it was</p> <p>5 called B&B I think he bought one, but, again, I was not</p> <p>6 usually involved in that.</p> <p>7 Q. Okay. B&B Gun Stores, if you can remember,</p> <p>8 what city is that store located in?</p> <p>9 A. It was somewhere in the Valley.</p> <p>10 Q. San Fernando Valley or Santa Clarita Valley?</p> <p>11 A. San Fernando.</p> <p>12 Q. Do you know whether any of the firearms were</p> <p>13 given to Mr. Fernandez as a gift?</p> <p>14 A. I don't. I think his uncle may have given him</p> <p>15 one when he was very young, but that may have been the</p> <p>16 only time.</p> <p>17 Q. Do you know whether Mr. Fernandez's father</p> <p>18 left him any guns that he passed away?</p> <p>19 A. No. His father was in Cuba.</p> <p>20 Q. How many gun safes did you have in the Caprock</p> <p>21 house?</p> <p>22 A. I believe there were three, two or three.</p> <p>23 Q. And where were they located?</p> <p>24 A. In the garage.</p> <p>25 Q. Can you describe them for me in terms of size?</p> <p style="text-align: right;">Page 16</p>
<p>1 then, he would show me a gun set that he bought or</p> <p>2 whatever, but typically, he just bought them on his own.</p> <p>3 Q. So in June of 2018, do you have any idea or</p> <p>4 any estimate on how much Mr. Fernandez spent on his</p> <p>5 firearms?</p> <p>6 A. No.</p> <p>7 Q. Do you happen to know whether Mr. Fernandez</p> <p>8 had any receipts for the firearms that he purchased?</p> <p>9 A. I don't know. I assume he did, but I didn't</p> <p>10 have them or see them.</p> <p>11 Q. You've never seen any receipts for those</p> <p>12 firearms?</p> <p>13 A. Possibly. I may have seen some at some point</p> <p>14 in his office, but...</p> <p>15 Q. When you were moving from the Caprock house to</p> <p>16 the house at Avon, did you happen to find any receipts</p> <p>17 for the purchases of firearms?</p> <p>18 A. I may have.</p> <p>19 Q. And do you still have those receipts today?</p> <p>20 A. I do not.</p> <p>21 Q. What happened to those receipts if you know?</p> <p>22 A. Shredded, thrown away.</p> <p>23 Q. I asked you where Mr. Fernandez purchased his</p> <p>24 firearms. Do you know if he purchased from individuals?</p> <p>25 A. I don't know.</p> <p style="text-align: right;">Page 15</p>	<p>1 Let's just call them one, two, and three.</p> <p>2 Safe Number 1, can you describe the size of</p> <p>3 that safe for me?</p> <p>4 A. They were big. I would say maybe like a small</p> <p>5 refrigerator.</p> <p>6 Q. Were they all the same size?</p> <p>7 A. They were all kind of the same size, but they</p> <p>8 were not identical.</p> <p>9 Q. Did he have any smaller gun safes?</p> <p>10 A. No.</p> <p>11 Q. Just those three?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Where did Mr. Fernandez keep the guns</p> <p>14 in his collection at Caprock?</p> <p>15 A. He kept them in his office, in the garage, and</p> <p>16 there were a few in our bedroom.</p> <p>17 Q. And I'm assuming that he kept some in the gun</p> <p>18 safe. Do you know whether he kept any in the gun safe?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Approximately -- this is going to be</p> <p>21 difficult, so I'm asking for estimates -- approximately</p> <p>22 how many guns did he keep in your bedroom?</p> <p>23 A. Gosh, I don't know. I don't know.</p> <p>24 Q. Okay. How about in the gun safes? Do you</p> <p>25 know approximately how many he kept there?</p> <p style="text-align: right;">Page 17</p>

1 **A. No.**
2 Q. In the other areas of the house, do you know
3 how many guns he kept in particular locations?
4 **A. No, I don't.**
5 Q. Is it safe to say that this gun collection was
6 your husband's hobby and not so much yours?
7 **A. Correct.**
8 Q. Okay. Did you have an attic in the Caprock
9 house?
10 **A. We had a crawl space.**
11 Q. Was that crawl space -- where was that crawl
12 space located?
13 **A. In our closet in our bedroom.**
14 Q. Master bedroom closet?
15 **A. Yes.**
16 Q. Did Mr. Fernandez keep firearms in that
17 location in the crawl space?
18 **A. I don't know.**
19 Q. Did you have a basement at Caprock?
20 **A. No.**
21 Q. And the storage sheds or containers that you
22 mentioned to me earlier, did Mr. Fernandez keep firearms
23 in those storage containers?
24 **A. No.**
25 Q. What was kept in those storage containers if

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1 you know?
2 **A. I remember he had a lot of books in the one in**
3 **the backyard. The one down the hill was almost empty.**
4 Q. I'm going to be asking you questions that you
5 probably don't know, but, again, I'm entitled to your
6 best estimate.
7 Do you know if Mr. Fernandez separated his
8 weapons in any way, shape, or form, for example, by type
9 or by value or in any manner like that?
10 **A. I have no idea.**
11 Q. Do you know whether Mr. Fernandez sold any of
12 his firearms in his collection before he passed away?
13 **A. I never knew him to sell any of his guns.**
14 Q. Do you know whether there was an insurance
15 policy that covered the firearms in the Caprock house?
16 **A. I don't know.**
17 Q. Do you know whether your homeowner's policy
18 covered the firearms that were in the Caprock house?
19 **A. I don't know.**
20 Q. Do you know whether an insurance claim was
21 ever filed for loss or damage to a firearm in
22 Mr. Fernandez's collection?
23 **A. Not that I know of.**
24 Q. So you did not file a claim for damages?
25 **A. No.**

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1 Q. Do you know whether there have been appraisals
2 for Mr. Fernandez's firearms prior to June of 2018?
3 **A. I don't know.**
4 Q. Have you ever seen a document that set forth
5 the value or estimated value of Mr. Fernandez's firearms
6 collection before June of 2018?
7 **A. No.**
8 Q. Have you ever seen any document that showed
9 the value or estimated value of Mr. Fernandez's gun
10 collection prior to June 2018?
11 **A. No.**
12 Q. Did Mr. Fernandez keep a list of the firearms
13 in his collection?
14 **A. I never saw one.**
15 Q. So you never saw a computerized list?
16 **A. No.**
17 Q. You never saw a manual or handwritten list?
18 **A. No. I have seen lists with some guns, but**
19 **definitely not his full collection.**
20 Q. And the list with some guns, when was the last
21 time you saw that?
22 **A. When I was last cleaning out his office when I**
23 **lived at Caprock.**
24 Q. Are you still in possession of those lists?
25 **A. No.**

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1 Q. Do you know what happened to those lists?
2 **A. All that stuff -- all of the paper and**
3 **everything in his office I either shredded or threw**
4 **away.**
5 Q. When you moved out of Avon -- out of Caprock
6 and into Avon, did you find any firearms in the house?
7 **A. No.**
8 Q. Do you know whether Mr. Fernandez had taken
9 any photographs of the firearms in his collection?
10 **A. I don't know.**
11 Q. Have you seen any photographs of the guns?
12 **A. Can I take a break?**
13 Q. Yes. Is five minutes enough?
14 **A. Sure.**
15 MR. DALE: Thank you.
16 MS. LOGAN: Let's take a five-minute.
17 (Recess.)
18 MS. LOGAN: We're back on the record.
19 BY MS. LOGAN:
20 Q. Before we took the break, I was asking you, do
21 you know if Mr. Fernandez had any -- had taken any
22 photographs of the firearms in his collection, and your
23 answer was no?
24 **A. Correct.**
25 Q. Do you know whether any photographs of the

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<p>1 firearms collection exists prior to June of 2018?</p> <p>2 A. I mean, there maybe a snapshot here or there</p> <p>3 of a gun.</p> <p>4 Q. When you moved from Caprock to the Avon</p> <p>5 property, did you keep any of the photographs of</p> <p>6 snapshots of the firearms?</p> <p>7 A. No.</p> <p>8 Q. Do you know whether any of your children have</p> <p>9 photographs of the firearms in Mr. Fernandez's</p> <p>10 collection?</p> <p>11 A. No, they don't.</p> <p>12 Q. How about videos of Mr. Fernandez's firearms</p> <p>13 collection? Are you aware of any videos of the</p> <p>14 collection prior to June of 2018?</p> <p>15 A. No, I'm not.</p> <p>16 Q. I'm going to go back to a couple of things</p> <p>17 that I forgot to ask you earlier. The gardening shed</p> <p>18 that's on the property at Caprock, was that used</p> <p>19 exclusively by you?</p> <p>20 A. Yes.</p> <p>21 Q. Were there any firearms stored in the</p> <p>22 gardening shed?</p> <p>23 A. No. It was a very small one. Just -- yeah.</p> <p>24 Q. The house at Caprock, did it have central air?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 22</p>	<p>1 Did Mr. Fernandez ever discuss with you the</p> <p>2 reason why he had so many firearms?</p> <p>3 A. He loved them. It was his passion.</p> <p>4 Q. After he fired his firearms, did he clean them</p> <p>5 or have someone else clean them?</p> <p>6 A. No. He would clean them.</p> <p>7 Q. Do you know whether he would clean them right</p> <p>8 away after he finished shooting?</p> <p>9 A. Sometimes I would see him, but other times, he</p> <p>10 may have and I just wouldn't have noticed.</p> <p>11 Q. Did you ever fire any of the weapons in</p> <p>12 Mr. Fernandez's collection?</p> <p>13 A. Yes.</p> <p>14 Q. And how often would you shoot?</p> <p>15 A. Again, when we were younger, a bit more. As</p> <p>16 we got older, I hadn't shot in several years.</p> <p>17 Q. Would you fire the handguns and the long guns?</p> <p>18 A. Yes.</p> <p>19 Q. Did you own firearms of your own?</p> <p>20 A. No, I did not.</p> <p>21 Q. So all of the firearms that were in the</p> <p>22 Caprock residence were Mr. Fernandez's firearms and not</p> <p>23 yours?</p> <p>24 A. Correct.</p> <p>25 Q. Do you know whether any of the firearms that</p> <p style="text-align: right;">Page 24</p>
<p>1 Q. How about the garage? Was it air conditioned?</p> <p>2 A. No.</p> <p>3 Q. I probably know the answer to this, but I have</p> <p>4 to ask you anyway. The storage containers that were</p> <p>5 outside of the property, were any of them air</p> <p>6 conditioned?</p> <p>7 A. No.</p> <p>8 Q. Did Mr. Fernandez ever shoot his firearms in</p> <p>9 his collection?</p> <p>10 A. Yes.</p> <p>11 Q. How often would he shoot?</p> <p>12 A. Not as much when he got older. When he was</p> <p>13 younger, he would go quite often, every week. As he got</p> <p>14 older, he didn't go shooting that often.</p> <p>15 Q. So a few times a year as he got older?</p> <p>16 A. Yes.</p> <p>17 Q. Do you know where he would shoot?</p> <p>18 A. No. I mean, sometimes the range. My brother</p> <p>19 had a property at Palmdale -- not Palmdale -- Apple</p> <p>20 Blossom. There was other places. I don't know.</p> <p>21 Q. And do you know what range he liked to go to?</p> <p>22 A. No. I just knew it was the gun range.</p> <p>23 Q. You know as much about your husband's gun</p> <p>24 habits as I know about mine. "The range," that's what I</p> <p>25 know too.</p> <p style="text-align: right;">Page 23</p>	<p>1 were in the Caprock house belonged to either of your</p> <p>2 sons?</p> <p>3 A. I don't think so.</p> <p>4 Q. And do you know whether any of the firearms in</p> <p>5 the Caprock house belonged to your daughter?</p> <p>6 A. No. By the way, there may have been a .22</p> <p>7 rifle that was mine, if it was, I think. I can't</p> <p>8 remember, but that would have been it.</p> <p>9 Q. When was the last time you saw that .22 rifle?</p> <p>10 A. I couldn't even describe it to you.</p> <p>11 Q. So more than ten years, I'm guessing?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know what happened to that rifle?</p> <p>14 A. It was with the rest of my husband's guns.</p> <p>15 Q. Did Mr. Fernandez like to collect other things</p> <p>16 besides firearms?</p> <p>17 A. Yes.</p> <p>18 Q. What else did he collect?</p> <p>19 A. He had a lot of things he liked to collect.</p> <p>20 Q. I heard you mention books before. Did he</p> <p>21 collect books?</p> <p>22 A. Books, cameras, guitars. He had many</p> <p>23 passions.</p> <p>24 Q. Many passions. How about cars? Was he a</p> <p>25 collector of cars?</p> <p style="text-align: right;">Page 25</p>

<p>1 A. He had a lot of cars that were being purchased 2 for this business that he was doing. 3 Q. So it was not necessarily like a collection? 4 It was part of his work? 5 A. Yes. 6 Q. Do you know whether any of the other 7 collections that Mr. Fernandez had were ever appraised? 8 A. I don't know. 9 Q. Do you know if the other collections aside 10 from the firearms were ever insured? 11 A. I don't know. 12 Q. Where would the collection of books have been 13 stored, inside the house, in the sheds? 14 A. In both. 15 Q. The other things that he collected, the 16 guitars and cameras, where were those things primarily 17 stored? 18 A. In the house. 19 Q. Did you guys ever have conversations about 20 these collections? 21 A. Yes. 22 Q. Did Mr. Fernandez tell you the reason why he 23 was collecting these things? 24 A. Because he liked them. 25 Q. Did you have any paper showing the condition</p> <p style="text-align: right;">Page 26</p>	<p>1 was searched by law enforcement; is that correct? 2 A. That's correct. 3 Q. How many times are you aware of that law 4 enforcement searched your home at Caprock? 5 A. Three times. 6 Q. Three times. Okay. When was the first time? 7 A. I believe it was June 14th. 8 Q. Do you happen to know the time day of the 9 first search? 10 A. It was early in the morning. 11 Q. Who was home with you -- I'm sorry. 12 Were you there at the time of that search? 13 A. Yes, I was. 14 Q. Okay. Who was home with you at the time of 15 that search? 16 A. My husband and my daughter. 17 Q. Do you know what agency was conducting the 18 search on that day? 19 A. It was a sheriff, I believe. 20 Q. Do you happen to know approximately how many 21 officers were there to conduct that search? 22 A. A lot. I'm guessing maybe initially 15. And 23 I think more were coming and going. There was a lot of 24 stuff going on that day. 25 Q. So at minimum, you saw 15 officers on that</p> <p style="text-align: right;">Page 28</p>
<p>1 of Mr. Fernandez's firearms collection prior to June of 2 2018? 3 A. No. 4 Q. Had you seen any paper showing the condition 5 of Mr. Fernandez's firearm collection at any time while 6 he was collecting the firearms? 7 A. No. 8 Q. Are you aware of the condition of 9 Mr. Fernandez's firearm collection prior to June of 10 2018? 11 A. Well, I know how he stored it. You know, he 12 stored it carefully. But outside of that, how it was 13 when he got it, I don't know if it was new or used or 14 whatever. 15 Q. When you say that he stored it carefully, can 16 you describe for me how he stored them? 17 A. They were either in the boxes that they came 18 in or in gun cases, or if he didn't have a gun case, 19 some of the handguns would be wrapped in towels or 20 something to protect it. 21 Q. Was that all of the guns in the collection 22 that you were aware of were stored in that manner? 23 A. As far as I can remember. 24 Q. I'm going to ask you to go back in your memory 25 to June of 2018. Your home was -- your home on Caprock</p> <p style="text-align: right;">Page 27</p>	<p>1 day? 2 A. Yes. 3 Q. But you estimate there were more than that? 4 A. I don't know. Like I said, it was a lot of 5 people coming in and out. 6 Q. During this first search, how long were the 7 officers at the property? 8 A. The whole day. 9 Q. And while the officers were there, where were 10 you situated? 11 A. My husband, my daughter, and I were being kept 12 in the den under guard. 13 Q. Was there ever a period of time where you were 14 separated from your husband and daughter during the 15 search? 16 A. I don't remember. 17 Q. Did you have conversations with the law 18 enforcement officers during the first search? 19 A. I don't remember. 20 Q. Do you recall whether your husband had 21 conversations with the law enforcement officers during 22 the first search? 23 A. I mean, I think so, but I don't remember for 24 sure. 25 Q. Were those conversations to your recollection</p> <p style="text-align: right;">Page 29</p>

1 in your presence?
 2 **A. I don't remember. I'm sorry. I just don't**
 3 **remember.**
 4 Q. Do you recall whether your daughter had any
 5 conversations with law enforcement during the first
 6 search?
 7 **A. I don't believe she did.**
 8 Q. While you were situated in the den, could you
 9 see any of the areas where the officers were searching?
 10 **A. No. It was only when we went to the restroom**
 11 **or the kitchen.**
 12 Q. And I know they were there all day, but how
 13 many times did you leave the den to go to the restroom
 14 or the kitchen during that day?
 15 **A. Maybe six times, but I had to help my husband**
 16 **as well because he was very ill, so he needed help, so I**
 17 **would say maybe six, seven times.**
 18 Q. And what did you see the officers doing when
 19 you left the den location?
 20 **A. They were taking guns out of the boxes, taking**
 21 **them out of the plastics and the styrofoam that was in**
 22 **all the packaging, taking it all out, and acting like a**
 23 **bunch of school boys at Christmas.**
 24 Q. I'm sorry. Can you tell me what that means?
 25 **A. They were like, Wow, look at this, check this**
 Page 30

1 **out, oh, look at this. It was awful, very**
 2 **disrespectful.**
 3 Q. Okay. Can you recall anything else that you
 4 saw the deputies doing with the weapons during the
 5 periods of time that you were able to see the search?
 6 **A. Aside from taking them out of the boxes, no.**
 7 Q. When the search was complete and they were
 8 transporting the firearms back, were you able to see the
 9 firearms being transported away from Caprock?
 10 **A. No.**
 11 Q. Did you see how the firearms were transported
 12 away from Caprock?
 13 **A. I did. My neighbor sent me a picture.**
 14 Q. What was the picture of?
 15 **A. All the guns piled up in a pickup -- in the**
 16 **bed of a pickup truck.**
 17 Q. What was your neighbor's name?
 18 **A. Conny Korper.**
 19 Q. I'm sorry?
 20 **A. Conny Korper.**
 21 Q. Do you know where Conny lived at that time?
 22 **A. Yes. She lives next door.**
 23 Q. As you're facing the front door, did Conny
 24 live to the right or the left of your house?
 25 **A. To the left.**
 Page 31

1 Q. Did she send you just the one photo or others?
 2 **A. Maybe two or three, but they were pretty much**
 3 **the same thing.**
 4 Q. The guns in a pickup truck?
 5 **A. Yes.**
 6 Q. Do you know how many firearms were taken from
 7 the Caprock residence during the first search?
 8 **A. I don't remember the number. I know it was**
 9 **told to me, but I don't remember.**
 10 Q. What number was told to you, approximately?
 11 **A. 500.**
 12 Q. On June 14th after the first search, was your
 13 husband arrested?
 14 **A. Yes.**
 15 Q. Were you arrested?
 16 **A. No.**
 17 Q. Was your daughter arrested?
 18 **A. No.**
 19 Q. Aside from your neighbor Conny, are you aware
 20 of any other persons -- strike that.
 21 Aside from your neighbor and law enforcement,
 22 are you aware of any other persons who observed the
 23 sheriff department transporting the weapons from the
 24 scene?
 25 **A. No.**
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1 Q. Do you know whether your daughter was able to
 2 see what the deputies were doing when they were
 3 searching the premise?
 4 **A. Well, same thing. When she was using the**
 5 **restroom or getting something in the kitchen, because**
 6 **they were all in the entryway taking the guns out of the**
 7 **boxes.**
 8 Q. Did she discuss with you what she saw?
 9 **A. Yes.**
 10 Q. And what were her observations that she told
 11 to you?
 12 **A. She was just livid at the way the officers**
 13 **were behaving, just how they were giddy pulling all**
 14 **these guns and finding guns that were, like, cool for**
 15 **them. It was just -- she was upset at how they were**
 16 **taking out all of Manny's guns laughing and joking about**
 17 **it. And especially because Manny was very particular**
 18 **about his guns and here are these -- these people were**
 19 **just all handling them and just behaving like -- yeah,**
 20 **very unprofessional.**
 21 Q. And the second search that occurred at
 22 Caprock, do you know when that occurred?
 23 **A. I think it was the following day.**
 24 Q. So around June 15?
 25 **A. Yes.**
 Page 33

<p>1 Q. And do you know what time of change search 2 occurred?</p> <p>3 A. I think it was in the early afternoon. I 4 don't remember for sure.</p> <p>5 Q. Were you at the location during that second 6 search?</p> <p>7 A. No.</p> <p>8 Q. Do you know whether anyone else was at the 9 location during that second search?</p> <p>10 A. Nobody else was home.</p> <p>11 Q. How did you find out that that second search 12 occurred?</p> <p>13 A. Because the detective had called me because 14 they wanted to get in. The dog was in the house. He 15 wanted to know if someone, a neighbor, or someone can 16 come in and restrain the dog so they can search the 17 house because they didn't want to hurt the dog or 18 anything. So my neighbor Conny was able to let them in.</p> <p>19 Q. Did you have a discussion with Conny about 20 this search, the second search?</p> <p>21 A. Well, yeah, yes.</p> <p>22 Q. And was Conny able to observe anything that 23 occurred during the search that the deputies were doing?</p> <p>24 A. I don't remember, but I don't believe she 25 stayed there. I believe she let them in and went back</p> <p style="text-align: right;">Page 34</p>	<p>1 A. My daughter was home.</p> <p>2 MR. DALE: Can we take a break?</p> <p>3 MS. LOGAN: Sure. How long?</p> <p>4 MR. DALE: Can we take ten minutes?</p> <p>5 MS. LOGAN: Yeah, let's do ten minutes.</p> <p>6 (Recess.)</p> <p>7 MS. LOGAN: Let's go back on the record.</p> <p>8 BY MS. LOGAN:</p> <p>9 Q. Before we took the break, we were talking 10 about the third search that occurred.</p> <p>11 Was your daughter the only one home at the 12 time of that search?</p> <p>13 A. Yes.</p> <p>14 Q. Did you have a discussion with your daughter 15 about that search?</p> <p>16 A. If I could back up, I showed up during the 17 search.</p> <p>18 Q. Okay. About how long had the officers been 19 there before you showed up?</p> <p>20 A. It was probably about an hour because my 21 neighbor was the one that called me and told me they 22 were raiding the house again. So the minute I heard, I 23 raced over there.</p> <p>24 Q. And that was the same neighbor Conny?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 36</p>
<p>1 home.</p> <p>2 Q. So your conversation with Conny consisted of 3 what that you can recall?</p> <p>4 A. Well, she was upset they had come again and 5 they were doing this to us. And she was glad that she 6 was able to get the dog out of there so they wouldn't 7 hurt the dog.</p> <p>8 Q. Do you have any idea what was recovered during 9 that second search from Caprock?</p> <p>10 A. Yes. They went for the electronics, the 11 couple of computers and electronics.</p> <p>12 Q. Do you know whether they recovered other 13 firearms at that time?</p> <p>14 A. I don't believe they did.</p> <p>15 Q. And the third time your property was searched 16 at Caprock, do you happen to know when that occurred?</p> <p>17 A. It was late morning, I believe.</p> <p>18 Q. On what day?</p> <p>19 A. I think that was on the day after the second 20 one.</p> <p>21 Q. So roughly June 16 or 17, somewhere in there?</p> <p>22 A. Yeah.</p> <p>23 Q. Were you present during that search?</p> <p>24 A. No, I wasn't.</p> <p>25 Q. Was anybody else home during that search?</p> <p style="text-align: right;">Page 35</p>	<p>1 Q. When you arrived at the scene, did you have 2 any conversations with law enforcement?</p> <p>3 A. Yes.</p> <p>4 Q. What was the nature of the conversation?</p> <p>5 A. When I drove up in the driveway, the senior 6 officer came to me and introduced himself and told me 7 that they were searching the house. I don't remember 8 what else he told me, but he had me go inside. And my 9 daughter and I and the dog were kept in the kitchen 10 under guard.</p> <p>11 Q. Do you know the senior officer's name?</p> <p>12 A. I don't remember.</p> <p>13 Q. Do you know what agency was searching your 14 house on that day?</p> <p>15 A. The DOJ.</p> <p>16 Q. Did the officers tell you what they were 17 looking for?</p> <p>18 A. I don't remember. I mean, at one point, they 19 were digging holes in the back because they said that 20 there was some tip they had. I don't remember if they 21 thought it was explosives or guns hidden -- buried in 22 the backyard.</p> <p>23 Q. How long were the officers at your property 24 that day?</p> <p>25 A. It was all day.</p> <p style="text-align: right;">Page 37</p>

1 Q. When they were digging, were they using
2 machinery or shovels?
3 **A. Shovels.**
4 Q. Did any of the officers discuss with you what
5 they found on the property that day?
6 **A. I don't remember.**
7 Q. Did Mr. Fernandez ever show up during that
8 third search?
9 **A. No.**
10 Q. Were you able to see any of the officers'
11 actions were while they were searching the property
12 during the third search?
13 **A. Yes.**
14 Q. And what did you see?
15 **A. I saw them taking stuff out of the garage.**
16 Q. What kind of stuff?
17 **A. Just the things that were in there, you know,**
18 **boxes, stuff that was in the garage.**
19 Q. How were you able to see that?
20 **A. Because we were in the kitchen, and they were**
21 **bringing stuff out from where we could see from the**
22 **kitchen window.**
23 Q. Were you able to see any other parts of the
24 search on that particular day?
25 **A. No.**

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1 Q. What were they doing with the things that they
2 were taking out of the garage?
3 **A. They were putting them in the front of the**
4 **house in the driveway.**
5 Q. Do you know what happened with those things
6 after they took them out and put them in the driveway?
7 **A. They put them back.**
8 Q. Okay. Do you know what, if anything, was
9 removed from the residence during that search?
10 **A. Well, I understand they found some more guns.**
11 Q. Would you happen to know where they found
12 them?
13 **A. No.**
14 Q. During one of the three searches that you just
15 mentioned to me, do you recall having a conversation
16 with law enforcement about your husband asking you to
17 take some of the guns to his business partner?
18 **A. I don't remember.**
19 Q. In the year 2017 while Mr. Fernandez was
20 incarcerated, did you have a conversation with him where
21 he asked you to take some of the guns to his business
22 partner at her Sweetwater address?
23 **A. Yes.**
24 Q. And what, if you can remember, did
25 Mr. Fernandez tell you to take there?

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1 **A. I don't remember. I don't remember exactly**
2 **how we determined which guns to take. I don't remember.**
3 **I just remember we took some.**
4 Q. So you're not sure whether he gave you a list
5 of guns that he wanted you to take?
6 **A. No, he didn't give me a list. I think he may**
7 **have -- I think it may have been some that he had in a**
8 **hall closet.**
9 Q. What was Mr. Fernandez's business partner's
10 name?
11 **A. Carey Moisan.**
12 Q. Can you spell that last name for me?
13 **A. M-o-i-s-a-n.**
14 Q. So did you actually transfer the weapons that
15 Mr. Fernandez identified to Ms. Moisan's house?
16 **A. Yes.**
17 Q. Do you know when that occurred?
18 **A. It was while my husband was in jail sometime**
19 **during that time, but I don't remember the day or month**
20 **or anything like that.**
21 Q. Sometime in the year 2017?
22 **A. Yes.**
23 Q. Who helped you get the weapons to Ms. Moisan's
24 house?
25 **A. Carey did.**

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1 Q. So Ms. Moisan came to your house and helped
2 gather the weapons and transported them back to her
3 house?
4 **A. Yeah.**
5 Q. How did you get the weapons from Ms. Moisan's
6 house?
7 **A. Car.**
8 Q. Her car or your car?
9 **A. Her car.**
10 Q. What kind of car does she have?
11 **A. She had a pickup. I think an F-250.**
12 Q. And how many firearms did you guys transport
13 that day?
14 **A. I think it was probably maybe about 20, maybe**
15 **about 20 of the rifles and a few handguns.**
16 Q. My last question assumed that it was just one
17 day. Did you transport these weapons over a period of
18 days or just that one day?
19 **A. Just that one day.**
20 Q. How many trips did you take?
21 **A. One trip.**
22 Q. Was it just the two of you loading it into the
23 car into the pickup?
24 **A. Yes.**
25 Q. Do you know what happened to the firearms once

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<p>1 you got the Ms. Moisan's house?</p> <p>2 A. No, I don't.</p> <p>3 Q. Do you know how Ms. Moisan stored the firearms</p> <p>4 once they were at her house?</p> <p>5 A. No, I don't know.</p> <p>6 Q. And the firearms that you transferred to</p> <p>7 Ms. Moisan's house in 2017, did you ever see them again?</p> <p>8 A. No, I didn't.</p> <p>9 Q. After the -- after Mr. Fernandez passed away,</p> <p>10 the weapons were returned to you by the sheriff's</p> <p>11 department; correct?</p> <p>12 A. They were returned to the broker.</p> <p>13 Q. Do you know when that return occurred?</p> <p>14 A. I don't remember.</p> <p>15 Q. Does December of 2019 sound about right?</p> <p>16 A. I don't know.</p> <p>17 Q. That's okay. What was the name of the broker?</p> <p>18 A. Carol. I don't remember her last name right</p> <p>19 now.</p> <p>20 Q. Does Watson sound about right?</p> <p>21 A. Yes.</p> <p>22 Q. Carol Watson. Who contacted Carol Watson to</p> <p>23 arrange for her to broker the deal?</p> <p>24 A. I believe it was my attorney.</p> <p>25 Q. Did you know Carol Watson before this</p> <p style="text-align: right;">Page 42</p>	<p>1 Q. Okay. I'm going to show you a list now that</p> <p>2 you may or may not have seen. If you haven't, just let</p> <p>3 me know. This document is 145 pages, and I'm going to</p> <p>4 let you know up front -- let me mark this first as</p> <p>5 Exhibit 1 -- this is a Los Angeles County Sheriff's</p> <p>6 Department evidence and property page. And this is what</p> <p>7 I'm showing you now as Page 145.</p> <p>8 (Exhibit 1 was marked.)</p> <p>9 BY MS. LOGAN:</p> <p>10 Q. Have you seen this document before? I know</p> <p>11 it's 145 pages, but I'll represent to you that they all</p> <p>12 look like this.</p> <p>13 Have you seen this document before?</p> <p>14 A. It does not look familiar.</p> <p>15 Q. Okay. If I tell you that this is an inventory</p> <p>16 of the property that was returned to you, would you know</p> <p>17 that to be true or no?</p> <p>18 A. I would believe you.</p> <p>19 Q. Okay. This list, again, is 145 pages long,</p> <p>20 and you have not seen it. If you looked at this list,</p> <p>21 could you identify the weapons that you say were damaged</p> <p>22 by the sheriff's department?</p> <p>23 A. No.</p> <p>24 Q. I'll show you one more document that you may</p> <p>25 or may not have seen before.</p> <p style="text-align: right;">Page 44</p>
<p>1 transaction with the weapons occurred?</p> <p>2 A. No.</p> <p>3 Q. Have you ever met Carol Watson?</p> <p>4 A. No.</p> <p>5 Q. I guess that also answers this question, but</p> <p>6 I'll ask it anyway. Were you present at the Palmdale</p> <p>7 sheriff's station when the weapons were returned or</p> <p>8 given to Carol Watson?</p> <p>9 A. No.</p> <p>10 Q. Were you -- again, I just have to know the</p> <p>11 answer -- were you aware of the condition of the weapons</p> <p>12 at the time that they were returned to Carol Watson from</p> <p>13 the Palmdale station?</p> <p>14 A. No.</p> <p>15 Q. Did you have any photographs of the weapons</p> <p>16 that were returned by the sheriff's department to</p> <p>17 Ms. Watson? Do you have any photographs?</p> <p>18 A. No.</p> <p>19 Q. Are you aware of any photographs?</p> <p>20 A. No.</p> <p>21 Q. Do you have any -- strike that.</p> <p>22 Do you have any appraisals of the value of the</p> <p>23 weapons that were returned to Carol Watson?</p> <p>24 A. I think there was a list that was put</p> <p>25 together.</p> <p style="text-align: right;">Page 43</p>	<p>1 Can you see this document?</p> <p>2 A. No.</p> <p>3 Q. Can you see it?</p> <p>4 A. No.</p> <p>5 MR. DALE: No.</p> <p>6 MS. LOGAN: It's not coming up?</p> <p>7 MR. DALE: It's your file listing on your</p> <p>8 company. It's not the document.</p> <p>9 MS. LOGAN: Okay. Let me see.</p> <p>10 MR. DALE: It's the claim form you're trying</p> <p>11 to show her?</p> <p>12 MS. LOGAN: It's the claim form, and I'm</p> <p>13 trying to get it open. Did I log out?</p> <p>14 MR. DALE: You're still here.</p> <p>15 MS. LOGAN: Okay. The joys of --</p> <p>16 Let's try this again. I didn't take the first</p> <p>17 one down. Let's try that again.</p> <p>18 BY MS. LOGAN:</p> <p>19 Q. Can you see that document now?</p> <p>20 A. No, not yet. It looks like it's trying to</p> <p>21 open.</p> <p>22 MR. DALE: What I think you need to do on your</p> <p>23 share screen, it will bring up everything that's open,</p> <p>24 and you have to open up the open claim form and click on</p> <p>25 that.</p> <p style="text-align: right;">Page 45</p>

<p>1 MS. LOGAN: I'm trying.</p> <p>2 MR. DALE: Great new world. Flying cars.</p> <p>3 MS. LOGAN: You know, I tested this out with</p> <p>4 my husband yesterday, and it worked so perfectly. Let</p> <p>5 me try this again.</p> <p>6 Madam Reporter, can we go off the record one</p> <p>7 second so I can get this figured out?</p> <p>8 (Discussion was held off the record.)</p> <p>9 MS. LOGAN: Let's go back on the record.</p> <p>10 BY MS. LOGAN:</p> <p>11 Q. Have you seen this document before?</p> <p>12 A. It doesn't look familiar.</p> <p>13 Q. I'll represent to you this is a claim form</p> <p>14 that your attorneys filed on your behalf to the</p> <p>15 sheriff's department for your property.</p> <p>16 Does that sound about right if you take a look</p> <p>17 at it?</p> <p>18 A. Yes.</p> <p>19 MS. LOGAN: Attached to this claim form there</p> <p>20 are some photos. First, I'll mark this as Exhibit 2,</p> <p>21 please. It's a claim for damages to person or property.</p> <p>22 (Exhibit 2 was marked.)</p> <p>23 BY MS. LOGAN:</p> <p>24 Q. On Page 2 of the document, it's a photograph</p> <p>25 that's attached. Do you see this photograph?</p> <p style="text-align: right;">Page 46</p>	<p>1 another long gun. It's upside-down, so it's hard to</p> <p>2 tell, but it appears to be the butt and the middle</p> <p>3 portion of another long gun. Have you ever seen this</p> <p>4 photograph before?</p> <p>5 A. No.</p> <p>6 Q. Do you know who took this photo?</p> <p>7 A. No, I don't.</p> <p>8 Q. There are scratches on several parts of that</p> <p>9 firearm. Do you know when those were made?</p> <p>10 A. No.</p> <p>11 Q. This is Page 8 of that same document. I think</p> <p>12 this is another -- I'm sorry. That looks like a</p> <p>13 duplicate of one we've already seen.</p> <p>14 This is Page 9 of the document, and there are</p> <p>15 several weapons in plastic bins. Have you seen this</p> <p>16 picture before?</p> <p>17 A. No, I haven't.</p> <p>18 Q. Do you know who took this photograph?</p> <p>19 A. No, I don't.</p> <p>20 Q. Let me see if I can turn it around for you.</p> <p>21 Of course, I can't.</p> <p>22 You don't know who took that photograph?</p> <p>23 A. No, I don't.</p> <p>24 Q. Page 10 appears to be a similar photograph, a</p> <p>25 little closer up. Have you seen that photograph before?</p> <p style="text-align: right;">Page 48</p>
<p>1 A. I do.</p> <p>2 Q. This appears to be a long gun near the trigger</p> <p>3 handle and the upper portion of the trigger handle?</p> <p>4 A. Yes, I do.</p> <p>5 Q. And there are some scratches or marks made on</p> <p>6 that rifle. Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. Do you know who took that photograph?</p> <p>9 A. No, I don't.</p> <p>10 Q. Had you seen that photograph before today?</p> <p>11 A. No.</p> <p>12 Q. Do you know when these marks were made on that</p> <p>13 weapon?</p> <p>14 A. No.</p> <p>15 Q. I'm going to show you Page 3 to this exhibit.</p> <p>16 It is another photograph. I can't tell what part. It</p> <p>17 looks like it's below the scope of another long gun.</p> <p>18 Have you seen this photograph before?</p> <p>19 A. No.</p> <p>20 Q. And there are some scratches or marks on this</p> <p>21 weapon. Have you seen those scratches or marks before?</p> <p>22 A. No.</p> <p>23 Q. Do you know when those were made?</p> <p>24 A. No.</p> <p>25 Q. Page 4 of this document shows the butt of</p> <p style="text-align: right;">Page 47</p>	<p>1 A. No, I haven't.</p> <p>2 Q. Do you know who took that photograph?</p> <p>3 A. No, I don't.</p> <p>4 MR. DALE: That was Page 10, Counsel?</p> <p>5 MS. LOGAN: That was Page 10, correct.</p> <p>6 BY MS. LOGAN:</p> <p>7 Q. Did Carol Watson tell you the estimated value</p> <p>8 of the weapons after they were seized -- after they were</p> <p>9 returned from the seizure?</p> <p>10 A. Again, I think there was a list somewhere that</p> <p>11 gave me the value of the guns.</p> <p>12 Q. What happened to those firearms after they</p> <p>13 were transferred to Carol Watson?</p> <p>14 A. They were sold at auction.</p> <p>15 Q. Over how many days were they sold at auction?</p> <p>16 Do you know?</p> <p>17 A. I don't remember.</p> <p>18 Q. Did you appear for any of the auction sale</p> <p>19 dates?</p> <p>20 A. No.</p> <p>21 Q. And were all of the weapons sold during these</p> <p>22 auctions that you know of?</p> <p>23 A. I don't know.</p> <p>24 Q. Were any of the weapons returned to you that</p> <p>25 were perhaps not sold at auction?</p> <p style="text-align: right;">Page 49</p>

<p>1 A. No.</p> <p>2 Q. So to the best of your knowledge, all of the</p> <p>3 weapons that Carol Watson picked up from the sheriff's</p> <p>4 department were sold at auction?</p> <p>5 A. Yes.</p> <p>6 Q. Do you happen to know how much money was given</p> <p>7 to you following the auction sales?</p> <p>8 A. I don't remember the exact amount. It was two</p> <p>9 different auctions, but I believe the first one was</p> <p>10 something like 60,000. The second one was quite a bit</p> <p>11 less, but I don't remember exactly how much.</p> <p>12 Q. Okay. For Ms. Watson's work, was she paid?</p> <p>13 Did you pay her directly? Did she take commission on</p> <p>14 the sales? How did that work?</p> <p>15 A. She took a commission.</p> <p>16 Q. Do you know what percentage her commission</p> <p>17 was?</p> <p>18 A. 5 percent.</p> <p>19 Q. Were you aware there was a fee that was</p> <p>20 charged by the sheriff's department for the return of</p> <p>21 the firearms to your broker?</p> <p>22 A. Oh, yes, very much.</p> <p>23 Q. How did you first become aware of that fee?</p> <p>24 A. It was when we were going to get the guns back</p> <p>25 that we had to pay that fee to get the guns back in</p> <p style="text-align: right;">Page 50</p>	<p>1 A. No.</p> <p>2 MS. LOGAN: Okay. Counsel, I have no further</p> <p>3 questions.</p> <p>4 MR. DALE: All right. I obviously don't have</p> <p>5 any questions. So I guess we don't do stipulations</p> <p>6 anymore.</p> <p>7 MS. LOGAN: Not the old-fashion way anymore.</p> <p>8 MR. DALE: Yeah, that ended, and I never quite</p> <p>9 figured out why. So I think we can go off the record.</p> <p>10 MS. LOGAN: Sure. Off the record.</p> <p>11 (Proceedings concluded at 11:25 a.m.)</p> <p style="text-align: right;">Page 52</p>
<p>1 order to sell them.</p> <p>2 Q. Who told you about the fee?</p> <p>3 A. I believe it was my attorney.</p> <p>4 Q. Aside from conversations with your attorney,</p> <p>5 did you speak with anyone else about the firearm fee?</p> <p>6 A. No.</p> <p>7 Q. Aside from correspondence your attorney, did</p> <p>8 you have correspondence with anyone else about the</p> <p>9 firearm fee for return?</p> <p>10 A. No.</p> <p>11 Q. And do you know as you sit here today what was</p> <p>12 the total amount that you paid for the firearm fee to</p> <p>13 have the property returned?</p> <p>14 A. I believe it was 23-, 24,000.</p> <p>15 MS. LOGAN: If I could just take a few</p> <p>16 minutes, I think that may be all of my questions.</p> <p>17 MR. DALE: Okay.</p> <p>18 MS. LOGAN: Let's take a five-minute break.</p> <p>19 MR. DALE: Great.</p> <p>20 (Recess.)</p> <p>21 MS. LOGAN: We can go back on the record.</p> <p>22 BY MS. LOGAN:</p> <p>23 Q. Ms. Fernandez, do you have any idea of what</p> <p>24 the value of the your husband's firearms collection was</p> <p>25 before June of 2018?</p> <p style="text-align: right;">Page 51</p>	<p>1 CERTIFICATE OF DEPONENT</p> <p>2</p> <p>3</p> <p>4 I, ANA PATRICIA FERNANDEZ, having appeared for</p> <p>5 my deposition on Tuesday, September 12, 2023, do this</p> <p>6 date declare under penalty of perjury that I have read</p> <p>7 the foregoing deposition, I have made any corrections,</p> <p>8 additions or deletions that I have deemed necessary to</p> <p>9 make in order to render the within transcript true and</p> <p>10 correct.</p> <p>11 IN WITNESS WHEREOF, I hereunto subscribe my</p> <p>12 name this ____ day of _____, 2023.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 ANA PATRICIA FERNANDEZ</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 53</p>

1	DEPOSITION OFFICER'S CERTIFICATE	
2		
3	I, Jennifer Minch, hereby certify:	
4	I am a duly qualified Certified Shorthand	
5	Reporter, in the state of California, holder of	
6	Certificate Number CSR 14087 issued by the Court	
7	Reporters Board of California and which is in full force	
8	and effect. (Bus. & Prof. 8016)	
9	I am not financially interested in this action	
10	and am not a relative or employee of any attorney of the	
11	parties, or of any of the parties. (Civ. Proc.	
12	2025.320(a))	
13	I am authorized to administer oaths or	
14	affirmations pursuant to California Code of Civil	
15	Procedure, Section 2093(b) and prior to being examined,	
16	the deponent was first placed under oath or affirmation	
17	by me. (Civ. Proc. 2025.320, 2025.540(a))	
18	I am the deposition officer that	
19	stenographically reported the testimony in the foregoing	
20	deposition and the foregoing transcript is a true record	
21	of the testimony given. (Civ. Proc. 2025.540(a))	
22	I have not, and shall not, offer or provide	
23	any services or products to any party's attorney or	
24	third party who is financing all or part of the action	
25	without first offering same to all parties or their	
	Page 54	
1	attorneys attending the deposition and making same	
2	available at the same time to all parties or their	
3	attorneys. (Civ. Proc. 2025.320(b))	
4	I shall not provide any service or product	
5	consisting of the deposition officer's notations or	
6	comments regarding the demeanor of any witness,	
7	attorney, or party present at the deposition to any	
8	party or any party's attorney or third party who is	
9	financing all or part of the action, nor shall I collect	
10	any personal identifying information about the witness	
11	as a service or product to be provided to any party or	
12	third party who is financing all or part of the action.	
13	(Civ. Proc. 2025.320(c))	
14		
15	Dated: September 25, 2023	
16		
17		
18		
19		
20	JENNIFER MINCH, CSR No. 14087	
21		
22		
23		
24		
25		
	Page 55	

In The Matter Of:
Ana Patricia Fernandez v.
Los Angeles County, et al.

Wyatt Waldron
September 28, 2023

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UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

ANA PATRICIA FERNANDEZ, an)
 individual,)
 Plaintiff,)
 vs.) Case No. 2:20-CV-09876
) DMG (PDX)
 LOS ANGELES COUNTY, et al.,)
 Defendants.)

DEPOSITION VIA VIDEOCONFERENCE OF
 WYATT WALDRON
 THURSDAY, SEPTEMBER 28, 2023

Stenographically Reported by:
 Vicki Resch, RPR, CSR 6645
 Job No. 3023

Page 3

1 APPEARANCES OF COUNSEL
 2 (All Appearances Via Videoconference)
 3
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 24
 25

Page 2

1 UNITED STATES DISTRICT COURT
 2 CENTRAL DISTRICT OF CALIFORNIA
 3
 4 ANA PATRICIA FERNANDEZ, an)
 5 individual,)
 6 Plaintiff,)
 7 vs.) Case No. 2:20-cv-09876
 8 LOS ANGELES COUNTY, et al.,) DMG (PDX)
 9 Defendants.)

10 DEPOSITION OF WYATT WALDRON, TAKEN VIA
 11 VIDEOCONFERENCE, on behalf of the Plaintiff,
 12 commencing at 10:19 a.m., and concluding at 1:01 p.m.,
 13 on Thursday, September 28, 2023, before Vicki Resch,
 14 Certified Shorthand Reporter No. 6645 in the State of
 15 California.
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 24
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1	I N D E X	
2	WITNESS: Wyatt Waldron	
3	EXAMINATION	PAGE
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7	E X H I B I T S	
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Page 6

1 THURSDAY, SEPTEMBER 28, 2023

2 10:19 A.M.

3 * * *

4

5 WYATT WALDRON,

6 having been first duly sworn by the Deposition

7 Officer, was examined and testified as follows:

8

9 EXAMINATION

10 BY MR. MOROS:

11 Q Good morning. So go ahead and please state

12 your full name, age and date of birth for the record,

13 please.

14 A Wyatt Lasalle Waldron. My birth date's

15 11/28/83.

16 Q Okay. And my name is Konstadinos Moros. I

17 go by Kostas. I'm an attorney for the plaintiff --

18 one of the attorneys for the plaintiff in this matter.

19 It's captioned Fernandez versus County of Los Angeles.

20 Before we begin, I do need to go over what we

21 call admonitions. These are questions just to set the

22 ground rules for a smooth deposition and hopefully

23 prevent any misunderstandings or anything like that.

24 So I'll start with have you ever been deposed

25 before?

Page 7

1 A Yes.

2 Q How many times have you been deposed before?

3 A One time.

4 Q And when was that?

5 A It was in 2016 for an

6 unrelated-to-the-department case, a civil case.

7 Q Understood. So I will try and keep the

8 admonitions brief, then, but it has been a minute, so

9 we will go through them.

10 So the point of the deposition, of course, is

11 creating the record. The court reporter will record

12 word for word all questions, answers, objections. The

13 clarity of the record we make here today is important,

14 so we need to keep a few things in mind.

15 When you answer, please speak clearly and try

16 not to go too fast. And I'm sure Madam Court Reporter

17 will let you know if you are going too fast or if I am

18 going too fast. I'll try my best to do the same.

19 The court reporter can't record head nods or

20 shakes, especially over Zoom, so please answer all

21 questions audibly.

22 Can you do that for me?

23 A I can.

24 Q Perfect. And we need to get a clear -- we

25 can get a better record if we don't interrupt each

Page 8

1 other. And that's probably going to be more difficult

2 for me. My brother likes to joke that the middle of

3 people's sentences always seem to interrupt the

4 beginning of my sentences, so I'll try to do my best

5 not to cut you off. But let's just try to keep it

6 separated and not interrupt each other.

7 And did you understand the oath that you were

8 administered by the court reporter?

9 A I did.

10 Q And you understand that you are testifying

11 under penalty of perjury?

12 A I do.

13 Q Perfect. And do you understand that your

14 testimony here has the same importance as if you were

15 testifying in court before a judge and jury?

16 A Yes, sir.

17 Q Okay. And you'll do your best to tell the

18 complete truth during the deposition, of course?

19 A Yes, sir.

20 Q And you don't need to call me sir. I'm just

21 an attorney.

22 If you don't understand or do not hear a

23 question, you should let me know, and I will try to

24 repeat or rephrase it.

25 Can you do that for me?

Page 9

1 A I can.
2 Q And if you do answer a question, I will
3 assume that you have understood it and that you are
4 giving me your best possible answer.
5 Is that fair?
6 A Yes, it is.
7 Q Okay. And if you don't know the answer to
8 the question, please do not guess or speculate. Just
9 say that you don't know. Okay?
10 A Okay.
11 Q Perfect. And it's possible, perhaps likely,
12 that as soon as I'm finished asking a question,
13 defendant's counsel will state an objection to my
14 question for the record. Unless counsel instructs you
15 not to answer, you may go ahead and answer that
16 question. Okay?
17 A Okay.
18 Q Perfect. Let's talk briefly about estimates.
19 So during the course of the deposition, especially in
20 a case like this, I may ask you for your best estimate
21 regarding something. I'm entitled to your best
22 estimate, your best recollection, but I'm not entitled
23 to have you guess or speculate, nor do I want you to
24 guess or speculate because that doesn't help anyone.
25 So the classic example of this is, if I were

Page 10

1 to ask you to estimate the length of the table you are
2 sitting at, you could probably do that, right? But if
3 I ask you the length of the table I am sitting at,
4 which you can't see because we're on Zoom, you'd have
5 to guess.
6 So you understand the difference between
7 estimates and guesses, right?
8 A I do.
9 Q Perfect. And some -- sorry, some obligatory
10 questions we have to ask about mental capacity.
11 Nothing here is intended to be personal or anything,
12 so I'm going to ask you a few questions about how
13 you're feeling today. I'm not trying to pry into your
14 medical history, but I do need to make sure for the
15 record that you are feeling well and up to testify
16 today.
17 Is that all right?
18 A It is.
19 Q Perfect. Are you feeling sick today?
20 A No.
21 Q Okay. Do you otherwise feel fine physically?
22 A Yes.
23 Q Did you take any medication today?
24 A No.
25 Q Have you had any alcohol today?

Page 11

1 A No.
2 Q Okay. Is there anything at all preventing
3 you from giving accurate testimony today?
4 A No.
5 Q Okay. And, finally, if you need a break,
6 just let me know and we will discuss taking a break.
7 If I've already asked a question, just please finish
8 your answer and then let me know you'd like a break.
9 That said, I do plan to call breaks every
10 hour or so. I hope not to keep us here for many
11 hours, but every hour or so until we're done with the
12 deposition we can take a break.
13 Okay. That's all we have for the
14 admonitions. Let's move into some more substantive
15 questions now. One second.
16 MR. MOROS: So I'm going to play with our new
17 software here for the first time for me, and I'm going
18 to reveal the first document to everyone. It's going
19 to be marked as [Exhibit 1](#). It is the notice of
20 deposition.
21 ([Exhibit 1](#) was marked for identification
22 and is attached hereto.)
23 BY MR. MOROS:
24 Q And let me know if everyone can see it.
25 A Mm-hmm.

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1 Q If you want to take a moment to scroll
2 through it real quick, you can. Let me know when
3 you're ready.
4 A I'm good.
5 Q Okay. Have you seen this document before
6 today?
7 A Yes, I saw it before today.
8 Q Okay. And what is your understanding of what
9 this case is about?
10 A My understanding is it's about the firearm
11 seizures pertaining to some search warrants that were
12 written at two different locations and the conditions
13 of those firearms prior to seizing and also in regards
14 to fees that the County charged for the firearms'
15 release.
16 Q And what is your understanding of why you
17 specifically are here today?
18 A I believe that I authored the first search
19 warrant and was present when the bulk of the firearms
20 were seized from the residence and transported and
21 booked at the sheriff's station.
22 Q Okay. In preparing for this deposition, did
23 you discuss this case with anyone else?
24 A No.
25 Q Did you review any documents in preparation

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1 for the deposition?
 2 A Yes.
 3 Q Which documents were those?
 4 A Sheriff's department first reports. So the
 5 initial criminal reports, the search warrant that I
 6 authored and two supplemental reports.
 7 Q Okay. And to your knowledge, have those all
 8 been produced to us in discovery?
 9 A Yes.
 10 Q Okay. Now we're going to do just a few
 11 background questions about you.
 12 What is your highest level of formal
 13 education?
 14 A Master's degree.
 15 Q What was your master's degree in?
 16 A Criminal justice and with -- yeah, criminal
 17 justice for the most part.
 18 Q And where did you study?
 19 A Both Arizona State University and University
 20 of Phoenix.
 21 Q Okay. And you already answered that one, so
 22 we can move on.
 23 Where did you attend the police academy?
 24 A For the L.A. County Sheriff's, I was in the
 25 north academy, which was up in the valley.

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1 Q And when was that?
 2 A That was 2000 -- I was hired September of
 3 2006.
 4 Q Okay. So you've been a police officer for, I
 5 guess, over 15 years now?
 6 A Correct.
 7 Q Okay. Did you have any formal education or
 8 training about firearms generally or -- let's start
 9 with that, firearms generally.
 10 A Yes.
 11 Q What training was that?
 12 A Prior to getting hired on the sheriff's
 13 department, I was in the United States Marine Corps.
 14 I was also responsible for armers, which pertains to
 15 firearms coming in and out of an armory. I was a
 16 heavy machine gunner and also operated in a long gun
 17 team. So I had formal training, range training,
 18 operating training, safety of firearms training.
 19 Pretty well versed in certain platforms that the
 20 military uses.
 21 Q Understood. So it's safe to say you know a
 22 thing or two about firearms. And thank you for your
 23 service, by the way.
 24 Have you had any training or education about
 25 firearms laws in California?

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1 A Yes.
 2 Q What training was that?
 3 A Getting hired on to the sheriff's department,
 4 we go through different law classes. And obviously
 5 going into patrol training, you're studying different
 6 laws that pertain to California, felons, possession of
 7 firearms, short-barreled rifles, things like that that
 8 we come across.
 9 Q What's your current job title with the
 10 sheriff's department?
 11 A I'm a sergeant with the Major Crimes Bureau.
 12 Q So you're now a sergeant. At the time back
 13 in 2018 when the relevant events of this case
 14 happened, were you also sergeant then, or did you hold
 15 a different position?
 16 A No, I was a deputy on a team out of Palmdale
 17 Sheriff's Station.
 18 Q Okay. Who is your current supervisor at the
 19 sheriff's department?
 20 A Current supervisor would be Lieutenant
 21 Alex Ilanets (ph).
 22 Q And who was your supervisor back in 2018?
 23 And, by the way, just for the record, when I say back
 24 in 2018, I know that's a whole year, but I'm referring
 25 to the time of the events in this case specifically.

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1 A Understood. My sergeant at that time was
 2 Allen Dollens.
 3 Q And what was his title? I'm sorry, I didn't
 4 catch that.
 5 A He was a sergeant.
 6 Q Sergeant. Thank you.
 7 So in your current position with the
 8 sheriff's department, what are your day-to-day
 9 responsibilities?
 10 A So with the Major Crimes Bureau I work a --
 11 it's called a SAT team. It's a surveillance and
 12 apprehension team. So we conduct surveillance and
 13 apprehension of specific suspects that the County
 14 wants us to go after as far as homicide, serial bank
 15 robbers, anything that kind of exceeds what a station
 16 team or an accounting team can do.
 17 Q Understood. And back in 2018, as a deputy,
 18 were your duties similar? What were your duties back
 19 then? Responsibilities, I should say.
 20 A At that time, I was on -- it's called a PAC
 21 team. That's P-A-C. It stands for Partners Against
 22 Crime. We were a city-funded team. So the items were
 23 paid for by the city to address different things that
 24 may arise, crime trends, things like that. So kind of
 25 specifically tasked to combat whatever rising crime

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1 trends were happening in the city at that time.
 2 Q So it wasn't specifically like a gun seizure
 3 unit. It was whatever you had to deal with in a given
 4 day, essentially?
 5 A Correct.
 6 Q Okay. Have you ever been employed in any
 7 other capacity with the sheriff's department?
 8 A No.
 9 Q So you've been a deputy and a sergeant and
 10 that's it?
 11 A I was a deputy and then a -- structure-wise,
 12 I was a deputy and then a detective and then promoted
 13 to sergeant in patrol and then went to Major Crimes.
 14 Q Understood. And to your knowledge, have you
 15 ever been the subject of an Internal Affairs
 16 investigation during your employment with the
 17 sheriff's department?
 18 MS. LOGAN: I'm going to object to that
 19 question in that it violates the deputy's right of
 20 privacy. It constitutes official information, and
 21 it's overly broad, and it's irrelevant to the subject
 22 matter in this case. And I'm going to instruct him
 23 not to answer.
 24 BY MR. MOROS:
 25 Q Have you ever been placed on leave for any

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1 period of time during your employment with the
 2 sheriff's department?
 3 MS. LOGAN: Counsel, are we talking medical
 4 leave, or are we talking disciplinary leave?
 5 BY MR. MOROS:
 6 Q When you've been placed on leave, that would
 7 be disciplinary leave.
 8 MS. LOGAN: I'm going to also object to that
 9 question on the same grounds and instruct the witness
 10 not to answer.
 11 BY MR. MOROS:
 12 Q Okay. And just for -- we might get the same
 13 instruction, but just for the record, have you ever
 14 received a formal reprimand from a superior during
 15 your employment with the sheriff's department?
 16 MS. LOGAN: I'm going to object to that
 17 question on the same grounds and instruct the witness
 18 not to answer.
 19 MR. MOROS: Understood.
 20 BY MR. MOROS:
 21 Q To your knowledge, has anyone lodged a
 22 complaint with the department about you during your
 23 employment with the sheriff's department?
 24 MS. LOGAN: I'm going to object to that
 25 question on the same grounds and instruct the witness

Page 19

1 not to answer.
 2 MR. MOROS: Understood.
 3 BY MR. MOROS:
 4 Q With the exception of this lawsuit, have you
 5 ever been sued as a result of your employment with the
 6 sheriff's department?
 7 A So there was one other lawsuit, I want to
 8 say, in 2016 or '17 while I was working that same
 9 team. It named myself and I think 20 other deputies.
 10 I don't know the outcome of that. I know initially
 11 there was a lawsuit that they were suing the County
 12 and, like I said, named, you know, 20-plus deputies in
 13 that. I know I was named in that, but I don't know
 14 the outcome of what happened.
 15 Q Okay. Did you have an employment history
 16 before the sheriff's department? I know you said you
 17 were in the military, but before that?
 18 MS. LOGAN: I'm going to object to that
 19 question as irrelevant, especially given the fact that
 20 he's been on the department for 15 years. It's kind
 21 of outside the scope, but I am not going to instruct
 22 the witness not to answer.
 23 You can answer.
 24 THE WITNESS: I think, if I remember right, I
 25 worked at Blockbuster for a little while and then had

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1 some, like, odds-and-end summer jobs as a teenager
 2 before going in the military.
 3 BY MR. MOROS:
 4 Q Again, just for background purposes, when you
 5 left the military, were you honorably discharged?
 6 A I was.
 7 MR. MOROS: Perfect. Okay.
 8 All right. Let's move on to the next exhibit
 9 here. I'm going to mark it as [Exhibit 2](#). It is your
 10 responses to the requests for admissions we had sent.
 11 ([Exhibit 2](#) was marked for identification
 12 and is attached hereto.)
 13 BY MR. MOROS:
 14 Q And if you want to go ahead and take a moment
 15 to skim through these, I'm not going to ask detailed
 16 questions about these, so you don't need to read --
 17 you can read through it in detail, but just know I'm
 18 not going to ask about specific responses right now.
 19 A I'm good, sir.
 20 Q Okay. So have you seen this document before
 21 today?
 22 A Yes.
 23 Q Okay. Did you draft the responses to these
 24 admissions?
 25 A Yes.

Page 21

1 Q Okay. Did you have any assistance in
 2 drafting these responses?
 3 A No. Well, I didn't physically type them, if
 4 that's what --
 5 Q Right. Well, yes. And when I say
 6 "assistance," I mean besides your attorney, of course.
 7 We're not asking for privileged information.
 8 A Gotcha.
 9 Q Did you review any documents in preparing
 10 your responses to these requests for admissions?
 11 A Prior to my first contact, I think I only
 12 looked at my original search warrant.
 13 Q Okay. And did you verify the responses to
 14 these admissions for truth and accuracy? And is it
 15 your signature here we see -- well, it's not your
 16 signature. It's your attorney's signature.
 17 But did you verify these admissions for truth
 18 and accuracy?
 19 A I did.
 20 MR. MOROS: Thanks. All right.
 21 Let's move on to [Exhibit 3](#). Same idea. This
 22 one is your response to the special interrogatories.
 23 ([Exhibit 3](#) was marked for identification
 24 and is attached hereto.)
 25 ///

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1 BY MR. MOROS:
 2 Q And sharing now.
 3 A Good, sir.
 4 Q All right. So if you go to -- well, first of
 5 all, are you familiar with this document? Have you
 6 seen it before?
 7 A Yes, I am.
 8 Q Okay. And like the last set of questions,
 9 did you personally draft the responses to these?
 10 A Yes.
 11 Q Did you review any documents in preparing the
 12 responses to these interrogatories?
 13 A Yes.
 14 Q Okay. And what documents were those?
 15 A Again, I believe it was my original search
 16 warrant that I read.
 17 Q Understood. And did you verify these
 18 responses for truth and accuracy, and is that your
 19 signature on the final page?
 20 A Yes, it is.
 21 Q Okay. Perfect. I'm not sure why the
 22 verification wasn't attached to the other one, but
 23 that's okay. That was probably our bad.
 24 MR. MOROS: All right. The final one here,
 25 although we can go quicker on this one because it's

Page 23

1 just document production. Revealing it now. That's
 2 [Exhibit 4](#).
 3 ([Exhibit 4](#) was marked for identification
 4 and is attached hereto.)
 5 THE WITNESS: I'm good.
 6 BY MR. MOROS:
 7 Q All right. And have you seen this document
 8 before?
 9 A Yes.
 10 Q All right. And did you personally gather up
 11 documents to respond to these requests?
 12 A Yes.
 13 Q Okay. All right. We can move on from those
 14 for now.
 15 So during your employment with the sheriff's
 16 department, have you ever applied for a search
 17 warrant?
 18 A Yes.
 19 Q Okay. And over the course of your career,
 20 can you recall how many search warrants you've applied
 21 for?
 22 A I would say somewhere between 100 and 200,
 23 maybe.
 24 Q 100 and 200. Okay.
 25 And during your career with the sheriff's

Page 24

1 department, have you ever taken part in the execution
 2 of a search warrant?
 3 A Yes.
 4 Q Does that happen on every search warrant you
 5 apply for or just some of them?
 6 A No, I would say the vast majority of search
 7 warrants that I write, that I physically authored, I
 8 am going to partake in, but there are some that I
 9 wrote the search warrant for another team or, you
 10 know, came in in the middle of the night to write it
 11 for a patrol element or something like that. So there
 12 are some instances where I authored a search warrant
 13 but did not partake on the entry or the search.
 14 Q So would it be fair to say, to the best of
 15 your recollection, that if you authored 100 to 200
 16 search warrants, whatever that -- I know that's a wide
 17 range of an estimate, but whatever the actual number
 18 is, a majority of those search warrants were ones you
 19 were also involved with the execution on?
 20 A Yes, that's fair to say.
 21 Q Okay. How many of these warrants pertain to
 22 firearms specifically? And what I mean by that is --
 23 let me clarify so we're clear.
 24 When I say firearms, specifically I mean the
 25 purpose of the warrant was suspected illegal firearms.

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1 I don't so much mean where you go for another reason
2 and you incidentally find illegal firearms.
3 Does that make sense?
4 A Yes. I've probably been on at least 200
5 search warrants where it was for felony possession of
6 a firearm, illegal possession of firearms, ammunition,
7 stuff like that, between myself and the different
8 teams I work and the amount of search warrants that
9 the teams write.
10 Q Understood. So you've been on 200 -- oh, but
11 earlier you were talking about warrants that you
12 prepared. So you've executed more warrants -- you've
13 helped execute more warrants than you've prepared; is
14 that correct?
15 A Correct.
16 Q Okay. How many times, roughly, have you
17 executed a warrant? Because I'm trying to get into
18 that distinction. Estimates are fine.
19 A I would say probably between 3- and 400
20 search warrants.
21 Q All right. So can you explain to me the
22 process the sheriff's department officers like you go
23 through in order to obtain a search warrant? I'm kind
24 of interested to know from start to finish all the
25 steps it takes to obtain a warrant.

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1 And I don't need you to be here for half an
2 hour laying everything out, but just a basic step by
3 step on what needs to happen for a warrant to be
4 issued.
5 A Like the warrant process as far as how the
6 warrant's laid out? Is that what you're asking?
7 Q Yeah. So let's say you want to investigate
8 someone for suspected illegal firearms.
9 How would you go from a probable cause that
10 you might have to getting a warrant?
11 A Right. So obviously every case is different.
12 But in a standard case, if we get -- if I were to get
13 information that somebody is a convicted felon and has
14 a firearm, we would start using different databases to
15 look at. Do they have any firearms registered to
16 them? If they have any firearms registered to them,
17 begin documenting what those firearms are, when they
18 were purchased, things like that.
19 We would start looking at -- or I would start
20 looking at their criminal history to determine whether
21 or not they in fact have a conviction of a felony.
22 Sometimes depending on if it's not clear, we would go
23 so far as to pull the court minutes and see what was
24 discussed in court and what was told to the defendant
25 at the time to make sure that that is actually in fact

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1 a felony conviction.
2 Once that takes place, if it's a residence
3 that we're going to be looking at as far as a search
4 warrant, surveillance is usually conducted at that
5 house to determine whether in fact the target or the
6 suspect we're looking at lives there.
7 So surveillance would be done, documented,
8 and then information would start to get gathered on
9 the house as far as pulling records, who is on title
10 for the house, vehicles that are there, running the
11 vehicles, figuring out who the registered owners are,
12 and then piecing that together for your statement of
13 probable cause linking the person to the firearms and
14 then why we believe that the crime of whatever crime
15 we're investigating is being committed at that house
16 and why we believe evidence is located within the
17 house that we need to seize.
18 Q Okay. Jumping back to the start of the
19 process real quick, where did these leads come from?
20 So where do you first find out -- and I'm sure there's
21 multiple answers to this, but where do you typically
22 come to know that someone is in possession of illegal
23 firearms? Is it the DOJ? Is it tips from informants?
24 Where do these usually come from?
25 A So I don't think there's any one specific

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1 avenue that I can say they come from here because --
2 Q Okay.
3 A -- they come from -- like you said, they come
4 from all over the place. People walk into the station
5 and give information. Some of them are actual CRIs,
6 confidential reliable informants. Some of them are
7 just CIs, citizen informants. Some of them are
8 neighbors on calls that say things. Oftentimes it's
9 other deputies that receive information on a call for
10 service or -- you know, DOJ would probably be the
11 least -- when you said the DOJ, I don't know how many
12 instances where they give information to us to write
13 search warrants.
14 Q The reason I brought up DOJ was because I
15 know they keep an armed prohibited person list, and I
16 don't know if they would refer those cases out to you
17 or if they just handle them themselves.
18 A Gotcha. Yeah. So there's an array of
19 different avenues and conduits where information comes
20 in. Each station has, like, a tipster line where it
21 can be called in or emailed in. Crime Stoppers.
22 There's dozens of different ways information comes in
23 and gets processed through investigators.
24 Q Understood. Okay. So are you aware of any
25 sheriff's department policies about the execution of

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1 search warrants?
2 A Yes.
3 Q Okay. And did you receive a manual that
4 explained these steps when you first started?
5 A I don't think I received a manual. I think
6 as you kind of get experience in the sheriff's
7 department and on different teams, you start seeing
8 kind of how search warrants are executed, and then you
9 start learning the policies of search warrants,
10 because search warrants aren't typically what somebody
11 with two years in patrol is going to be dealing with.
12 Usually that's team or something like that.
13 So at some point earlier in my career, we
14 started getting briefed on what the policies are
15 pertaining to search warrants, what needs to happen on
16 the department side of it with different documentation
17 and administration stuff before executing the actual
18 search warrant.
19 Q Understood. Okay. So is there formal
20 training on search warrants, or is it kind of like an
21 apprentice system where you learn as you -- as it
22 becomes relevant to you?
23 A There's formal training for search warrants.
24 Q Okay. But that doesn't come when you first
25 start with the force; it comes, again, once you

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1 actually become responsible for these sorts of things?
2 A Correct.
3 Q Do you recall when you received this
4 training, around what year it was?
5 A So I actually went to the search warrant
6 class, I believe, three times.
7 Q Okay.
8 A I went with -- I think the first time I ever
9 went was in 2010. And then I believe when I was
10 working a gang team, I went again when they had an
11 opening. And then I went, I believe, in 2014 a third
12 time when they had an opening, and it was a vacancy.
13 A partner I had at the time was going, and I told him
14 I would absolutely go just to get refreshed on
15 anything, because search warrants are kind of ever
16 evolving when it comes to electronic stuff, so it's
17 always good to stay abreast on what's going on.
18 So I've actually been to that formal training
19 the department puts on at least two times, I think,
20 three.
21 Q And you do that, just like you said, to keep
22 up to date with the evolving field and the law?
23 A Correct.
24 Q Okay. Understood. Are you familiar with
25 Manuel or sometimes known as Manny Fernandez, the

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1 husband of plaintiff, Patricia Fernandez?
2 A Yes.
3 Q When did you first become aware of
4 Mr. Fernandez?
5 A So sometime prior to that search warrant
6 being authored, I believe it was a family member or
7 some kind of loose family member came into the station
8 and reported that Manny had an unknown number of
9 firearms. He wasn't specific. I remember it being
10 just that he had a lot of firearms registered to him.
11 He came in and gave that tip to the station.
12 And I want to say he -- he called a few
13 different tip lines because as the investigation
14 unfolded, it became pretty evident that there were
15 other entities that were also notified of the same
16 information that I was.
17 Q Understood. And you don't remember exactly
18 who this person was?
19 A I don't remember his name. It was either a
20 cousin or -- it was some kind of family relative that
21 gave the initial tip.
22 Q And as you referenced, you are aware that
23 Mr. Fernandez's property was the subject of the search
24 conducted by the California Department of Justice in
25 partnership with members of your sheriff's department;

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1 is that correct?
2 A Correct.
3 Q What was DOJ's involvement in this case? Did
4 it start with them or did it start with the sheriff's
5 department?
6 A So as far as my initial search warrant, it
7 started with myself and the information that came into
8 Palmdale. Once -- one of the processes I didn't talk
9 about in the search warrants that I forgot to mention
10 is LA Clearinghouse, which is essentially a huge
11 network that link investigators and people together.
12 So -- to avoid any kind of blue-on-blue conflict.
13 So when I got the information about
14 Manny Fernandez, I put the physical address that we
15 were looking at into LA CLEAR. Once I did that, I
16 got -- I received a phone call from a member of DOJ
17 saying that they were looking at also the same
18 information.
19 Q Understood. Now, was DOJ involved in all the
20 executions of the search warrants or just some of
21 them? Because I know there were multiple searches,
22 which we'll get to.
23 A I think they were only involved -- I know
24 they were involved with a couple of them. I don't
25 know if they were involved in every one.

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1 Q Okay. So were you present at all of the
2 searches? I believe there were three or four in
3 total. Maybe you can clarify that, actually.
4 How many searches were there that you are
5 aware of?
6 A On the original date, I was there for both
7 search warrants at Manny Fernandez's house and then
8 the one on Sweetwater.
9 Q Okay. And were you there on any subsequent
10 search warrant executions?
11 A I don't believe so.
12 Q Okay. For the search warrant -- for the
13 executions you were present at, do you recall whether
14 any other sheriff's department officers were present?
15 I assume they were if you were there.
16 A Yeah, there was other deputies there as well.
17 Yes.
18 Q Okay. Who was there, if you can list them to
19 the best of your memory?
20 MS. LOGAN: Counsel, can you clarify -- since
21 he was involved in three searches, can you clarify
22 which one --
23 MR. MOROS: I'm sorry. That's fair. That's
24 fair.
25 ///

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1 BY MR. MOROS:
2 Q Let's start with the first search, which I
3 believe was on June 14th, 2018.
4 A I don't know -- can I look at that report?
5 There was, I think, 10 or 12 different deputies there
6 that were listed in Dingman's report. I'm trying to
7 remember who was on the team at that time. I know
8 Chris May, Murray Jacob, myself. I think George
9 Hanley was there. Obviously, our sergeant,
10 Al Dollens, Nate Grimes, Cesar Vilanova. I'm trying
11 to remember who else --
12 Q You -- sorry to interrupt you there. Sorry.
13 Did you have any more names you wanted to
14 list before I interrupted you?
15 A There was probably 20 different deputies
16 there. I don't remember which ones specifically. It
17 was compiled of two different teams. It was my team
18 that I was on at the time, and then the summer violent
19 crime suppression team that I think is six deputies
20 and a sergeant or five deputies and a sergeant. They
21 were also there, but I don't remember exactly
22 specifically which ones. I know there was a lot.
23 Q Understood. You referenced a report that
24 would have listed all these names. What report were
25 you referring to?

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1 A So Kyle Dingman and Cesar Vilanova's first
2 report, the sheriff's former report, I know listed
3 team members that were there at the time.
4 Q Understood. Okay. So you would consider
5 that likely to be an accurate reflection of who was
6 there that day?
7 A Yes.
8 Q Okay. What was your role in the actual
9 seizure? We're going to get to the warrant in a
10 minute, but in the June 14 seizure, were you leading
11 on that? I shouldn't say seizure. I should say the
12 execution of the search warrant.
13 Were you leading on that, or what was your
14 specific role?
15 A Yeah, I was the lead or the IO, the
16 investigating officer, on that original search
17 warrant.
18 Q Okay. And what duties does an investigating
19 officer involve after -- what does that involve after
20 the search warrant has been signed by a judge?
21 A So after the search warrant is signed, the
22 IO's typically going to determine date, time of the
23 actual execution of the search warrant. We'll come up
24 with the tactical plan as far as how that house is
25 going to be addressed, and then we'll typically

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1 dictate who's going to search what rooms and have some
2 form of documentation on who searched what rooms.
3 And on normal circumstances when -- let's
4 just say one gun is recovered. Whoever searched that
5 room would notify me as the IO, "Hey, Wyatt, we found
6 a firearm in here." I would go in there and
7 photograph it, and that way I can document on the
8 first report where that firearm was found and
9 recovered from.
10 And then from the actual location itself, we
11 would transport the evidence and/or suspects back to
12 the station and begin the booking process of both the
13 suspects and the firearm.
14 Q So as to the June 14th, the very first
15 warrant execution at the Fernandez residence, I
16 believe it was, do you have any recollection of who
17 you encountered once you made -- actually, let me back
18 up. Sorry. Strike that.
19 You arrive at the Fernandez residence. Was
20 this a forceable entry or did you knock on the door?
21 What happened that day?
22 A Yeah, we did not have to force entry on that
23 first one. Ana Fernandez and some other family
24 members and Manuel, they were home, so the door was
25 opened. I remember Ana Fernandez being brought

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1 outside, and was explaining that we had a search
2 warrant for the house and that obviously we didn't
3 want to force entry. So we knocked on the door; she
4 came to the door. And we had everybody from the house
5 step out and then began to clear the location to make
6 sure there's no additional people inside, and then
7 executed the actual search.

8 Q So as far as search warrant executions go,
9 this one went relatively smoothly, it sounds like?

10 A Yeah, the initial entry portion was rather
11 smooth.

12 Q Okay. Good.

13 Do you recall whether -- I think you
14 mentioned it, but do you recall whether Mr. Fernandez
15 was in the house at the time of the search?

16 A Yes, I believe he was upstairs, if I remember
17 correctly.

18 Q Understood. And do you have any
19 recollection, vague or otherwise, what types of items
20 you found during the execution of the search?

21 A Yes. So there was -- I don't know the total
22 number, but somewhere close to 500 firearms,
23 ammunition, magazines, gun parts, things like that,
24 that were found in the house in different locations.

25 Q Okay. And when you say different locations,

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1 where on the property were you finding these firearms
2 and, I'll call them, firearm-related items?

3 A So upon entry into the house, they had a -- I
4 remember a hallway off to the left. Immediately upon
5 entering the house, to clear it, there were -- and I
6 don't remember if they were complete rifles or just
7 upper receiver parts for rifles, but you could see
8 evidence that there was firearms in the house.

9 The subsequent search that took place, there
10 were firearms found in the majority of the rooms and a
11 lot of firearms -- excuse me, a lot of firearms found
12 in the garage. I don't remember exactly which ones
13 were found where just because of the hoarder-type
14 conditions that the garage and some of the rooms were
15 in. Some of the rooms were rather kept nice and
16 pretty orderly, but there was a handful of rooms in
17 there that were just stacked with different things,
18 clothes, trash, furniture, you know, just five,
19 six feet piled high with stuff.

20 Q And were the firearms predominant -- where --
21 were they in what you call the nice rooms or the ones
22 you described as hoarder-like conditions?

23 A The vast majority were in the rooms that I
24 described as hoarder-like conditions.

25 Q And how were they stored within those rooms?

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1 Were they in cases or --

2 A They were just kind of thrown into different
3 piles. If you can imagine a five-foot pile of just
4 stuff, because I don't want to describe it as trash.
5 There wasn't a lot of, like, actual physical trash,
6 but just stuff, you know, household stuff.

7 As you would uncover one layer of stuff,
8 there would be a firearm there. And as you kept
9 uncovering more layers, you would come across more
10 firearms. There was also like 20-gallon or 25-gallon
11 Rubbermaid trash cans that were in the garage that
12 there was dozens of long guns and parts and stuff like
13 that stacked inside of those trash cans.

14 Q And I assume all of these items -- all the
15 firearms and firearm-related items were seized by the
16 department; is that correct?

17 A No, that's not correct.

18 Q Not correct. Okay.

19 So what was seized and what wasn't?

20 A So the initial search, we seized what we
21 thought were all the firearms. There was subsequent
22 search warrants written to that location because the
23 original -- I believe the number was 42 -- the
24 original 42 firearms that we were looking for were not
25 all found, so there were subsequent search warrants

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1 written there.

2 I believe DOJ wrote a subsequent search
3 warrant and seized some property as well. I believe
4 Detective Roth at the time wrote a search warrant and
5 seized some computers and other things like that.
6 Like I said, the first search warrant we thought we
7 got everything, but it would be nearly impossible
8 unless we took every piece of item out of the garage
9 and these rooms and emptied them out to find the
10 different firearms because they were mixed in
11 everywhere.

12 Q Now, of the items you seized on June 14, the
13 first seizure, which agency took possession there?
14 Was it Los Angeles Sheriff's or was it Department of
15 Justice or someone else entirely?

16 A LA County Sheriff's out of Palmdale Sheriff's
17 Station took the -- did firearms seizures and parts.

18 Q Understood. And during the DOJ -- not the
19 DOJ search, sorry.

20 During the June 14 initial warrant execution,
21 did you take any statement from Mr. Fernandez?

22 A I spoke to him. I didn't take a formal
23 statement, but I did speak to him at some point into
24 the search warrant realizing how many guns there were.

25 I went and talked to him and asked him kind

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1 of why so many guns and different parts, and he had
2 conveyed that -- I don't remember if his words were he
3 was a collector or investor, but essentially that he
4 just had a lot of guns. I remember there being some
5 kind of monetary value to it, whether it was investor
6 or collector, because I asked him -- I said, Well, why
7 are they just thrown about the house? Like, why don't
8 you have them in, like, a storage unit or, you know, a
9 big box safe or something like that? And he didn't
10 have an answer for it.
11 Q Okay. And did you talk to Mrs. Fernandez?
12 A I remember talking to her for a brief moment,
13 but I don't remember what we talked about. I don't
14 think it was anything pertinent to the case. I know a
15 couple other deputies talked to her about the house
16 and other firearms being present and things like that,
17 but I don't remember specific conversations that I had
18 with her at that time.
19 I did go back to the house later that night
20 to drop off some items that were not going to be
21 seized, and I spoke to her at that time in her
22 doorway.
23 Q Okay. And what did you talk about during
24 that conversation?
25 A I actually apologized to her for kind of

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1 everything that was going on. I'm sure it was a
2 whirlwind for her, so I remember talking to her and
3 just, you know, telling her, Hey, we're sorry that
4 this kind of came about the way that it did. She
5 didn't seem to have any knowledge of kind of how all
6 this was playing out.
7 I explained to her a couple of the items that
8 we seized initially that were going to be given back
9 to her and that she could take those back. I remember
10 asking -- she asked me where Manny was at, and I
11 explained to her that he was at the Palmdale Sheriff's
12 Station and that she could arrange a time to go up
13 there and see him.
14 Q Okay. Did you speak that day to any other
15 witnesses on the scene? Not, you know, law
16 enforcement, but any witnesses there besides
17 Mr. Fernandez or Mrs. Fernandez?
18 A I don't believe so, no.
19 Q So just to clarify -- I'm sorry if I asked
20 this before. To your knowledge, how many searches of
21 the property, Mr. Fernandez's property -- I know
22 there's another one we're going to talk about -- how
23 many searches did the sheriff's department carry out?
24 A I think three.
25 Q Three.

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1 A I can't be a hundred percent on that. It was
2 either two or three that they did at Manny's house.
3 Q Okay. And did the DOJ ever do a search that
4 you're aware of on their own without the sheriff's
5 department present?
6 A I believe so, yes.
7 Q And do you know when that was?
8 A I don't.
9 Q Okay. And you weren't present at that one
10 either?
11 A No.
12 Q Okay. So were there any other searches
13 conducted for -- and I believe you alluded to this
14 earlier. Were there any other searches conducted for
15 Mr. Fernandez's firearms that weren't at his
16 residence?
17 A Yes.
18 Q Okay. And where were those searches?
19 A I don't remember the numerical address on it,
20 but I believe the street name was Sweetwater. It was
21 within a couple blocks of Manny's house.
22 Q Did Mr. Fernandez own that Sweetwater
23 address?
24 A I don't believe so, no.
25 Q And did you search anywhere else for the

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1 firearms besides the Sweetwater location?
2 A I don't think so, no.
3 Q Okay. And for these -- for the sheriff's
4 department searches, the June 14th one in particular,
5 do you recall who applied for the search warrant?
6 A So the initial search warrant, I did. It was
7 my search.
8 Q And do you recall what the scope of the
9 search warrant was?
10 A It was the initial -- the 42 firearms that
11 were still registered to Manny Fernandez based on the
12 conviction that he had, the previous felony
13 conviction, and that we believed that those firearms
14 were never surrendered or transferred. They were
15 still in his name.
16 Q Understood. And were there any other items
17 sought besides those 42 firearms in the original
18 search warrant?
19 A I don't believe so, no.
20 Q Okay. And do you remember -- we've been
21 referring to the June 14th date. That was the date
22 the search warrant was executed, correct, June 14th,
23 2018?
24 A Correct.
25 Q Okay. So I'm going to go ahead and introduce

Page 45

1 [Exhibit 5](#), which is that search warrant.
2 A Dominion control, we did ask for that. On
3 the search warrant, we asked for dominion control and
4 items to show that Manny Fernandez lived at that
5 location.
6 Q Can you describe what that phrase means,
7 "Dominion Control"? I'm sorry, I don't think I've
8 heard that one before.
9 A Yeah. It's the things that would typically
10 show that a person is living at a residence, whether
11 that's identification, bills, utility bills, things
12 that come in the mail that people commonly leave in
13 their house that we could show and prove in court that
14 they would believe this person is living here because
15 they have an Edison bill coming here in their name,
16 things like that.
17 Q Oh, so it's -- you know, because I suppose in
18 some situations, someone may own a property but be
19 renting it out or --
20 A Correct.
21 (Simultaneous speakers.)
22 BY MR. MOROS:
23 Q So you need to show them that they live
24 there. Understood.
25 ///

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1 ([Exhibit 5](#) was marked for identification
2 and is attached hereto.)
3 BY MR. MOROS:
4 Q Okay. So marking as [Exhibit 5](#), as I said,
5 the search warrant. And if you want to take a moment
6 to scroll through it. You don't need to read it in
7 detail. If I ask any questions specifically, I'll let
8 you read those sections again before you answer. I
9 just want to confirm that this is the correct -- yeah.
10 A Yes, this is the search warrant I authored.
11 Q Okay. And so you've obviously seen this
12 document before?
13 A Correct.
14 Q And that's your signature on page 1 about a
15 third of the way down the page?
16 A It is.
17 Q Perfect. Okay.
18 A Actually, no. I'm sorry. So all the way at
19 the bottom, that's the judge's signature, and at the
20 top, after that first paragraph under "affidavit,"
21 that's my signature.
22 Q Right. Right. Yeah, a third of the way down
23 the page. Got it.
24 A Yeah, sorry.
25 Q No. No. You're fine. You're fine.

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1 So you talked about how there were as many as
2 500 firearms seized from the Fernandez residence.
3 Is this the largest seizure of firearms
4 you've ever been a part of in your career?
5 A Yes, it is.
6 Q Okay. What would you say, estimate, is
7 second place?
8 A I'm sorry. I'm thinking the different sort
9 of --
10 Q No. No. Please take your time. Please take
11 your time.
12 A I would say somewhere close to 15.
13 Q Fifteen. So the Fernandez seizure was
14 somewhere around 500, and the next largest seizure of
15 firearms was 15?
16 A Correct.
17 Q Okay. And how many -- sorry. Let me back
18 up.
19 That seizure of 15 firearms, was that one you
20 executed a warrant specifically to recover suspected
21 felon in possession of firearms, or was it incidental,
22 if you recall?
23 A Yeah, that was specifically a gang member for
24 a -- one AK-47 we believed at the house. And then I
25 ended up writing two subsequent search warrants for

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1 storage units and other things, and I think we found
2 somewhere between 10 and 15 guns between the house and
3 the storage units.
4 Q What would you say -- when you execute a
5 search warrant to recover firearms from someone who
6 legally shouldn't have them, what is the typical
7 amount of firearms you recover in a seizure like that?
8 A I don't know -- I don't know how many search
9 warrants I've done. I haven't done a ton, maybe less
10 than ten, of somebody that has a firearm registered to
11 them that they have not surrendered. It's typically
12 not a typical case that comes into the sheriff's
13 department.
14 Q Let me broaden the scope, then.
15 Even incidental firearms seizure where you go
16 somewhere and you happen to recover illegal -- seize
17 illegally owned firearms, what's a typical amount of
18 firearms seized? Is it one to five? Five to ten?
19 You can give a range. I'm just looking for a general
20 estimate here.
21 A Sure. I would say one to five.
22 Q Okay. So during the seizure at the Fernandez
23 residence, again, the June 14th one unless I say
24 otherwise, did you personally handle any of the
25 firearms seized by DOJ during that search?

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1 A Did I personally handle -- I don't think I
2 understood that. That the DOJ handled?
3 Q I apologize. I meant to say the sheriff's
4 department.
5 Did you personally handle any of the firearms
6 at the June 14th seizure?
7 A Yes, I handled several.
8 Q Okay. And do you remember what you did with
9 them?
10 A So the initial -- I remember handling some of
11 the firearms. I can give a best estimation of five to
12 ten firearms in the initial hallway. I remember
13 passing them over -- we were trying to figure out a
14 way, due to how many firearms we could see in the
15 open. And then based on the conditions in the house,
16 we kind of had the assumption of, hey, there's
17 probably going to be a lot in this house. So we
18 started trying to get the best game plan that we could
19 to start cataloging and processing these firearms,
20 because even though, you know, there may be 4- or 500
21 firearms, we're still initially looking for the 42
22 that are registered. So that is something that we
23 have to now start going through.
24 So I remember passing firearms back to other
25 deputies who were starting to write down serial

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1 numbers, makes, models, those types of things. And
2 then in one of the other rooms inside the house, I
3 probably handled 20 or 30 firearms in there doing the
4 same thing.
5 And then from the garage, just going through
6 stacks of stuff and recovering firearms and then
7 passing them out to other deputies who were delegated
8 with different tasks to start identifying those
9 firearms and also loading them into -- at the time, we
10 had a truck and some patrol cars that we were loading
11 them into trunks and back seats.
12 Q So do you know what happened to the firearms
13 as a result of this search?
14 A Yeah. Initially they were all booked at
15 Palmdale Sheriff's Station.
16 Q How long did it take to book all these
17 firearms?
18 A It's hard to give an estimate because it was
19 weeks of processing and getting it done.
20 Q Okay. So -- and we'll get into more details
21 about booking in a bit, but you would say it was
22 weeks.
23 How many people were involved in this?
24 A So we had the majority of the team that I was
25 on, I would say at least five or six deputies that

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1 were with the -- the evidence custodian trying to help
2 her go through all these. The initial night of the
3 search after the search warrant, there was probably 10
4 or 15 deputies that were trying to help organize and
5 catalog all the firearms to make it a little bit -- to
6 try to make it faster going into the evidence process.
7 But over the course of those couple weeks,
8 there was probably three or four different deputies
9 helping out the evidence custodian with whatever she
10 needed as far as fixing everything and getting it
11 properly booked.
12 Q And you said the firearms were all taken to
13 the same location initially?
14 A They were.
15 Q What location was that again? I'm sorry.
16 A It's the Palmdale Sheriff's Station.
17 L.A. County Sheriff's Station out of Palmdale,
18 750 East Avenue Q, as in queen.
19 Q Did you personally transport them to the
20 Palmdale station?
21 A I transported some of them, but I was in the
22 convoy -- when I say convoy, there was multiple
23 vehicles including a sheriff's department truck, a
24 green truck, that was transporting hundreds of
25 firearms.

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1 So obviously, we had patrol cars in front and
2 behind that vehicle to ensure nothing happens to one
3 of them, they fall off the truck and wind up in
4 somebody's hands. So I was in the convoy that
5 transported them all, yes.
6 Q Did this convoy make any pit stops anywhere,
7 or did it go straight to the Palmdale Sheriff's
8 Station?
9 A Straight to the station.
10 Q How far of a drive was it from the Fernandez
11 residence to the station, estimate?
12 A Estimate, 15 to 20 minutes.
13 Q Okay. So how many vehicles were part of this
14 what you called a convoy?
15 A This would, again, be an estimate. I would
16 say between five and eight.
17 Q Five and eight. Okay.
18 And what sort of -- you mentioned a truck.
19 What other sorts of vehicles were used to transport
20 these firearms?
21 A So I know that the green truck had the
22 majority of firearms. Like I said, a couple hundred.
23 And then we were out of room, so we were using the
24 back seats and the trunks of different L.A. County
25 patrol vehicles.

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1 MR. MOROS: Okay. Counsel, do you mind if we
2 take a five- to ten-minute break just to use the
3 restroom? Is that all right?
4 MS. LOGAN: All right.
5 MR. MOROS: All right. So go ahead and mute,
6 and we'll go off the record and be back here in ten
7 minutes. Thanks.
8 (Recess.)
9 BY MR. MOROS:
10 Q Back on the record.
11 Sergeant, earlier you testified that there
12 were two searches of the Fernandez residence, I
13 believe; is that correct?
14 A Yes. Either two or three.
15 Q Two or three. Okay.
16 When you say "different searches," are the
17 searches differentiated by their date or by each
18 individual time the department went back to the
19 residence?
20 A I think both. I want to say that there were
21 subsequent searches done by the sheriff's department
22 on different days back at that house and then another
23 one done by DOJ on a different date back at the same
24 house.
25 Q So as to -- you said there were two or three.

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1 Let's assume for a second there were just two because
2 if you're not certain about it, I don't want to assume
3 there was a third by the sheriff's department.
4 As to the second search of the Fernandez
5 property, did you do that search warrant as well or
6 was it someone else?
7 A I did not write any other search warrants to
8 that house. I'm not sure -- I think Detective Roth,
9 if I remember correctly, wrote a search warrant to the
10 house more pertaining to, I think, electronics and
11 things like that, going down a different avenue of
12 investigation.
13 But, no, I did not write any other search
14 warrants to that house.
15 Q So besides the search warrant we saw earlier
16 as [Exhibit 5](#), you haven't authored any other search
17 warrants pertaining to that house?
18 A Correct.
19 Q And you assume -- well, I shouldn't say
20 assume. You believe it was Mr. -- would it be
21 Detective Roth who authored that subsequent warrant?
22 A Correct.
23 Q And just out of curiosity -- this is just my
24 ignorance of how these sorts of investigations work --
25 why did Detective Roth apply for the second warrant

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1 given you had applied for the first and had, shall we
2 say, some success in the first? So why did he take
3 over with the second?
4 A So that -- it kind of happens that way
5 sometimes. It's not in every case by any means. But
6 sometimes information or, you know, certain -- certain
7 investigative avenues that they were going down, I
8 think they believed at the time that it was possibly
9 he was selling them, and I think that was based on a
10 conversation that Roth had with somebody, a family
11 member or Manny. I don't remember which one. But
12 they thought possibly that he was selling these
13 firearms, and obviously he did not have an FFL. So I
14 think they were trying to either prove or disprove
15 that that was the case, and that's why they were going
16 after the electronics.
17 In this specific case, I was so inundated
18 with things from the first search warrant, honestly I
19 wasn't going to partake in writing another search
20 warrant. We were going to be dealing with the
21 aftermath of this one for some time.
22 Q Understood. So your focus was seizing these
23 illegal firearms or at least investigating to see if
24 he had these illegal firearms, and that was the extent
25 of your work on this case; is that correct?

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1 A Correct.
2 Q Okay. And you started to allude to this
3 earlier in terms of the electronics to show that he
4 was in the -- perhaps in the business of selling
5 firearms.
6 But do you recall what the specific scope of,
7 we'll say, the Roth search warrant was?
8 A I don't.
9 Q Okay. And did you participate in that second
10 seizure -- the second warrant execution, I should say,
11 warrant execution?
12 A I remember being there. That's what I was
13 telling my attorney. I remember being at two warrants
14 and possibly a third. I remember being at the house
15 for one of the warrants, and I don't remember whose
16 warrant it was, but being in the backyard and there
17 was something, evidence, believing or leading into the
18 fact that there was some kind of depressions in the
19 ground and there was possibly things buried in the
20 backyard. And I remember being there for that
21 warrant, but it's -- I can't pinpoint exactly whose
22 warrant and which ones they were because there were
23 multiple written there.
24 I know I was there at least two times and
25 possibly a third. But on the subsequent times of me

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1 going there outside of the original one that I wrote,
2 I didn't have any significance of seizing anything
3 or -- I think I was just there, you know, to help out.
4 Q Understood. Now you've enticed me a bit.
5 Were there any firearms buried in the ground?
6 A No. I think what happened was initially that
7 was -- that was what the evidence was leading to, is
8 that there was some depressions in the ground. I
9 remember some discussion about bringing out some
10 county equipment, backhoes, things like that, to dig
11 it up, and I don't remember if it was DOJ or who made
12 the final decision that they weren't going to go that
13 route.
14 So to answer your question, no, there wasn't
15 anything found in the ground.
16 Q And do you recall the date of that second
17 search warrant execution?
18 A I don't. I'm sorry.
19 Q Do you remember, was it months later or weeks
20 later, days later? Just an estimate.
21 A No, all this took place within one to two
22 weeks, I believe.
23 Q Okay. And you said you were present. So how
24 many other officers -- I know you've already testified
25 your memory is a big foggy as to the second seizure,

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1 but give me your best estimate.
2 Do you recall whether any other L.A.
3 Sheriff's Department officers were present and, if so,
4 who was there?
5 A There were a lot. I remember more on the
6 subsequent times of me going back only because there
7 was a thought of possibly having to dig these huge
8 holes in the backyard. So I do remember probably 15
9 to 20 deputies being there. But I don't want to
10 specifically say who because I don't want to be wrong.
11 You know, I just -- I remember there was a bunch of
12 deputies. We had shovels waiting for kind of, Hey,
13 where are we digging; what are we doing? But I don't
14 remember specifically exactly who.
15 Q So you didn't end up doing any digging, or
16 was there some other way you discovered there weren't
17 any firearms in the ground?
18 A I think there was some, I guess I'll call it,
19 lightweight digging. There was, you know, maybe a
20 couple inches down and then somebody realizing pretty
21 quickly, like, we're going to need some heavy
22 equipment if you're talking about digging, you know,
23 20-foot wide by 15 feet down in the ground. We're not
24 going to get those done with some hand tools. So it
25 stopped.

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1 Q And to your knowledge, did they ever follow
2 up on that, get anything going with the equipment?
3 A I don't -- they did not that day follow up
4 with any kind of equipment. I don't know if they did
5 later on down the road.
6 Q And you testified earlier that your role
7 wasn't as active in the second execution compared to
8 the first.
9 So do you remember what your specific role
10 was there? Did you do anything of note?
11 A No, I didn't do anything noteworthy. Like I
12 said, I didn't seize anything. I think I was just
13 there to help out, an extra body if they needed to dig
14 or if they found, you know, something in the ground
15 that we needed to start trying to get out. I was just
16 there kind of for an extra body.
17 Q And did you speak to any witnesses there that
18 day? I guess Mr. Fernandez was not around at that
19 point. He was arrested.
20 But was Ms. Fernandez there, any other
21 family?
22 A If they were, I didn't speak to them. I
23 didn't speak to anybody specific that day relating to
24 the case.
25 Q So did you see anyone there of the family

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1 members or any other witnesses?
2 A I don't remember them being there. Like I
3 said, it's all kind of a blur from, yeah, five years
4 ago, but I don't remember if they were there or not.
5 I don't remember seeing Mrs. Fernandez there, but
6 that's not to say maybe somebody else contacted her in
7 the front and she was seated in the house, or I don't
8 know.
9 Q And do you have any recollection, vague or
10 otherwise here, of what types of items were found
11 during the second search?
12 A I don't.
13 Q Okay. And you don't remember, then, if any
14 additional firearms were recovered?
15 A I don't.
16 Q Now, earlier -- I'm going to jump back a
17 little bit to the initial June 14th seizure because
18 that's the one you seem to be a lot more involved in.
19 So earlier you had testified that you handled
20 at least some of Mr. Fernandez's firearms during the
21 execution of the search. Do you recall whether you
22 took any measures to prevent damage to the firearms
23 you were handling?
24 A So when we collected them, they were all
25 handed off. None of the -- I didn't take any extra

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1 measures that I wouldn't normally take on every search
 2 warrant. At the end of the day, it's -- you know, we
 3 treat everybody's property the same. You know,
 4 whether it's bad guy, good guy, doesn't matter.
 5 So firearms are all, for the most part,
 6 handled the same way, and in this case they were
 7 handled the same way we always handle them. You know,
 8 they were picked up, they were cleared to make sure
 9 there's no rounds in there, and then either whoever
 10 has that -- so if it was me, I would walk it to
 11 wherever it's going to go and place it into an
 12 envelope. If it's a handgun, put a zip tie through
 13 the magazine well and then through the slide to make
 14 sure that that doesn't close and actuate on a round
 15 that's in there.
 16 And then they're usually either placed in the
 17 trunk, or if we have something to place it in the
 18 backseat, we would do that, too. Typically they're
 19 placed in the trunk and then we transport them back.
 20 And the firearms that day for the most part that I
 21 remember were all handled the same way. They were
 22 pulled out of the rubbish and cleared and then handed
 23 out to deputies that were standing by to start
 24 loading.
 25 Q So during the transportation -- you described

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1 earlier how this was by far the largest seizure of
 2 firearms you've ever been involved in.
 3 During the transportation of this large
 4 collection of firearms, were there any measures taken
 5 to prevent damage of them while they were being
 6 transported?
 7 A No, I don't believe so.
 8 MR. MOROS: Okay. I'm going to go ahead and
 9 introduce [Exhibit 6](#).
 10 ([Exhibit 6](#) was marked for identification
 11 and is attached hereto.)
 12 BY MR. MOROS:
 13 Q If you could take a moment and look through
 14 these various photographs, and let me know when you're
 15 ready.
 16 A Okay. I've looked at them all.
 17 Q So let's go to page 2, which appears to be an
 18 image of guns in a truck bed.
 19 A Yes, sir.
 20 Q Have you ever seen this photograph before?
 21 A I have.
 22 Q Okay. Do you know what this is a picture of?
 23 A So that was the truck that's actually backed
 24 into Mr. and Mrs. Fernandez's home. It's pretty close
 25 to the garage. And those were some of the firearms

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1 that were recovered from within the house or within
 2 the structure itself.
 3 Q All right. And this was taken at the
 4 June 14th initial seizure?
 5 A It was.
 6 Q Do you know who took this photograph?
 7 A I do not.
 8 Q Okay. And whose truck is this?
 9 A So that's actually a truck that is assigned
 10 to L.A. County Sheriff's Department Palmdale Station.
 11 Q Have you ever piled guns into the bed of a
 12 truck like this before in your career?
 13 A No.
 14 Q And it doesn't appear from the picture but --
 15 and I think you testified earlier, there were no
 16 efforts made to, you know, prevent damage to these
 17 firearms as they were being transported, correct?
 18 A Correct.
 19 Q Okay. And you said, just to confirm -- I'm
 20 sorry, I know you testified to this earlier, but the
 21 destination was about 15 to 20 minutes away, you said?
 22 A Yes, that's correct.
 23 Q Who was driving the truck?
 24 A I don't remember.
 25 Q And do you know who handled the firearms when

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1 they arrived at the Palmdale station?
 2 A It would have been at least 15 to --
 3 actually, more than that. There was probably 20 to 25
 4 different deputies and detectives assigned to Palmdale
 5 station. Obviously, we had been on the phone letting
 6 people know like, Hey, we're going to have a lot of
 7 evidence to start going through. So we were trying to
 8 get as much help as we could to get all this stuff
 9 unloaded and placed out so we can start cataloging and
 10 organizing it all.
 11 Q Understood. Now, if you take a look at
 12 the -- go back to page 1, please, of the images.
 13 A Okay.
 14 Q Was this also taken at the Fernandez
 15 residence on June 14?
 16 A It was.
 17 Q Okay. Do you recognize the officers in the
 18 picture?
 19 A I do.
 20 Q Okay. And do you know who they are?
 21 A So the one with the tan and green uniform,
 22 L.A. County Sheriff uniform, with the green cap
 23 looking up at the camera is Cesar Vilanova. He was
 24 assigned to the -- the summer violent crime
 25 suppression -- or whatever it's called. There's an

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1 acronym for it. He was assigned to that team at the
 2 time.
 3 The guy sitting to his left in all black, I
 4 believe, is Al Arreola from the DOJ, California DOJ.
 5 Q I probably should have asked this earlier,
 6 but how many DOJ agents were at this initial seizure?
 7 A I don't remember.
 8 Q Okay. And, again, apologize if I'm
 9 recapping, but this was an L.A. Sheriff's-led warrant
 10 because you led it, right? It wasn't a DOJ
 11 initiative?
 12 A Correct. So, like I said, the way that that
 13 transpired once I put it into LA CLEAR, Al Arreola --
 14 I think that's how you pronounce his last name --
 15 called me and said, Hey, we have some more
 16 information. So we started comparing what we had.
 17 They had anticipated writing a search warrant
 18 to the location, and I had already told them -- I
 19 said, Hey, we already have. He called me like on a
 20 Saturday or a Sunday, and I said we already have a
 21 search warrant written and we're planning on serving
 22 it next week.
 23 So he talked about if they could come along
 24 because that way they would cancel out the 42 firearms
 25 that were registered to Manny at the time. So we

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1 agreed that we would essentially have this -- the DOJ
 2 there present to assist us in processing the firearms
 3 that we find.
 4 Q Understood. And to the best of your
 5 knowledge, what are these officers, one sheriff's
 6 department, one DOJ, what are they doing in this
 7 picture?
 8 A It looks like they're looking at the serial
 9 numbers, trying to find serial number, make, model on
 10 that one handgun that Al has in his hand. And it
 11 looks like Cesar is writing down the information as he
 12 reads it off.
 13 Q Understood. And towards the end of the
 14 deposition, I am going to ask questions about booking
 15 specifically, but for now, is this considered part of
 16 the booking process or is this something else?
 17 A This is something else.
 18 Q So what's the distinction there between what
 19 they're doing here and booking? Or is this just
 20 specifically looking for the 42 firearms?
 21 A So I think it was a combination of both. I
 22 think -- I don't remember exactly how that played out,
 23 but there was some conversation of because there was
 24 so many, we still needed to go off the original search
 25 warrant and determine, hey, are all 42 of these guns

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1 here, or do we need to start looking in other places?
 2 There was also a dual purpose of, okay, let's
 3 document or document to the best of our ability what
 4 guns are found in what areas. So I remember Cesar
 5 Vilanova, the one in the tan and green, the deputy, he
 6 was kind of responsible for that little area that I
 7 talked about earlier as far as to the bottom left
 8 corner of that picture, there's a hallway that goes
 9 towards the garage. There were several firearms
 10 stacked up in that area. So they were processing that
 11 little area while other members of the team were
 12 processing other portions of the house.
 13 Q Understood. So none of this would be part of
 14 what we'll later describe as booking; is that correct?
 15 A As far as the formal process of booking, no,
 16 that's not -- that's done at the station in a little
 17 bit of a different manner.
 18 Q Understood. Okay.
 19 If you could turn to pages 3 and 4. Take a
 20 look at those images real quick, and let me know when
 21 you're ready.
 22 A 3 is good. 4. I'm good, sir.
 23 Q Okay. Have you seen these photographs
 24 before?
 25 A Yes.

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1 Q All right. Do you know what these
 2 photographs are of?
 3 A Yes.
 4 Q And do you know when they were taken?
 5 A They were taken at some point during the
 6 first search warrant.
 7 Q Okay. So this is another picture taken
 8 during the search at the Fernandez residence on
 9 June 14, 2018?
 10 A Yes, sir.
 11 Q Okay. And can you identify the officers? I
 12 know some of them are turned away, but the ones you
 13 can see, can you identify who they are?
 14 A Yes. The one standing what would look like
 15 closest to us next to the guns that are laying on a
 16 blanket in the driveway, I believe that's Dave Roach.
 17 Immediately going over to his right, the gentleman
 18 with his hand up, that's Chris May. And I don't know
 19 who the one -- I think the one to the left of him is
 20 actually Murray Jacob. And I'm not sure -- I don't
 21 know who those -- I know the one in the far picture
 22 that you can see his head is kind of cut off in the
 23 picture of the garage, I believe that's Richie Leon.
 24 Q Okay.
 25 A And the one in the shirt -- I'm trying to

Page 69

1 think of his name. He retired shortly thereafter.
2 Henry Corral (ph), I think. I know I'm pretty sure
3 I'm somewhere in that picture, somewhere back in that
4 garage. And Richie is actually standing on, like,
5 rubbish trying to get into the garage.
6 Q Now, on the third image, page 3, it shows
7 guns in trash bins.
8 Were they found in the trash cans -- the
9 trash bins?
10 A Some of them, yes.
11 Q Okay. And you said some of them.
12 Were others placed into these bins?
13 A So I think there were a couple that were
14 placed into the bins just to get them out of the
15 garage, but there were trash cans -- those trash cans
16 were in some portion. I don't remember if they were
17 in the garage or the house, but I think they were in
18 the garage, if I remember right, and they had -- most
19 of those rifles that you see in there were already in
20 there. We just put a couple more in there to get them
21 out into the open area because eventually they were
22 going to have to get unloaded out of the trash can
23 into whichever vehicle we were going to transport them
24 because we couldn't transport them that way.
25 Q Understood. Okay.

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1 So moving on, if you could take a look at
2 pages 4, 5, 6 -- sorry, not 4. 5, 6, 7, and just the
3 rest of the images if you want to scroll through them
4 real quick, and let me know when you're ready.
5 A I'm ready, sir.
6 Q Oh, you are. Okay. One sec. My Word locked
7 up here. Give me a minute. My apologies. One
8 second. I'm fighting software here.
9 So who took these pictures of the firearms
10 laid out on the ground like this?
11 A I don't remember who took the original photo.
12 Q Okay. Do you know why these pictures were
13 taken?
14 A I think they were just originally taken to
15 show how many firearms there were that were actually
16 seized.
17 Q Okay. And where are these pictures taken at?
18 A So this is a -- what we call a patio area, a
19 memorial patio area, at Palmdale Sheriff Station.
20 It's like a big covered patio area that, you know,
21 sometimes they do barbecues. This is the first
22 time -- actually, no. There's been other times when
23 there's large amounts of evidence that's taken over
24 there to kind of -- to lay out and organize. This is
25 the first time I've seen that much evidence placed

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1 underneath there.
2 Q Understood. Were these photos taken for
3 public relations purposes for the media?
4 A They could have been. I know there was a
5 press release done later on. I don't know which
6 photos they used for that. It's pretty typical in
7 something like this that there is going to be some
8 photographs taken, whether it's to send to a chief or
9 a captain or somebody that's not there when they're
10 asking like, Hey, have you heard Palmdale just seized
11 a couple hundred guns, you know. So they're going to
12 a lot of times take a picture, and that way they can
13 show exactly what it is.
14 Q Understood. Did you participate in laying
15 out the firearms for these pictures?
16 A I did.
17 Q And how much time did it take to lay out
18 these firearms this neatly? It is a very organized
19 picture.
20 A A couple hours. If I had to guess, I would
21 say four hours. I remember being there up until
22 probably 1:00 o'clock in the morning the next day, but
23 I think we got them all laid out before it was dark.
24 So I would imagine four to six hours, something like
25 that.

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1 Q Understood. And how much time did it take to
2 load the firearms into the bed of the truck?
3 A That took a couple hours. I don't know what
4 time we left. I think somewhere around 11:00 or
5 12:00. I'd have to look at maybe the outside video to
6 get a time. But somewhere -- the process of the first
7 warrant, from getting there, starting the warrant, and
8 leaving, I think was about five hours.
9 Q Understood. So is it common practice with
10 the sheriff's department to lay out seized property on
11 the ground outside, or is that only something that
12 happens -- and I shouldn't say on the ground outside.
13 Just to lay out seized property and
14 photograph it, does that happen with every seizure, or
15 is it only with notable seizures like this one of this
16 size?
17 A I would say it happens with the vast
18 majority. I know, as an investigator, I would lay out
19 property just so I could take a picture and submit it
20 with the case, so that way it's very clear on what was
21 seized.
22 Q Okay. And is this only something that
23 happens with firearms, or is it for all seizures?
24 A It happens, yeah, on an array of different
25 cases, whether it's computers or TVs or narcotics,

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1 firearms. It's pretty common.
 2 Q Okay. And the purpose, you said, of doing so
 3 might be public relations, but it might also be to
 4 inform, you said, the sheriff? I hope I'm not
 5 misconstruing your testimony.
 6 Could you please clarify that again?
 7 A Yeah. No, not the sheriff. I was saying
 8 that oftentimes you'll see pictures get taken, whether
 9 it's to show somebody else or within the department,
 10 because any time you have a seizure like this, there's
 11 going to be a lot of people obviously calling.
 12 So I guess it would be pure speculation that
 13 that took place. I don't know if that took place, but
 14 it would not be uncommon for that to happen for a
 15 chief or a captain or a lieutenant to call and say,
 16 Hey, you know, what is this? We heard that Palmdale
 17 seized 500 guns. And then they would have a standard
 18 picture to say, Yeah, this is what was seized.
 19 I typically would -- like I said, would lay
 20 out property and take it when it was usually for my
 21 case. I don't know if Roth did that for this case.
 22 But this would be a picture that I would submit as
 23 evidence to show exactly what was seized and the
 24 quantity of it.
 25 Q Okay. And having reviewed these photographs

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1 of all the firearms on the ground, and I know you said
 2 you participated in getting them organized to take
 3 these pictures, can you say that none of the seized
 4 firearms were damaged during this display outside on
 5 the concrete for these pictures?
 6 A Yeah, I can say that none of the firearms
 7 were damaged placing them from the truck to lay them
 8 on the ground. They're all pretty carefully set down.
 9 None of them are, you know, dropped from 3 feet away
 10 or just thrown out there. Like you can see, they're
 11 all -- they were pretty carefully or very carefully
 12 taken out of the truck and then placed in the category
 13 that we were trying to get everything in, whether it
 14 was older firearms, bolt-action firearms,
 15 semiautomatic firearms. They were placed accordingly.
 16 Q Understood. Okay.
 17 All right. So backing up a little bit to the
 18 searches and seizures, earlier you testified that
 19 there was one additional search related to these that
 20 came as a result of your findings in the first search
 21 warrant, and I believe that was the Sweetwater
 22 address. And correct me if I'm wrong.
 23 Was that the one associated with Ms. Carey
 24 Moisan?
 25 A Yes, it was.

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1 Q Okay. Do you recall who applied for that
 2 search warrant?
 3 A I believe it was Cesar Vilanova.
 4 Q Okay. And did you participate in that search
 5 warrant execution?
 6 A I did.
 7 Q Okay. What day was that?
 8 A I believe it was the same night. It was that
 9 night.
 10 Q Okay. So just to clarify the timeline, you
 11 have the seizure during the day at Mr. Fernandez's
 12 home. That same night you had another search warrant.
 13 So the search warrant was prepared and
 14 executed -- prepared, signed, and executed within the
 15 day?
 16 A I believe so. I think before -- I remember
 17 it being a nighttime search warrant execution so it
 18 was dark. I think they got information from Ana
 19 Fernandez that there were additional firearms at
 20 Moisan's house. And I want to say that that search
 21 warrant was already being written while we were still
 22 processing evidence, unloading stuff. And then we
 23 must have went back out there. But I'm almost certain
 24 that it was the same day.
 25 Q Understood. Now, if the search at

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1 Mr. Fernandez's home was done during the day without
 2 incident, why would the department choose to do a
 3 nighttime search at the Moisan residence?
 4 A I think it was just -- I don't think it was
 5 specific that we were looking for a night service
 6 search warrant. I don't think it was after the night
 7 service time as far as 10:00 o'clock p.m. I think
 8 that was just the way that it fell, the search warrant
 9 was done, ready to go, team ready to go, and it was
 10 now dark.
 11 Q Understood. So would you say that the reason
 12 it happened that way was just because it needed to be
 13 done as soon as possible?
 14 A Yes. I don't think there was any tactical
 15 concerns as far as we needing to do it at nighttime.
 16 Q Understood. And do you recall what the scope
 17 of that search warrant was?
 18 A Yes.
 19 Q And what was the scope there?
 20 A It was for remaining firearms believed to be
 21 at that location based on information that deputies
 22 got from the first search warrant.
 23 Q All right. Why would it be -- I don't know
 24 how to phrase this.
 25 Why would it be unacceptable for Ms. Moisan

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1 to have the firearms? Can she not legally possess
 2 firearms?
 3 A I think she was actually a convicted felon,
 4 one. And then I think the information came from Ana
 5 Fernandez herself that it was instructed by Manny to
 6 move some guns to Ms. Moisan's house. And we did not
 7 recover the original 42 firearms that were listed
 8 registered to him. So I'd have to look at the
 9 affidavit, but I believe they formed the opinion based
 10 on probable cause that they believed some of the
 11 firearms, if not all, were now at Ms. Moisan's house.
 12 Q Understood. So at the time you were
 13 executing the search warrant which -- and, by the way,
 14 we'll get to that in another exhibit shortly.
 15 But at the time you were executing a search
 16 warrant, were you aware that Ms. Moisan was a
 17 prohibited person?
 18 A No. I don't think that we even knew she was
 19 involved yet.
 20 Q So you didn't even know whose house it was at
 21 the time?
 22 A Of the first search warrant?
 23 Q No, no, no. So when you searched the
 24 Moisan -- the Sweetwater address, did you know whose
 25 it was? Or did Ms. Fernandez say, This is Carey

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1 Moisan's house? Or did she just say I took firearms
 2 to this house?
 3 A No, we knew it was Ms. Moisan's house.
 4 Q But you were not aware that she was a
 5 convicted felon, as you said?
 6 A We were. I thought you were referring to
 7 when I served the first search warrant. I didn't know
 8 about Ms. Moisan at the time. That information came
 9 sometime in the day, and then the investigative
 10 process was worked up on Ms. Moisan and determined
 11 that she also is a prohibited person, so the search
 12 warrant was written.
 13 Q Understood. Okay. That makes more sense,
 14 then.
 15 And you said you were present at the search.
 16 Were other Los Angeles Sheriff's Department personnel
 17 present?
 18 A Yes.
 19 Q Okay. Was it -- how many, roughly,
 20 estimated?
 21 A I would say eight.
 22 Q So this was a smaller effort than the search
 23 earlier in the day?
 24 A It was.
 25 Q Okay. And what was your role in that search?

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1 A I was assisting as far as helping with the
 2 search team, see if we could locate any firearms. And
 3 based on the fact it was coming, what I would call
 4 like a spin-off of the first search warrant, I was
 5 going to help partake in that warrant with Cesar
 6 Vilanova.
 7 Q And what did you end up doing during -- what
 8 were your duties during the actual search?
 9 A I searched the garage area, the attached
 10 garage, of Ms. Moisan's house. I remember we found
 11 very similar stored firearms in trash bins like we did
 12 at Manny's house. So we collected those, and I
 13 believe there was an unlocked safe that was in the
 14 garage that there were some additional firearms inside
 15 of there that we seized and loaded up and brought back
 16 to the station.
 17 Q Understood. Just out of my own curiosity
 18 really, do you know Ms. Moisan's relationship with
 19 Mr. Fernandez? Are they related or --
 20 A No. It was my understanding that she
 21 initially was thought to be a business partner, and
 22 then I don't want to speculate, but I was told that
 23 there was some kind of intimate relationship between
 24 Ms. Moisan and Manny, and that came from Ana
 25 Fernandez.

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1 Q Understood. So the business being firearms,
 2 in this case firearms sales or something?
 3 A I don't know what the business -- I think she
 4 was just referred to as like a business partner or
 5 associate of Manny's when they initially were getting
 6 the information.
 7 Q Understood. So it wasn't necessarily
 8 specific to the firearms?
 9 A No.
 10 Q Okay. And when you -- when you entered the
 11 house -- first of all, was this a forced entry? Did
 12 you knock on the door? Walk me through that.
 13 A I believe we went through the back door, if I
 14 remember correctly. I think that door was open.
 15 Q Okay.
 16 A And there was nobody home. So on the
 17 knocking notice, nobody made themselves known. We
 18 entered, cleared it. Nobody was there. And then
 19 proceeded to execute the search warrant.
 20 Q Okay. Did Ms. Moisan show up at any time
 21 during the search?
 22 A No. I believe there was a phone call or a
 23 conversation made between Ms. Moisan and one of the
 24 deputies.
 25 Q Do you know where she was?

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1 A No, I don't.
 2 Q Okay. Were there -- you said -- so at no
 3 point during this search and seizure, no other witness
 4 showed up at all, whether Ms. Moisan or anybody else?
 5 A There was nobody there at the time of the
 6 search warrant, no.
 7 Q No, I understand. But I'm asking while you
 8 were there, nobody drove into the driveway or showed
 9 up or anything like that?
 10 A I don't know if, like, a neighbor maybe came
 11 by or asked what was going on, but nothing significant
 12 that pertained to the case, no.
 13 Q Okay. And did you find firearms at the
 14 Moisan residence? I believe earlier you testified you
 15 did.
 16 A Yes, we did.
 17 Q How many, if you can estimate?
 18 A 10 to 15 maybe.
 19 Q Okay. And were these 10 to 15 any of the
 20 missing 40 firearms that weren't at the residence of
 21 Mr. Fernandez?
 22 A I don't remember.
 23 Q Were the missing firearms ever recovered at
 24 any search?
 25 A I'm not sure.

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1 Q Okay.
 2 A I know a portion of them were, if that's what
 3 you were asking.
 4 Q Yeah, I guess earlier we talked about these
 5 missing firearms that precipitated all this and how 40
 6 of them were missing.
 7 So some of them were ultimately recovered?
 8 A Yeah. So out of the original 42, there were
 9 some that were found at -- at my original search
 10 warrant. I don't know out of the 42 which ones were
 11 recovered later.
 12 Q And did you witness during the Moisan search
 13 how firearms were stored at the property?
 14 A Yes.
 15 Q Okay. And can you describe that?
 16 A There were some just freely, like, out in the
 17 open in the garage. I only remember searching the
 18 garage, so off my memory, in the garage, there were
 19 some just laying around in the garage. There were
 20 some inside of a trash bin. And then there were some
 21 inside of a safe, inside the garage.
 22 Q Okay. And I suppose I should have asked this
 23 earlier, so I apologize. I'm not trying to confuse
 24 you by jumping back and forth.
 25 At the search earlier that day at the

Page 83

1 Fernandez residence, you said you found firearms
 2 strewn about throughout the house. Were any of the
 3 firearms stored in safes or in cases?
 4 A Yes.
 5 Q Okay. What -- how many would you say were
 6 stored in cases versus ones that were just lying
 7 around?
 8 A I remember personally opening up -- and
 9 forgive me, I don't remember if it was a glass case or
 10 just a wood case. But I remember in the garage
 11 against the back wall behind a bunch of stuff -- I'll
 12 just call it stuff -- unpiling all that stuff, and
 13 there was some type of cabinet that when you opened it
 14 had some guns. To estimate, I would say five to ten
 15 inside of it.
 16 Q Understood. So as a percentage, you'd say
 17 the majority were not in cases or safes?
 18 A Yeah, I would be comfortable saying
 19 90 percent of the firearms were not in any kind of
 20 box, safe, or any kind of protective case.
 21 Q Understood. Okay. At the Moisan search,
 22 jumping back to that now, did you personally handle
 23 any of the firearms seized that night?
 24 A I did.
 25 Q Okay. And do you recall about how many?

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1 A I would say five to ten maybe.
 2 Q Five to ten.
 3 And you said about 15 were recovered that
 4 night?
 5 A Correct.
 6 Q Okay. And what -- what did the department do
 7 with those seized firearms at the second search?
 8 A Those were also transported back to the
 9 station where the original firearms were being held
 10 at.
 11 Q All right. And did you ever end up talking
 12 to Ms. Moisan, or did that fall to somebody else?
 13 A Yeah, that was on somebody else. I don't
 14 remember ever specifically having any conversations
 15 with her.
 16 Q Okay. All right. I'm just going to briefly
 17 introduce [Exhibit 7](#) here. It is the search warrant
 18 for the Moisan residence. If you could just take a
 19 minute to take a look.
 20 A Yes, sir.
 21 ([Exhibit 7](#) was marked for identification
 22 and is attached hereto.)
 23 THE WITNESS: Okay. I'm good, sir.
 24 BY MR. MOROS:
 25 Q All right. Can you describe what this

Page 85

1 document is?

2 A It's a search warrant for the Sweetwater

3 address.

4 Q Understood. And you've seen this document

5 before?

6 A Yes.

7 Q All right. And you were one of the, it looks

8 like, two officers who obtained this warrant?

9 A So the way that that -- just so we're clear

10 on that, the department, until you go through the

11 department-approved 40-hour course for search

12 warrants, the one that I said I went through two or

13 three times, you're not supposed to author search

14 warrants on your own.

15 So you use what's called a co-affiant, an

16 affiant and a co-affiant, which is myself and Cesar

17 Vilanova. In this case Cesar is writing the warrant.

18 I am essentially overseeing it, making sure that

19 certain things are met and adhered to within the

20 search warrant. So my name is also on it as well as

21 Cesar Vilanova's, yes.

22 Q Again, I apologize if you already testified

23 to this.

24 Were the firearms seized as a result of this

25 search taken also to the Palmdale station?

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1 A They were.

2 Q All right. And because this was a smaller

3 seizure of 15 firearms, did you transport them

4 personally? Did somebody else transport them? Who

5 took these somewhere else?

6 A So there was a van, some kind of cargo van.

7 Each station has certain vehicles assigned to it.

8 There was some kind of a cargo van. I remember

9 loading up the firearms onto the backseat of that van.

10 I don't remember if they were all loaded there from

11 the Sweetwater address. I personally remember putting

12 a couple inside of that van, and that van and the

13 patrol vehicles were driven back to the Palmdale

14 station.

15 Q Okay. Did these firearms make it to the

16 photographs we saw earlier of the guns laid out for

17 the -- on the patio?

18 A I don't believe so, no.

19 Q Okay. So that photo was taken earlier that

20 day?

21 A Correct.

22 Q Okay. Were these firearms ever photographed

23 that you can recall?

24 A I do not know.

25 MR. MOROS: Okay. All right. Although this

Page 87

1 is going to be -- I'm going to mark this as [Exhibit 8](#).

2 It's just another picture of the firearms on the

3 ground, so we won't spend too much time on it.

4 ([Exhibit 8](#) was marked for identification

5 and is attached hereto.)

6 BY MR. MOROS:

7 Q If you could take a quick look at that image.

8 A Yes, sir, I did.

9 Q Understood. Okay. So have you seen this

10 photograph before?

11 A Yes.

12 Q And is this the same -- from the same day

13 that the other photographs you saw earlier were taken?

14 A Yes, same location, same items, just a

15 different angle.

16 Q Understood. Other than the 15 firearms or so

17 that you recovered from the Moisan residence, is this

18 the complete firearm seizure from Mr. Fernandez?

19 A I believe so. I don't know if behind there

20 there's still maybe a couple firearms in cars, but

21 that is the bulk of them there.

22 MR. MOROS: Understood. Now let's go to the

23 next image. I'll share that one as [Exhibit 9](#).

24 ([Exhibit 9](#) was marked for identification

25 and is attached hereto.)

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1 BY MR. MOROS:

2 Q Go ahead and take a look at that. Let me

3 know when you're ready.

4 A I'm good, sir.

5 Q Have you seen this photograph before?

6 A I don't know -- I'm sure I have. I don't

7 remember specifically looking at this one, but I

8 recognize it.

9 Q Okay. And do you recognize the individuals

10 in the photograph?

11 A Some of them, yes.

12 Q Okay. If you could name the ones you do

13 recognize for the record.

14 A The -- does it show my cursor here or no?

15 Q I can't see the cursor. So just do your best

16 to describe them.

17 A So there's a guy in a white T-shirt. He's

18 got his firearm on his hip. White T-shirt, green

19 pants, holding a rifle straight up and down. I

20 believe that's Murray Jacob.

21 Going past him to his left, I don't know who

22 that is in the middle. The guy, portly fellow there,

23 is Richie Leon.

24 And then going all the way over to the

25 right-hand side of the photograph, I believe the one

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1 walking midstride next to the row of guns in the tan
2 and green I believe is Melvin Aquino.
3 And I think that's all I can say definitively
4 who I can recognize.
5 Q Understood. So earlier you had testified
6 that you had helped lay out these firearms and
7 photograph -- did you also -- for the photographs.
8 Did you also pick them back up and store them
9 afterwards?
10 A Some of them. But they were all picked up,
11 moved.
12 Q And where were they moved to?
13 A Inside, so adjacent to -- and that's another
14 reason why that specific section was chosen to lay
15 them out because what you don't see in the pictures --
16 you may see in one of them; I don't know -- adjacent
17 to that patio is the entrance into the station that
18 leads to the evidence room. So eventually all those
19 firearms are picked up and move into the evidence room
20 where the evidence custodian is at, and the process
21 begins for booking the firearms into evidence.
22 Q Okay. I understand. And how big is this
23 evidence room?
24 A It's actually a pretty small room. It's --
25 if I had to estimate, I would say the initial room

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1 that you walk into is probably 10 feet deep and maybe
2 20 to 25 feet wide. And it's got two computers inside
3 of there where you process the evidence. When I say
4 "process," I mean put it into PRELIMS. Those two
5 computers, and then it has a little back room that's
6 really small, maybe 5-foot by 10-foot, where after the
7 evidence is processed, it's placed into secured
8 lockers. And then there's a DNA drop box for DNA
9 stuff and a refrigerator for DNA stuff.
10 Attached to that is a room that's locked and
11 secured unless the evidence custodian is in there or
12 somebody else authorized to be in there, and that's
13 where the actual processing that deputies typically
14 don't do. In this case we help the evidence custodian
15 do. That room is a little bit bigger inside of there.
16 It's got rows of, like, standing shelves that you can
17 stack firearms and stuff like that on.
18 Q Understood. Now, were these firearms placed
19 on shelves? How were they stored in that room?
20 A There's bins, if I remember correctly.
21 There's -- I don't want to call them a tote but like a
22 Rubbermaid or rubber plastic bins that firearms --
23 however the evidence custodian keeps them separated,
24 they're placed into. And then there's also shelves
25 that they're set on. In this case I do remember,

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1 like, rubber trash cans, the firearms, some of the
2 long rifles were set inside of there and stored that
3 way.
4 Q And why were they stored in rubber trash cans
5 as opposed to, you know, on a shelf, in a safe,
6 otherwise securely?
7 A I think we were out of room.
8 Q Understood. Was there any discussion about
9 moving some of the firearms somewhere else so they
10 could be stored?
11 A Yes.
12 Q Did that happen that day or ever?
13 A No. We tried that day to actually get what
14 we call central property. It's the hub of where all
15 evidence and property goes. We tried to -- once we
16 realized how many guns were at the original search
17 warrant, we tried to get central property to come out
18 so they could take possession of all this, only
19 because we knew that that small station is not really
20 equipped to handle this much.
21 They were not available to come out. So we
22 made the decision that we're going to have to store
23 them the best we can inside that secured room in the
24 evidence room. There's additionally like another
25 locked room within a locked room. It's kind of hard

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1 to explain without seeing it, but that was like an
2 empty room, and I know a lot of the guns were stacked
3 against the wall inside that room and secured that
4 way.
5 Q Okay. Now let's talk a little bit about
6 booking firearms or booking property in general, I
7 suppose.
8 During your employment with the sheriff's
9 department, have you ever booked seized firearms or
10 other property?
11 A Yes.
12 Q Okay. And does it normally fall to the
13 person who conducts the search to book the firearms or
14 other property?
15 A It falls on them to ensure it's booked.
16 Sometimes in certain cases, they're not the actual one
17 who books the piece of property. That can be somebody
18 on the team that says, Hey, I'll book that for you and
19 book it into evidence. But it falls on the original
20 investigating officer to make sure it's booked.
21 Q Understood. So you have the ultimate
22 responsibility, but you can delegate out when you need
23 help?
24 A Yes, sir.
25 Q Understood. So can you please explain to me

<div>Page 93</div> <div> <p>1 generally the process sheriff's department officers go</p> <p>2 through in order to book seized firearms?</p> <p>3 A Yes.</p> <p>4 Q I guess I need to know start to finish what</p> <p>5 goes into that.</p> <p>6 A So with one gun, you take it into the</p> <p>7 evidence room where I said those two computers are at.</p> <p>8 Typically you'd sit in front of that computer. You'd</p> <p>9 log in to a system called PRELIMS. That PRELIMS</p> <p>10 system is essentially like the tracking system of</p> <p>11 where that evidence is now going.</p> <p>12 And you input -- you log in to the system,</p> <p>13 and you start to input case-specific information, file</p> <p>14 numbers, suspect information, victim information,</p> <p>15 stuff like that. And then you'd go to the actual</p> <p>16 firearm portion where, depending on what the firearm</p> <p>17 is -- really with handguns we do it, too, but</p> <p>18 specifically long guns. So the firearms, we'd measure</p> <p>19 the lengths of the barrels, and then we start trying</p> <p>20 to identify what the make and model of that actual</p> <p>21 firearm is.</p> <p>22 Once we identify make, model, serial number,</p> <p>23 length of the barrel, type of material that the stock</p> <p>24 is, wood grain stock, composite, stuff like that, we</p> <p>25 start inputting the information into the PRELIMS</p> </div>	<div>Page 95</div> <div> <p>1 to who that is associated to.</p> <p>2 And then there's an AFS form that also gets</p> <p>3 filled out on the booking in the PRELIMS system that</p> <p>4 documents -- you put in the information, was this a</p> <p>5 crime gun? And that's for tracking purposes as well.</p> <p>6 Once that's done and the system is -- or the</p> <p>7 information is input into PRELIMS, you print what's</p> <p>8 called an evidence label. So you print two evidence</p> <p>9 labels for each firearm. One of them will go on a</p> <p>10 firearm tag. So you take that label, you put it on,</p> <p>11 like, a little tag that has string on the end of it,</p> <p>12 and then you tie that string. If it's a long rifle,</p> <p>13 you typically tie it on the trigger guard area, and</p> <p>14 then you attach that label onto it. So that way when</p> <p>15 the firearm is placed into the secured locker, when</p> <p>16 the evidence custodian gets it, she can pull it out,</p> <p>17 and now she has the sticker information that can be</p> <p>18 scanned and say, okay, this firearm was booked by, you</p> <p>19 know, Wyatt Waldron and this is all the information of</p> <p>20 that firearm.</p> <p>21 The other label can be used for reports or it</p> <p>22 can be used on the evidence page of the actual first</p> <p>23 report that's being done to say, hey, this is</p> <p>24 evidence 1 and this is the sticker that's associated</p> <p>25 to that firearm.</p> </div>
<div>Page 94</div> <div> <p>1 system.</p> <p>2 So each one of the firearms is then entered</p> <p>3 manually into the computer, the information that you</p> <p>4 gather, the serial number. There's drop-downs, little</p> <p>5 drop-down tabs in the system, that you have to select</p> <p>6 certain things. So the makes are abbreviated for the</p> <p>7 most part. So if it's a Mauser, it may be abbreviated</p> <p>8 MAS. And this is just for example purposes, but it</p> <p>9 may be abbreviated MAS.</p> <p>10 So there's another booklet that's in the</p> <p>11 evidence room that once you identify, okay, this is a</p> <p>12 Mauser firearm, you go through the booklet and find</p> <p>13 Mauser and then find the abbreviation code. And so</p> <p>14 now when you go through the drop-down, you select,</p> <p>15 hey, this is a Mauser firearm, and it will have the</p> <p>16 abbreviation code in there. So you select that and</p> <p>17 then you put in the make, whatever the make is,</p> <p>18 bolt -- and then you got to specify is it a</p> <p>19 bolt-action, is it a semi-autoloader firearm, fully</p> <p>20 automatic firearm -- excuse me.</p> <p>21 Once you're done with that, then you have to</p> <p>22 essentially assign that firearm to somebody for, hey,</p> <p>23 did this come off of a suspect in a search warrant?</p> <p>24 Did it come off the scene from a victim? Or was it</p> <p>25 just found property? So you assign that one firearm</p> </div>	<div>Page 96</div> <div> <p>1 Q Understood. Now, earlier during your</p> <p>2 description there -- and thank you for that. During</p> <p>3 your description there, you reference that the firearm</p> <p>4 is -- has a named individual who it's associated with.</p> <p>5 Is that the owner, or is that just who it's</p> <p>6 recovered from?</p> <p>7 A No -- yeah, that's just in that specific case</p> <p>8 where that firearm is coming from. So if there is a</p> <p>9 suspect arrested in the case and that suspect had</p> <p>10 three firearms on him that are in his car, all three</p> <p>11 of those firearms would be associated to that suspect.</p> <p>12 Q Got it.</p> <p>13 A If they were just found or something like</p> <p>14 that, you can associate it to the investigating</p> <p>15 officer. And so if there's questions on that later,</p> <p>16 they can say, Hey, where did this firearm come from?</p> <p>17 And you can explain, you know, it was found in a park</p> <p>18 or somewhere like that.</p> <p>19 Q Understood. And as part of this process, do</p> <p>20 you check who actually does own the firearm according</p> <p>21 to the records, the registration records from</p> <p>22 California?</p> <p>23 A Yeah, I think -- if I remember correctly,</p> <p>24 there's a drop-down in there for owner.</p> <p>25 Q And let's just say hypothetically you seize a</p> </div>

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1 single firearm and there's no defaced serial number,

2 nothing weird about it, just a standard shotgun or

3 something.

4 How long would it take you from start to

5 finish to book it?

6 A I would say start to finish, maybe 15 to 20

7 minutes.

8 Q Okay. So does it take that -- so it takes 15

9 to 20 minutes to book a single firearm.

10 When they all come from the same source --

11 and I know it's a little unusual in Mr. Fernandez's

12 case. But in any case where you have multiple

13 firearms coming from a single person, especially if

14 that person is the actual owner, does that speed up

15 the process at all, or does each firearm still take 15

16 to 20 minutes?

17 A I would say each firearm still takes 15 to 20

18 minutes only because they each have to be singularly

19 inputted. I think the only thing that will

20 auto-populate -- and this would be a better question

21 for the evidence custodian, but if I remember, I think

22 the only thing that will auto-populate is the

23 suspect's name. So if you have, you know, one case

24 with three suspects and you input all three suspects'

25 names, now when you are associating that single

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1 firearm, when you hit the drop-down, it will have all

2 three suspects inputted there already. So now you can

3 just click, hey, this firearm is associated to this

4 one; this firearm is associated to this one.

5 Everything else is still manually done and singularly

6 inputted into the system, firearm specific.

7 Q Understood. So most of the work is

8 associated with the firearm information itself, not so

9 much the source of the firearm?

10 A No, both.

11 Q Both.

12 A Yeah, you still have to put in all the

13 information related to the case, and then if there's

14 certain characteristics for the firearm, yeah. So

15 more firearm-specific stuff, but there's -- the only

16 thing I think that's still there when you

17 auto-populate is the file number, the originating file

18 number, and then if you put in any victims or suspect

19 information, that name, so that box can still be

20 checked. So that does, you know, speed it up by maybe

21 a minute.

22 Q Okay. And so if you have 10 firearms or 500,

23 in this case, all coming from the same person, same

24 case, I guess -- I understand why different firearms

25 require -- they're all different makes, models, serial

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1 numbers, so you have to enter that into the joy. But

2 when you mention the case info, stuff like that --

3 (Reporter admonishment.)

4 BY MR. MOROS:

5 Q Let's start over.

6 If you're booking multiple firearms and they

7 all came from the same seizure, as they did with

8 Mr. Fernandez's firearms, when it comes to the

9 information that isn't about the particular firearm

10 but is about, I think you mentioned, the case details,

11 can't that be copy-and-pasted to move faster? Or is

12 there something I'm not understanding about why that's

13 not possible?

14 A Yes. So it's not necessarily

15 copy-and-pasted. But some of the -- some of the root

16 information for that case is carried over. So when

17 you input the case into PRELIMS and you go to select

18 "evidence," you can essentially -- once you get done

19 with that first piece of evidence -- let's just say

20 it's one firearm -- that one firearm is done.

21 Now you can go and say, I need to add another

22 piece of evidence. So that second piece of evidence

23 that you're going to add, you'll start over with --

24 now with all the characteristics, and it will be more

25 on the firearm side of it. There will be some things

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1 that carry over like the case number, the investigator

2 that's assigned to that case. Things like that will

3 carry over. The things that -- it's more firearm

4 specific that is now going to need to be replaced and

5 added in.

6 Q Understood. So in terms of reduction in

7 time -- and I know earlier you said 15 to 20 minutes.

8 Let's assume for the first firearm it's 20 minutes.

9 How much time is reduced by not having to

10 reenter that same information again for subsequent

11 firearms?

12 A I would say if I'm adding a second piece of

13 evidence to the same case, it would probably take me

14 maybe ten minutes now to do that one gun. Just based

15 on the measurements, manufacturer, and, you know,

16 finding the abbreviation codes and going through that

17 stuff and then now clicking the associated drop boxes

18 to the case, I would say probably ten minutes per

19 firearm afterwards.

20 Q Understood. And so just to recap, roughly

21 20 minutes for the first firearm to book it, complete

22 the booking process, about 10 minutes for subsequent

23 firearms.

24 And is this, would you say, a normal amount

25 of time, or are you unusually fast at booking?

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1 A No, I would say that that's a normal amount
2 of time. In this case it's a little bit different
3 only because if you book one or two firearms and let's
4 say you get the model incorrect, the evidence
5 custodian can go in there and put the correct model in
6 there. And so you're not really having to do a whole
7 lot of follow-up as the investigating officer.
8 Whereas in this case, it's a little bit
9 different only because there were a lot of firearms we
10 couldn't identify and that we did the best that we
11 could. And so we had to go back and probably over the
12 course of weeks to keep correcting and figuring out
13 and inputting information to update it. This couldn't
14 be left to just one evidence custodian, so a lot of
15 the guys, including myself, on the team were
16 responsible for going back there and sitting with the
17 evidence custodian now and fixing the different things
18 because there was a handful that we just had to put
19 "unknown." We couldn't figure it out.
20 Well, then upon further review, the evidence
21 custodian said, Hey, a lot of these we can figure out.
22 We have to look through a different system or
23 whatever, but we can figure it out. So we had to go
24 back and redo it.
25 Q So there was reasons why this seizure you'd

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1 say was atypical compared to others?
2 A Yes.
3 Q And not just size, you know. Okay.
4 And one last hypothetical related to booking.
5 I know I've peppered you with a few of them, which I
6 don't normally do in depositions, but this is kind of
7 a unique circumstance.
8 If it was entirely your job, just you, to
9 handle the entire booking of all the Fernandez
10 firearms, how much time would you estimate it would
11 have taken you to complete it by yourself, man-hours
12 estimate?
13 A Six months maybe.
14 Q Six months? And the reason I'm a little
15 surprised by that answer is earlier you testified that
16 it takes 20 minutes for the first, 10 for subsequent.
17 I understand that you went through corrections after
18 that. But six months of man-hours sounds quite
19 excessive if it originally takes 20 minutes per
20 firearm or 10 minutes per firearm. So if you can
21 elaborate, I guess I'm asking, on that.
22 A So are you asking me how long it would take
23 me to process the 500 firearms as far as picking them
24 up from the patio, walking them into the evidence
25 room, sitting down --

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1 Q No. No. I apologize. Let me correct
2 myself. Just the booking.
3 So let's say you have the firearms in the
4 room, you're handling all the booking procedure for
5 them. What would that take you?
6 A So if I had somebody standing there handing
7 me each gun, and I have to measure them; I have to
8 input each one, whatever 500 guns times ten minutes
9 would be. But that's on the assumption that I did it
10 right, you know. A lot of these firearms, like I
11 said, were not easily identifiable, and it took a lot
12 of resources and time to identify, hey, where did
13 these things originate from, who's the manufacturer.
14 It wasn't like, you know, being able to find one rifle
15 and get the information.
16 So there was -- I don't think I could
17 quantify and put a number on how long it would take me
18 because it took teams of people weeks, if not months,
19 to figure it out. You know, it would take -- I don't
20 think I could put a fair assessment on how long it
21 would take me.
22 Q Understood. So the 20 minutes and 10 minutes
23 more applies to the standard firearms that are clearly
24 like this is a Browning shotgun with a serial number.
25 But was the difficulty that these firearms

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1 were from defunct companies, years old, and you just
2 couldn't tell who made them? Or what was the
3 confusion and the mistakes caused by?
4 A So I think if I remember correctly, there
5 were several firearms that we thought were just
6 unknown makes and models, so that's how we were
7 inputting. It turns out that some of them had, like,
8 peened -- when I say peened, like imprinted markings
9 on the actual metal itself that were the identifiable
10 markers for where these firearms were manufactured
11 from, which I had no idea that that's how you can also
12 identify makes and models of firearms, is from certain
13 peened markings from other countries.
14 So that information was later relayed to us,
15 and the evidence custodian was like, Hey, we can
16 identify a lot of these firearms that you guys just
17 said were unknown.
18 Q Understood.
19 A Now, going back and redoing that is what took
20 a lot of process.
21 Q Understood. So please -- because I am
22 familiar with firearms, of course, but I see -- I buy
23 a firearm and it's stamped on the barrel saying
24 manufacturer, serial number --
25 (Reporter admonishment.)

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1 BY MR. MOROS:

2 Q So as I was saying, I am familiar with
3 firearms. I know sometimes you will see a marking
4 like a manufacturer, a serial number, and a model
5 number.

6 But these peens you're talking about, they're
7 not that; is that correct?

8 A Correct. So on a typical rifle that you're
9 going to buy or come across -- and when I say
10 "typical," I'm just using the law of average.

11 Q Right.

12 A -- you're going to see on the barrel the
13 caliber, specifically what caliber rifle that is.
14 You're sometimes going to see make on there. So it's
15 a Winchester or a Remington Arms. And then usually
16 somewhere on that firearm you'll find the model,
17 whether it's a Model 700 or, you know, whatever the
18 case may be. Several of these firearms didn't have
19 that information. So some of them would have the
20 caliber what it was. And then they just -- they had
21 markings but not markings that were typical to find.
22 So they could have been, you know, what looked like a
23 peened -- or you took a punch and you peened a certain
24 logo into a firearm, and that identified that it was
25 from a certain country or things like that.

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1 And, again, I don't want to misspeak. I
2 think that's better for the evidence custodian to go
3 into depth on that. But I do remember there was some
4 issues with we thought they were unknown and it turns
5 out they weren't unknown. It just needed some further
6 research and digging to find out where they came from.

7 Q Understood. Okay. And last question as to
8 those firearms, I think.

9 What percentage of the 500 or an estimate of
10 number of guns would you say were difficult to
11 identify for the reasons you've described?

12 MS. LOGAN: Counsel, I'm sorry. I know we
13 have a question. I have to go get my charger. But he
14 can answer this question, and can we take a short
15 break?

16 MR. MOROS: Sure. Let's go off the record.
17 I'll resume the question after.

18 (Recess.)

19 BY MR. MOROS:

20 Q Let's go back on the record.

21 So coming back to my earlier question before
22 we cut for break there, I had asked, I believe, if you
23 could estimate how many of the 500 firearms were these
24 unknowns that took more time to resolve.

25 A If I had to give an estimation, I would say

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1 at least a hundred.

2 Q Okay. And what was the work involved for
3 each of these hundred in identifying what they were?
4 What process did you have to go through?

5 A I think that would probably be a better
6 question for the evidence custodian because I know she
7 did a lot of legwork on that. I know there was a lot
8 of in-depth, you know, speaking to different firearms
9 people how to identify certain markings. Some of them
10 were written in foreign languages and things like
11 that. So we were more to come in and assist her once
12 she identified, hey, this one is from here; now we're
13 going to go into the system and change it and
14 accurately document it.

15 Q Okay. And you mentioned a couple times this
16 evidence custodian.

17 Is that one individual or multiple?

18 A The one that I keep referring to is one.
19 That's Susan O'Leary Brown.

20 Q So she did most of the legwork in figuring
21 out, you said, these 100 firearms or so?

22 A Correct.

23 Q And once these firearms were finished with
24 their booking, did they just sit in the room you
25 described earlier in the bins, in envelopes for

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1 pistols, that sort of thing?

2 A Yeah. I believe until they were moved,
3 that's where they were all held.

4 Q Okay. And are you aware of any sheriff's
5 department policies about booking of seized firearms?
6 Is that just the process you were describing earlier?

7 A Yeah, that's the process I described.

8 Q And was this taught to you in a manual that
9 explained the steps?

10 A No.

11 Q Okay. Was it -- was there training on it? I
12 guess, who taught you how to book, I guess is what I'm
13 asking.

14 A Understood. When you go through the field
15 training program as a patrol deputy, that is one of
16 the checkoffs, I guess, if you will, that you need to
17 teach your trainees. And I don't remember
18 specifically when, but I would imagine I was taught
19 that process, you know, in 2007 or '8 on patrol
20 training.

21 Q Okay. And did you ever get any -- so you
22 said it was on patrol. Was there formal training at
23 the police academy on this?

24 A No. Actually, I got to kind of rephrase that
25 because when I went to patrol, it was different. You

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1 didn't book stuff like that. It was all handwritten.
2 Sometime in the subsequent years of me being in patrol
3 it changed to the computerized system, the PRELIMS
4 system. And I do remember there being some kind of
5 training, formal training, on showing us how to
6 navigate through the computer program itself. But the
7 process of clearing, measuring, and that type of
8 process has always been the same.
9 MR. MOROS: Okay. So let's -- I'm going to
10 share with you [Exhibit 10](#) here.
11 ([Exhibit 10](#) was marked for identification
12 and is attached hereto.)
13 BY MR. MOROS:
14 Q And if you could take a second to scroll
15 through it. You don't need to go through the whole
16 thing. It's very long. But just if you could get an
17 idea of it and let me know when you're ready.
18 MS. LOGAN: You said 10?
19 MR. MOROS: It should be marked as
20 [Exhibit 10](#), yes. Let me know if something went wrong.
21 THE WITNESS: Only down to 9 right now.
22 MS. LOGAN: I think we're down to 9.
23 THE WITNESS: Hit this arrow maybe?
24 MR. MOROS: That's interesting. Let me try
25 it again. It should be marked as 10.

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1 (Discussion held off the record.)
2 BY MR. MOROS:
3 Q Sergeant, if you could take a look at this
4 document. Like I said, it is very lengthy. You don't
5 need to read through it all. Just get an idea of what
6 it is and let me know when you're ready.
7 A Yeah, I know what it is, sir.
8 Q Have you seen this document before?
9 A This specific one, I don't know. I may have.
10 But this is the evidence page that all the firearms
11 are booked under.
12 Q Understood. Okay. And so you're familiar
13 with what this document is?
14 A Yes.
15 Q Do you know how this document is generated?
16 A Yes.
17 Q Okay. And how is that?
18 A So when you book a piece of evidence into
19 this PRELIMS system, there's two separate printers
20 attached to that computer monitor as you're processing
21 the information and documenting it. One is the one
22 that I referenced earlier as far as the evidence
23 labels. That's a small little printer that prints off
24 the labels. And it's got -- or it has, I should say,
25 the information in the description that's on this page

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1 along with "booked by," and then it also has the date
2 and then that barcode on the right. And that can be
3 scanned.
4 So the second printer is that you select in
5 the evidence page or in the PRELIMS system, you select
6 the printer document for evidence page and then hit
7 "print" and it prints off this page. So obviously
8 this one is 145 pages, and a typical one case, it
9 would be that one of those pages with the category,
10 what it is, evidence, the item number, would be one.
11 CSI number, I'm not sure what that stands for. And
12 then quantity, how many it is; description, value, and
13 then so on, so forth.
14 Q Understood. So you said you don't know what
15 the CSI number is?
16 A I don't offhand. I don't know if that's the
17 lab receipt number, or when you book narco, I think
18 maybe the lab receipt number gets populated in there.
19 Q Understood. When the booking dates here --
20 if I could have you scroll to the very last page,
21 that's page 145. You might be able to drag down the
22 side bar to make that go quicker than scrolling. No?
23 Oh, it makes you go one by one. Forget it.
24 I'm going to represent to you, and you can
25 check this later if you'd like, that the final booking

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1 date listed on the very last entry which is Item
2 No. 513 on page 145 --
3 MS. LOGAN: Got it.
4 BY MR. MOROS:
5 Q Can you read the booking date for me?
6 A I believe it says 6/28/18. June 28, 2018.
7 Q Understood. Okay. So were these booking
8 dates later revised, to your knowledge, once you
9 investigated the unknown firearms?
10 A No. The way that that works is -- let me
11 scroll up here and see this, yeah. So the way that
12 that works is when -- so the investigating officer
13 handles a case originally. In this case, June 14th.
14 I handled that initial one. The very first piece of
15 evidence that's put into there is now in there under
16 that case. So if somehow, whether it's a search
17 warrant found, whatever, but hypothetically another
18 piece of evidence or property associated to that case
19 is found on another date, when it's inputted and it's
20 input under the original file number for that case,
21 you could input evidence in that case at any point in
22 time, so.
23 If you found it later, you know, a week
24 later, it's going to have a new booking date for when
25 that piece of evidence was booked in. It's still

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1 associated to that same file number, but now obviously
2 in court, hey, what is this piece of evidence? And
3 there's most likely going to be a supplemental or some
4 kind of report saying, you know, that -- why this
5 piece of evidence was found later and booked, if that
6 makes sense.
7 Q Understood. No, it does. It does.
8 So if you went back and corrected an unknown,
9 would the booking date not update them? It wouldn't
10 change the booking date that's listed?
11 A You know what? Honestly, I don't know. I
12 don't know if when you -- when you go and correct a
13 piece, if it -- I think the booking date stays the
14 same, though.
15 Q Because the booking date reflects more when
16 you first entered it into the system?
17 A Correct. When that first piece or when that
18 information was inputted and stored I believe is the
19 original booking date.
20 Q Okay. So to your knowledge, is there
21 anywhere -- sorry? I thought I heard somebody. I
22 apologize.
23 To your knowledge, is there anywhere that
24 records when changes are made to this information?
25 A I don't know specifically. I think inside

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1 PRELIMS it tracks that information. So I hate to keep
2 referring to Susan, but I think she would probably be
3 able to give you an accurate where that's tracked at
4 and how that's tracked.
5 Q Understood. And I appreciate you being
6 straightforward when you don't know something. It
7 actually helps rather than having you guess. So thank
8 you.
9 A Sure.
10 Q All right. I'm going to come back to this
11 one more time. Earlier you testified that if you
12 had -- and let me know if I'm misstating your prior
13 testimony, please. But earlier I believe you
14 testified that if you had done this all by yourself,
15 perhaps with an assistant to hand you firearms, it
16 would have taken about six months of your time to get
17 this done.
18 Is that still your testimony today?
19 A No. That originally six months I was
20 referring to, I thought you meant like the guns are
21 all laid out on the patio. I got to walk out and pick
22 one up at a time and take it in there and book it. I
23 don't think I can give a fair time estimate because I
24 don't -- like I said, there was maybe a hundred, maybe
25 more, firearms that we couldn't identify. So I don't

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1 know how long that would take to start tracking down
2 manufacturers and getting the foreign languages
3 deciphered. I don't know how long that process would
4 take me. I was referencing more 10 to 15 minutes on a
5 standard gun, 500 guns, if all the information is
6 there.
7 Q Understood. I'll move on. All right.
8 Getting near the end now. I won't keep you all day.
9 MR. MOROS: I'm going to introduce the next
10 exhibit which should be 11. Let's hope it works.
11 (Exhibit 11 was marked for identification
12 and is attached hereto.)
13 THE WITNESS: Yes.
14 BY MR. MOROS:
15 Q Okay. Go ahead and scroll through these
16 photographs.
17 A Okay.
18 Q All right. Let's start with the very first
19 image. It looks like a rifle of some sort, a
20 bolt-action rifle.
21 Have you seen this photograph before?
22 A Yes, I believe so.
23 Q Let me rephrase to make it quicker.
24 Have you ever not seen any of these
25 photographs before in this exhibit?

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1 A No, I don't believe -- I think I've seen them
2 all.
3 Q Okay. Do you know what these pictures
4 depict?
5 A Yes.
6 Q And what is that?
7 A The different firearms that were seized.
8 Q Okay. Did you take these close-up shots of
9 each firearm, or was there some specific reason this
10 rifle was photographed up close?
11 A No, I actually don't know who took these
12 photographs or what the reasoning is. I'm just going
13 off of the evidence labels that are there, I believe
14 are related to our case, so -- maybe I shouldn't
15 assume it. I'm assuming that these are all the rifles
16 or some of the rifles that we seized.
17 Q Okay. And so you don't know why these
18 pictures were taken, then?
19 A No.
20 Q All right. Can you describe to me what
21 pictures four, five, and six are depicting?
22 A So picture four, I can't see what's written
23 on those envelopes, but if -- I'm assuming that
24 it's -- those are the envelopes containing different
25 firearms. I don't know if those are the ones related

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1 to my search warrant or Roth's case, but that's
 2 typically what you would see when you got handguns or
 3 pistols inside of envelopes sealed up with evidence
 4 labels.
 5 And then same thing on picture 5. More
 6 evidence, evidence envelopes most likely containing
 7 semiautomatic firearms or revolvers.
 8 Same with six.
 9 Seven looks like (inaudible) most likely, one
 10 of the -- and the butt plate of one of the rifles.
 11 Eight is -- I do remember -- I would --
 12 almost -- I would say all of those are related to our
 13 case or my case from Manny Fernandez's house. Those
 14 are the rifles all stacked up inside of the evidence
 15 room prior to them being booked. Actually, I don't
 16 know if it was prior or after. But that's the first
 17 room I was discussing where the two computers are at.
 18 That's where you sit down in that room. And
 19 obviously, all the rifles are stacked up in there or a
 20 portion of them.
 21 And then same with nine. I think that's just
 22 a closer photo of eight.
 23 Q Okay. Jumping back real quick to the
 24 envelopes. Why are pistols in particular placed in
 25 envelopes?

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1 A You know what? I'm not exactly sure. That's
 2 the way that I've always been taught to do it, and
 3 that's the way I taught to do it. I don't know what
 4 policy that falls under, but the pistols are cleared,
 5 the slides locked back. I always put a zip tie
 6 through there. I was recently told that you don't
 7 have to do that anymore but -- and then placed inside
 8 of an envelope with no source of ammunition inside of
 9 there. And the source of ammunition is placed in
 10 another envelope, and that way it can't mistakenly be
 11 loaded.
 12 And then that evidence label that I
 13 referenced earlier is placed on the outside of that
 14 envelope, and then it's secured inside of a locker for
 15 the evidence custodian to process.
 16 Q Do you know of any other close-up photographs
 17 like this of the firearms while they were being
 18 stored?
 19 A After they were already processed in?
 20 Q Yes.
 21 A I do not.
 22 Q Okay. And do you know why the damage on only
 23 a few of these guns was photographed?
 24 A I don't. Is that what the photo is supposed
 25 to depict is the damage?

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1 Q I'll admit I'm speculating a little there,
 2 but the close-up shots all do seem to involve
 3 scratches or dings on the firearms, yes.
 4 A Yeah, I don't know because if you look at the
 5 original photos in the truck, it kind of shows it.
 6 But most of these older-style wood grain stocks were
 7 all like that. They were all that way when they were
 8 recovered, so I don't know specifically why those
 9 photos were taken of those.
 10 Q Okay. I think this is our last exhibit for
 11 the day or second to last. I think maybe last.
 12 Actually, one sec on that.
 13 Is it the sheriff's department policy to
 14 place seized handguns in individual envelopes?
 15 A I believe so. That's how I was always --
 16 understood the policy to be.
 17 Q And were -- do you know who put the
 18 Fernandez-seized handguns in these envelopes? I
 19 believe you said you did at least some of them.
 20 A Yeah, I actually don't remember putting
 21 them -- specific ones, in envelopes. I know a lot of
 22 tasks were split and delegated in this. I don't know.
 23 I don't know -- I couldn't say who placed them
 24 actually in those envelopes.
 25 Q Okay. And do you know if all of the seized

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1 handguns were placed in envelopes?
 2 A I don't.
 3 Q And does the sheriff's department have any
 4 particular policy for the storage and safekeeping of
 5 seized long guns?
 6 A I don't know. Once it leaves the
 7 investigator's hands and is placed into the secured
 8 locker, I don't know what the policy is on once they
 9 pull them out of that locker, how they're stored.
 10 Typically, in most cases we don't have any
 11 part of that. Once we place the tag on it, the
 12 evidence label, it goes inside of a locked locker that
 13 only can be accessed from inside a secured room. And
 14 then once it's pulled from there, I don't know how
 15 they're stored and transported at that point.
 16 Q Okay. And you said they're placed into a
 17 locker, but we saw photographs there of the rifles
 18 just sitting in bins.
 19 Was that before they were placed into these
 20 lockers?
 21 A No. The lockers weren't going to be big
 22 enough to hold them all, so they were placed into
 23 those bins and then eventually -- I think they were
 24 bypassed the lockers because the evidence custodian
 25 was with us, and we placed them inside that secured

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1 room.

2 Q And so the reason these long guns were placed

3 into the plastic tubs is just because there was no

4 better way to store them?

5 A Yeah. I don't know -- I don't know what

6 direction, whose decision that was. But I think that

7 was the most effective way at the time with what we

8 had and how many we had to keep them -- because, mind

9 you, there were still day-to-day operations, you know,

10 being done and search warrants written where firearms

11 were coming in. So I think that was the best way at

12 the time to keep them separated and organized.

13 Q And do you know who placed them into these

14 bins?

15 A I don't.

16 Q Have you ever seen firearms stored this way

17 in your time with the sheriff's department other than

18 the Fernandez firearms?

19 A Yes.

20 Q What was the context of those similar storage

21 incidents?

22 A Well, I have been inside the secured -- that

23 secured room on different occasions to talk with

24 evidence custodians and people about pieces of

25 evidence that we're going to look at, and I do

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1 remember seeing bins and stuff like that in there with

2 different rifles placed inside of them.

3 Q And do you have any idea how long the

4 Fernandez long guns remained in these plastic bins?

5 A I don't.

6 MR. MOROS: Now I'll go ahead and introduce

7 the final exhibit, either final or second to last. It

8 will be [Exhibit 12](#) and it's coming through now.

9 ([Exhibit 12](#) was marked for identification

10 and is attached hereto.)

11 THE WITNESS: Okay. I got it. I'm looking

12 at it now.

13 BY MR. MOROS:

14 Q Go ahead and look through the images you see

15 there.

16 A Okay. I looked at them all.

17 Q Perfect. So let's take a look at

18 page 5, image 5.

19 A Okay.

20 Q All right. Have you seen this photograph

21 before?

22 A Yes.

23 Q Okay. Do you know what this photograph

24 depicts?

25 A Yeah. It's one of the -- one of those rubber

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1 bins that I kept referring to, and it looks like

2 multiple firearms stacked up inside of there.

3 Q Okay. So are these also pictures of the

4 Fernandez firearms?

5 A I don't know. I can't say for sure. I don't

6 know if somebody put some other firearms on top of

7 there. I'm assuming so because all the pictures are

8 inside the evidence room with the bins with all of our

9 seizures.

10 Q Do you know who took this picture?

11 A No.

12 Q Do you know who placed the firearms in this

13 bin?

14 A I do not.

15 Q So earlier you talked about the process by

16 which at least you, and you've been trained to, put

17 handguns into envelopes. Based on image 5 here, it

18 looks like there are handguns just thrown haphazardly

19 into the bin.

20 Do you know why these were not placed in

21 envelopes like the other handguns?

22 A I don't. And, like I said, I didn't take the

23 picture and place them in there, so I'm assuming

24 because they're associated to this case that we're

25 saying they're part of the Manny Fernandez, but I

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1 don't know if those are actually the ones from our

2 case or another case or going to be destroyed. I'm

3 not sure.

4 Q Okay. So this was all -- all these images

5 are at the Palmdale station; is that correct?

6 A I believe so, yes.

7 Q Okay. And do you know why -- for the first

8 few images of rifles, it looks like a double-barreled

9 shotgun. They're laid out on the floor there.

10 Do you know when these specific long guns

11 were photographed?

12 A No, I don't.

13 Q Do you know of images of each, because it

14 looks like these are different firearms, was each long

15 gun photographed, to your knowledge?

16 A I don't believe that every firearm was

17 cataloged and photographed individually, no.

18 Q And so you don't know why these specific ones

19 were, then?

20 A I do not.

21 Q Okay. How long did the firearms stay at the

22 Palmdale station?

23 A I'm not sure.

24 Q Do you know of them ever leaving the Palmdale

25 station?

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1 A I believe they were transferred at some
2 point. Because one of these pictures, Number -- I
3 think this is 7. Yeah, 7. I believe that's before
4 they were going down to central property being
5 shrink-wrapped because that's not something that we
6 typically do initially. I know they were all
7 scheduled, like all firearms are scheduled to be
8 destroyed if unlawfully possessed. I don't know if
9 they were going down to be destroyed or released. I'm
10 not sure.
11 Q And the last set of images, again, are just
12 the ones from the patio. I think they're the same
13 day, same that we saw earlier. But it does remind me,
14 was there any -- you know, I imagine this was a very
15 unusual seizure, perhaps the biggest of your career, I
16 think you testified earlier.
17 Was there any discussion with your colleagues
18 about how you would store all of these firearms given
19 the limited space available?
20 A Yes.
21 Q Okay. Do you remember those conversations?
22 A Yes. We discussed having central property,
23 the main hub of central property, come out and take
24 them directly down to central property and assist us
25 in the booking process of those. I know that that

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1 avenue was explored. Central property was contacted,
2 and they were unavailable to respond out to where we
3 were at.
4 So then we got in communication with our
5 evidence custodian to kind of figure out, hey, how are
6 we going to store this amount of firearms in our
7 station. So those conversations were had, and it was
8 settled on the best way, was to get them to Palmdale
9 station, and then from there, process them in.
10 Q Okay. And I feel like I just asked this, but
11 maybe I need to have lunch and my brain isn't working.
12 But do you recall how long the firearms were
13 at the Palmdale station?
14 A I don't.
15 Q Sorry. Sorry for asking that, I think,
16 twice.
17 All right. Moving on to the last bit here,
18 were any charges ever filed against Manny Fernandez as
19 related to the searches and seizures we've discussed
20 today?
21 A I believe so, yes.
22 Q Okay. Do you recall what those charges were?
23 A I think they were the felon in possession or
24 prohibited person in possession of firearms.
25 Q Okay. Was he ultimately convicted?

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1 A I believe he passed away before the trial
2 came to settle in court.
3 Q And so the charges were, I suppose,
4 dismissed, then, due to his death?
5 A Correct.
6 Q Okay. Once the charges were dismissed due to
7 his death, what happened to the firearms?
8 A I was told later that it was arranged to
9 where Ana Fernandez could now take possession of the
10 firearms, which I think is out of the form, but that
11 was beyond my scope of it.
12 Q Okay. And so you were not involved with any
13 of the return of the firearms to Mrs. Fernandez's
14 custody?
15 A No, I wasn't.
16 Q And so you don't know if she demanded the
17 release of the seized firearms or anything that played
18 out with that?
19 A No.
20 Q Okay. Do you know whether Mrs. Fernandez
21 ever paid the required storage fees?
22 A I don't.
23 Q And except for the payment of the required
24 storage fee, was there any other reason that would
25 have delayed the release of the firearms that you are

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1 aware of?
2 A I don't know.
3 Q Okay. And just to be specific here, I know
4 you already answered "I don't know." I'm talking
5 about the legal firearms other than Mr. Fernandez
6 being a prohibited person. I'm not talking about any
7 firearms that were illegal themselves because of their
8 configuration as assault weapons or otherwise.
9 But to reiterate, you responded that you are
10 not aware; is that correct?
11 A Yeah. As far as -- typically when somebody's
12 arrested or found guilty or illegally in possession of
13 a firearm, it's destroyed. So I don't know how that
14 process worked about -- that was the first time I've
15 ever heard of firearms being released to somebody
16 else. You know, typically, like I said, they're
17 scheduled to be destroyed. I don't know how that
18 process or how long it took for -- for Ana Fernandez
19 to get possession of them. I'm not sure how that was
20 processed out or delayed or not delayed.
21 Q And are you aware of who the firearms were
22 eventually released to specifically?
23 A I was told they were released to Ana
24 Fernandez.
25 Q Well, I can represent to you that they were

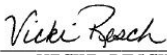
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1 actually released to Carol Watson's Orange Coast
 2 Auctions, who Mrs. Fernandez had arranged to reinstall
 3 the firearms for or on her behalf.
 4 So I take it, given that you didn't know
 5 that, you were not there the day they were turned
 6 over; is that correct?
 7 A That's correct.
 8 MR. MOROS: Okay. All right. Counsel, do
 9 you have any questions for your client here?
 10 MS. LOGAN: I have no questions.
 11 MR. MOROS: Okay. All right. I guess we're
 12 done here. Thank you so much for your time,
 13 Ms. Logan.
 14 Madam Court Reporter, did you want to discuss
 15 how we're going to handle the record?
 16 (Discussion held off the record.)
 17 (Proceedings concluded at 1:01 p.m.)
 18 * * *
 19
 20
 21
 22
 23
 24
 25

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1 DECLARATION UNDER PENALTY OF PERJURY
 2
 3
 4 I hereby declare under penalty of perjury under
 5 the laws of the State of California, that the
 6 foregoing is my deposition under oath; are the
 7 questions asked of me and my answers thereto; that I
 8 have read same and have made the necessary
 9 corrections, additions or changes to my answers that I
 10 deem necessary.
 11 In witness thereof, I hereby subscribe my name
 12 this ____ day of _____, 20____, at
 13 _____, California.
 14
 15
 16
 17 _____
 18 WYATT WALDRON
 19
 20
 21
 22
 23
 24
 25

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1 I, VICKI RENEE RESCH, RPR, CSR No. 6645,
 2 certify: that the foregoing proceedings were taken
 3 before me at the time and place herein set forth; at
 4 which time the witness was duly sworn; and that the
 5 transcript is a true record of the testimony so given.
 6
 7 Witness review, correction and signature was
 8 (X) by Code. (X) requested.
 9 () waived. () not requested.
 10 () not handled by the deposition officer due to
 11 party stipulation.
 12
 13 The dismantling, unsealing, or unbinding of the
 14 original transcript will render the reporter's
 15 certificate null and void.
 16 I further certify that I am not financially
 17 interested in the action, and I am not a relative or
 18 employee of any attorney of the parties, nor of any of
 19 the parties.
 20 Dated this 11th day of October, 2023.
 21
 22
 23 
 24 VICKI RESCH
 25

918-08 0-2646-1516431

SW NO. _____

**STATE OF CALIFORNIA - COUNTY OF LOS ANGELES
SEARCH WARRANT AND AFFIDAVIT**

(AFFIDAVIT)

Deputy Wyatt Waldron, Affiant, swears under oath that the facts expressed by him in this Search Warrant and Affidavit and the attached and incorporated **Statement of Probable Cause** are true and that based thereon he has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

Wyatt Waldron **NIGHT SEARCH REQUESTED: YES [] NO [X]**
HOBBS SEALING ORDER REQUESTED: YES [X] NO []

(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit having been made before me by Deputy Wyatt Waldron, that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth herein and is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X" (s) in that:

_____ it was stolen or embezzled,

xxx it was used as the means of committing a felony,

_____ it is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery,

xxx it tends to show that a felony has been committed or that a particular person has committed a felony,

_____ it tends to show that sexual exploitation of a child, in violation of P.C. Section 311.3, has occurred or is occurring;

_____ there is a warrant for the person's arrest;

YOU ARE THEREFORE COMMANDED TO SEARCH:. (see attachment SW-A-1)

FOR THE FOLLOWING PERSON(S): (see attachment SW-A-1)

FOR THE FOLLOWING VEHICLES: (see attachment SW-A-1)

FOR THE FOLLOWING PROPERTY: (see attachment SW-A-2)

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 13 day of June, 2018, at 2:48 A.M./P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

Lisa Mangay Chung

(Signature of Magistrate)

Judge of the Superior Court, North Judicial District



NIGHT SEARCH APPROVED: YES [] NO []

HOBBS SEALING ORDER APPROVED: YES [] NO []

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SW-A-1

PROPERTY TO BE SEARCHED: The property located at 34710 Caprock Road, Agua Dulce CA 91390, further described as a two story single family dwelling constructed of tan colored stucco, white wood trim, and red Spanish style tile roof. The address "34710" is located on the wood trim above the garage and also posted on a secondary location on a stone pillar directly in front of the driveway. The locations front door faces south and is white in color.

AREAS TO BE SEARCHED AT ALL OF THE LOCATIONS NAMED IN THIS AFFIDAVIT AND SEARCH WARRANT ARE AS FOLLOWS: At the above described location, your affiant requests permission to search all rooms, attics, safes, basements, and other parts therein, the surrounding grounds, any garages, storage rooms, containers and out-buildings of any kind located therein and any common trash containers and storage areas designed for the use of the specifically described residence, any vehicles directly on the property or in the street front of nearby or adjacent to the above identified location, provided that prior to searching said vehicle or vehicles it is confirmed that said vehicle(s) are registered, legally possessed, by an individual residing at the residence or can be specifically connected to the suspect in this case. During surveillance of the location, we identified over 10 vehicles that are on the premises. Many of the vehicles look to be non-operational. Based on my training and experience it is common for persons to store items in vehicles stored on the premises.

THE FOLLOWING PERSONS: Manuel Fernandez MH/011858

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SW-A-2

FOR THE FOLLOWING PROPERTY:

1. International Armement, model Vadragoon, S/N S34842
2. Mauser, model HSC, S/N 134748
3. Star, model S, S/N 1911482
4. Beretta, model 92FS, S/N E21508Z
5. Steyr, model M9, S/N 005848
6. Fab Nat Darmes D Gue, model GP, S/N 245PX26221
7. Smith & Wesson, model 10, S/N BNZ6028
8. Smith & Wesson, model 255, S/N N846630
9. Sturm, Ruger & Co, model Vaquero, S/N 5794034
10. Astra, model Constable, S/N H3285
11. Astra, model A80, S/N 1280501
12. Astra, model 400, S/N 98910
13. Benelli, model B76, S/N 2059
14. Beretta, model 70S, S/N B53557U
15. Beretta, model 21A, S/N BAS06156U
16. Beretta, model 85BB, S/N D52651Y
17. Beretta, model unknown, S/N A32022Y
18. Beretta, model 92, S/N B58845Z
19. Carl Walther, model P38, S/N 354214
20. Carl Walther, model P38, S/N 137119
21. Charter Arms Corp, model Bulldog, S/N 719219
22. Colt, model New service, S/N 128399
23. Fab Nat Darmes D Gue, model 1922, S/N 134301
24. Harrington & Richardson, model 732, S/N AU189499
25. Heckler & Koch, model HK4, S/N 22521
26. Heckler & Koch, model P7, S/N 35199
27. Hi Standard, model trophy, S/N SH32420V
28. Husqvarna, model 1889, S/N 2801
29. Imi, model Desert Eagle, S/N 18137A
30. Manhurin, S.A., model PP, S/N 42847
31. Norinco, model Tokarev, S/N 200022
32. Sauer, J.P & Sons, model P220, S/N G127584
33. Smith & Wesson, model 341, S/N M144937
34. Smith & Wesson, model 5863, S/N BED9247
35. Smith & Wesson, model 1917, S/N 188419
36. Springfield Armory, model Omega, S/N NM128154
37. Star, model 30M, S/N 1877512
38. Steyr, model GB, S/N P14564
39. Steyr, model 1911, S/N 4886D
40. Zastava, model CZ99, S/N 547
41. Excam, model GT41, S/N F50469
42. Sturm, Ruger & Co, model Blackhawk, S/N 2755

I further request permission to seize any articles of personal property tending to establish the identity of persons who have domain and control over the premises and automobiles to be searched, or items to be seized, including, rent receipts, utility bills, telephone bills, addressed mail, personal identifications, keys, purchase receipts, sales receipts, photographs, vehicle pink slips and registrations.

I believe these items will tend to connect the premises, persons, locations and vehicles to be searched with the items to be seized and the case being investigated. I further believe these items are not the type normally disposed of and will therefore likely to be found at the locations to be searched.

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9-08116-2646-1
#6434**AFFIANT STATEMENT****Background of Affiant**

Your Affiant, Wyatt Waldron, #521031, referred to in the first person as "I", am a sworn Peace Officer with the Los Angeles County Sheriff's Department and have been so employed for approximately 12 years. I am currently assigned as a Deputy with the Partners Against Crime Team at Palmdale Sheriff's Station.

Assignments

During the first year of my career (2007), I worked as a Jail Deputy at North County Correctional Facility where I interviewed hundreds of inmates regarding their criminal practices related to their various crimes including, but not limited to, the use and sales of narcotics, crimes against persons and any gang activity or affiliation. Thereafter, I was assigned to Palmdale Sheriff's Station where I worked in the capacity of a field patrol deputy and a Field Training Officer for four years. In December 2009, I was assigned to the burglary suppression team in Palmdale. During this time, I investigated hundreds of burglary and property related crimes. During the summer of 2010 and 2011, I was assigned to the Violent Crime Suppression Team. While on this assignment, I investigated numerous violent crimes, many of which were committed by active gang members. For approximately 2 years I was assigned to Operation Safe Streets Bureau's Gang Enforcement Team. We conducted gang saturation patrols and investigations in the cities of Palmdale, Lancaster, Compton, Century, South Los Angeles and East Los Angeles. During the past 10 years, I have investigated and or been directly involved in over 800 narcotic related cases. I have testified as an expert In Los Angeles County Superior Court in the sales of Marijuana, cocaine and methamphetamines. I have testified as an expert to the transportation and methods of packaging of various types of narcotics. I have developed and managed multiple informants in narcotic related cases.

During my time at Palmdale Sheriff's Station, I have also investigated and conducted a wide variety of cases, ranging from minor infractions to serious felonies. These cases included robbery, burglary, embezzlement, assaults, narcotics, fraud, weapons violations, identity theft, sexual assaults, kidnaping, grand theft, domestic violence and vandalism. The cases I have personally investigated and/or have been involved in helping investigate include interviewing victims, suspects, informants and witnesses. In addition, I have been involved in finding and documenting facts, as well as gathering and booking evidence. I have also assisted in the execution of numerous search warrants as well

as testified in both Municipal and Superior Courts.

For approximately one year I worked on the Special Operations Group. During that time I was assigned as an Investigator for the surveillance team. I investigated over 20 cases involving narcotics and gang activity. I Conducted over 1000 hours of surveillance, utilizing unmarked vehicles and digital technology.

I have worked with Peace Officers who are considered experts in Several Superior Courts in the areas of, narcotics, gang activity, identity theft and forgery. I have questioned numerous suspects concerning the manner in which they commit their crimes, hide their weapons, dispose of contraband and stolen property. I am familiar with the manner in which crimes are committed and how suspects attempt to avoid prosecution. I have personally authored dozens of search warrants for various crimes including narcotics possession, possession of firearms, possession of narcotics and firearms for the purpose of sales.

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STATEMENT OF PROBABLE CAUSE

Through department resources I identified two legal owners of the property located at 34710 Caprock Road, Agua Dulce, CA. One of the owners on the home is Manuel Fernandez who was placed on the title of the home April 2018. Utilizing CCHRS I checked the name Manuel Fernandez with a birthdate of 01-18-58. There was a criminal history with a booking photograph of Manuel Fernandez. His criminal history showed that he had been convicted of a felony in 2009 for 487P.C. 182 P.C. His CCHRS further showed that he had used the address of 34710 Caprock Road, Agua Dulce on multiple occasions.

I checked with the Automated Firearms System (AFS) to determine if firearms are owned by Manuel Fernandez with a birthdate of 01-18-58. I checked his driver's license number of N4341279 against the AFS database which returned with 42 handguns owned by Manuel Fernandez with a date of birth of 01-18-1958. The 42 handguns registered to Manuel Fernandez are listed and described on SW-2. A check of California Department of Motor Vehicles revealed the driver's license number listed is associated to Manuel Fernandez with a date of birth of 01-18-1958. According to AFS, the firearms were purchased on dates prior to his conviction in 2009. Reading historical court documents, during his 2009 conviction, Honorable Judge Carlos Chung admonished Manuel Fernandez that he was not to own or possess any firearms and or dangerous weapons.

On 06-11-18, my partner Deputy Livingston (#527888) and I conducted surveillance at 34710 Caprock Rd, Agua Dulce, CA. During the surveillance, we observed Manuel Fernandez exit the residence and get into a Hummer H2 (Lic#5EGE269) and drive southbound from the location. I was able to positively identify the person who exited the residence as Manuel Fernandez based on his CA DMV photo and previous booking photo. Deputy Jacob (513465) conducted a traffic stop on the vehicle for a traffic code violation. Deputy Jacob asked the driver of the vehicle for his Driver's License, at which time the driver handed him a California Driver's License with the name Manuel Fernandez and a Driver's License #N4341279.

Based on the above, I believe the crime of 29800(A)(1)P.C. is being committed at the location. I base my belief on the fact Manuel Fernandez has a proven felony conviction coupled with the 42 firearms registered to him. All 42 firearms are still currently registered to Manuel Fernandez N4341279 and have yet to be transferred legally according to California State Law.

Based on the facts articulated in this affidavit, I believe that grounds for the issuance of a search warrant exists as set forth in sections 1524 PC. I believe that if a search warrant is granted for the address of 34710 Caprock Road, Agua Dulce CA, evidence supporting the facts in this affidavit consistent with that of the above listed felony will be recovered.

CONFIDENTIAL
THIS MATERIAL IS SUBJECT TO THE
ATTORNEY-CLIENT AND/OR THE
ATTORNEY WORK PRODUCT PRIVILEGES






















Sent from my iPhone

918-08732-2646-151

SW NO. _____

**STATE of CALIFORNIA, COUNTY of LOS ANGELES,
SEARCH WARRANT AND AFFIDAVIT
(AFFIDAVIT)**

Deputy Wyatt Waldron #521031 (Affiant) and (Co-Affiant) Deputy Cesar Vilanova #546551 declare under penalty of perjury that the facts expressed by him in the attached and incorporated **Statement of Probable Cause** are true and that based thereon they have probable cause to believe and do believe that the articles, property, and persons described below are lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and are now located at the locations set forth below. Wherefore, Affiant requests that this Search Warrant be issued.


(Affiant Signature)

Night Search Requested: YES (X) NO ()


(Co-Affiant Signature)

Hobbs Sealing Requested: YES () NO (X)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit, under penalty of perjury, having been made before me by Deputy Wyatt Waldron and Deputy Cesar Vilanova that there is probable cause to believe that the property or person described herein may be found at the location set forth herein and that it is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "x"(s) in that it:

_____ was stolen or embezzled.

X was used as the means of committing a felony.

X is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery.

X tends to show that a felony has been committed or that a particular person has committed a felony.

_____ Tends to show that sexual exploitation of a child, in violation of Penal Code Section 311.3, or possession of matter depicting sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring.

_____ There is a warrant to arrest the person.

YOU ARE THEREFORE COMMANDED TO SEARCH: (see attachment SW-A-1)

FOR THE FOLLOWING PERSON(S): (see attachment SW-A-1)

FOR THE FOLLOWING VEHICLE(S): (see attachment SW-A-1)

FOR THE FOLLOWING PROPERTY: (see attachment SW-A-2)

AND TO SEIZE IT / THEM IF FOUND and bring it / them forthwith before me, or this court, at the courthouse of this court. This **Search Warrant and Affidavit** and attached and incorporated **Statement of Probable Cause** were sworn to as true under penalty of perjury and subscribed before me on this 14th day of June, 2018 at 6:40pm A.M. / P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.



(Signature of Magistrate)

Knock - notice excused: YES (X) NO ()
Night search approved: YES () NO (X)

Judge of the Superior Court of California, North County, Judicial District.

#6449

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SW-A-1

COMMANDED TO SEARCH: The premises located at 34965 Sweetwater Drive Agua Dulce, 91390, in the County of Los Angeles. This location is described as a single story, single family residence, with a beige stucco finish and a red clay tile roof. The front door of the location is white, with stained glass windows, which faces south. There is an attached garage on the east side of the residence. There are black numbers affixed to the residence facing south denoting "34965" as the address. Additionally, there is one camping style tow trailer located on the east side of the property of 34965 Sweetwater Drive, Agua Dulce, CA. The camping trailer is not identified as an individual residence, however it is located on the property. In addition, there are 10 vehicles parked on the property with the CA License plates of: 6RJM906, 7XAV612, 5MXF441, 8APC831, 4MMU959, 8AYG291, and 7E39544.

PERSONS TO BE SEARCHED:

Carey Lee Moisan FW/04-07-53, Blonde Hair, Green Eyes, 501, 110lbs. (CII# A26273975)

VEHICLES TO BE SEARCHED:

Any vehicles used by, registered or associated to Carey Lee Moisan, or any other person(s) directly involved with or connected to the suspect(s) in this case, any vehicles directly on the property or in the street front of nearby or adjacent to the above identified location, provided that prior to searching said vehicle or vehicles it is confirmed that said vehicle(s) are registered, legally possessed, by an individual residing at the residence or can be specifically connected to the suspect in this case. Also, any vehicles or any other person(s) that may arrive at the location during this service of the search warrant that are directly involved.

AREAS TO BE SEARCHED AT ALL OF THE LOCATION NAMED IN THIS AFFIDAVIT AND SEARCH WARRANT ARE AS FOLLOWS:

At all locations named in this warrant and all rooms, attics, basements and other parts therein, the surrounding grounds, storage rooms, trash containers, recreational style trailers, both towable and not towable and outbuildings of any kind thereon; including garages (attached or detached), any combination safes and locked boxes therein. For; all incoming telephone calls (searching officers are directed to answer the telephone and converse with callers who appear to be calling regarding the sales or purchasing of narcotics) and note and record the conversation without revealing their true activity. Also, to listen, note, and record any messages left on any telephone answering devices located therein. Also, to search any additional vehicles in the control of any persons herein named in this search warrant. Any vehicle on the described property under control of any of the occupants. The location described in the search warrant is to be videotaped prior to and after the search.

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SW-A-2

FOR THE FOLLOWING PROPERTY:

- **Firearms**, any and all firearms.

Your Affiant also requests to inspect all firearms and/or any instrument, ammunition, weapon, or device listed in PART 6, Title 2, Division 5 and 6, Title 3, Division 1 through 11, of the California Penal Code and to seize those that are unlawfully possessed by any individual that is prohibited from possessing firearms or ammunition pursuant to Section 29800 or 29900, or paragraph of subdivision (a) of Section 30305 of the California Penal Code, or Section 8100 or 8103 of the California Welfare and Institutions Code; and any miscellaneous gun pieces, gun cleaning kits, holsters, belts, original packaging, targets, expended pieces of lead, any photographs of firearms, and any paperwork showing the purchase, storage, disposition, or dominion and control over any guns, any ammunition, or any of the above items.

AFFIANT STATEMENT

Background of Affiant

Your Affiant, Wyatt Waldron, #521031, referred to in the first person as "I", am a sworn Peace Officer with the Los Angeles County Sheriff's Department and have been so employed for approximately 12 years. I am currently assigned as a Deputy with the Partners Against Crime Team at Palmdale Sheriff's Station. I have worked in several capacities such as Patrol, Patrol Training Officer, Gang Enforcement Team, Parole Compliance Team, Surveillance Team and Partners Against Crime Team (Palmdale Sheriff Station Team).

Assignments

During the first year of my career (2007), I worked as a Jail Deputy at North County Correctional Facility where I interviewed hundreds of inmates regarding their criminal practices related to their various crimes including, but not limited to, the use and sales of narcotics, crimes against persons and any gang activity or affiliation. Thereafter, I was assigned to Palmdale Sheriff's Station where I worked in the capacity of a field patrol deputy for four years and a field training officer. In December 2009, I was assigned to the burglary suppression team in Palmdale. During this time, I investigated hundreds of burglary and property related crimes. During the summer of 2010 and 2011, I was assigned to the Violent Crime Suppression Team. While on this assignment, I investigated numerous violent crimes, many of which were committed by active gang members. For approximately one year (2012) I worked on the Special Operations Group. During that time I was assigned as an investigator for the surveillance team. I investigated over 20 cases involving narcotics and gang activity. I conducted over 1000 hours of surveillance, utilizing unmarked vehicles and digital technology. For approximately 2 years (2013-2015) I was assigned to Operation Safe Streets Bureau's, Gang Enforcement Team. We conducted gang saturation patrols and investigations in the cities of Palmdale, Lancaster, Compton, Century, South Los Angeles and East Los Angeles. From 2015-Current I have been assigned to the Partners Against Crime Team at Palmdale Sheriff's Station.

During the past 11 years, I have investigated and or been directly involved in over 800 narcotic related cases. I have testified as an expert in Los Angeles County Superior Court in the sales of Marijuana, cocaine and methamphetamines. I have testified as an expert to the transportation and methods of packaging of various types of narcotics. I have developed and managed multiple informants in narcotic related cases.

During my time at Palmdale Sheriff's Station, I have also investigated and conducted a wide variety of cases, ranging from minor infractions to serious felonies. These cases included robbery, burglary, embezzlement, assaults, narcotics, fraud, weapons violations, identity theft, sexual assaults, kidnaping, grand theft, domestic violence and vandalism. The cases I have personally investigated and/or have been

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involved in helping investigate include interviewing victims, suspects, informants and witnesses. In addition, I have been involved in finding and documenting facts, as well as gathering and booking evidence. I have also assisted in the execution of numerous search warrants as well as testified in both Municipal and Superior Courts.

I have worked with Peace Officers who are considered experts in Several Superior Courts in the following areas, (narcotics, gang activity, identity theft and forgery). I have questioned numerous suspects concerning the manner in which they commit their crimes, hide their weapons, dispose of contraband and stolen property. I am familiar with the manner in which crimes are committed and how suspects attempt to avoid prosecution. I have personally authored dozens of search warrants for various crimes including firearms and narcotics.

CO-AFFIANT STATEMENT

Background of Co-Affiant

Your Co-Affiant, Cesar Vilanova #546551, referred to in the first person as "I", am a sworn peace officer with the Los Angeles County Sheriff's Department for the past six years. During this time your affiant has been assigned to Men's Central Jail (2012-2014) and patrol at Palmdale Sheriff Station (2014-Current). I am currently assigned as a Deputy to the Summer Crime Enforcement Program which is tasked with crime suppression in both the City of Palmdale and in the Los Angeles County area.

Assignments

During my first two years I was assigned to Men's Central Jail where I worked as a Jail Deputy, where I interviewed hundreds of inmates regarding their criminal practices related to their various crimes including, but not limited to, the use and sales of narcotics, crimes against persons and any gang activity or affiliation. In addition, I was assigned to work with high security level inmates, which consisted of active and "drop out" members of well-known criminal street gangs and narcotic trafficking organizations, including prominent drug cartels. During the interviews, I have heard their personal perspective on their lifestyle and the crimes they participated in.

In 2014, I was assigned to Palmdale Station patrol, where I worked under the supervision of a Senior Field Training Officer for a duration of 6 months. During that time, I was instructed how to investigate crimes including, but not limited to: Homicides, assaults and assaults with firearms, robberies, burglaries, auto thefts, identity theft, human trafficking, domestic violence, illegal possession of dangerous weapons (including, but not limited to firearms), and graffiti incidents.

After completing the 6 month mandated training at Palmdale Station, I was assigned to several crime suppression teams for approximately three years. During that time, I conducted investigation which led to over 400 arrests including, but not limited to those listed above. The cases I have personally investigated and/or have been involved in helping investigate include interviewing victims, suspects, informants and witnesses, and parole/probation compliance searches of residences.

I have attended over 40 hours of gang culture training which included, but not limited to: gang identification, gang symbols, initiation, gang graffiti, and gang lifestyle.

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In addition, I have worked in joint operations with detectives of our department and of partnering agencies. Those operations included search warrants, surveillance, interviews, and ultimately the apprehension of wanted suspects.

STATEMENT OF PROBABLE CAUSE

Today, during the execution of a search warrant at 34710 Caprock Road Agua Dulce, County of Los Angeles, we arrested Manuel Fernandez for being an ex-felon in possession of a firearm (Violation of 29800(a)(1) PC). Through the Automated Firearm System, Manuel Fernandez had 42 handguns registered to his name. At the conclusion of the search warrant, we recovered over 400 firearms at his residence. However, we only recovered 2 out of the 42 registered firearms. During a conversation with Manuel's wife (Ana Patricia Fernandez FH/02-29-60), she told me she personally delivered an unknown amount of firearms including handguns and rifles to Manuel's business partner. Ana identified the business partner by the name of "Carey Lee Moisan" (FW/approximately 65 years old) who resides at 34965 Sweetwater Drive. Ana does not know how many firearms she delivered to Carey, because she did not inventory the firearms. In addition, Ana stated she was instructed by Manuel to deliver the firearms to his business partner, Carey, in June of 2017.

During that time, Manuel was incarcerated in the Los Angeles County Jail. While visiting him in jail, Manuel told her to take several boxes containing firearms to Carey for safekeeping. Once, released from jail, Manuel did not retrieve the firearms from Carey nor did he arrange for disposal of the firearms. Ana stated the firearms should be at Carey's house, inside of a safe. Due to Manuel's health condition, neither Ana nor Manuel have had time to retrieve the firearms from Carey. Manuel has been in and out of the hospital, and Ana did not deem the retrieval of the firearms to be a priority.

Through Departmental resources, I confirmed Carey Lee Moisan (FW/ 04-07-53) does in fact have a listed address of 34965 Sweetwater Drive in Agua Dulce, CA. In fact, Carey was a co-defendant on two cases with Manuel Fernandez, and as a result was convicted of felony grand theft (Violation of 487(a) PC). Furthermore, Carey is a convicted felon as of 2009 and therefore was in violation of 29800(a)(1) PC at the time the firearms were given to her in 2017.

In addition, the vehicles parked on her property (CA License plates of: 6RJM906, 7XAV612, 5MXF441, 8APC831, 4MMU959, 8AYG291, and 7E39544) are registered to Manuel Fernandez or Rancho Agua Dulce LLC. A search of "Rancho Agua Dulce LLC" listed Carey Moisan and Manuel Fernandez as managing members of the domestic limited-liability company, otherwise known as LLC.

Based on the above information, your Affiant and Co-Affiant believe there is probable cause to believe grounds for the issuance of a search warrant exists as set forth in sections 1524 PC. Your Affiant and Co-Affiant swear that the information contained within this affidavit is true, and therefore request this search warrant be issued to further your Affiant's and Co-Affiant's investigation.

Your Affiant and Co-Affiant believe if a search warrant is granted for the address of 34965 Sweetwater Drive, Agua Dulce, firearms will be recovered.

Based on the information in this warrant, your Affiant and Co-Affiant believe the person listed in this warrant reside at the residence located at 34965 Sweetwater Drive, Agua Dulce, CA. Your Affiant and Co-Affiant declare under the penalty of perjury that the aforementioned facts are true and that there is probable cause to believe the firearms are now in the described location (34965 Sweetwater Drive Agua Dulce, CA), including all rooms, buildings, RV's and structures used in connection with the premises.

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I believe the crime of 29800P.C. (Felon with a Firearm) is being committed from within the location and property located at 34965 Sweetwater Drive Agua Dulce, CA.

Your Co-Affiant is requesting night service during the service of this search warrant due to the close proximity of multiple schools which are heavily populated. The neighborhood and surrounding area is heavily populated with school children walking to school and vehicle traffic taking children to school after 7am. Night service would eliminate the possibility of children being present in the area should an armed conflict occur. It will also allow us to approach the location under the cover of darkness to avoid detection which gives the deputies a tactical advantage while increasing the safety of not only them, but the occupants who may be inside of the residence at the time of the search warrant service.

DECLARATION OF DEPUTY WYATT WALDRON

I, WYATT WALDRON declare that if called and sworn, I would state the following under oath which is based on my personal knowledge;

1. I am over the age of 18 and am named as a defendant in this action.

2. At all times mentioned herein, I have been employed by the Los Angeles County Sheriff's Department as a Deputy Sheriff. In June 2018, I was the lead deputy in the investigation involved in the seizure of firearms, ammunition and other prohibited items from Manuel Fernandez.

3. In June 2018, I received a tip indicating that Manuel Fernandez was in possession of a large collection of firearms. I checked the Automated Firearms System (AFS) database and discovered that Manuel Fernandez had 42 firearms registered to him. I then began an investigation in order to obtain a warrant for the seizure of the firearms from Manuel Fernandez.

4. My investigation included researching Fernandez's criminal history; researching title to Fernandez's home; checking the DMV database for Fernandez's driver's license, then comparing that license to the AFS database to confirm that he was the correct person; reading historical court documents during Fernandez's 2009 conviction wherein Judge Carlos Chung admonished Miguel Fernandez that he was not to own or possess any firearms or dangerous weapons.

5. On June 11, 2018, I, along with Deputies Jonathan Livingston and Deputy Murray Jacob conducted surveillance of Manuel Fernandez's residence at 34710 Caprock

1 Road on order to verify that he still resided at the residence and to determine the number of
2 other occupants in the residence in preparation for serving the warrant. During the
3 surveillance, I was able to confirm that Manuel Fernandez resided at the location based on
4 my observations and the DMV photos of Fernandez.

5 6. I then began the process of preparing the warrant affidavit and statement of
6 probable cause. After preparing the required documents, I took them to the courthouse and
7 presented them to the judge for signature.

8 7. The aforementioned actions took approximately fourteen (14) LASD manhours
9 for sworn peace officer personnel.

10 8. The report of the June 14, 2018 search was drafted by Deputy Kyle Dingman.
11 A true and correct copy of the report of the June 14, 2018-service of the warrant on
12 Manuel Fernandez's residence at 34710 Caprock Road, in Agua Dulce, is attached hereto
13 and incorporated by reference herein as Exhibit 6.

14 9. The search of the Caprock residence on June 14, 2018 began with the station
15 briefing at 7:00 am. The search concluded on that day at 12:40 pm.

16 10. Prior to conducting the search of the Fernandez residence on Caprock the
17 search team took video of the inside of the location. A true and correct copy of the video
18 taken prior to the search of Manuel Fernandez's residence as it appeared on June 14, 2018
19 is attached hereto and incorporated by reference herein as Exhibit 18.

20 11. In the late afternoon of June 14, 2018, we served a warrant at the residence of
21 Manuel Fernandez's business partner Carey Moisan, on Sweetwater Drive in Agua Dulce.
22 That search took approximately two hours and involved the following ten (10) Deputy
23

1 personnel: me and deputies Vilanova, Dingman, Grimes, Nemeth, Dollens, Allen, Knott,
2 Winter, and Grussing. A true and correct copy of Deputy Vilanova's report of the
3 Sweetwater search is attached hereto and incorporated by reference herein as Exhibit 9.

4 12. Prior to conducting the Sweetwater search, the search team took a video of the
5 inside of that location. A true and correct copy of the video taken prior to the search of
6 Carey Moisan's residence as it appeared on June 14, 2018 is attached hereto and
7 incorporated by reference herein as Exhibit 19.

8
9 I declare under the penalty of perjury that the foregoing is true and correct.

10 Execute this 1st day of March at Los Angeles, California.

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14 WYATT WALDRON
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COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A TRADITION OF SERVICE

INCIDENT REPORT

DATE 6-14-18 PAGE 1 OF 5

ACTION: <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE <input type="checkbox"/> PENDING		NON-CRIMINAL <input type="checkbox"/>	# OF ADULT ARRESTS 1	# OF SUBJECT DETENTIONS 0	URN# 9 18	08710	2646	151	TAG# 90
CLASSIFICATION 1 / LEVEL / STAT CODE		FELON IN POSSESSION OF A FIREARM 29800CA(1) PC / F / 151		LOG		AP 6-23-18			
CLASSIFICATION 2 / LEVEL / STAT CODE		POSSESSION OF AN ASSAULT RIFLE 32625CA PC / F / 151		FAX/MAIL					
CLASSIFICATION 3 / LEVEL / STAT CODE		FELON IN POSSESSION OF AMMUNITION 30305CA(1) PC / F / 151		LARCIS		AP 6-23-18			
CLASSIFICATION 4 / LEVEL / STAT CODE		RECEIVE LARGE CAPACITY MAGAZINE 32310 PC / F / 151		SCAN		AP 6-23-18			
ADDITIONAL STAT CODES		<input type="checkbox"/> ASAP / 83 <input type="checkbox"/> FIREARM RELATED / 830		<input type="checkbox"/> GANG RELATED / 860 <input type="checkbox"/> CYBER CRIME / 551		<input type="checkbox"/> CYBER - RELATED CRIME / 552		<input type="checkbox"/> CYBER - RELATED INCIDENT (NON - CRIMINAL) / 559	
DATE / TIME / DAY OF OCCURRENCE		06-14-18, 0700 HRS. THURSDAY		PRINTS REQUESTED <input type="checkbox"/> PRINTS COMPLETED <input type="checkbox"/>		REQUESTED BY		TIME	
LOCATION OF OCCURRENCE		34710 CAPROCK RD, AGUA DULCE		BUSINESS NAME		N/A			

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE # of	LAST NAME	FIRST NAME	MIDDLE NAME	SEX	RACE	DOB	AGE	DRIVER'S LICENSE / STATE ID
I 1	SEARCH WARRANT SERVICE							
RESIDENCE ADDRESS		CITY		STATE	ZIP	RESIDENCE PHONE (Area Code)		
BUSINESS / SCHOOL (GRADE) ADDRESS		CITY		STATE	ZIP	BUSINESS PHONE (Area Code)		
750 EAST AVE Q		PALMDALE		CA	93550	661-272-2400		
ETHNIC ORIGIN		EMAIL ADDRESS		SOCIAL NETWORKING ACCOUNT		CELL PHONE (Area Code)		
VICTIM OF OFFENSE(S) (CLASSIFICATION) #:		VICTIM DESIROUS OF PROSECUTION?		VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY?		ENGLISH SPEAKING? <input type="checkbox"/> YES <input type="checkbox"/> NO		
# # # # #		<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		LANGUAGE		
CODE # of	LAST NAME	FIRST NAME	MIDDLE NAME	SEX	RACE	DOB	AGE	DRIVER'S LICENSE / STATE ID
RESIDENCE ADDRESS		CITY		STATE	ZIP	RESIDENCE PHONE (Area Code)		
BUSINESS / SCHOOL (GRADE) ADDRESS		CITY		STATE	ZIP	BUSINESS PHONE (Area Code)		
ETHNIC ORIGIN		EMAIL ADDRESS		SOCIAL NETWORKING ACCOUNT		CELL PHONE (Area Code)		
VICTIM OF OFFENSE(S) (CLASSIFICATION) #:		VICTIM DESIROUS OF PROSECUTION?		VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY?		ENGLISH SPEAKING? <input type="checkbox"/> YES <input type="checkbox"/> NO		
# # # # #		<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO		LANGUAGE		

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • S/V - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

CODE # of	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	AGE	DRIVER'S LICENSE / STATE ID
S 1	FERNANDEZ	MANUEL	N/A	01-18-58	60	N4341279 / CA
SEX RACE	ETHNIC ORIGIN	HAIR	EYES	HEIGHT	WEIGHT	CELL PHONE (Area Code)
M H		BRN	BRN	600	200	NO PHONE
RESIDENCE ADDRESS		CITY		STATE	ZIP	RESIDENCE PHONE (Area Code)
34710 CAPROCK RD		AGUA DULCE		CA	91390	N/A
BUSINESS / SCHOOL (GRADE) ADDRESS		CITY		STATE	ZIP	BUSINESS PHONE (Area Code)
UNEMPLOYED						
AKA		EMAIL ADDRESS		SOCIAL NETWORKING ACCOUNT		ENGLISH SPEAKING? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
N/A		N/A		N/A		LANGUAGE
MONIKER		CHARGE		BOOKING NUMBER		WHERE DETAINED OR CITE NUMBER
N/A		29800CA(1) PC, 32625CA(1) PC, 30305CA(1) PC		5340090		PALMDALE STATION
CODE # of	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	AGE	DRIVER'S LICENSE / STATE ID
SEX RACE	ETHNIC ORIGIN	HAIR	EYES	HEIGHT	WEIGHT	CELL PHONE (Area Code)
RESIDENCE ADDRESS		CITY		STATE	ZIP	RESIDENCE PHONE (Area Code)
BUSINESS / SCHOOL (GRADE) ADDRESS		CITY		STATE	ZIP	BUSINESS PHONE (Area Code)
AKA		EMAIL ADDRESS		SOCIAL NETWORKING ACCOUNT		ENGLISH SPEAKING? <input type="checkbox"/> YES <input type="checkbox"/> NO
						LANGUAGE
MONIKER		CHARGE		BOOKING NUMBER		WHERE DETAINED OR CITE NUMBER

IN CUSTODY

BY DEPUTY	EMPLOYEE #	SWORN EXP IN YRS	DEPUTY	EMPLOYEE #	SWORN EXP IN YRS	VACATION DATES
DINGMAN, KYLE	602363	5	VILANOVA, CESAR	546551	6	0/0
STATION	UNIT / CAR #	SHIFT	APPROVED	EMPLOYEE #	DATE / TIME	
PLM	268	AM	SGT. NATHAN CRMES 468151		6-16-18, 0006	
PCD SUBMITTED?	VACATION DATES	DATE / TIME	ASSIGNMENT			
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	0/0		PLM-DB - DET. ROTH			
HQ NOTIFICATION REQUESTED?	DEPUTY	DATE / TIME	SPECIAL REQUEST DISTRIBUTION			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						
SUSPECT / SUBJECT FIELD RELEASE APPROVED BY:		DATE / TIME	CRIME BROADCAST BY:	DATE / TIME	SECRETARY	
N/A			N/A			

URN# 918-08710-2046-151

DATE 6-14-18 PAGE 2 OF 5

INCIDENT REPORT

SCREENING FACTORS		
<input checked="" type="checkbox"/> 1. SUSPECT IN CUSTODY	<input checked="" type="checkbox"/> 3. UNIQUE SUSPECT IDENTIFIERS	<input type="checkbox"/> 5. UNIQUE VEHICLE IDENTIFIERS
<input checked="" type="checkbox"/> 2. SUSPECT NAMED / KNOWN	<input type="checkbox"/> 4. VEHICLE IN CUSTODY	<input type="checkbox"/> 6. WRITER/REVIEWER DISCRETION

RELEASED TO

[illegible]

~~EXHIBIT 8~~

76C300F - SH-R-49 (Rev. 4/2014)

~~0106~~

On 06-14-16 members of the Summer Suppression Team responded to 34710 Caprock Road to assist Palmdale Sheriff's Station PAC (Partners Against Crimes) Deputies with a search warrant signed by the Honorable Judge Lisa Chung of the North Superior Court (see attached search warrant). Prior to the service of the warrant a records check showed the suspect had 42 pistols registered to him and has a prior felony conviction for grand theft.

The following personnel were present during the execution of the search warrant:

Deputy Wyatt Waldron #521031

Deputy Jonathan Livingston #527888

Deputy Richard Leon # 424956

Deputy David Roach # 513432

Deputy Murray Jacob #513465

Deputy Christopher May #532344

Deputy Christopher Morris #527190

Deputy Joshua Nemeth #531796

Deputy Cesar Vilanova #546551

Sergeant Allen Dollens #408547

Sergeant Nathan Grimes #468754

Sergeant Theodore Knott # 454251

Knock and notice was conducted by Deputy Waldron and Deputy Livingston. The front door to the residence was opened by Ana Fernandez (FW/022960) (S/Fernandez's wife). Once the front door to the residence was opened, Deputy Waldron had Ana, her daughter (Ana Sophia Fernandez FH/071488) and S/Fernandez exit the residence and remain outside the location with Deputy Personnel. Once the above mentioned individuals were outside the residence additional Deputy Personnel checked the residence to ensure there were no other people inside the location. No additional individuals were located inside the residence.

Upon completion of clearing the residence, Deputy Personnel escorted Ana Fernandez and Ana Sophia Fernandez to the living room of the location.

Deputy Vilanova contacted S/Fernandez outside the front door of the residence and advised him of his Miranda Rights per SH-AD 477. S/Fernandez stated he understood his rights and agreed to speak without an attorney present. Deputy Vilanova audio recorded the conversation and later uploaded the audio file into the Palmdale Sheriff's Station shared files.

S/Fernandez told Deputy Vilanova he spent 6 months in county jail for a civil dispute, but denied being convicted of any felony charges. Deputy Vilanova showed the suspect his Consolidated Criminal History Record (CCHRS) which showed he had a felony conviction for grand theft in 2009. S/Fernandez stated he never received any notification from either the judge (Judge Chung) or his attorney advising him he was

not allowed to own, possess, and/or have access to any firearms. He also denied having any knowledge and/or instruction on what to do with the firearms he currently owns.

When asked about the 42 firearms registered to him, S/Fernandez stated he did not know the current whereabouts of the firearms. He stated since he was diagnosed with cancer he lost interest in guns, because he was no longer able to shoot the weapons. S/Fernandez stated there were several firearms at the residence, however they all belonged to his son. He further stated his deceased father owned several firearms which were also present at the residence.

S/Fernandez stated he does not live at the residence and only stays there occasionally. He told us the residence is in his wife's name and because he is diagnosed with stage four cancer, he spends most of his time at the hospital. S/Fernandez later told us he does have personal property at the location and said it is located inside of the master bedroom. He additionally admitted he shares the master bedroom with his wife.

S/Fernandez stated the only firearms at the residence were located downstairs. He stated there were no firearms located in the upstairs bedrooms of the residence.

Deputy Vilanova later spoke to S/Fernandez' wife (Ana Fernandez FW/022960) who told him the following:

S/Fernandez has lived at the location with her since they purchased the residence in 2001. He has spent several days at the hospital when required for his cancer treatments, however he primarily stays at the residence. Deputy Vilanova asked Ana about the 42 firearms registered to S/Fernandez. Ana stated she is aware of some firearms being at the location, but further explained while S/Fernandez was incarcerated he asked her to take several firearms to his business partner's (Carey Moisan FW/040573) residence (34965 Sweetwater Drive, Auga Dulca). She stated she did not remember how many firearms she took to Carey Moisan's residence. Ana stated she brought the firearms to Carey's residence approximately one year ago (June 2017), but she has not attempted to retrieve the firearms or arrange for their sale/disposal.

It should be noted I was present and standing next to Deputy Vilanova while he was interviewing S/Fernandez.

After speaking to S/Fernandez he was escorted into the living room area of the residence while Deputy Personal searched the location.

During the search of the location we recovered over four hundred rifles, and handguns from the residence. The recovered rifles included numerous semi-automatic rifles, assault rifles, shotguns, lever action rifles, and bolt action rifles. Approximately sixty six pistols were recovered from the residence as well as several high capacity magazines and multiple boxes of bulk ammunition. Several boxes of ammunition appeared to be armor piercing and incendiary tipped rounds. The majority of the weapons were in plain view or located in an unsecure area of the residence.

Approximately 20 rifles, 5 handguns and several boxes of ammunition were recovered from the upstairs master bedroom and other unsecured areas (i.e. closets, additional guest rooms).

Approximately 10 handguns, 20 rifles, and several boxes of ammunition were recovered from the downstairs dining room.

Approximately 35 handguns, 30 rifles and several cases of ammunition were recovered from the downstairs hallway.

The rest of the rifles, handguns, and ammunition were recovered from the garage area of the residence, some of which were inside of an unlocked safe.

Based on the above information we arrested the suspect for the indicate charges. He was later transported to Palmdale Sheriff's Station and booked, with the approval of Watch Commander Lieutenant Sanchez.

Digital images were taken of the firearms, ammunition and magazines. The images were later uploaded into the Palmdale Sheriff's Station shared files.

The above mentioned deputies assisted in booking the firearms, ammunition and gun components into evidence at Palmdale Sheriff's Station.

Due to the large number of evidence recovered from the location, we have not yet processed the recovered evidence and a supplemental report will be written at a later time under the above file number. As a result I was unable to obtain the exact number of firearms, ammunition and magazines recovered from the location. I was also unable to determine who the registered owner of each firearm was at the time of this report.

AREA	TARGET: NON - RESIDENTIAL	METHOD OF ENTRY: TOOLS USED	SUSPECT PRETENDED TO BE:
<input type="checkbox"/> AIRPORT	<input type="checkbox"/> AUTOMATED TELLER	<input type="checkbox"/> BODILY FORCE	<input type="checkbox"/> BUSINESS PERSON
<input type="checkbox"/> BEACH / OCEAN	<input type="checkbox"/> CASH REGISTER / DRAWER	<input type="checkbox"/> BOLT CUTTER	<input type="checkbox"/> CONVERSATION / BEFRIENDED
<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> CLASSROOM / SUPPLIES	<input type="checkbox"/> BRICK / ROCK	<input type="checkbox"/> CUSTOMER
<input type="checkbox"/> CONSTRUCTION SITE	<input type="checkbox"/> COIN OP MACHINE	<input type="checkbox"/> CHANNEL LOCK / PLIERS	<input type="checkbox"/> DELIVERY PERSON
<input type="checkbox"/> DESERT	<input type="checkbox"/> DISPLAY ITEMS	<input type="checkbox"/> CUTTING INSTRUMENT	<input type="checkbox"/> FAMILY MEMBER
<input type="checkbox"/> DRIVEWAY	<input type="checkbox"/> OFFICE	<input type="checkbox"/> ELECTRONIC DEVICE	<input type="checkbox"/> FIND MONEY
<input type="checkbox"/> FREEWAY / HIGHWAY	<input type="checkbox"/> SAFE / BOX	<input type="checkbox"/> GLASS CUTTER	<input type="checkbox"/> HANDICAPPED
<input type="checkbox"/> GOLF COURSE	<input type="checkbox"/> SNACK BAR	<input type="checkbox"/> KEY	<input type="checkbox"/> HOMELESS
<input type="checkbox"/> HARBOR	<input type="checkbox"/> STORAGE LOCKER	<input type="checkbox"/> PRY TOOL	<input type="checkbox"/> LEND ASSISTANCE
<input type="checkbox"/> INDUSTRIAL / WHOLESALE	<input type="checkbox"/> VEHICLE	<input type="checkbox"/> SAW / BURN / DRILL	<input type="checkbox"/> NEED ASSISTANCE OR EMERGENCY
<input type="checkbox"/> MOUNTAINS / FOOTHILLS	<input type="checkbox"/> VESSEL	<input type="checkbox"/> SLIDE HAMMER	<input type="checkbox"/> NEED TOILET / PHONE / WATER
<input type="checkbox"/> PARK	<input type="checkbox"/> BICYCLIST	<input type="checkbox"/> SLIP DEVICE	<input type="checkbox"/> OFFERED GOODS / SERVICES
<input checked="" type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> CUSTOMER	<input type="checkbox"/> VEHICLE	<input type="checkbox"/> POLICE / SECURITY
<input type="checkbox"/> RIVER	<input type="checkbox"/> ELDER / SENIOR CITIZEN		<input type="checkbox"/> POSITION OF TRUST
<input checked="" type="checkbox"/> RURAL / ISOLATED	<input type="checkbox"/> DISABLED PERSON	<u>SECURITY SYSTEM</u>	<input type="checkbox"/> REPAIR PERSON
<input type="checkbox"/> SCHOOL GROUNDS	<input type="checkbox"/> OWNER / EMPLOYEE	<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> SALES PERSON
<input type="checkbox"/> SHOPPING CENTER	<input type="checkbox"/> PEDESTRIAN	<input type="checkbox"/> AUDIBLE ALARM	<input type="checkbox"/> SEEK EMPLOYMENT
<input type="checkbox"/> SIDEWALK	<input type="checkbox"/> HOMELESS	<input type="checkbox"/> CAMERA	<input type="checkbox"/> SOLICIT DONATIONS
<input type="checkbox"/> STREET / ALLEY	<input type="checkbox"/> VICTIM IN VEHICLE	<input type="checkbox"/> CRIME WATCH	<input type="checkbox"/> UTILITY EMPLOYEE
<input type="checkbox"/> TRAIN RIGHT-OF-WAY / TRACKS		<input type="checkbox"/> DOG	
<input type="checkbox"/> VACANT LOT / OPEN FIELD		<input type="checkbox"/> FENCE / BARS	<u>VICTIM WAS:</u>
<input type="checkbox"/> WATER / LAKE		<input type="checkbox"/> GUARD SERVICE	<input type="checkbox"/> ASKED TO POSE / MODEL
	<u>POINT OF ENTRY / EXIT</u>	<input type="checkbox"/> OPERATION ID	<input type="checkbox"/> BLINDFOLDED
	<input type="checkbox"/> IN <input checked="" type="checkbox"/> EX	<input type="checkbox"/> OUTSIDE LIGHTING	<input type="checkbox"/> BOUND / GAGGED
<u>STRUCTURE: RESIDENTIAL</u>	<input type="checkbox"/> FRONT	<input type="checkbox"/> SECURITY SIGN / STICKER	<input type="checkbox"/> BURNED
<input type="checkbox"/> APARTMENT	<input type="checkbox"/> REAR	<input type="checkbox"/> SILENT ALARM	<input type="checkbox"/> CUT / STABBED
<input type="checkbox"/> CONDOMINIUM / TOWNHOUSE	<input type="checkbox"/> SIDE	<input type="checkbox"/> SPECIAL LOCKS / DEADBOLT	<input type="checkbox"/> DISTRACTED
<input type="checkbox"/> CONVALESCENT HOSPITAL	<input type="checkbox"/> GROUND LEVEL	<input type="checkbox"/> WINDOW BARS	<input type="checkbox"/> DRUGGED / SEDATED
<input type="checkbox"/> DUPLEX	<input type="checkbox"/> UPPER LEVEL		<input type="checkbox"/> EXPLOITED
<input type="checkbox"/> MOBILE HOME	<input type="checkbox"/> ADJACENT BUILDING	<u>SUSPECT ACTIONS</u>	<input type="checkbox"/> FACE COVERED
<input checked="" type="checkbox"/> SINGLE FAMILY	<input type="checkbox"/> BASEMENT	<input type="checkbox"/> ATE / DRANK ON PREMISES	<input type="checkbox"/> FOLLOWED
<input type="checkbox"/> VACANT	<input type="checkbox"/> DOOR / SCREEN	<input type="checkbox"/> CASED LOCATION	<input type="checkbox"/> FONDLED
<input type="checkbox"/> VESSEL / BOAT	<input type="checkbox"/> DUCT / VENT	<input type="checkbox"/> COSTUME / DISGUISE WORN	<input type="checkbox"/> FORCED TO DISROBE
	<input type="checkbox"/> FENCE / GATE	<input type="checkbox"/> DEFECATED / URINATED	<input type="checkbox"/> FORCED TO FONDLE SUSPECT
	<input type="checkbox"/> FIREPLACE	<input type="checkbox"/> DEMAND NOTE USED	<input type="checkbox"/> FORCED TO LIE ON FLOOR
<u>STRUCTURE: NON - RESIDENTIAL</u>	<input type="checkbox"/> FLOOR	<input type="checkbox"/> DEMANDED DRUGS / MONEY / ETC.	<input type="checkbox"/> FORCED TO MASTURBATE
<input type="checkbox"/> BANK / FINANCE	<input type="checkbox"/> GARAGE	<input type="checkbox"/> DISABLED PHONE	<input type="checkbox"/> FORCED TO MOVE
<input type="checkbox"/> BAR	<input type="checkbox"/> GLASS DOOR	<input type="checkbox"/> DISABLED POWER	<input type="checkbox"/> FORCED TO ORALLY COPULATE SUSPECT
<input type="checkbox"/> BUSINESS OFFICE	<input type="checkbox"/> HOUSE BEING FUMIGATED	<input type="checkbox"/> DISABLED SECURITY SYSTEM	<input type="checkbox"/> GANG RELATED
<input type="checkbox"/> CARGO CONTAINER	<input type="checkbox"/> LOUVRE	<input type="checkbox"/> DISABLED VEHICLE	<input type="checkbox"/> HANDCUFFED
<input type="checkbox"/> CATERING TRUCK	<input type="checkbox"/> MAIL SLOT	<input type="checkbox"/> EXCESSIVE FORCE	<input type="checkbox"/> HOMELESS
<input type="checkbox"/> ENTERTAINMENT / RECREATION	<input type="checkbox"/> PET DOOR	<input type="checkbox"/> FIRED WEAPON	<input type="checkbox"/> INJURED / HIT
<input type="checkbox"/> FAST FOOD	<input type="checkbox"/> ROOF / SKYLIGHT	<input type="checkbox"/> FONDLED SELF	<input type="checkbox"/> LOCKED IN
<input type="checkbox"/> GAS STATION	<input type="checkbox"/> SLIDING GLASS DOOR	<input type="checkbox"/> GRAFFITI	<input type="checkbox"/> MADE TO COUNT
<input type="checkbox"/> HOSPITAL	<input type="checkbox"/> WALL	<input type="checkbox"/> HID IN BUILDING	<input type="checkbox"/> PINCHED
<input type="checkbox"/> HOTEL / MOTEL	<input type="checkbox"/> WINDOW / SCREEN	<input type="checkbox"/> IGNITION PUNCHED	<input type="checkbox"/> PISTOL WHIPPED
<input type="checkbox"/> INDUSTRIAL / MANUFACTURING / WAREHOUSE		<input type="checkbox"/> JUMPED THE COUNTER	<input type="checkbox"/> SHOT
<input type="checkbox"/> JAIL / PRISON		<input type="checkbox"/> KNEW LOCATION OF HIDDEN CASH	<input type="checkbox"/> SLAPPED
<input type="checkbox"/> JEWELRY / COIN / PAWN	<u>VEHICLE ENTRY / EXIT</u>	<input type="checkbox"/> MASK WORN	<input type="checkbox"/> THREATENED
<input type="checkbox"/> LIQUOR	<input type="checkbox"/> IN <input type="checkbox"/> EX	<input type="checkbox"/> MASTERBATED / EJACULATED	<input type="checkbox"/> TORTURED / MUTILATED
<input type="checkbox"/> MARKET	<input type="checkbox"/> CAMPER / SHELL / MOTORHOME	<input type="checkbox"/> PHOTOGRAPHED / VIDEOTAPED	
<input type="checkbox"/> MINI MART	<input type="checkbox"/> CONVERTIBLE	<input type="checkbox"/> PILLOWCASE TAKEN / USED	<u>BIAS - MOTIVATED INCIDENT:</u>
<input type="checkbox"/> NURSING FACILITY	<input type="checkbox"/> DOOR	<input type="checkbox"/> POLICE SCANNER USED	<u>RACIAL</u>
<input type="checkbox"/> PARKING LOT / STRUCTURE	<input type="checkbox"/> DRIVER SIDE	<input type="checkbox"/> RANSACKED	<input type="checkbox"/> ANTI - WHITE
<input type="checkbox"/> PASSENGER STATION / PLATFORM (PAX)	<input type="checkbox"/> HOOD	<input type="checkbox"/> RECORDED / LOGGED EVENTS	<input type="checkbox"/> ANTI - BLACK
<input type="checkbox"/> PHARMACY / MEDICAL / DENTAL	<input type="checkbox"/> PASSENGER SIDE	<input type="checkbox"/> RIPPED / CUT CLOTHING	<input type="checkbox"/> ANTI - AMERICAN INDIAN / ALASKAN NATIVE
<input type="checkbox"/> PUBLIC BUILDING	<input type="checkbox"/> SUNROOF	<input type="checkbox"/> SELECTIVE PROPERTY TAKEN	<input type="checkbox"/> ANTI - ASIAN / PACIFIC ISLANDER
<input type="checkbox"/> RELIGIOUS BUILDING	<input type="checkbox"/> TRUCK BED	<input type="checkbox"/> SMOKED	<input type="checkbox"/> ANTI - MULTIRACIAL GROUP
<input type="checkbox"/> RESTAURANT	<input type="checkbox"/> TRUNK	<input type="checkbox"/> TAKEOVER	
<input type="checkbox"/> RETAIL GOODS	<input type="checkbox"/> WINDOW	<input type="checkbox"/> TOOK CONCEALABLES	<u>RELIGIOUS</u>
<input type="checkbox"/> RETAIL SERVICE / REPAIR	<input type="checkbox"/> WINDOWING	<input type="checkbox"/> USED MULTIPLE WEAPONS	<input type="checkbox"/> ANTI - JEWISH
<input type="checkbox"/> SCHOOL		<input type="checkbox"/> VEHICLE USED TO REMOVE PROPERTY	<input type="checkbox"/> ANTI - CATHOLIC
<input type="checkbox"/> STORAGE / RENTAL	<u>METHOD OF ENTRY</u>	<input type="checkbox"/> VANDALIZED	<input type="checkbox"/> ANTI - PROTESTANT
<input type="checkbox"/> TRAIN - FREIGHT	<input type="checkbox"/> ATTEMPT ONLY	<input type="checkbox"/> VICTIM'S NAME USED	<input type="checkbox"/> ANTI - ISLAMIC (MUSLIM)
<input type="checkbox"/> TRAIN - PASSENGER - LIGHT RAIL	<input type="checkbox"/> BODILY FORCE	<input type="checkbox"/> VICTIM'S TOOLS USED	<input type="checkbox"/> ANTI - OTHER RELIGION
<input type="checkbox"/> TRAIN - PASSENGER - HEAVY RAIL	<input type="checkbox"/> CUT	<input type="checkbox"/> WASHED CLOTHING / BEDDING	<input type="checkbox"/> ANTI - MULTIRELIGIOUS GROUP
<input type="checkbox"/> VACANT	<input type="checkbox"/> HID IN BUILDING	<input type="checkbox"/> WIPED SCENE AFTER CRIME	<input type="checkbox"/> ANTI - ATHEISM / AGNOSTICISM
<input type="checkbox"/> VEHICLE - COMMERCIAL	<input type="checkbox"/> KICKED		<u>ETHNICITY / NATIONAL ORIGIN</u>
<input type="checkbox"/> VESSEL / BOAT	<input type="checkbox"/> KNOB TWIST	<u>SUSPECT WAS / HAD:</u>	<input type="checkbox"/> ANTI - HISPANIC
<input type="checkbox"/> VIDEO / MUSIC	<input type="checkbox"/> LET IN / RUSE	<input type="checkbox"/> ALCOHOL ON BREATH	<input type="checkbox"/> ANTI - OTHER ETHNICITY / NATIONAL ORIGIN
<u>TARGET: RESIDENTIAL</u>	<input type="checkbox"/> LOCK BOX	<input type="checkbox"/> ANGRY	<u>SEXUAL</u>
<input checked="" type="checkbox"/> ATTIC	<input type="checkbox"/> LOCK CUT / BROKEN	<input type="checkbox"/> APOLOGETIC	<input type="checkbox"/> ANTI - MALE HOMOSEXUAL (GAY)
<input checked="" type="checkbox"/> BEDROOM	<input type="checkbox"/> LOCK PUNCHED	<input type="checkbox"/> BAD BREATH	<input type="checkbox"/> ANTI - FEMALE HOMOSEXUAL (LESBIAN)
<input checked="" type="checkbox"/> DINING ROOM	<input type="checkbox"/> LOCK SLIP / KEY / PICK	<input type="checkbox"/> BODY ODOR / UNUSUAL ODOR	<input type="checkbox"/> ANTI - HOMOSEXUAL (GAYS & LESBIANS)
<input checked="" type="checkbox"/> GARAGE / PARKING AREA	<input type="checkbox"/> NO FORCE	<input type="checkbox"/> GANG - RELATED	<input type="checkbox"/> ANTI - HETEROSEXUAL
<input checked="" type="checkbox"/> HALLWAY	<input type="checkbox"/> OPEN FOR BUSINESS	<input type="checkbox"/> HOMELESS	<input type="checkbox"/> ANTI - BISEXUAL
<input checked="" type="checkbox"/> KITCHEN	<input type="checkbox"/> OPEN / UNLOCKED	<input type="checkbox"/> INTIMIDATED / COERCED	<u>GENDER</u>
<input checked="" type="checkbox"/> LAUNDRY ROOM	<input type="checkbox"/> PHONE	<input type="checkbox"/> NEVER SPOKE / QUIET	<input type="checkbox"/> ANTI - MALE
<input checked="" type="checkbox"/> LIVING / FAMILY ROOM	<input type="checkbox"/> PRIED	<input type="checkbox"/> POLITE / KIND	<input type="checkbox"/> ANTI - FEMALE
<input checked="" type="checkbox"/> MAIL BOX	<input type="checkbox"/> REMOVED	<input type="checkbox"/> PROFANITY	<input type="checkbox"/> ANTI - TRANSGENDER
<input checked="" type="checkbox"/> PATIO / PORCH	<input type="checkbox"/> SMASHED	<input type="checkbox"/> QUOTES, UNUSUAL	<u>DISABILITY</u>
<input checked="" type="checkbox"/> SAFE / BOX	<input type="checkbox"/> TUNNELED	<input type="checkbox"/> RAGE	<input type="checkbox"/> ANTI - MENTAL DISABILITY
<input checked="" type="checkbox"/> STORAGE / SHED	<input type="checkbox"/> UNBOLTED GATE	<input type="checkbox"/> TRUST VIOLATION	<input type="checkbox"/> ANTI - PHYSICAL DISABILITY
<input type="checkbox"/> STABLES / TACK ROOM		<input type="checkbox"/> UNDER INFLUENCE	
<input type="checkbox"/> VEHICLE			

SW NO. _____

**STATE OF CALIFORNIA - COUNTY OF LOS ANGELES
SEARCH WARRANT AND AFFIDAVIT**

(AFFIDAVIT)

Deputy Wyatt Waldron, Affiant, swears under oath that the facts expressed by him in this Search Warrant and Affidavit and the attached and incorporated **Statement of Probable Cause** are true and that based thereon he has probable cause to believe and does believe that the property and/or person described below is lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and is now located at the locations set forth below. Wherefore, affiant requests that this Search Warrant be issued.

Wyatt Waldron, **NIGHT SEARCH REQUESTED: YES [] NO [X]**
HOBBS SEALING ORDER REQUESTED: YES [X] NO []

(Signature of Affiant)

(SEARCH WARRANT)

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICEMAN OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit having been made before me by Deputy Wyatt Waldron, that there is probable cause to believe that the property and/or person described herein may be found at the locations set forth herein and is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X" (s) in that:

_____ it was stolen or embezzled,
xxx it was used as the means of committing a felony,
_____ it is possessed by a person with the intent to use it as a means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purpose of concealing it or preventing its discovery,
xxx it tends to show that a felony has been committed or that a particular person has committed a felony,
_____ it tends to show that sexual exploitation of a child, in violation of P.C. Section 311.3, has occurred or is occurring;
_____ there is a warrant for the person's arrest;

YOU ARE THEREFORE COMMANDED TO SEARCH:. (see attachment SW-A-1)

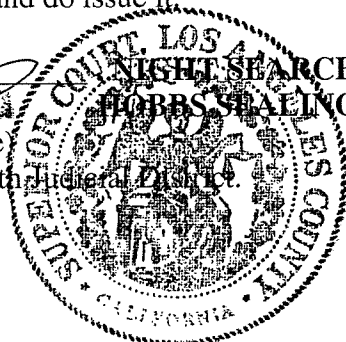
FOR THE FOLLOWING PERSON(S): (see attachment SW-A-1)

FOR THE FOLLOWING VEHICLES: (see attachment SW-A-1)

FOR THE FOLLOWING PROPERTY: (see attachment SW-A-2)

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or this court, at the courthouse of this court. This Search Warrant and incorporated Affidavit was sworn to as true and subscribed before me this 13 day of June, 2018, at 2:48 A.M./P.M. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

Lisa Mangay Chung, **NIGHT SEARCH APPROVED: YES [] NO []**
HOBBS SEALING ORDER APPROVED: YES [] NO []
(Signature of Magistrate)
Judge of the Superior Court, North Federal District.



SW-A-1

PROPERTY TO BE SEARCHED: The property located at 34710 Caprock Road, Agua Dulce CA 91390, further described as a two story single family dwelling constructed of tan colored stucco, white wood trim, and red Spanish style tile roof. The address "34710" is located on the wood trim above the garage and also posted on a secondary location on a stone pillar directly in front of the driveway. The locations front door faces south and is white in color.

AREAS TO BE SEARCHED AT ALL OF THE LOCATIONS NAMED IN THIS AFFIDAVIT AND SEARCH WARRANT ARE AS FOLLOWS: At the above described location, your affiant requests permission to search all rooms, attics, safes, basements, and other parts therein, the surrounding grounds, any garages, storage rooms, containers and out-buildings of any kind located therein and any common trash containers and storage areas designed for the use of the specifically described residence, any vehicles directly on the property or in the street front of nearby or adjacent to the above identified location, provided that prior to searching said vehicle or vehicles it is confirmed that said vehicle(s) are registered, legally possessed, by an individual residing at the residence or can be specifically connected to the suspect in this case. During surveillance of the location, we identified over 10 vehicles that are on the premises. Many of the vehicles look to be non-operational. Based on my training and experience it is common for persons to store items in vehicles stored on the premises.

THE FOLLOWING PERSONS: Manuel Fernandez MH/011858

SW-A-2

FOR THE FOLLOWING PROPERTY:

1. International Armement, model Vadragoon, S/N S34842
2. Mauser, model HSC, S/N 134748
3. Star, model S, S/N 1911482
4. Beretta, model 92FS, S/N E21508Z
5. Steyr, model M9, S/N 005848
6. Fab Nat Darmes D Gue, model GP, S/N 245PX26221
7. Smith & Wesson, model 10, S/N BNZ6028
8. Smith & Wesson, model 255, S/N N846630
9. Sturm, Ruger & Co, model Vaquero, S/N 5794034
10. Astra, model Constable, S/N H3285
11. Astra, model A80, S/N 1280501
12. Astra, model 400, S/N 98910
13. Benelli, model B76, S/N 2059
14. Beretta, model 70S, S/N B53557U
15. Beretta, model 21A, S/N BAS06156U
16. Beretta, model 85BB, S/N D52651Y
17. Beretta, model unknown, S/N A32022Y
18. Beretta, model 92, S/N B58845Z
19. Carl Walther, model P38, S/N 354214
20. Carl Walther, model P38, S/N 137119
21. Charter Arms Corp, model Bulldog, S/N 719219
22. Colt, model New service, S/N 128399
23. Fab Nat Darmes D Gue, model 1922, S/N 134301
24. Harrington & Richardson, model 732, S/N AU189499
25. Heckler & Koch, model HK4, S/N 22521
26. Heckler & Koch, model P7, S/N 35199
27. Hi Standard, model trophy, S/N SH32420V
28. Husqvarna, model 1889, S/N 2801
29. Imi, model Desert Eagle, S/N 18137A
30. Manhurin, S.A., model PP, S/N 42847
31. Norinco, model Tokarev, S/N 200022
32. Sauer, J.P & Sons, model P220, S/N G127584
33. Smith & Wesson, model 341, S/N M144937
34. Smith & Wesson, model 5863, S/N BED9247
35. Smith & Wesson, model 1917, S/N 188419
36. Springfield Armory, model Omega, S/N NM128154
37. Star, model 30M, S/N 1877512
38. Steyr, model GB, S/N P14564
39. Steyr, model 1911, S/N 4886D
40. Zastava, model CZ99, S/N 547
41. Excam, model GT41, S/N F50469
42. Sturm, Ruger & Co, model Blackhawk, S/N 2755

I further request permission to seize any articles of personal property tending to establish the identity of persons who have domain and control over the premises and automobiles to be searched, or items to be seized, including, rent receipts, utility bills, telephone bills, addressed mail, personal identifications, keys, purchase receipts, sales receipts, photographs, vehicle pink slips and registrations.

I believe these items will tend to connect the premises, persons, locations and vehicles to be searched with the items to be seized and the case being investigated. I further believe these items are not the type normally disposed of and will therefore likely to be found at the locations to be searched.

AFFIANT STATEMENT

Background of Affiant

Your Affiant, Wyatt Waldron, #521031, referred to in the first person as "I", am a sworn Peace Officer with the Los Angeles County Sheriff's Department and have been so employed for approximately 12 years. I am currently assigned as a Deputy with the Partners Against Crime Team at Palmdale Sheriff's Station.

Assignments

During the first year of my career (2007), I worked as a Jail Deputy at North County Correctional Facility where I interviewed hundreds of inmates regarding their criminal practices related to their various crimes including, but not limited to, the use and sales of narcotics, crimes against persons and any gang activity or affiliation. Thereafter, I was assigned to Palmdale Sheriff's Station where I worked in the capacity of a field patrol deputy and a Field Training Officer for four years. In December 2009, I was assigned to the burglary suppression team in Palmdale. During this time, I investigated hundreds of burglary and property related crimes. During the summer of 2010 and 2011, I was assigned to the Violent Crime Suppression Team. While on this assignment, I investigated numerous violent crimes, many of which were committed by active gang members. For approximately 2 years I was assigned to Operation Safe Streets Bureau's Gang Enforcement Team. We conducted gang saturation patrols and investigations in the cities of Palmdale, Lancaster, Compton, Century, South Los Angeles and East Los Angeles. During the past 10 years, I have investigated and or been directly involved in over 800 narcotic related cases. I have testified as an expert In Los Angeles County Superior Court in the sales of Marijuana, cocaine and methamphetamines. I have testified as an expert to the transportation and methods of packaging of various types of narcotics. I have developed and managed multiple informants in narcotic related cases.

During my time at Palmdale Sheriff's Station, I have also investigated and conducted a wide variety of cases, ranging from minor infractions to serious felonies. These cases included robbery, burglary, embezzlement, assaults, narcotics, fraud, weapons violations, identity theft, sexual assaults, kidnaping, grand theft, domestic violence and vandalism. The cases I have personally investigated and/or have been involved in helping investigate include interviewing victims, suspects, informants and witnesses. In addition, I have been involved in finding and documenting facts, as well as gathering and booking evidence. I have also assisted in the execution of numerous search warrants as well

as testified in both Municipal and Superior Courts. #:6468

For approximately one year I worked on the Special Operations Group. During that time I was assigned as an Investigator for the surveillance team. I investigated over 20 cases involving narcotics and gang activity. I Conducted over 1000 hours of surveillance, utilizing unmarked vehicles and digital technology.

I have worked with Peace Officers who are considered experts in Several Superior Courts in the areas of, narcotics, gang activity, identity theft and forgery. I have questioned numerous suspects concerning the manner in which they commit their crimes, hide their weapons, dispose of contraband and stolen property. I am familiar with the manner in which crimes are committed and how suspects attempt to avoid prosecution. I have personally authored dozens of search warrants for various crimes including narcotics possession, possession of firearms, possession of narcotics and firearms for the purpose of sales.

STATEMENT OF PROBABLE CAUSE

Through department resources I identified two legal owners of the property located at 34710 Caprock Road, Agua Dulce, CA. One of the owners on the home is Manuel Fernandez who was placed on the title of the home April 2018. Utilizing CCHRS I checked the name Manuel Fernandez with a birthdate of 01-18-58. There was a criminal history with a booking photograph of Manuel Fernandez. His criminal history showed that he had been convicted of a felony in 2009 for 487P.C. 182 P.C. His CCHRS further showed that he had used the address of 34710 Caprock Road, Agua Dulce on multiple occasions.

I checked with the Automated Firearms System (AFS) to determine if firearms are owned by Manuel Fernandez with a birthdate of 01-18-58. I checked his driver's license number of N4341279 against the AFS database which returned with 42 handguns owned by Manuel Fernandez with a date of birth of 01-18-1958. The 42 handguns registered to Manuel Fernandez are listed and described on SW-2. A check of California Department of Motor Vehicles revealed the driver's license number listed is associated to Manuel Fernandez with a date of birth of 01-18-1958. According to AFS, the firearms were purchased on dates prior to his conviction in 2009. Reading historical court documents, during his 2009 conviction, Honorable Judge Carlos Chung admonished Manuel Fernandez that he was not to own or possess any firearms and or dangerous weapons.

On 06-11-18, my partner Deputy Livingston (#527888) and I conducted surveillance at 34710 Caprock Rd, Agua Dulce, CA. During the surveillance, we observed Manuel Fernandez exit the residence and get into a Hummer H2 (Lic#5EGE269) and drive southbound from the location. I was able to positively identify the person who exited the residence as Manuel Fernandez based on his CA DMV photo and previous booking photo. Deputy Jacob (513465) conducted a traffic stop on the vehicle for a traffic code violation. Deputy Jacob asked the driver of the vehicle for his Driver's License, at which time the driver handed him a California Driver's License with the name Manuel Fernandez and a Driver's License #N4341279.

Based on the above, I believe the crime of 29800(A)(1)P.C. is being committed at the location. I base my belief on the fact Manuel Fernandez has a proven felony conviction coupled with the 42 firearms registered to him. All 42 firearms are still currently registered to Manuel Fernandez N4341279 and have yet to be transferred legally according to California State Law.

Based on the facts articulated in this affidavit, I believe that grounds for the issuance of a search warrant exists as set forth in sections 1524 PC. I believe that if a search warrant is granted for the address of 34710 Caprock Road, Agua Dulce CA, evidence supporting the facts in this affidavit consistent with that of the above listed felony will be recovered.

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A TRADITION OF SERVICE

INCIDENT REPORT

DATE 6/14/18 PAGE 1 OF 13

ACTION: <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> INACTIVE <input type="checkbox"/> PENDING	NON-CRIMINAL <input type="checkbox"/>	# OF ADULT ARRESTS <input type="checkbox"/>	# OF SUBJECT DETENTIONS <input type="checkbox"/>	URN# 18 08732	2646	151	TAG# 327
CLASSIFICATION 1 / LEVEL / STAT CODE				RETENTION YEAR	SEQUENTIAL	REPORTING DISTRICT	STAT CODE
FELONY IN POSSESSION OF A FIREARM 29800(a)(1)PC / F / 151							
CLASSIFICATION 2 / LEVEL / STAT CODE							
FELONY IN POSSESSION OF AMMUNITION 30305(a)(1)PC / F / 1339							
CLASSIFICATION 3 / LEVEL / STAT CODE							
CLASSIFICATION 4 / LEVEL / STAT CODE							
ADDITIONAL STAT CODES <input type="checkbox"/> ASAP / 83 <input type="checkbox"/> GANG RELATED / 860 <input type="checkbox"/> CYBER - RELATED CRIME / 552 <input type="checkbox"/> CYBER - RELATED INCIDENT (NON-CRIMINAL) / 550 <input type="checkbox"/> OTHER							
DATE / TIME / DAY OF OCCURRENCE 6/14/18, APPROXIMATELY 1930 HRS, THURSDAY							
LOCATION OF OCCURRENCE 34965 SWEETWATER DRIVE AGUA DULCE, 91390							
BUSINESS NAME N/A							

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE # of LAST NAME FIRST NAME MIDDLE NAME SEX RACE DOB AGE DRIVER'S LICENSE / STATE ID	I 1 I SERVICE OF A SEARCH WARRANT						
RESIDENCE ADDRESS CITY STATE ZIP RESIDENCE PHONE (Area Code)	PALMDALE SHERIFF'S STATION PALMDALE CA 93550 (661) 277-2400						
BUSINESS / SCHOOL (GRADE) ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code)	750 EAST AVE Q PALMDALE CA 93550 (661) 277-2400						
ETHNIC ORIGIN EMAIL ADDRESS SOCIAL NETWORKING ACCOUNT CELL PHONE (Area Code)							
VICTIM OF OFFENSE(S) (CLASSIFICATION) #:	VICTIM DESIROUS OF PROSECUTION?	VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY?	ENGLISH SPEAKING?	YES	NO	LANGUAGE	
# N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO N/A	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO				
CODE # of LAST NAME FIRST NAME MIDDLE NAME SEX RACE DOB AGE DRIVER'S LICENSE / STATE ID							
RESIDENCE ADDRESS CITY STATE ZIP RESIDENCE PHONE (Area Code)							
BUSINESS / SCHOOL (GRADE) ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code)							
ETHNIC ORIGIN EMAIL ADDRESS SOCIAL NETWORKING ACCOUNT CELL PHONE (Area Code)							
VICTIM OF OFFENSE(S) (CLASSIFICATION) #:	VICTIM DESIROUS OF PROSECUTION?	VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY?	ENGLISH SPEAKING?	YES	NO	LANGUAGE	
#	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO				

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • SV - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

CODE # of LAST NAME FIRST NAME MIDDLE NAME DOB AGE DRIVER'S LICENSE / STATE ID	S 1 I MOTSON CARMY LEE 4/7/53 65 CA 1A8066458						
SEX RACE ETHNIC ORIGIN HAIR EYES HEIGHT WEIGHT ZIP RESIDENCE PHONE (Area Code)	F W - BLN GRN SOI 110 91390 (661) 993-0816						
RESIDENCE ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code)	34965 SWEETWATER DRIVE AGUA DULCE CA 91390 UNKNOWN						
BUSINESS / SCHOOL (GRADE) ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code)	SELF-EMPLOYED UNKNOWN						
AKA EMAIL ADDRESS SOCIAL NETWORKING ACCOUNT ENGLISH SPEAKING?	YES	NO	LANGUAGE	WHERE DETAINED OR CITE NUMBER			
FELDMAN CARMY LEE CHARGE UNKNOWN BOOKING NUMBER UNKNOWN	N/A						
CODE # of LAST NAME FIRST NAME MIDDLE NAME DOB AGE DRIVER'S LICENSE / STATE ID	LOG AP 6-23-18						
SEX RACE ETHNIC ORIGIN HAIR EYES HEIGHT WEIGHT ZIP RESIDENCE PHONE (Area Code)							
RESIDENCE ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code)	FAX/MAIL LARCIS AP 6-23-18						
BUSINESS / SCHOOL (GRADE) ADDRESS CITY STATE ZIP BUSINESS PHONE (Area Code)							
AKA EMAIL ADDRESS SOCIAL NETWORKING ACCOUNT ENGLISH SPEAKING?	YES	NO	LANGUAGE	WHERE DETAINED OR CITE NUMBER			
MONIKER CHARGE BOOKING NUMBER	SCAN AP 6-23-18						

BY DEPUTY VILANOVA, CESAR	EMPLOYEE # 640551	SWORN EXP IN YRS 6	DEPUTY DINGMAN, KYLE	EMPLOYEE # 602363	SWORN EXP IN YRS 5	VACATION DATES NONE
STATION UNIT / CAR # PALMDALE 268	SHIFT PM		APPROVED SIGNATURE GRIMES 4/6757	DATE / TIME 6-16-18/0056		
PCD SUBMITTED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	VACATION DATES NONE		ASSIGNMENT PLM-DB - DET. ROTH			
NO NOTIFICATION REQUESTED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DEPUTY	DATE / TIME	SPECIAL REQUEST DISTRIBUTION			
SUSPECT / SUBJECT FIELD RELEASE APPROVED BY:	DATE / TIME		CRIME BROADCAST BY:	DATE / TIME	SECRETARY	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
INCIDENT REPORT

A TRADITION OF SERVICE

URNS 918-08732-2040-151
TAG # 327
DATE 6/14/18 PAGE 2 OF 13

VEHICLE		LICENSE (STATE & NUMBER)		YEAR	MAKE	MODEL	BODY TYPE	COLOR
VEHICLE FOR VICTIM #		REGISTERED OWNER		IDENTIFYING FEATURES				
VEHICLE FOR SUSPECT #				GARAGE NAME & PHONE				
STATUS	<input type="checkbox"/> STOLEN <input type="checkbox"/> STORED	<input type="checkbox"/> DAMAGED <input type="checkbox"/> IMPOUNDED	<input type="checkbox"/> EMBEZZLED <input type="checkbox"/> OUTSTANDING	CHP 180 SUBMITTED? <input type="checkbox"/> YES <input type="checkbox"/> NO				
DESCRIPTION OF DAMAGE								

VEHICLE		LICENSE (STATE & NUMBER)		YEAR	MAKE	MODEL	BODY TYPE	COLOR
VEHICLE FOR VICTIM #		REGISTERED OWNER		IDENTIFYING FEATURES				
VEHICLE FOR SUSPECT #				GARAGE NAME & PHONE				
STATUS	<input type="checkbox"/> STOLEN <input type="checkbox"/> STORED	<input type="checkbox"/> DAMAGED <input type="checkbox"/> IMPOUNDED	<input type="checkbox"/> EMBEZZLED <input type="checkbox"/> OUTSTANDING	CHP 180 SUBMITTED? <input type="checkbox"/> YES <input type="checkbox"/> NO				
DESCRIPTION OF DAMAGE								

SCREENING FACTORS

- | | | |
|--|--|---|
| <input type="checkbox"/> 1. SUSPECT IN CUSTODY | <input type="checkbox"/> 3. UNIQUE SUSPECT IDENTIFIERS | <input type="checkbox"/> 5. UNIQUE VEHICLE IDENTIFIERS |
| <input checked="" type="checkbox"/> 2. SUSPECT NAMED / KNOWN | <input type="checkbox"/> 4. VEHICLE IN CUSTODY | <input checked="" type="checkbox"/> 6. WRITER/REVIEWER DISCRETION |

PROPERTY CODE:

S - STOLEN • R - RECOVERED • L - LOST • F - FOUND • E - EMBEZZLED • D - DAMAGED • K - SAFEKEEPING
(Use all applicable Codes; for example, if property is both Stolen and Recovered, Code is S/R)

RELEASED TO

CODE	ITEM #	QUAN.	DESCRIPTION (include kind of article, trade name, identifying numbers, physical description, material, color, condition, age and present market value)	SERIAL #	VALUE
------	--------	-------	--	----------	-------

(SEE MARK ON PG #)

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COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

Palmdale Station
URN FILE#: 918-08732-2646-151

Page 1 of 7 of Listed Evidence



EV = Evidence F = Found F250 = Found greater than \$250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
EV	1		1	Firearm - "Glock" 20 10mm semi automatic handgun, black in color Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Glock, Inc. AU Model: 20 Firearm Serial Number: BNS561US Caliber Family: 10 Actual Caliber, if known: 10mm Barrel Length: 4.5 inch Magazine Present: Yes Submitted Ammo Qty (#): 0 Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	2		1	Firearm - "Ruger" P97DC semi automatic handgun with two magazines. Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Ruger US Model: P97DC Firearm Serial Number: 66334310 Caliber Family: 45 Barrel Length: 4 inch Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	3		1	Firearm - "Taurus" .357 magnum revolver, black in color Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Taurus Intl. US Model: 607 Firearm Serial Number: 0G296377 Caliber Family: 357 Barrel Length: 6.5 inches Magazine Present: No Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	4		1	Firearm - "Smith and Wesson" semi automatic handgun, silver in color Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Smith & Wesson US Model: 5908 Firearm Serial Number: TVR7962		JOSHUA NEMETH #531796	06/15/2018	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

Palmdale Station
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EV = Evidence F = Found F250 = Found greater than \$250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
				Caliber Family: 9 Actual Caliber, if known: 9mm Barrel Length: 4 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION				
EV	5		1	Firearm - "Smith and Wesson" silver in color semi automatic pistol Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Smith & Wesson US Model: 1086 Firearm Serial Number: TFB2301 Caliber Family: 10 Actual Caliber, if known: 10mm Barrel Length: 4 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	6		1	Firearm - "Berreta" semi automatic handgun, silver in color Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: P. or Pietro Beretta IT Model: 92FS Firearm Serial Number: L716312 Caliber Family: 9 Actual Caliber, if known: 9mm Barrel Length: 5 inches Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	7		1	Firearm - "Colt" semi automatic handgun, silver in color, with 6 .45 cartridges Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Colt US Model: 90 Firearm Serial Number: DA05210 Caliber Family: 45 Actual Caliber, if known: .45 Barrel Length: 5 Magazine Present: Yes Submitted Ammo Qty (#): 6 Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

Palmdale Station
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EV = Evidence F = Found F250 = Found greater than \$250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
EV	8		1	Firearm - "Astra" semi automatic handgun, black in color, Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Astra Unceta y Cia SP Model: A-75 Firearm Serial Number: 00003-97A Caliber Family: 45 Actual Caliber, if known: .45 Barrel Length: 3.5 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	9		1	Firearm - "AMT" silver in color semi automatic pistol Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Arcadia Machine & Tool (AMT) US Model: Hardballer Firearm Serial Number: A06740 Caliber Family: 45 Barrel Length: 5 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	10		1	Firearm - "Browning" semi automatic handgun, black in color, Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Browning Arms Co.* Model: BDM Firearm Serial Number: 945NV04919 Caliber Family: 9 Actual Caliber, if known: 9mm Barrel Length: 4.5 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	11		1	Firearm - "Berreta" semi automatic handgun, black in color Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: P. or Pietro Beretta IT Model: 86		JOSHUA NEMETH #531796	06/15/2018	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

Palmdale Station
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EV = Evidence F = Found F250 = Found greater than \$250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
				Firearm Serial Number: G03092Y Caliber Family: 380 Actual Caliber, if known: .380 Barrel Length: 4.5 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION				
EV	12		1	Firearm - "Ruger" revolver, black in color Firearm Rendered Safe: Yes Category: Pistol - Revolver Make: Ruger US Model: VAQUERO Firearm Serial Number: 57-94034 Caliber Family: 45 Actual Caliber, if known: .45 Barrel Length: 5.5 Magazine Present: No Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	13		1	Firearm - "Colt" black in color semi automatic pistol Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Colt US Model: Government Firearm Serial Number: 70G99919 Caliber Family: 45 Actual Caliber, if known: .45 Barrel Length: 5 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	14		1	Firearm - "Glock" semi automatic handgun, black in color, missing lower receiver Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Glock, Inc. AU Model: 21 Firearm Serial Number: HRN882 Caliber Family: 45 Actual Caliber, if known: .45 Barrel Length: 4.5 Magazine Present: No		JOSHUA NEMETH #531796	06/15/2018	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

Palmdale Station
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EV = Evidence F = Found F250 = Found greater than \$250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
				Submitted Ammo Qty (#): None Booked At: PATROL STATION				
EV	15		1	Firearm - "Glock" semi automatic handgun, black in color, Firearm Rendered Safe: Yes Category: Pistol - Semi Automatic Make: Glock, Inc. AU Model: 19 Firearm Serial Number: AZW500 Caliber Family: 9 Actual Caliber, if known: 9mm Barrel Length: 3.75 Magazine Present: Yes Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	16		1	Firearm - "Colt" black powder musket style rifle, silver in color Firearm Rendered Safe: Yes Category: Rifle - Percussion Make: Colt US Model: 1861 Firearm Serial Number: 2antique Caliber Family: 58 Actual Caliber, if known: .58 Barrel Length: 40 Magazine Present: No Submitted Ammo Qty (#): 0 Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	17		1	Firearm - "Marlin" repeating style rifle, silver in color Firearm Rendered Safe: Yes Category: Rifle - Lever Action Make: Marlin Firearms Co. US Model: 1893 Firearm Serial Number: 217512 Caliber Family: 3006 Actual Caliber, if known: 30-30 Barrel Length: 25 Magazine Present: No Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	18		1	Firearm - "Inland Division" semi automatic rifle, brown in color Firearm Rendered Safe: Yes		JOSHUA NEMETH #531796	06/15/2018	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

Palmdale Station
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EV = Evidence F = Found F250 = Found greater than \$250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
				Category: Rifle - Semi Automatic Make: Inland Division, General Motors US Model: US Carbine Firearm Serial Number: 5349149 Caliber Family: 3006 Actual Caliber, if known: 30-30 Barrel Length: 18 Magazine Present: No Submitted Ammo Qty (#): None Booked At: PATROL STATION				
EV	19		1	Firearm - "Winchester" lever repeating style rifle, silver in color Firearm Rendered Safe: Yes Category: Rifle - Lever Action Make: Winchester Model: 1894 Firearm Serial Number: 482012 Caliber Family: 3006 Actual Caliber, if known: 30-30 Barrel Length: 25 Magazine Present: No Submitted Ammo Qty (#): None Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	20		1	Firearm - "Remington" pump action shotgun, brown in color Firearm Rendered Safe: Yes Category: Shotgun - Pump Action Make: Remington Arms Co., Inc. US Model: 31 Firearm Serial Number: 522357 Caliber Family: 16 Actual Caliber, if known: 16 gauge Barrel Length: 28 Magazine Present: No Submitted Ammo Qty (#): 0 Booked At: PATROL STATION		JOSHUA NEMETH #531796	06/15/2018	
EV	21		1	Firearm Parts/Accessories - Three semi automatic 9mm pistol magazines containing 13 rounds of 9mm ammunition. Article: Magazine Make: Unknown Model: Unknown Serial Number: Unknown Magazine Present: Yes		JOSHUA NEMETH #531796	06/15/2018	

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT EVIDENCE AND PROPERTY PAGE

Palmdale Station
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EV = Evidence F = Found F250 = Found greater than \$250 S = Surrendered K = Safekeeping P = Inmate Property

CAT	ITEM #	CSI #	QUAN	DESCRIPTION	VALUE	BOOKED BY	BOOKING DATE	BARCODE #
				Submitted Ammo Qty (#): 13				
EV	22		1	Firearm Parts/Accessories - Black plastic Magpul GEN M3 twenty round 7.62x51 magazine. Article: Magazine Make: Magpul Model: Unknown Serial Number: Unknown Magazine Present: Yes Submitted Ammo Qty (#): 0		JOSHUA NEMETH #531798	06/15/2018	
EV	23		1	Firearm Parts/Accessories - Black 5.56 rifle and black .22 rifle barrel systems and a brown wood stock. Article: Firearms parts Make: Unknown Model: Unknown Serial Number: Unknown Magazine Present: No Submitted Ammo Qty (#): None		KEVIN BOWES #602442	06/15/2018	
EV	24		1	Bulk Ammunition - 3 boxes of 5.56 ammunition.		KEVIN BOWES #602442	06/15/2018	
EV	25		1	Documents - Miscellaneous bills and documents issued in the name of Carey Moisan. Article: Other Make: Unknown Model: Unknown Serial Number: Unknown		KEVIN BOWES #602442	06/15/2018	
EV	26		1	Ammunition/Ammunition Components - CSI - Yellow box containing nine rounds of 8mm luger ammunition.		KEVIN BOWES #602442	06/16/2018	

URN# 918-08732-2646-151

On 06-14-18, at approximately 0800 hours, my partner (Deputy Dingman, Kyle #602363) and I assisted the Palmdale Sheriff's Station PAC team (Partners Against Crimes) in servicing a search warrant at 34710 Caprock Road, in the City of Agua Dulce, County of Los Angeles. At that location, a suspect by the name of Manuel Fernandez (male Hispanic, DOB 01-18-58) was arrested for being an ex-felon in possession of a firearm (29800(a)(1) PC). In addition, we recovered over 400 firearms, some of which were registered to Manuel. However, we did not recover all of the handguns registered to Manuel Fernandez (42 handguns, see attached Automated Firearm System attachment for further and see file #918-08710-2646-151 for further on above search warrant and arrest report).

While at the location, I had a conversation with Manuel Fernandez's wife (Ana Patricia Fernandez, female Hispanic, DOB 02-29-60, 661-268-7317) regarding the firearms inside of the residence, Manuel's current residence, and the whereabouts of the registered handguns which were not located at the residence (36 outstanding).

The initial conversation was audio recorded and she stated the following:

Ana visited Manuel in jail sometime in June of 2017. During the visit, she understood that Manuel wanted her to take an unknown amount of firearms to his business partner (later identified as S/Moisan). Ana did not specify how many firearms she took over to S/Moisan's residence (later identified as 34965 Sweetwater Drive Agua Dulce, County of Los Angeles). She further stated S/Moisan took possession of the firearms and stored them inside of a safe, located in the garage. In addition, she confirmed that S/Moisan was involved in the same criminal case as her husband in 2008-2009. I uploaded the audio recording to the Palmdale Station shared files.

I re-contacted Ana regarding the specifics of the firearms later that day and she stated the following:

Ana told me she did not know what firearms she took to S/Moisan because the firearms were in boxes, some larger than others. She believed there were rifles in the larger boxes, but did not inspect the contents of the boxes to verify. I asked her if the firearms were ever retrieved from S/Moisan and she told me she was not aware of it. Furthermore, she explained Manuel was released from jail earlier this year and has been battling stage four cancer (no further detail). Given his medical status, they have been pre-occupied with doctor appointments. As far as Ana is concerned, the firearms were never retrieved from S/Moisan and she believes the firearms are still at S/Moisan's residence. In addition, Ana told me she did not deem the retrieval of the firearms to be a priority because Manuel's health condition has been the priority. When I asked Ana to contact S/Moisan regarding the firearms and arrange for S/Moisan to contact me, Ana stated "She's not going to meet with you at her house".

I inquired further, but Ana assured me S/Moisan would not want to meet with law enforcement due to the current condition (implying Manuel's arrest). Ana provided me with S/Moisan's cellular phone number (661-993-0816).

Ana pointed out S/Moisan's residence on a map (through a Google maps cellular application) and explained we would find Manuel's vehicles along with company vehicles parked at the indicated residence (34965 Sweetwater Drive).

URN# 918-08732-2646-151

Through Departmental resources, I confirmed S/Moisan is in fact a convicted felon as of 2009, therefore she would have been in violation of 29800(a)(1) PC (Felon in possession of a firearm) when she took possession of the firearms from Ana, as indicated above.

I responded to S/Moisan's residence and knocked on the door several times, announcing my presence as a Los Angeles County Sheriff's Department deputy. There was no answer at the door and when I called S/Moisan's cellular phone, she did not answer. I observed seven vehicles (California License plates: 6RJM906, 7XAV612, 5MXF441, 8APC831, 4MMU959, 8AYG291, and 7E39544) parked on the property and noticed the rear doors to the location were open, however the screen doors were locked.

I instructed my assisting unit (268A Deputy Nemeth, Joshua #531796) to park near the location and monitor any traffic in and out of the residence. Deputy Nemeth did not see anyone arrive/leave the location during his surveillance.

I authored a search warrant to the location which was approved by the Honorable Judge Rob Villeza at 1840 hours. (See attached copy of search warrant for further)

The following personnel were present and assisted with the search:

-Unit 268S: Sergeant Grimes, Nathan #468754 and Deputy Morris, Christopher #527190

-Unit 268A: Deputy Nemeth, Joshua #531796

-Unit 268: Deputy Dingman, Kyle #602363 and myself

-Unit 260K: Deputy Waldron, Wyatt #521031 and Deputy Livingston, Jonathon #527888

-Sergeant Dollens, Allen #408547 and Sergeant Knott, Theodore #454251

-Unit 266/P: Deputy Winter, Jacob #622105 and Deputy Grussing, Jeffrey #551802

We conducted a knock/notice at the location and there was no answer at the door. We did not make forced entry due to the fact the rear screen door was open. We entered/cleared the location and did not locate anyone inside.

Deputy Waldron, Deputy Livingston and Sergeant Grimes were tasked with searching the attached garage located on the south/east side of the house. The following evidence was recovered inside of an unlocked safe, located inside of the garage:

-17 handguns (EV-1 through EV-15). We were unable to identify the make, model, and caliber of two handguns. I took a separate photograph of those two handguns and uploaded them to the Palmdale Station shared files. The two unidentifiable handguns were stored in the evidence locker at Palmdale Sheriff's Station, pending identification from the evidence custodian and a supplemental report will be written at a later time.

-Magazines (EV-21 and EV-22), and ammunition (EV-24).

In addition, the above personnel also recovered the following inside of a trash can located approximately eight feet away from the above described safe:

-8 rifles (EV-16 through EV-19), 3 shotguns (EV-20). We were unable to identify the make, model, and caliber of four rifles and two shotguns. I took separate photographs of those firearms and uploaded them to the Palmdale Station shared files. The six unidentifiable firearms were stored in the evidence locker at Palmdale Sheriff's Station, pending identification from the evidence custodian and a supplemental report will be written at a later time.

-Firearm parts (EV-23)

Sergeant Grimes photographed the above evidence in its place, prior to the recovery.

Deputy Grussing and Deputy Winter searched the master bedroom of the residence which was located in the north/west side of the house. The bedroom contained a single king size bed, fully furnished and a connecting large master bathroom. In addition, the drawers contained woman's clothing, undergarments, and it appeared to be inhabited due to the condition of the bed and bathroom. The bed had full bedding, it was neither dirty nor clean, and the bathroom had woman's makeup, clothing, and toiletries.

In the above described bedroom, Deputy Winter recovered the following in a drawer which was attached to the bed frame: (9) live 9mm rounds (EV-26) which were next to an empty gun box.

Sergeant Grimes photographed the above recovered evidence, in place, prior to recovering it from its location.

Deputy Morris and I located several documents addressed to S/Moisan inside of an office (located in the south/east section of the house) and on the kitchen counter. The documents had her name and above indicated address. I photographed several documents and collected four pieces of mail (EV-25) as evidence.

We uploaded all photographs to the Palmdale Sheriff's Station shared files.

Based on the fact we located the above evidence in an unsecured safe, plain sight, and accessible to S/Moisan, coupled with Ana's statements as to S/Moisan taking possession of the firearms in 2017. We formed the opinion the crime of 29800(a)(1) PC was being committed by S/Moisan.

Furthermore, during the course of our investigation, S/Moisan contacted Deputy Waldron and admitted she in fact had several firearms at her residence, belonging to Manuel Fernandez. However, she stated Manuel Fernandez retrieved the firearms at an unknown date/time, between June 2017 and today. S/Moisan further stated she did not plan on being home for the rest of the day.

It should be noted, I also photographed several photographs of Manuel Fernandez located at S/Moisan's residence. In addition, I also photographed pieces of mail addressed to Manuel Fernandez and work orders addressed to Manuel Fernandez which were located on the kitchen counters. The vehicles (listed above) parked at S/Moisan's residence were registered to "Agua Dulce Ranch LLC or Manuel

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URN# 918-08732-2646-151

Fernandez." Therefore, I formed the opinion that S/Moisan is in fact Manuel's business partner and based on the above, the resident of the indicated location.

We were unable to locate S/Moisan at the time of this report.

A search of the serial numbers, to the handguns recovered, through the Automated Firearm System (AFS) revealed that only one handgun (EV-12) was registered to Manuel Fernandez (DOB 01-18-58). Two other handguns (EV-11 and EV-13) were also registered to a Tony Lo (05-26-54, EV-11) and Manuel Garcia (01-18-54, EV-13). The rest of the handguns recovered were not registered. (See attached AFS printout)

I also attached a printout of the 42 handguns registered to Manuel Fernandez.

DECLARATION OF DEPUTY JOHN ROTH

I, JOHN ROTH declare that if called and sworn, I would state the following under oath which is based on my personal knowledge;

1. I am over the age of 18 and am named as a defendant in this action.

2. At all times mentioned herein, I have been employed by the Los Angeles County Sheriff's Department as a Deputy Sheriff. In June 2018, I was the lead detective in the investigation of Manuel Fernandez's unlawful possession of firearms by a convicted felon and the seizure of those firearms, ammunition and other prohibited items.

3. The Sheriff's Department conducted or participated in a total of four searches of real property connected to Mr. Fernandez and his firearms. There were three warrant searches of Mr. Fernandez's home on Caprock Lane. The first two were conducted by the Sheriff's Department on June 14, 2018 and June 20, 2018. There was a third search of the home of Manuel Fernandez's business partner Carey Moisan on June 14, 2018. There was a forth search conducted by the Department of Justice with the assistance of the Sheriff's Department on or about June 21, 2018.

4. I was present at the first search of Caprock Lane on June 14, 2018. I arrived in my capacity as the detective who would be assigned the case. To the best of my recollection, I was at the Caprock Lane search on June 14, 2018 for approximately two (2) hours.

5. On or about June 15, 2018, I swore out the warrant affidavit for the second

1 search of Manuel Fernandez's residence on Caprock Lane, and obtained the warrant. To
2 the best of my recollection, I spent approximately three (3) to prepare and obtain the
3 warrant from the judge.

4 6. On or about June 20, 2018, my team and I participated in the execution of the
5 second search at Caprock Lane or about June 20, 2018. The search team consisted of the
6 following nine (9) deputies: me, Eitner, Ames, Grimes, Morris, Nemeth, Bowes,
7 Thompson and Mejia. To the best of my recollection, the search team took approximately
8 four (4) hours to search and seize the items from the Caprock Lane residence and return
9 them to the Palmdale Station for booking.
10

11 I declare under the penalty of perjury that the foregoing is true and correct.
12

13 Execute this 29th day of February 2024 at Santa Clarita, California.
14

15 
16 JOHN ROTH
17
18
19
20
21
22
23
24
25
26
27
28

In The Matter Of:
Ana Patricia Fernandez v.
Los Angeles County, et al.

John Roth
September 27, 2023

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Original File 3022 John Roth.txt
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANA PATRICIA FERNANDEZ, an)
individual,)
)
Plaintiff,)
)
vs.) Case No. 2:20-CV-09876
) DMG (PDX)
LOS ANGELES COUNTY; et al.,)
)
Defendants.)
_____)

DEPOSITION VIA VIDEOCONFERENCE OF
JOHN ROTH
WEDNESDAY, SEPTEMBER 27, 2023

Stenographically Reported by:
Vicki Resch, RPR, CSR 6645

Job No. 3022

APPEARANCES OF COUNSEL
(All Appearances Via Videoconference)

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Page 2

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANA PATRICIA FERNANDEZ, an)
individual,)
)
Plaintiff,)
)
vs.) Case No. 2:20-cv-09876
) DMG (PDX)
LOS ANGELES COUNTY; et al.,)
)
Defendants.)
_____)

DEPOSITION OF JOHN ROTH, TAKEN VIA
VIDEOCONFERENCE, on behalf of the Plaintiff,
commencing at 10:19 a.m., and concluding at 2:41 p.m.,
on Wednesday, September 27, 2023, before Vicki Resch,
Certified Shorthand Reporter No. 6645 in the State of
California.

-oOo-

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I N D E X

WITNESS:

John Roth

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By Ms. Barvir-Boone	6

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Page 6

1 WEDNESDAY, SEPTEMBER 27, 2023

2 10:19 A.M.

3 * * *

4

5 JOHN ROTH,

6 having been first duly sworn by the Deposition

7 Officer, was examined and testified as follows:

8

9 EXAMINATION

10 BY MS. BARVIR-BOONE:

11 Q Good morning. Thank you, Deputy -- is it

12 Deputy or Detective Roth?

13 A It's deputy now. I was a detective at the

14 time of the occurrence, but now I'm just a training

15 deputy.

16 Q All right. Thank you, Deputy Roth, for your

17 efforts to get onto the Zoom this morning.

18 For the record, could you please state your

19 full name, age and date of birth?

20 A It is John, J-o-h-n, R-o-t-h.

21 Q And your age?

22 A My age is 43.

23 Q I'm sorry. It didn't come through very

24 clear. Could you repeat the answer?

25 A 43.

Page 7

1 Q Thank you. And finally, your date of birth?

2 A August 7, 1980.

3 Q Thank you, again.

4 My name is Anna Barvir. I'm an attorney for

5 the plaintiff in this matter, Ana Patricia Fernandez

6 versus County of L.A.

7 Before we begin, I would like to go over a

8 few things we call admonitions. These are questions

9 and some statements to set the ground rules for a

10 smooth deposition going forward so that we can prevent

11 any misunderstandings. Especially since we're

12 virtual, we want to make sure that we're all on the

13 same page. Okay?

14 A Yes, ma'am.

15 Q Deputy Roth, have you ever been deposed

16 before?

17 A Yes, ma'am.

18 Q How many times would you say you've been

19 deposed?

20 A At least two times.

21 Q At least two times. All right. Have you

22 ever been deposed in relation to your position with

23 the L.A. Sheriff's Department?

24 A Yes.

25 Q Do you have -- do you know when that was?

Page 8

1 A Several years ago, ma'am.

2 Q Several years ago. Okay. All right. So you

3 know, the court reporter, she'll be recording word for

4 word all questions, responses and any objections.

5 The clarity of our record is extremely

6 important, so we're going to keep a few things in mind

7 to help her out. Okay?

8 First, if you could please speak clearly and

9 try not to go too fast. I'm really bad at that, so

10 I'm going to try my best to do the same, if you could

11 do the same for me, too. Okay?

12 A Yes, ma'am.

13 Q The court reporter cannot record head nods or

14 shakes, so please answer all questions audibly.

15 Can you do that for me?

16 A Yes, ma'am.

17 Q Thank you. And also, we will get the best

18 record if we try not to interrupt each other. I'm

19 sure that is going to be way more difficult for me

20 than it is for you. I get really excited about the

21 questions I'm asking. But if we -- we'll try our best

22 not to cut each other off. If you can allow me to

23 finish my questions before answering them, that would

24 be great.

25 Can you do that?

Page 9

1 A Yes, ma'am.

2 Q Fabulous. Next, you understand that you were

3 administered an oath by the court reporter before we

4 began?

5 A Yes, ma'am.

6 Q Do you understand that you are testifying

7 today under penalty of perjury?

8 A Yes, ma'am.

9 Q And do you understand that your testimony

10 here today has the same importance as if you were

11 testifying in court?

12 A Yes, ma'am.

13 Q Thank you. Can you let me know that you'll

14 do your best to tell the complete truth during this

15 deposition today?

16 A Yes, ma'am, I will.

17 Q Thank you. If you don't understand or you

18 can't hear a question, let me know. I'll try to

19 repeat it or rephrase it.

20 Can you do that for me?

21 A Yes, ma'am.

22 Q All right. If you do answer a question,

23 please know that I'm going to assume you have

24 understood my question and that you are giving me your

25 best answer.

Page 10

1 Do you understand?

2 A Yes, ma'am.

3 Q If you do not know an answer, that's fine. A

4 lot of times these things are dealing with issues that

5 happened years ago. Please do not try to guess or

6 speculate. Just say that you don't know or you cannot

7 recall. Okay?

8 A I understand.

9 Q Fabulous. It is also likely that as soon as

10 I've finished a question, your attorney is going to

11 state an objection to my question for the record.

12 Unless your counsel instructs you not to answer, you

13 may go ahead and answer the question. Okay?

14 A Yes, ma'am.

15 Q Also try to allow her time to get her

16 objections in before you answer and not cut her off so

17 we have a clear record.

18 A I understand.

19 Q Thank you. Also, we are taking this

20 deposition by video. Please try to keep your video

21 camera and your mic on at all times, except if we are

22 going off the record or if we recess for lunch or

23 something like that.

24 Do you understand?

25 A I do.

Page 11

1 Q Thank you. And please also mute or turn off

2 your cell phone so that we can minimize distractions

3 or interruptions in the video deposition. Okay?

4 A Understood.

5 Q All right. Thank you. I'm going to ask you

6 a few questions about how you're feeling today.

7 Please know, I'm not trying to pry into your medical

8 conditions or anything like that. I just want to make

9 sure on the record that you're feeling well enough to

10 testify today. Okay?

11 A Yes.

12 Q Are you feeling sick today?

13 A No.

14 Q Otherwise, do you feel fine physically?

15 A Perfectly fine.

16 Q Fabulous. Did you take any medications

17 today?

18 A No.

19 Q All right. So you feel confident that you

20 can give truthful and complete testimony today, yes?

21 A I do.

22 Q All right. If that should change, just let

23 me know, and we'll discuss how to go from there.

24 Okay?

25 A I understand.

Page 12

1 Q All right. Also, if you do need a break at

2 any time, please let me know, and we'll discuss

3 together when an appropriate time to do so is. All

4 right?

5 A I understand.

6 Q Okay. So that is all I have for my

7 admonitions. Let's move now into some of the other

8 substantive questions first.

9 Oh, Deputy Roth, have you signed in to the

10 AgileLaw platform for getting your -- it doesn't look

11 like you have.

12 Can we go off the record for a second?

13 (Discussion held off the record.)

14 MS. BARVIR-BOONE: We are back on the record.

15 I'm going to show you a document. Let's do that.

16 We'll mark it [Exhibit 1](#).

17 ([Exhibit 1](#) was marked for identification

18 and is attached hereto.)

19 BY MS. BARVIR-BOONE:

20 Q Can you see the document on your screen? On

21 the Agile Law screen?

22 A Yes, ma'am.

23 Q All right.

24 MS. LOGAN: Anna, I can't see it. Okay.

25 Here we go. Got it.

Page 13

1 BY MS. BARVIR-BOONE:

2 Q All right. Deputy Roth, have you seen this
3 document before?

4 A Yes, ma'am.

5 Q All right. Thank you so much. I just want
6 to have that on the record.

7 Just a little background information. What
8 is your understanding of what this case is about?

9 A This is a case against the County of
10 Los Angeles --

11 (Reporter admonition.)

12 A My understanding of this case is, this case
13 is alleged against the County of Los Angeles for a
14 Fourth Amendment violation on search and seizure and
15 the custody and alleged damage to the petitioner's
16 property while in the care of the County of
17 Los Angeles.

18 Q Okay. What is your understanding of why you
19 are here today, Deputy Roth?

20 A I'm here today as I was an investigating
21 officer that provided the court the allegations
22 against Manuel Hernandez in the criminal trial prior
23 to his departure.

24 Q And you understand that you are a defendant
25 in this case as well, correct?

Page 14

1 A I am a defendant.

2 Q All right. In preparing for this deposition,
3 did you see -- did you discuss this case with anyone
4 else?

5 A The case I was -- discussed with my attorney.

6 Q So you spoke about this case with counsel for
7 defendants, Ms. Logan, and that's all?

8 A Specific aspects of this case, yes. It was
9 discussed numerous times that there was a lawsuit
10 alleged against the County of Los Angeles and myself
11 and generalities, but as far as specific case
12 information, no. The only person I have discussed
13 this case with, upon advisement of lawsuit, was with
14 my attorney.

15 Q All right. Thank you. Did you review any
16 documents in preparation for today?

17 A I did.

18 Q Could you identify them, please?

19 A I reviewed my supplemental reports, the
20 original reports generated by Deputy Waldron,
21 Deputy Dingman and reports that were available
22 regarding the totality of this incident and my
23 availability.

24 Q Thank you. Deputy Roth, what is your highest
25 level of formal education?

Page 15

1 A Some college and an associate's of --

2 Q An associate's of what?

3 A It's a technology associate's degree.

4 Q Did you attend the police academy?

5 A I did.

6 Q How long ago was that about?

7 A 2006. Spring to summer of 2006.

8 Q And that's -- so you completed a course with
9 the police academy in the spring to summer of 2006?

10 A Yes.

11 Q Do you have any formal education or training
12 about firearms generally?

13 A Coincidentally enough, I am one of
14 approximately 20 firearms instructors for the County
15 of Los Angeles.

16 Q All right. So the answer is yes, that you do
17 have training in firearms, generally?

18 A Yes, Counselor, I have extensive training in
19 firearms.

20 Q And so, then, because you're a trainer, that
21 means that you also train others about firearms. So,
22 fantastic.

23 What about firearms law, do you have any
24 education or training in firearms law?

25 A As far as context of firearms law, I instruct

Page 16

1 deputy sheriffs with regard to legal force, policy of
2 deployment, possession, end user of department members
3 on when and how and what firearms that they are
4 authorized to use, carry. However, prior to that, I
5 did not have a formal education in firearms, criminal
6 law, other than that which was provided by the County
7 of Los Angeles or available in Penal Code or the
8 United States Constitution.

9 Q So let me see if I'm understanding this
10 correctly. You train others in aspects of firearms
11 law, especially as it relates to criminal procedures,
12 but you didn't receive formal training before doing
13 that, before becoming a trainer?

14 A So we here at weapons training, we instruct
15 the end user, which would be the deputy in the street
16 or the deputy in the academy, on policy as written by
17 the sheriff's department within the constraints of
18 constitutional law, the California constitutional law.
19 And how we can use it, when we can use them, the
20 deployment, what firearms are available, what firearms
21 are available to purchase. On that aspect, we're a
22 trainer for the sheriff's department.

23 Now, when it comes to criminal
24 investigations, aside from criminal investigations
25 that I have done as my time as a detective or arrests

Page 17

1 I have made in regards to firearms, that is the extent
2 of my criminal court or criminal law for firearms.

3 Q Okay. So you trained on these issues, but
4 you didn't have formal -- the trainer type of training
5 experience? It was more like --

6 A So -- so we attend a firearms instructor
7 course. We attend an academy instructor certification
8 course. We attend less-lethal chemical instructor
9 course. We attend numerous courses; however, there is
10 no program in place where we are sent to a specific
11 school where the finer details, the minutia of the law
12 is taught to us in regards to firearms. It is in the
13 context of what the department policy is. And as
14 deputy sheriffs, it's incumbent upon us to understand
15 the policy and how it pertains to our daily business,
16 if that makes sense.

17 Q I think I understand. Yes, you've taken
18 numerous courses. You've listed some. But there
19 isn't a specific school, which is fine, but you've had
20 instructor training?

21 A Yes.

22 Q Thank you. How long have you worked for the
23 Los Angeles Sheriff's Department? Apparently, I can't
24 say that, so we're going to call it LASD.

25 Is that okay?

Page 18

1 A Yes, ma'am.

2 Q How long have you worked for LASD in any
3 capacity?

4 A I began my employment with the Los Angeles
5 County Sheriff's Department March 20, 2006 as an
6 off-the-street employee non-sworn.

7 Q What is an off-the-street employee non-sworn?

8 A It is a position granted to deputy -- deputy
9 sheriff trainees, prospects, to hold an employment
10 position pending an academy date.

11 So I was there for a short period of time
12 before my actual academy date started, and so it's a
13 way for the department to retain potential recruits
14 and get them going with the department before they
15 actually start the academy.

16 Q All right. That makes sense. Thank you so
17 much.

18 What is your current job title again?

19 A My current job title is firearms instructor.

20 Q Firearms instructor. How long have you had
21 the position of firearms instructor at LASD?

22 A I was appointed this position August 25,
23 2019, give or take a day or two.

24 Q Thank you. Who is your current direct
25 supervisor at LASD?

Page 19

1 A My current direct supervisor would be Chris
2 Allende. C-h-r-i-s, A-l-l-e-n-d-e. And that would be
3 a sergeant.

4 Q He's a sergeant. Thank you.

5 In your current position as firearms
6 instructor at LASD, what are your day-to-day
7 responsibilities?

8 A My day-to-day responsibilities are -- my
9 apologies. This might take a little bit. Day-to-day
10 responsibilities is the setting up, creation,
11 completion of firearms courses. Logistical needs of
12 the unit as far as managing firearms, managing
13 inventories of firearms, managing ammunition, ensuring
14 ammunition has been moved throughout the county and it
15 is available for us to provide to our students,
16 ensuring that we have the proper targets, the proper
17 supplies. Ensuring that the ranges are set up, the
18 ranges are functioning, the ranges have the proper
19 equipment. Ensuring that we have first aid equipment.
20 Ensuring all instructors are on board with the course
21 of instruction for the day. And then, ultimately,
22 instructing academy personnel, sworn personnel from
23 custody positions to lieutenants, to commanders -- our
24 unit has instructed a sheriff on different weapons
25 platforms for certification.

Page 20

1 And we instruct semiautomatic handguns,
2 revolvers, shotguns, semiautomatic shotguns, rifles,
3 semiautomatic rifles, short-barrel rifles, select fire
4 rifles, submachine guns. Working currently on
5 programs for the department to acquire suppressers,
6 working on programs for magnification, working for
7 programs for acquiring, developing new target systems,
8 creating purchase plans for new target systems, new
9 targets. And that's just daily, ma'am.

10 Q So when you said you had extensive training
11 in firearms, you were not kidding. All right. Thank
12 you for that.

13 What about other capacities? Have you ever
14 been employed at LASD in another capacity other than
15 firearms instructor?

16 A Yes, Counselor. Previous to this, I was a
17 detective with the Los Angeles County Sheriff's
18 Department assigned to Palmdale Sheriff's Station.
19 That was June of 2016 up until August of 2019.

20 Prior to that, I spent four months at
21 Santa Clarita Sheriff's Station as a deputy sheriff
22 generalist. I was a training officer for part of that
23 time from -- so that was February of '16 to June of
24 '16.

25 Previous to February of '16, I was at the

Page 21

1 gang enforcement team, the south team working South
2 Los Angeles region from 2012 to 2016.

3 Previous to 2012, I was assigned to Palmdale
4 Sheriff's Station where I was a field training
5 officer, patrol deputy and a trainee. And my arrival
6 at Palmdale was spring of 2007. Prior to that, I was
7 assigned to the --

8 (Reporter clarification.)

9 Q Were you complete with your answer?

10 A I believe so, Counselor.

11 Q Let's back up a little bit to make sure that
12 I got everything here. That's quite the resume.
13 Thank you so much for providing it.

14 So before firearms instructor at LASD, you
15 were -- you held the title of detective assigned to
16 the Palmdale station; is that correct?

17 A Yes, ma'am.

18 Q And you said that that was from June 2016 to
19 August 2019?

20 A Yes, ma'am.

21 Q As a detective assigned to the Palmdale
22 station, what were some of your day-to-day
23 responsibilities?

24 A As a station detective, your day-to-day
25 responsibilities are managing your existing caseload,

Page 22

1 assuring that cases are being followed up, cases are
2 being filed, cases are being submitted for warrant or
3 for filing, meeting with the deputy district attorneys
4 for seeking filing or counseling on cases, testifying
5 in court, appearing in court, preliminary hearings to
6 jury trials, 1538s, et cetera, intaking new cases.
7 Every day there will be new cases assigned to you as a
8 detective, evaluating those cases, organizing those
9 cases and beginning the investigation on those cases,
10 being on call for field deputies or incidents in the
11 field that would require the response of an
12 investigator, potentially would be warrants written
13 for documentation or in preparation for future filings
14 or gathering information in the field as it relates to
15 a criminal case down the road, providing guidance for
16 the younger deputies to ensure that they were within
17 the confines of the scope of their duties and able to
18 present proper cases.

19 Q All right. So your responsibilities
20 included -- as a detective at the Palmdale station of
21 LASD, did your duties and responsibilities include
22 preparing requests for search warrants?

23 A Requests for search warrants in what manner,
24 ma'am? I'm sorry.

25 Q It's okay. As a detective for LASD, did you

Page 23

1 ever prepare applications to get a search warrant in a
2 matter that you were investigating?

3 A Oh, yes, ma'am. Sorry. I misunderstood the
4 question. Yes, we sought the information, gathered
5 the information to prepare the warrants. We sought
6 warrants as well.

7 Q Did your responsibilities as a detective with
8 the Palmdale station of LASD ever involve executing
9 search warrants? You know, you have obtained the
10 search warrant, got it signed off by a judge. Did you
11 ever go and execute the search warrant?

12 A Yes, ma'am.

13 Q If this is something you can do, how many
14 applications for search warrants in an investigation
15 would you say that you did in your time as a detective
16 for the Palmdale station?

17 A Honestly, ma'am, I couldn't give you an exact
18 number. It would be disingenuous for me to attempt to
19 give a number. My apologies.

20 Q That's fair. Would you say it was probably
21 more than a hundred?

22 A No. Based on the cases that I had, it
23 wasn't -- it wasn't that many. It was mostly property
24 and -- mostly property crimes. The need for warrants
25 wasn't extraordinary. I couldn't give you a number.

Page 24

1 I would say under a hundred, easily, but I couldn't
2 give you an exact number. My apologies.

3 Q That's fair. More than 50?

4 A I don't know, ma'am. I don't recall.

5 Q Okay. Did your position as the -- as a
6 detective with the Palmdale station at the LASD
7 involve booking evidence or seized property?

8 A Yes, ma'am. The basic duties of a deputy
9 sheriff in a field capacity are the seizure of
10 evidence, the caretaking, chain of custody of evidence
11 in booking of evidence. Yes, ma'am.

12 Q You said chain of custody. Could you explain
13 that for me, please?

14 A Chain of custody is the simple documentation,
15 retention of property from point A to point B. Point
16 A, being seizure, to point B, being booking into the
17 secured evidence area.

18 So the chain of custody is establishing that
19 from the time the property is seized to the time the
20 property is booked, it's -- it is -- it is under the
21 care and observation and secure manner that it cannot
22 be contaminated, lost or -- I'm losing the -- there's
23 another word, but I don't have it. It's the care of
24 custody of the objects that's been seized.

25 Q So are there like records of when property is

Page 25

1 seized, like kind of each point that it takes through
2 booking and through storage by the department?
3 A It's not a formal documentation as I seized
4 X, I placed X, I moved X, I removed X, I did X. It's
5 I seized, I transported, I placed in, I booked in and
6 that's it. The small minutia of it isn't required
7 based on the general investigation.

8 Now, there may be extreme examples. There
9 might be very rare occurrences where it would be, but
10 that would be based on the totality of the event that
11 would not be a general practice.

12 Q Thank you for explaining that to me.

13 Before your position as an -- active with the
14 Palmdale station, you mentioned that you were a -- I
15 don't think I got the title. You were with the
16 Santa Clarita station as -- what was your title?

17 A I was a deputy sheriff generalist. It was
18 just a deputy position working the field.

19 Q Okay. And that was for four months in 2016?

20 A Yes, ma'am.

21 Q All right. As a deputy sheriff generalist
22 with Santa Clarita, what were some of your day-to-day
23 responsibilities?

24 A It was handling calls for service, responding
25 to calls for services, responding to deputy assistance

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1 or backup requests, meeting the needs of the public as
2 a uniform deputy in the city, whether that be criminal
3 incidents or traffic incidents or major incidents, and
4 including training of young deputies.

5 For a very short stint there I was training
6 young deputies, training young deputies in a field
7 training officer capacity as well. My apologies. The
8 air conditioner just kicked on, and it's loud.

9 Q Thank you. Did your position as a deputy
10 sheriff generalist with the Santa Clarita department,
11 did that include preparing requests for search
12 warrants in a criminal investigation?

13 A I do not recall writing a search warrant in
14 Santa Clarita, but I do know that I wrote search
15 warrants when I was a deputy sheriff generalist at
16 Palmdale between 2007 and 2012.

17 Yes, a field deputy and deputy sheriff
18 generalist working a patrol station can and sometimes
19 will author search warrants based on their ability,
20 based on their training, based on their -- based on
21 what they are doing in their job.

22 Q All right. So let me see if I got this
23 clear. You don't recall applying for or obtaining
24 warrants yourself as a deputy sheriff generalist at
25 Santa Clarita, but you did while at the Palmdale

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1 station as a deputy --

2 A Yes, ma'am.

3 Q Yes. Thank you. All right. I'm going to
4 jump, then, down to -- so before being with
5 Santa Clarita, you were a member of a gang enforcement
6 team in the South Los Angeles area from 2012 to 2016?

7 A Yes.

8 Q Briefly, what were your roles as a gang
9 enforcement team with South L.A.?

10 A So working a gang enforcement detail, our job
11 was to supplement the Operation Safe Streets bureau
12 detectives with gathering intelligence, making arrests
13 and supporting operations for the suppression and
14 apprehension of criminal street gangs and street gang
15 members in L.A. County.

16 The gang enforcement detail was unique in the
17 sense that we cannot handle calls for service. We
18 were not attached to a specific station. So we could
19 be dispatched to any station in the county that
20 required the assistance of deputies that were
21 specifically or uniquely able to interact.

22 (Reporter clarification.)

23 Interact and arrest, detain, contact gang
24 members, gang member affiliates or associates.

25 Q Thank you. Did your work on the gang

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1 enforcement team ever involve obtaining search
2 warrants?

3 A No, because we were working with Operation
4 Safe Streets bureau of detectives. They took the
5 burden of authoring warrants away from us and we
6 assisted them in the service of warrants.

7 Now, I know my team did write a couple
8 warrants, but it was very, very few of them. We did
9 assist in the service of warrants countless times.

10 Q Can you clarify for me, is the service of
11 warrants, would that be similar or the same as
12 executing a warrant?

13 A Yes, ma'am. It would be service or execution
14 of a warrant, yes.

15 Q Okay. I just want to make sure that I'm
16 using the right language and that we're on the same
17 page, so I'll try to use the words "service of
18 warrants" to be clear for you as we continue on.
19 Okay?

20 A Yes, ma'am.

21 Q All right. As a member of the gang
22 enforcement team, you just stated that you did assist
23 in the service of warrants; is that correct?

24 A Yes, ma'am.

25 Q Could you give me an estimate of about how

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1 many times you assisted in the service of a warrant in
2 the gang enforcement team?

3 A That number would be significantly high. I
4 don't recall for four years if we were -- we were at
5 the service of the detectives for Operation Safe
6 Streets bureau, so we could sometimes serve three
7 warrants in a week or we could serve three warrants in
8 a month with the investigators based on the gang
9 activity or the investigation activity of the area we
10 were working in, if that helps.

11 Q Thank you so much.

12 I think you told me one more position. You
13 went back to Palmdale again, the Palmdale station from
14 the spring 2007 to 2012. What position did you hold
15 there?

16 A Deputy sheriff generalist. Just the deputy
17 sheriff, ma'am. I went to the Palmdale for my
18 training period where I learned the finer details of
19 being a field deputy. I worked in several positions.
20 I worked patrol capacity, and I worked as a field
21 training officer as well.

22 Q So the roles as a deputy sheriff in Palmdale,
23 were they similar to the roles that you held as a
24 deputy sheriff in Santa Clarita?

25 A Yes, ma'am. Yes, ma'am.

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1 Q I want to go back really quick to your
2 position as a detective.

3 Why did that position or that employment --
4 why was it terminated? Why did you change your
5 position?

6 A Simple answer, I did not like being inside.

7 Q Could you clarify what you mean by that?

8 A So a station investigator spends a large
9 amount of time on the phone, on the computer,
10 organizing cases, managing cases, seeking leads,
11 typing supplemental reports. And a lot of that time
12 is spent at the desk, to be perfectly honest, and it's
13 a lot of paperwork.

14 I really enjoy being outside. I really enjoy
15 interacting with people outside. And I found a job
16 that was better suited to being outside, so I tested
17 for another position and left the field of
18 investigative behind me. Not with a bad taste in my
19 mouth, it was just a position that I felt was not a
20 good fit for me personality-wise, professionally, and
21 it wasn't a route that I wanted to go, so I picked
22 another route to explore my career.

23 Q All right. That's very fair. Thank you.

24 To your knowledge, have you ever been the
25 subject of an Internal Affairs investigation during

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1 your employment with LASD?

2 MS. LOGAN: I'm going to object to the
3 question in that it violates the deputy's right of
4 privacy. It's also official, privileged official
5 information, and I'm going to instruct the deputy not
6 to answer that question.

7 One more objection. It's also overly broad
8 and outside the subject matter of this litigation.
9 BY MS. BARVIR-BOONE:

10 Q Deputy, have you ever been placed on leave
11 for any period of time during your employment with
12 LASD?

13 MS. LOGAN: Same objections. Unless -- well,
14 I'm going to add that it may also invade the deputy's
15 right to medical privacy.

16 MS. BARVIR-BOONE: I will be more clear.
17 BY MS. BARVIR-BOONE:

18 Q Not medical leave. Have you ever been placed
19 on leave for -- in light of a formal reprimand from a
20 superior during your employment with LASD?

21 MS. LOGAN: I'm going to object to that
22 question as well as it violates the deputy's right of
23 privacy. It also constitutes official information.
24 It's overbroad and not related to the subject matter
25 of this litigation, and instruct the deputy not to

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1 answer.

2 MS. BARVIR-BOONE: Thank you, Counsel.
3 BY MS. BARVIR-BOONE:

4 Q With the exception of this lawsuit,
5 Deputy Roth, have you ever been sued as a result of
6 your employment with LASD?

7 MS. LOGAN: Same objections. And I'm going
8 to instruct the deputy not to answer.

9 MS. BARVIR-BOONE: I would have to press back
10 against that objection, Counsel, and ask you to
11 reconsider, considering that lawsuits are public
12 information.

13 MS. LOGAN: So if you want to ask him a
14 question about a lawsuit involving the subject matter
15 of this litigation, I will withdraw my objections.

16 But if you want to ask him questions about lawsuits in
17 general, I'm going to maintain my objections.
18 BY MS. BARVIR-BOONE:

19 Q If this is a question about -- excuse me.
20 Not lawsuits -- have you ever been sued,
21 Deputy Roth -- about lawsuits in general, but very
22 specific to your employment with LASD? Again, noting
23 that the existence of lawsuits are public information.

24 MS. LOGAN: So you may answer that particular
25 question.

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1 THE WITNESS: Yes, ma'am. I have been sued.
 2 BY MS. BARVIR-BOONE:
 3 Q Do you recall the name of the lawsuit that
 4 you're referring to where you were sued as a result of
 5 your employment with LASD?
 6 A As far as the type of lawsuit, or the name of
 7 the petitioner?
 8 Q The name of the lawsuit. So this one is
 9 Fernandez versus County of Los Angeles. Do you know
 10 the name of that lawsuit?
 11 A I do.
 12 Q Could you --
 13 A That would be Victor Brown versus John Roth.
 14 Q Were there any other lawsuits that were
 15 brought against you as a result of your employment
 16 with LASD?
 17 A Not that I recall, no. Not that I recall.
 18 Q Thank you, Deputy.
 19 Where did you work -- no, strike that.
 20 I just want to ask you some very basic
 21 questions about some documents. Okay? I'm going to
 22 mark the next document. Please let me know when
 23 you're able to see it.
 24 A Okay. Marked 002. I have it up on my
 25 screen.

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1 MS. BARVIR-BOONE: Yes. I have marked
 2 Defendant John Roth's Response to Plaintiff's Requests
 3 for Admission, Set One, as [Exhibit 2](#) to this
 4 deposition.
 5 ([Exhibit 2](#) was marked for identification
 6 and is attached hereto.)
 7 BY MS. BARVIR-BOONE:
 8 Q Deputy Roth, are you familiar with this
 9 document?
 10 A Yes. I believe this is one of the documents
 11 that my attorney sent me and I reviewed on arrival
 12 regarding --
 13 Q So you have seen this document before today?
 14 A Yes. Yes, Counselor.
 15 Q Thank you. But did you personally draft the
 16 responses to these requests for admission?
 17 A Did I personally draft -- no, I did not write
 18 this. I did not draft this.
 19 Q You said you -- earlier, you testified that
 20 you reviewed them. Did you review them for accuracy,
 21 the responses to this document -- in this document?
 22 A To the best of my ability, I did, ma'am.
 23 Q Sitting here today, would you say that the
 24 responses -- if you need a few moments to look at it,
 25 please take that.

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1 But to the best of your ability sitting here
 2 today, would you say that you -- that the responses
 3 are accurate today?
 4 A Yes. If you could give me just a moment to
 5 review this real quick.
 6 Q Please take what you need.
 7 A Thank you.
 8 Q Having reviewed the document today,
 9 Deputy Roth, is it still your position sitting here
 10 today that this document reflects your positions?
 11 A Yes, ma'am.
 12 MS. BARVIR-BOONE: Thank you. All right.
 13 We're going to put that one away and I'm going to
 14 reveal and mark as [Exhibit 3](#), Deputy Roth -- let me
 15 get to the document. One second -- Defendant John
 16 Roth's Responses to Plaintiff's Interrogatories, Set
 17 One.
 18 ([Exhibit 3](#) was marked for identification
 19 and is attached hereto.)
 20 BY MS. BARVIR-BOONE:
 21 Q Do you see [Exhibit 3](#) on your screen,
 22 Detective Roth?
 23 A I do see [Exhibit 3](#).
 24 Q Are you familiar with this document?
 25 A If you give me just a moment to glance over

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1 it to ensure that it's what I believe it is.
 2 Q Of course.
 3 A Yes, I reviewed the documents.
 4 Q Thank you. Are you -- have you seen this
 5 document before today?
 6 A Yes, ma'am. The document does look familiar.
 7 It was prepared by my counselor, signed by me.
 8 Q So am I understanding correctly that you
 9 didn't personally draft the responses, but you did
 10 review them for accuracy?
 11 A Yes, Counselor.
 12 Q Did you -- excuse me.
 13 At the bottom, if could you move to page 8 on
 14 the document.
 15 A Page 8, the verification, with my autograph
 16 dated August 28.
 17 Q So, Deputy Roth, is that your signature on
 18 the verification there?
 19 A Yes, ma'am.
 20 Q Thank you so much. Okay. Thank you for
 21 going through those documents very quickly with me.
 22 I'm going to switch gears a little bit and
 23 really get into substance. Okay?
 24 A Yes, ma'am.
 25 Q The first thing I want to ask, could you

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1 please explain to me the process that LASD officers go
2 through, in your experience, to obtain a search
3 warrant? So I'm talking about start to finish, what
4 are the steps that it takes to obtain a search
5 warrant?

6 A To obtain a search warrant, the affiant is
7 going to have to articulate probable cause to support
8 the seizure of persons or property under protection of
9 the Fourth Amendment, articulate that probable cause
10 coupled with a declaration of your affiant's expertise
11 and reasoning behind the authoring of the warrant,
12 completion of that, and seek out a judge to
13 autograph -- to sign the warrant and support the
14 warrant.

15 Now, that could be, during daytime hours,
16 going to the local superior court and finding a judge
17 that signs search warrants or contact the command post
18 or contact a district attorney that will do a review,
19 then submit to a judge for signing. The judge at that
20 point will sign or deny a warrant based on the
21 affiant's declaration of probable cause to support the
22 warrant.

23 Once that is done, the affiant has a certain
24 amount of time to serve the warrant, and it is with
25 the constraints of daytime hours or night service if

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1 there are specific circumstances to substantiate a
2 night service of the warrant, that's between the hours
3 of 2200 and 0600, if I recall correctly.

4 Once the execution or service of the warrant
5 has been completed, the information -- I'm sorry --
6 the items obtained, seized in the warrant in support
7 of the warrant are going to be documented.

8 A warrant return will be completed, and the
9 warrant return will go to the -- back to the court
10 where it will be resubmitted for the court, preferably
11 the judge -- I'm sorry -- the authorizing judge to
12 sign and complete. And then that will go into the
13 warrant return file for the station to keep and
14 maintain.

15 If I recall correctly, it's been four or five
16 years, almost, since I've been a detective, and this
17 is all off of my recollection.

18 THE CERTIFIED REPORTER: When it's a good
19 time, can we take five?

20 MS. BARVIR-BOONE: I think we're okay. We
21 can take a break if you need. We'll go off the record
22 and be back here at 11:21.

23 (Recess.)

24 BY MS. BARVIR-BOONE:

25 Q Thank you. We are back on the record.

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1 Deputy Roth, while we were recessed, did you
2 review any documents related to this case?

3 A No, I did not.

4 Q All right. Thank you. I want to go back to
5 the discussion we were having about the service of
6 search warrants.

7 Are you aware of any LASD policies about the
8 service of search warrants?

9 A Yes, ma'am. I know there's policy in regards
10 to search warrants.

11 Q Okay. Did you ever receive a manual that
12 explained the steps for serving search warrants?

13 A Yes, when I attended the search warrant and
14 informant management course.

15 Q So -- I'm sorry. Go ahead.

16 A Circa 2009. I was provided the publication
17 in regards to the department policy on search
18 warrants.

19 MS. LOGAN: You went out after "publication."
20 You're going to have to repeat that.

21 MS. BARVIR-BOONE: Thank you, Counsel.

22 THE WITNESS: Approximately 2009, I attended
23 the search warrant informant management course
24 provided by the department. And at that time, I would
25 have been provided a copy or directed to a link where

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1 I could obtain my own copy of the department's policy
2 on search warrants and informant management.
3 BY MS. BARVIR-BOONE:

4 Q So to be clear, you've had formal training on
5 the procedures for service of search warrants --
6 excuse me. You had mentioned a search warrant
7 employment management course. Is that what you called
8 it?

9 A It is a course ran in conjunction with search
10 warrants and informant management. Informant
11 management.

12 Q Informant management. Okay. Thank you.
13 Do you recall anything that you would have
14 learned from that training?

15 A From the training, I would have -- I can
16 recall the completion of an affiant's -- I'm drawing a
17 blank on this right now. It's been a long time and
18 careers have changed. But the affiant's expertise
19 page, the creation of that, the means at which an
20 affiant would establish and articulate the probable
21 cause for the warrant and then the steps of acquiring
22 through the DA command post or through a superior
23 court judge that's made themselves available for
24 detectives to seek warrants through, and then the
25 return warrant process would have been covered in that

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1 class, to the best of my recollection, ma'am.
 2 Q All right. I can tell it was a long time
 3 ago, so thank you for giving me your recollection.
 4 Have you had any other formal training since
 5 that 2009 course in the service of search warrants or
 6 the obtaining of search warrants?
 7 A Not that I recall.
 8 Q Do you recall having any informal training
 9 about the service or obtaining of search warrants,
 10 perhaps a meeting where a supervising officer might
 11 have explained the procedures with you or a discussion
 12 where you maybe asked a question about it? Did you
 13 have any conversations like that?
 14 A I'm sure there's been numerous conversations
 15 regarding the seeking, completion of warrants and the
 16 service of warrants through my course -- in my course
 17 as deputy sheriff or working the gang teams, we
 18 discussed warrants. We discussed them on a regular
 19 basis. We discussed the reasoning for the warrant,
 20 any prebrief for a search warrant. For every search
 21 warrant we conduct, we articulate the reasoning why
 22 we're there to the deputies or the other agents who
 23 are assisting us so that everybody understands the
 24 probable cause to support the act of the search
 25 warrant execution, if you will.

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1 So I guess that would constitute training or
 2 exposure or -- along the lines of your question,
 3 ma'am.
 4 (Discussion held off the record.)
 5 BY MS. BARVIR-BOONE:
 6 Q So would it be fair to say, Deputy Roth, that
 7 a lot of your knowledge about the service of search
 8 warrants that is -- it's based on, you know, field
 9 experience and serving search warrants?
 10 A If I understand the question correctly, yes.
 11 Q Are you familiar with Manuel or Manny
 12 Fernandez?
 13 A I am very familiar with the name Manuel
 14 Fernandez.
 15 Q If you can recall, when did you first become
 16 aware of -- I'm going to call him Mr. Fernandez?
 17 A I first became aware of the name
 18 Manuel Fernandez upon my arrival to his residence on
 19 Caprock Road on the date of the initial search
 20 warrant.
 21 Q Let me see -- I'm sorry?
 22 A I would have to go through my papers to give
 23 you the date of the initial -- the warrant that was
 24 authored by Deputy Waldron.
 25 MS. BARVIR-BOONE: Let's take a look at that.

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1 That way we can get on the same page to make sure
 2 we're talking about the same service of a search
 3 warrant. Okay?
 4 I'm going to mark the search warrant and
 5 affidavit of John -- I mean Wyatt Waldron as
 6 [Exhibit 4](#).
 7 ([Exhibit 4](#) was marked for identification
 8 and is attached hereto.)
 9 BY MS. BARVIR-BOONE:
 10 Q Let me know when you can see that.
 11 A I can see that, Counselor.
 12 Q Have you seen this document before?
 13 A Yes, I have.
 14 Q Okay. And what exactly is this document that
 15 we're looking at?
 16 A This is Deputy Wyatt Waldron's affidavit and
 17 request for the search warrant supporting his
 18 reasoning for making entry.
 19 Q Okay. So this is the search warrant for the
 20 residence on Caprock Road; is that correct?
 21 A Yes.
 22 Q And it appears to me that the judge signed
 23 off on it on June 13, 2018.
 24 Do you see that at the bottom of page 1?
 25 A I do.

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1 Q Do you know if this search warrant was served
 2 on the 13th or some other day?
 3 A I'm looking right now. I do not recall the
 4 exact day off the top of my head. I would have to
 5 look at my --
 6 Q Your records. That's okay. We can figure
 7 out the day throughout our discussions. But we are
 8 talking right now about the search warrant served
 9 around June 13 at the Caprock Road residence. Okay?
 10 A Yes, I understand that and I agree.
 11 Q All right. So earlier you testified that you
 12 first became aware of Mr. Fernandez upon arrival at
 13 the Caprock Road residence on the date of this first
 14 warrant; is that correct?
 15 A I did.
 16 Q So before you arrived at the Caprock Road
 17 residence, did you know anything about the case or why
 18 you were going to be going to the Caprock Road
 19 residence?
 20 A So I was made aware of the Caprock Road
 21 residence as, I believe, I returned from lunch that
 22 day.
 23 Q Okay. So is it fair to say, then, that you
 24 didn't know that you were there to execute or serve
 25 the search warrant on Mr. Manny Fernandez and why; you

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1 just knew you were going to the Caprock Road residence
2 to serve this warrant?
3 A I did not serve that warrant.
4 Q Oh, you did not?
5 A No.
6 Q But you were present there?
7 A I responded after the fact.
8 Q What do you mean by you responded after the
9 fact?
10 A So on the date of the initial warrant, the
11 initial service warrant to the Caprock residence for
12 Mr. Fernandez, I returned from lunch. My detective
13 lieutenant advised me to go contact somebody from PAC,
14 Partners Against Crime. That is a unit within the
15 Palmdale Sheriff's Station that handles matters not
16 for the routine patrol deputy.
17 Again, my lieutenant advised me to contact
18 somebody from Partners Against Crime regarding a
19 warrant that they were serving in Agua Dulce, and they
20 had seized an uncountable amount of firearms during
21 this warrant. And I was sent as a representative of
22 the detective bureau for the station to see what was
23 going on, as the case would be coming to us and
24 getting a jump start on the investigation, if that
25 makes sense.

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1 Q That makes sense. Thank you for clarifying.
2 Do you know what Mr. Fernandez was thought to
3 be doing that prompted an investigation into his
4 activities and a search of the Caprock residence?
5 A Yes.
6 Q Let me clarify that.
7 Did you know when you arrived at the Caprock
8 residence what activities Mr. Fernandez was thought to
9 be doing that prompted the investigation?
10 A Upon arrival, I was briefed on the
11 circumstances of the situation.
12 Q Thank you. So your response to my question
13 before when you said yes, that you knew the activities
14 that Mr. Fernandez was thought to be doing that
15 prompted the investigation, was that in response to
16 what you know today and not what you knew when you
17 arrived at the residence?
18 A Yes. There was no knowledge beforehand of
19 the history, if you will.
20 Q All right. Thank you. Sorry if I was
21 unclear about that. Glad we fixed it.
22 All right. Did you know that Mr. Fernandez's
23 property, the Caprock residence, was the subject of a
24 search conducted by members of the California
25 Department of Justice, or the DOJ, in partnership with

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1 members of the LASD?
2 A I am aware of that.
3 Q Do you recall when that search took place?
4 A That would have been after the initial
5 warrants.
6 Q It was after the initial warrants?
7 A Yes.
8 Q After the -- after the first Caprock Road
9 search that we just spoke about, or after both of the
10 Caprock Road searches that we will be talking about?
11 A Both of the Caprock Road services,
12 executions.
13 Q All right. Thank you.
14 So I think I want to go back and clarify that
15 there were a total of two searches of the Caprock Road
16 property that the LASD carried out, not including the
17 one with DOJ?
18 A Yes.
19 Q And then including the one in partnership
20 with the DOJ, there would have been three searches
21 served at the Caprock Road residence?
22 A Yes.
23 Q And then were there any other searches that
24 were conducted for Mr. Fernandez's firearms that were
25 not conducted at his residence, say, at his place of

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1 business --
2 A Yes. There was a warrant served at an
3 associate's house on Sweetwater Drive there in the
4 city of -- or in the unincorporated city of
5 Agua Dulce, County of Los Angeles.
6 Q Is that the Carey Moisan Sweetwater residence
7 search warrant?
8 A That is.
9 Q Okay. As to the first of the two LASD
10 searches we had been speaking of earlier, can we agree
11 to call that the first LASD search?
12 A Yes. The first LASD search was at
13 Mr. Fernandez's home.
14 Q Do you recall or do you know who applied for
15 the search warrant for the first LASD search?
16 A My best recollection, it was Wyatt Waldron.
17 Q And I think that that would definitely be
18 corroborated by [Exhibit 4](#), his signature we looked at
19 earlier. Okay. Thank you.
20 Do you remember what the scope of that search
21 warrant was?
22 A Without reading the declaration -- if you
23 would like, I can read the declaration, or based off
24 of my recollection, I can provide you with either
25 answer you are seeking.

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1 Q If you would like to take a look and refresh
2 your memory with the affidavit and search warrant, you
3 may do that.

4 A Thank you, ma'am.

5 Q Of course.

6 MS. LOGAN: Counsel, by scope of the warrant,
7 can you clarify whether you mean the areas to be
8 searched or the items to be seized?

9 MS. BARVIR-BOONE: That is a very, very
10 helpful question.

11 BY MS. BARVIR-BOONE:

12 Q I would like to know for this question the
13 scope of the areas to be searched.

14 A I have reviewed Sergeant Waldron's search
15 warrant, ma'am.

16 Q And, again, I will repeat the question.
17 Having reviewed and refreshed your
18 recollection about the scope of the search warrant,
19 could you please let me know what your recollection of
20 the scope of the search warrant for Caprock Road was,
21 like what locations were to be searched?

22 A The location was the Caprock Road residence
23 of Mr. Fernandez. The scope was the residence and the
24 vehicles there on the property. Numerous vehicles
25 were observed on the property. Some were -- appeared

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1 not running. But to search the residence and vehicles
2 on the property.

3 Q And similarly, what types of items was the
4 department looking for in this report? What were they
5 approved to seize -- search for and seize?

6 A Items indicating dominion, control, linking
7 Mr. Fernandez to the residence, establishing the
8 residency and firearms. They were there to seek
9 firearms.

10 Q The service of the search warrant, that first
11 LASD search warrant.

12 You testified earlier that you did not
13 participate in the service. You came onto the scene
14 as kind of after the fact; is that correct?

15 A Yes, ma'am. I came -- continue. I'm not
16 going to interrupt you.

17 Q That's all right.

18 Were other officers still on the -- LASD
19 officers still on the scene when you arrived?

20 A Yes, there were.

21 Q Do you remember who?

22 A I don't recall, ma'am.

23 Q That's okay.

24 A I would be doing a disservice to say who I
25 knew was there.

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1 Q That's all right. Thank you.

2 Could you explain in a little detail for me
3 what your role was, again, during the first LASD
4 search, or maybe not during the search but when you
5 arrived on the scene?

6 A So I was sent down to the Caprock residence
7 as it had been relayed to my lieutenant, my detective
8 lieutenant. I cannot remember who my lieutenant was
9 at the time. This is quite a few years ago and we had
10 quite a few lieutenants.

11 But the deputies were on a search warrant,
12 and they had seized a large, large, large sum of guns.
13 I believe the first number I heard was in the high
14 hundreds, like 700, which seemed preposterous at the
15 time when I first heard about it.

16 So I was sent down to gather information on
17 the scene, see if there was validly with what we were
18 hearing at the station, and then provide assistance to
19 those on the scene from an investigator perspective on
20 routes to go, what to do and so forth.

21 So I responded down, not quite knowing what
22 to expect. And when I arrived, I saw hundreds and
23 hundreds of guns, hundreds of guns that had been
24 removed from a home. The first thing I saw was
25 numerous cars in the driveway that appeared to not be

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1 running, and the garage was open. It did not appear
2 that -- you could not park a vehicle or even traverse
3 the garage because the garage was from floor to
4 ceiling almost packed full of items. And there was
5 blankets laid out with firearms laid out on blankets.
6 There was piles of guns. There was guns everywhere.
7 Guns everywhere.

8 Q Go ahead.

9 A I made contact with the deputies on scene. I
10 believe I -- I want -- I'm not even going to
11 speculate. I made contact with deputies on the scene,
12 and they advised me that they were still seizing
13 firearms from the house.

14 So I made my way through the house to make
15 contact with the deputies and see the areas that they
16 were seizing firearms from. They were searching in
17 cars, they were searching in containers on the
18 property, they were searching in bedrooms. Everywhere
19 on the property was piles except for the common living
20 rooms of the house; the kitchen, the living room, the
21 dining room. I recall waist-deep to head-high piles
22 of everything. Boxes, shoes, scopes. I mean, it was
23 a -- I've never seen that much stuff amassed inside of
24 a house.

25 And deputies were making their way

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1 systematically through that stuff, through those piles
2 of clothes, shoes, papers, collectors' items, knives,
3 just everything, and finding guns in every crevice,
4 orifice -- crevice, compartment, under, over,
5 concealed, not concealed. They were just --
6 everywhere they put their hands, they were pulling a
7 gun out of something. And I just kind of walked
8 through the house with awe at the amount of firearms
9 that they were pulling out of the home.

10 Q Okay. Do you recall whether Mr. Fernandez
11 was in the house at the time of the first search?

12 A I -- I do not recall. I was not there when
13 they made knock-and-notice. I was not there when they
14 made entry. I was there after the fact. And I do not
15 recall meeting with Mr. Fernandez at any time on that
16 date.

17 Q Thank you.

18 Do you recall whether Mrs. Fernandez was on
19 the scene when you arrived?

20 A I do recall Mrs. Fernandez. I don't recall
21 if I met her on that date, but I did have contact with
22 her numerous times, so the dates may have become a
23 little convoluted for myself, but I do recall
24 interacting with Mrs. Fernandez numerous times. It
25 may have been that day, may have been the following

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1 days, so forth.

2 Q So you did have interactions with
3 Mrs. Fernandez, but you're not certain, sitting here
4 right now, whether or not it was during your presence
5 on the scene of the first search of the --

6 A Yes, I don't recall.

7 Q Okay. So you mentioned loads and loads of
8 firearms. Were those firearms ultimately seized by
9 LASD?

10 A Yes, they were. That was the target of the
11 search warrant, was the firearms in the possession of
12 Mr. Fernandez, who had been articulated as a
13 prohibited person.

14 Q Do you know -- excuse me. Could you estimate
15 about how many firearms were seized during the first
16 LASD search at Caprock?

17 A Somewhere between 5- and 600, if I recall
18 correctly.

19 Q Have you ever participated in a firearms
20 seizure that large before in your position -- in any
21 position that you've held with LASD?

22 A Ma'am, to be perfectly honest, I don't think
23 anybody in the county has seized that many firearms or
24 been present at the seizure of that many firearms in
25 the history of the County of Los Angeles.

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1 Q So --

2 A My apologies for laughing.

3 Q It's okay.

4 So I'm going to confirm that you had never
5 participated in a seizure that large in your time with
6 LASD except -- with the exception of your presence at
7 the Caprock search?

8 A Yes, ma'am.

9 Q So is it -- so is it common for LASD to
10 search -- to seize hundreds of firearms from a single
11 source?

12 A No, ma'am.

13 Q So would you say this was a pretty unique
14 experience?

15 A This was a very, very unique experience.

16 Q I think you might have gone over this a
17 little bit in your narrative response earlier, but I
18 want to get a little finer point on it.

19 Could you explain to me your recollection of
20 where within the Caprock residence or property the
21 firearms that were seized were found during the
22 execution of the first LASD search?

23 A Firearms were found in the garage, the
24 bedrooms, the common spaces, the closets, the office.
25 They were -- from my recollection, they were found

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1 everywhere throughout the house.

2 Q Earlier you had testified that when you
3 arrived on the scene of the first LASD search, there
4 were hundreds of guns that had been taken outside.
5 You saw them outside?

6 A Yes, they were outside the home upon my
7 arrival.

8 Q And they were taken outside the home by the
9 officers who were serving the search warrant; is that
10 correct?

11 A Yes.

12 Q Okay. Do you know -- excuse me.

13 So you also testified earlier that after
14 arriving on scene and seeing the firearms outside, you
15 went into the home or into the residence and they
16 were -- and the officers were still in the course of
17 searching the property; is that correct?

18 A They were.

19 Q Were they still finding new firearms when you
20 were on the scene?

21 A They were, but the amount of firearms that
22 they were finding was dwindling.

23 Q Did you personally -- sorry.

24 Did you personally see the firearms as they
25 were stored in the Fernandez residence before they had

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1 been removed by the officers that were executing the
2 search warrant?

3 A I did. I had the -- I was able to be present
4 for the seizure of numerous firearms that were found
5 in my presence as I moved room to room. I saw and
6 observed deputies recovering firearms, and firearms
7 were -- they were layered, if you will. There would
8 be a layer of trash, rubbish, collected items on the
9 ground or on the floor of the home, the room, that
10 there would be a handful of guns. There would be
11 boxes of collector curio stuff. There would be
12 firearms, and then there would be another layer of
13 debris or clothes or just computers, TVs, and then
14 there would be another layer of guns.

15 It was a -- for lack of -- well, it would be
16 like looking at a cut of the earth's crust and seeing
17 the layers of time of things placed down, stuff put on
18 top of it, things placed down, stuff put on top of it.

19 And it was just layers and layers and layers
20 of guns. And everywhere you looked, it was just guns.
21 And the guns were -- I don't recall seeing a single
22 gun that was stowed inside of a box, a bag.
23 Everything was just loose. And they were just
24 haphazardly placed someplace and stuff stacked on top
25 of it.

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1 Q But there were hundreds of guns already
2 outside on the -- outside of the residence when you
3 arrived. That's correct, right?

4 A Yes.

5 Q Do you personally know how those firearms
6 that were already outside when you arrived on scene
7 were stored?

8 A No, that would be not of my knowledge.

9 Q So do you know whether any or most or --
10 strike that.

11 Do you know whether those firearms were
12 stored individually in boxes or bags?

13 A Prior to seizure, no, I would not know that.

14 Q Do you recall seeing, upon your arrival at
15 the Caprock residence during the first LASD seizure,
16 piles of cardboard boxes outside of the residence that
17 were put there by LASD officers?

18 A I did see cardboard boxes, but I don't recall
19 seeing piles of cardboard boxes. I believe I -- I
20 know where this is going. I understand that -- it did
21 not look like there was guns in boxes that were taken
22 out to be set out. There was boxes, but I don't
23 recall seeing piles of boxes.

24 MS. BARVIR-BOONE: All right. I'm going
25 to -- excuse me. I'm going to mark as [Exhibit 5](#)

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1 photograph or a series of photographs.

2 ([Exhibit 5](#) was marked for identification
3 and is attached hereto.)

4 BY MS. BARVIR-BOONE:

5 Q Can you see the images on your screen?

6 A A series of photographs? Yes, Counselor, I
7 do have a series of photographs.

8 Q I'm going to ask you to look at the first
9 page there.

10 Do you see that?

11 A I do see the first page.

12 Q All right. Can you identify any of the
13 individuals that are in this photograph for me?

14 A I can identify one.

15 Q Could you, please?

16 A The gentleman in the tan Class B shirt
17 looking at the camera is Cesar Vilanova.

18 Q Thank you.

19 A He's the co-affiant on another warrant.

20 Q What does it look like? Can you tell me what
21 these -- it looks like, boxes or cases are in front of
22 the two gentlemen sitting on the floor? Do you know
23 what that is?

24 A They look like firearms boxes.

25 Q Would those firearms boxes have been seized

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1 along with the firearms and taken to and transported
2 up in seizure?

3 A They very well could have been.

4 Q Is it common practice to keep them in the
5 cases or remove them from their cases?

6 A So, again, the totality of this incident was
7 beyond -- beyond anything that we've ever interacted
8 or experienced or even thought about.

9 So what is done normally -- is done normally,
10 and what happened on this one is -- obviously, it's a
11 unique experience. But, yes, from my understanding,
12 probably -- I don't know, ma'am. I would like to
13 think yes, but would it be common practice, probably
14 no, because the amount of -- I don't know. I'm not
15 going to speculate.

16 Q It's okay. Let me see if I can make my
17 question easier to answer.

18 So is it common practice -- let's not talk
19 about how large this seizure was. Okay? This may be
20 a unique -- we talked about this being a very unique
21 experience. But commonly, would it be the LASD's
22 practice to keep the firearms in the cases or boxes in
23 which they were found?

24 A Yes. But then again, at booking, they will
25 come out of it because they're not going to be stored

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1 in those based on -- the ability to store and keep
2 evidence. There's -- that's a lot of layers right
3 there, ma'am. That's --

4 Q So you said that -- okay. So you said that
5 when it goes to storage -- and we'll talk a little bit
6 about wherever that is -- they may be taken out, but
7 they're not then stored in individual bags or boxes.

8 How are they normally stored?

9 A They can be; they cannot be. Again, that's
10 an evidence-keeping issue which is beyond the scope of
11 my knowledge.

12 I do know that I have -- I have booked
13 firearms. Outside of this case, I've booked a
14 considerable amount of firearms, and I don't recall
15 the time where I booked them in a box. I believe I
16 have booked a case, but I don't recall a time where I
17 booked them in a box because they don't -- and I don't
18 recall a time when we booked a firearm in a case. I
19 do not recall a time that we did that, from my
20 experience.

21 Q Okeydokey. Thank you.

22 Did you personally handle any of the firearms
23 that were being seized by LASD during the first LASD
24 search at Caprock?

25 A Can you reword that for me?

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1 Q Of course. Did you personally handle any of
2 the firearms seized from the Caprock residence during
3 the first LASD search?

4 A Yes, I believe I did handle a couple of them
5 as they were found. And there may have been -- I seem
6 to recall there was some that needed to be cleared out
7 and needed to be cleared out for inspection. And I
8 believe I assisted in clearing to ensure that the
9 firearms were cleared at that time, if I recall
10 correctly, after that Caprock incident, the first
11 Caprock incident.

12 Q Do you recall whether you loaded any of the
13 seized firearms onto vehicles for transportation?

14 A Hang on real quick. Can I put you on mute
15 real quick?

16 Q Let's take -- let's go off the record for a
17 moment.

18 A Can I just take -- sorry.

19 Q Let's go off the record for a moment.

20 Do you need a minute for a break or
21 something?

22 A Just two minutes. Supervisor came in real
23 quick.

24 Q Okay.

25 A Nonrelated, ma'am. I'll just put it on mute.

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1 My apologies.

2 (Pause in proceedings.)

3 BY MS. BARVIR-BOONE:

4 Q We're back on the record. Thank you.

5 Deputy Roth, did you have any conversations
6 with people while we were on break about this case?

7 A No, I did not.

8 Q Did you --

9 A No, not about this case.

10 Q Did you review any documents about this case
11 while we were on break?

12 A No, I did not. If you'd like, I can show you
13 what I did.

14 Q That's all right.

15 Okay. I'm going to ask a few more questions
16 and wrap up our discussion about the first LASD
17 search-and-seizure. Okay?

18 A Please.

19 Q Do you know, with regard to the firearms that
20 were seized as a result of the first LASD search, do
21 you know where the firearms that were seized were
22 taken?

23 A The seized firearms from the first Caprock
24 search were transported to Palmdale Sheriff's Station.

25 Q Were all of the firearms taken to the same

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1 location?

2 A All firearms were going to go to Palmdale
3 Sheriff's Station.

4 Q Did you personally transport any of the
5 firearms to the Palmdale station?

6 A I did not personally transport any firearms,
7 to the best of my recollection, off of the first
8 warrant.

9 Q Do you know who transported the firearms that
10 were seized during the first seizure?

11 A It would have been the deputies present, as
12 articulated by the SHAD (ph) 49 report authored by, I
13 believe, Wyatt Waldron or Cesar Vilanova, so that
14 whoever they wrote down there -- who was driving cars.
15 It was a lot of people, but it wasn't -- but, again,
16 it wasn't -- it wasn't me.

17 Q Do you know what types of vehicles were used
18 in the transportation of the seized firearms to the
19 Palmdale station?

20 A There would have been marked radio cars, so
21 black-and-white Crown Victorias. This is 2018. There
22 may have been an Explorer. The sergeants would have
23 been driving Chevy Tahoes. And I know there was a
24 green Ford F-150 pickup truck that was used as well.

25 Q Is that --

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1 A Beyond that -- beyond that, there may have
2 been unmarked Crown Victorias or unmarked Chargers,
3 but I don't recall off the top of my head, ma'am. It
4 would be unfair to answer that.

5 Q Do you know if that green F-150 was a
6 department vehicle?

7 A Yes, ma'am, that is a department vehicle.

8 Q All right. Moving on, we've talked a bit
9 about there being two searches by LASD of
10 Mr. Fernandez's Caprock property; is that correct?

11 A Yes, ma'am.

12 Q Do you recall who applied for the second
13 search warrant of the Caprock property?

14 A I did.

15 Q Why did you seek to obtain a second search
16 warrant for the Caprock property?

17 A Based on the information -- based on the
18 information that I had obtained from the initiating
19 officers of the first search warrant, the evidence --
20 sorry, there's a fly here -- the evidence seized, I
21 had probable cause to believe that Mr. Fernandez was
22 engaged in the illicit transfer, sales, possible
23 trafficking of firearms.

24 As an investigator, that's where my
25 investigation was going and I sought a follow-up

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1 warrant to seek electronic items that could
2 potentially contain information in regards to sales,
3 purchase, trafficking, et cetera of the firearms that
4 had been seized in the initial warrant. So I wasn't
5 going for really anything other than electronic
6 evidence, if you will.

7 Q Okay. So the scope of that second search
8 warrant with regard to the types of items being
9 searched was electronic items that might hold
10 information about potential sales or trafficking?

11 A Yes, ma'am.

12 Q Okay. And it was -- and it was also for the
13 same Caprock residence, same locations as the first
14 search warrant; is that correct?

15 A Yes, ma'am.

16 MS. BARVIR-BOONE: Okay. Let's really quick,
17 then, mark the search warrant and affidavit for the
18 second Caprock search as [Exhibit 6](#).
19 ([Exhibit 6](#) was marked for identification
20 and is attached hereto.)
21 BY MS. BARVIR-BOONE:
22 Q Let me know when you can see it.
23 A My computer says, "The presenter has locked
24 your screen," ma'am.
25 Q Oh, why would I do that? Let me fix it for

Page 67

1 you.

2 A I figured it's a strategic thing you're doing
3 to me. I don't know.

4 Q Is it showing now?

5 A Document 6. Let me see here. Okay.
6 "Detective John Roth swears" -- that is my warrant.

7 Q So you've seen this document before?

8 A Yes, ma'am, I have.

9 Q And did you draft this document?

10 A Yes.

11 Q I guess you drafted the affiant statements,
12 then filled out the warrant stuff, correct? Is that a
13 better way of explaining?

14 A Yes.

15 Q About a quarter of the way down there, is
16 that your signature there, W.D. Roth?

17 A On page 1?

18 Q On page 1, yes. Thank you.

19 Okay. Were you present at the service of the
20 second LASD search of the Caprock residence?

21 A I was.

22 Q Do you recall whether any other LASD officers
23 were present at the second search?

24 A There were.

25 Q Do you remember who?

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1 A If you could afford me a moment to refer to a
2 supplemental report that I completed, I can probably
3 provide names off of that.

4 MS. LOGAN: Before the report, Deputy, do you
5 have an independent recollection?

6 MS. BARVIR-BOONE: Thank you.

7 THE WITNESS: It would be my sergeant,
8 Sergeant Eitner, E-i-t-n-e-r; Detective Ames, A-m-e-s.
9 Oh, my goodness. I don't know. That was my sergeant
10 and my partner. That's about all I can remember that
11 far back.

12 BY MS. BARVIR-BOONE:
13 Q That's fine. This isn't a test. If we need
14 to take a look at your supplemental report, we'll do
15 that later. Okay?

16 A Okay.

17 Q All right. What was your role in the second
18 LASD search?

19 A My role in the second LASD search as the
20 affiant was to manage the -- to manage the execution,
21 service of the warrant and ensure the items as
22 requested were seized, any evidence observed or any
23 evidence that was seized will be taken back to the
24 station, booked into property, and the filing of the
25 case ultimately.

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1 Q All right. Do you have a specific memory of
2 this particular search, the second LASD search of
3 Caprock?

4 A Yes, I do.

5 Q Do you have any recollection of how entry was
6 made into the home during the second search?

7 A I believe Mrs. Fernandez was home or she
8 provided us a key. There was -- I don't recall forced
9 entry. Obviously, she was very cooperative. There
10 was -- I don't recall any forced entry. It was either
11 with a key or she was present. I don't recall.

12 Q Okay. Thank you.

13 Do you recall who, if anyone, you encountered
14 when you entered the residence?

15 A The only people I recall would have been
16 Mrs. Fernandez and her daughter. But, again, I don't
17 recall if her daughter was present at the time of
18 service. They may have been -- they may have come
19 after -- or after we'd already served or during the
20 service, but I don't recall talking to them after
21 that, right after the beginning.

22 Q Do you remember if Mr. Fernandez was at the
23 house during the service of the second search warrant?

24 A No, he was not.

25 Q Do you have any recollection, vague or

Page 70

1 otherwise, about what types of items ended up being
2 found during the execution of the second search
3 warrant?

4 A Surprisingly enough, a lot more guns.

5 Q More guns.

6 A That was -- and that was something that we
7 had not anticipated. I don't recall the number of
8 firearms that were initially found or initially seized
9 in the first warrant, but I do recall going for the
10 electronic components. And I remember seizing
11 electronic components, some cell phones, tablets,
12 laptops. I believe there was a CPU, like a desktop
13 seized. But there was a lot more guns seized.

14 Q Do you know about how many more firearms were
15 seized?

16 A Off the top of my head, I'd say close to a
17 hundred.

18 Q And they were seized. And they were seized.
19 They weren't just found; they were taken into custody?

20 A Yes.

21 Q Okay.

22 A Yes.

23 Q Do you recall where within Mr. Fernandez's
24 property those new guns were found?

25 A Without referring to anything, I can tell you

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1 the one place that really stood out was the closet in
2 the foyer. There was -- if you go back to evidence --
3 I'm sorry -- Document 005, if you look at that, that
4 closed door in the foyer behind the two deputies
5 sitting on the floor, I found like 20 guns in there
6 stuffed in the closet that were not really even
7 concealed. They were just there. It was another --
8 and this is off of my recollection. It was just
9 another hoard of guns.

10 Q And that closet in the foyer had been
11 searched during the first search and they were not --
12 guns were not found there, those guns? Let me make
13 that more clear.

14 That closet in the foyer was searched during
15 the first LASD search of Caprock?

16 A Ma'am, I don't want to speculate. I don't
17 know if it was. I do not know if it was not.

18 Q Okay. Thank you.

19 Did you personally handle any of the firearms
20 that were seized during the second search of Caprock?

21 A I did. I did.

22 Q What did you do with the firearms that you --
23 how were you handling the firearms that you seized
24 during the second search?

25 A Any firearm -- any firearm that's seized

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1 under my care and custody is going to be rendered safe
2 and ensure that there is no ammunition with it or
3 there's no -- there's no source of ammunitions with
4 it, and then it is going to be taken and placed in
5 a -- in an area to be transported to the station.

6 Q As you say that, are you referring to your
7 general handling of firearms that you seize or that
8 you -- that come into your control, or specifically as
9 to this particular seizure at Caprock?

10 A At Caprock, every firearm that was seized, I
11 laid eyes on. I ensured that they were safe, and then
12 I directed where those firearms would be placed.

13 Q So you directed other officers to move the
14 firearms outside or to prepare them for transport?

15 A Yes.

16 Q During the second LASD search, do you recall
17 making any -- taking any statements from
18 Mrs. Fernandez?

19 A I don't recall.

20 Q Do you recall taking any statements from any
21 other witnesses?

22 A I don't recall.

23 Q What about other law enforcement officers,
24 did you take statements from other law enforcement
25 officers?

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1 A I don't recall.

2 Q I think I may have -- let's go back also to
3 the first LASD search. I'm going to ask the same
4 thing.

5 Did you take any -- do you recall taking any
6 statements from Mrs. Fernandez during the first LASD
7 search at Caprock?

8 A I apologize. I don't recall, ma'am.

9 Q Okay. Do you recall taking any statements
10 from any witnesses during the first LASD search of
11 Caprock?

12 A No, ma'am, I do not.

13 Q You do not recall?

14 A I do not recall.

15 Q Okay. And then finally, did you take any
16 statements from law enforcement officers -- do you
17 recall whether or not you took any statements from law
18 enforcement officers during the first LASD Caprock
19 search?

20 A In an official capacity, no. I know I spoke
21 to -- I spoke to everybody there, but in an official
22 capacity, no.

23 Q Thank you.

24 Do you know what happened to the firearms
25 that were seized as a result of the second LASD

Page 74

1 search, where were they taken?

2 A Yes. They were transported to Palmdale
3 Sheriff's Station, and they were booked into custody
4 pending the outcome of this case.

5 Q Okay. And all the firearms were taken to the
6 same location; is that correct?

7 A Yes, ma'am, they were all taken to Palmdale
8 Sheriff's Station.

9 Q Did you personally transport any of the
10 firearms to the Palmdale station after the second
11 search?

12 A Which ones, I don't know, but I would have.

13 Q Did you take the firearms that were in the
14 possession immediately to the Palmdale station, or
15 were there pit stops?

16 A No, that would not be common practice to
17 drive about with evidence or that much evidence and
18 make stops, no. It would have been a drive straight
19 back to the station, unless there's some exigency, but
20 I don't recall any exigency or any reason we would
21 have deviated the course from Caprock to Palmdale
22 Sheriff's Station.

23 Q So can you clarify for me, so that is your --
24 so not making any pit stops other than an exigency is
25 your general practice. But can you confirm, sitting

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1 here, that you made no stops between Caprock and the
2 Palmdale station with the firearms?

3 A To the best of my recollection, we did not.

4 Q Did -- were others involved in the
5 transportation of the seized firearms during the
6 second search? Did anyone else transport those
7 firearms?

8 A Yes, ma'am. Based on the quantity of
9 evidence that we seized on the second search warrant,
10 there would have been numerous deputies transporting
11 numerous items back to the station.

12 Now, some of those deputies could have been
13 transporting electronic components. Some of those
14 deputies could have been transporting firearms or a
15 mix thereof, but there should have been no deviation
16 from where we were going to Palmdale Sheriff's
17 Station.

18 Q Do you recall who might have -- what other
19 LASD personnel might have been transporting those
20 firearms from the second search?

21 A No, ma'am.

22 Q Earlier you had testified that you handled
23 some of the firearms seized during the service of the
24 first LASD search; is that correct?

25 A I did.

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1 Q Do you recall whether you took any measures
2 to prevent damage to the firearms during that seizure?

3 A Can you elaborate a little bit further on
4 that?

5 Q Of course. Let me see.

6 Did you -- do you recall whether or not you
7 were -- that you handled the items, the firearms that
8 you handled, with care?

9 Were you careful to ensure that you didn't
10 damage them while you were handling them during the
11 seizure?

12 A Yes. Every firearm that I seize or every --
13 on the initial warrant, every firearm that I seized, I
14 inspected and I took care to the -- the due regard of
15 the property that was being seized. In no manner was
16 a firearm or evidence, any evidence to speak of,
17 haphazardly tossed aside or set in a manner that could
18 cause damage.

19 Regardless of the condition found, regardless
20 of the condition, the current condition that they may
21 have been in, they would have all been placed down and
22 set in a manner that would be conducive to safekeeping
23 under my -- or as far as speaking of myself and my
24 control of evidence.

25 Q Thank you.

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1 Did you notice -- of the firearms that you
2 personally handled during the first search, did you
3 notice any damage to the firearms that you handled?
4 A Oh, absolutely. There was damage apparent.
5 There was -- some of the firearms that I handled, I
6 recall seeing some wear marks and stuff like that.
7 But I was there on the back end of the -- the tail
8 part of that initial search, and the vast majority of
9 firearms had already been seized.

10 Now, there was -- upon my arrival, I could
11 see that there was firearms -- the pictures there in
12 the bed of the truck, there's pictures -- there was
13 firearms in a barrel. And I glanced to those, but I
14 could see that the condition of the firearms -- most
15 of the condition of the firearms were pretty well
16 used. And I would -- based off of a scale that I'm
17 familiar with, it would be like a -- a very well-used,
18 like a gray -- like most of the wood-stocked firearms,
19 there was nicks and dents that were already in them
20 that -- you know, that they were already oil stained.
21 And I seem to recall some of the stocks being cracked,
22 marring on some of the bluing, nicks on some of the
23 guns. Again, these were guns that were already seized
24 prior to my arrival.

25 These were my observations. I like to

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1 identify as not a gun guy, but apparently I am a gun
2 guy, and I pay attention to these things. And there
3 was a lot of wear. I would not say anything that I
4 put eyes on from the first warrant to the last warrant
5 that was in a show-grade quality or condition. And I
6 think that was based on the storage of the firearms
7 prior to our even knowing of Mr. Fernandez.

8 Q Or you think --

9 A I hope that answers the question.

10 Q You think that -- you would think that the
11 condition was --

12 A Yes, and without speculation.

13 (Reporter admonition.)

14 (Pause in proceedings.)

15 BY MS. BARVIR-BOONE:

16 Q Okay. To repeat, you had said that the
17 condition was due to the storage before the
18 search-and-seizure, but you don't know that for sure,
19 correct? That's what you're -- you're speculating?

20 A Obviously, Counselor, prior to my arrival,
21 that was -- I was unable to see the seizure or the
22 condition of the items seized prior to my arrival, so
23 anything, I guess, would be speculative on the
24 condition --

25 Q That's fair.

Page 79

1 A -- on the ones seized prior to -- prior to my
2 arrival.

3 Q That's fair. But for the ones you handled,
4 you noticed some significant wear and already damaged?

5 A I did.

6 Q Yes. Okay. Thank you.

7 Earlier you had testified that following the
8 second search-and-seizure at Caprock, you transported
9 some of the firearms that were seized back to the
10 Palmdale station; is that correct?

11 A Based on the warrant I authored, yes, I did.

12 Q How would you have transported firearms that
13 you seized? How would you -- just put in your car --
14 like, how did you transport them? Or would you
15 transport them?

16 A I would place the -- whatever items I seized,
17 whether it's -- like, for the scope of your question,
18 looking at the seizure of the firearms and the
19 transportation of firearms, the firearms would have
20 been placed in a -- for handguns or small firearms, it
21 would have been placed in a reciprocal that they would
22 prevent them sliding around or moving around or
23 incurring damage in transportation.

24 Long guns, whether it's a shotgun or a rifle,
25 or muzzleloaders for that case, they would be placed

Page 80

1 in a manner that they would be laid down, not bouncing
2 or riding on top of each other. There would have been
3 towels or blankets or cardboard placed between them to
4 prevent incurring damage.

5 Now, again, my seizure was somewhere in the
6 neighborhood of a hundred guns versus however many
7 guns they seized the days before. So it was easier
8 for me to manage that from my end. But the firearms
9 would have been placed like that.

10 They would not -- as a professional, I'm not
11 going to take a bunch of guns and just dump them in
12 the trunk of my car and bounce them back to my station
13 for booking.

14 Q Do you recall whether or not the guns that
15 you transported after the second LASD seizure were
16 long guns?

17 A Yes, there were long guns. And I believe
18 there was some handguns as well.

19 Q Did you take the normal care that you just
20 described, laying them down on their side, not on top
21 of each other, between blankets and such, the long
22 guns, did you try to transport them that way in this
23 instance?

24 A Yes. Yes, I would have.

25 Q And the handguns that you transported after

Page 81

1 the second LASD seizure, did you place them in the
2 receptacle that you spoke of earlier to prevent
3 sliding around or damage?

4 A I would have placed them in a box. I would
5 have placed them in a crate. I would have placed them
6 in some manner to prevent incurring damage.

7 Q Inside that crate or box, would those
8 handguns have been in separate envelopes or bags, or
9 would they have just been placed all together inside
10 of one box or crate?

11 A The handguns would probably -- from the best
12 of my recollection, would have been placed inside a
13 manila envelope. It's not just my standard practice.
14 My practice for when it comes to seizing handguns,
15 they would have been cleared out, placed in an
16 envelope and transported, thusly -- again, there's a
17 lot of information in this -- there's a lot of
18 information, to retain a -- CliffsNotes, if you
19 will --

20 (Reporter clarification.)

21 THE WITNESS: CliffsNotes.

22 MS. BARVIR-BOONE: All right. I think we
23 might have made reference to this issue before, but I
24 don't think we've marked it, so let's go ahead and do
25 that. I'm going to reveal and mark as [Exhibit 7](#)

Page 82

1 image.

2 ([Exhibit 7](#) was marked for identification
3 and is attached hereto.)

4 BY MS. BARVIR-BOONE:

5 Q Do you see it on your screen, Deputy?

6 A Yes, ma'am, I do.

7 Q Have you ever seen this photograph before?

8 A I have.

9 Q Do you know what this picture is of?

10 A That is a green Ford F-150 with a bed full of
11 guns.

12 Q Do you know what guns these are?

13 A Those are firearms seized at the location of
14 the search warrant.

15 Q So this is a picture of firearms seized from
16 the Caprock residence in the bed of a truck; is that
17 correct?

18 A Yes, ma'am.

19 Q Do you know about when this photograph was
20 taken?

21 A That photograph would have been taken prior
22 to my arrival on Caprock Road on the day of the first
23 execution of the search warrant.

24 Q Do you know who took this photograph?

25 A No, ma'am, I do not.

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1 Q Okay. I'm going to also mark -- I think I'm
2 going to be pulling up -- I'm going to pull up again
3 [Exhibit 5](#) for you to see.

4 Let me know if you can see it.

5 A Yes, ma'am, I see [Exhibit 5](#).

6 Q All right. Going down to page 2.

7 A I'm already there. I knew you were going
8 there.

9 Q Have you seen this photograph before, Deputy?

10 A I have.

11 Q Do you know what this picture is of?

12 A It is the same Ford F-150 containing the same
13 firearms, however, photographed from a different
14 angle.

15 Q Thank you. So we can agree that this is
16 another picture of firearms seized from the Caprock
17 residence in the bed of a truck, yes?

18 A Yes, ma'am.

19 Q All right. Do you know when this photograph
20 was taken?

21 A That photograph was taken prior to my arrival
22 at the Caprock residence on the day of the search
23 warrant, from the best of my recollection. Now, it
24 may have been taken after, but it was on the day of
25 the search warrant.

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1 Q And does this appear to be the -- or do you
2 know whether this image is of the same truck depicted
3 in [Exhibit 7](#)?

4 A It is. It is, ma'am.

5 Q Okay. Stay on this exhibit for a moment.
6 Can you go on down to page 3?

7 A Page 3.

8 Q Do you see it?

9 A Yes, ma'am.

10 Q All right. I think at the bottom, this is
11 listed as page 4 on the bottom of this document.

12 Is that what you see, just to make sure we're
13 on the same page?

14 A Are we looking at image 3 or looking at
15 image 4?

16 Q Well, look at -- let me see here. It says --
17 so if you scroll down, it's page, like, PDF 3, but
18 there's a little number on the bottom of that
19 document.

20 It says 4, right?

21 (Simultaneous speakers.)

22 THE WITNESS: I see.

23 BY MS. BARVIR-BOONE:

24 Q Okay. Good. So we're on the same page. Are
25 you able to -- I'm sorry. Let me back up a moment.

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1 Have you ever seen this photograph before?

2 A I have.

3 Q Do you know what this picture is of?

4 A It is a photograph of deputies -- looks like

5 they're conducting inventory of seized firearms.

6 Q Do you know what seized firearms?

7 A Firearms seized at Mr. Fernandez's Caprock

8 address.

9 Q Okay. And do you know if this was taken

10 during or around the time of the first LASD search of

11 Caprock or the second?

12 A First.

13 Q Okay. Can you identify any of the officers

14 in this photo?

15 A The deputy leaning against the red car would

16 be Dave Roach, R-o-a-c-h. The deputy with his back to

17 the photographer looking back with his hand raised

18 would be Chris May, C-h-r-i-s, M-a-y. And then I

19 would -- I believe I know who the other deputies are,

20 but I'm not a hundred percent positive.

21 Q That's fair. Their backs are to us entirely.

22 Okay. Thank you for that.

23 Do you see long guns in trash cans in this

24 image?

25 A I do.

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1 Q Do you know where those trash cans came from?

2 A No, I do not.

3 Q So you don't know whether or not those trash

4 cans belonged to LASD or whether they belonged to

5 Mr. Fernandez?

6 A I do not believe I've ever seen those trash

7 cans before.

8 Q Except in this photograph.

9 Do you know --

10 A Except in this photograph.

11 Q But do you know who put those long guns in

12 those trash cans?

13 A I do not know, ma'am.

14 Q Do you know if LASD officers put those guns

15 in those trash cans?

16 A I do not know.

17 Q Is it common practice for LASD officers to

18 seize long guns and put them in trash cans?

19 A Counselor, I apologize. In this photograph

20 alone is more firearms than I believe most people will

21 seize in one setting or let alone a career of

22 seizures. It's an extraordinary incident. I had seen

23 firsthand the storage of firearms in pickle barrels.

24 Q In what?

25 A In pickle barrels.

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1 Q Pickle barrels?

2 A Yes. When I was younger, I recall going to

3 Pony Express in Van Nuys, and they were selling

4 M1 carbines and M1 Garands out of pickle barrels. And

5 you would reach in, grab one, look at it, see if

6 that's the one you want and purchase it then and

7 there. But this is back in the '90s. So that's the

8 only frame of reference I can provide you.

9 Q Do you know if the firearms that are depicted

10 in this image in those trash cans were transported to

11 the Palmdale station in those trash cans?

12 A I do not know, ma'am.

13 Q Okay. Thank you.

14 MS. BARVIR-BOONE: Could we go off the record

15 for a moment?

16 (Discussion held off the record.)

17 (Recess.)

18 BY MS. BARVIR-BOONE:

19 Q We are now back on the record. I hope

20 everyone enjoyed a good lunch break.

21 Deputy Roth, can you let me know if you

22 during our break spoke about this case with anyone?

23 A No, I did not.

24 Q Did you review -- thank you.

25 Did you review any documents over the break

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1 that related to this case?

2 A No, ma'am, I did not.

3 MS. BARVIR-BOONE: All right. Thank you.

4 Okay. We mentioned this document a few

5 times, but I don't think we've introduced it yet. So

6 I'm going to go ahead and mark as [Exhibit 8](#).

7 supplemental report.

8 ([Exhibit 8](#) was marked for identification

9 and is attached hereto.)

10 BY MS. BARVIR-BOONE:

11 Q Let me know when you can see it.

12 A Still locked out.

13 Q Let's fix that. Good?

14 A It's a supplemental report authored by

15 Detective John Roth.

16 Q So this document titled Supplemental Report,

17 you drafted?

18 A I did.

19 Q What is the purpose of this report?

20 A I gave additional information regarding -- to

21 the case alleged against Mr. Fernandez.

22 Q Do you know -- do you recall when this

23 document was drafted?

24 A It was submitted on the 20th of June, but it

25 was probably written between the 13th of June and the

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1 20th of June. But it was submitted on the 20th.
2 Q Do you recall if this document -- strike
3 that.

4 Let's take a look at the second paragraph on
5 page 1. Can you do that for me?

6 A Yes.

7 Q The last sentence says that you spoke to
8 S/Fernandez's wife, Ana Patricia Fernandez, during the
9 search of the residence.

10 Do you recall that conversation?

11 A No, ma'am. That's why it's written down. My
12 apologies.

13 Q It's all right. So this document says that
14 you spoke to Ms. Ana Patricia Fernandez during the
15 June 14th search.

16 Would you have any reason to believe that
17 that is not accurate?

18 A No, I do not.

19 Q All right. If you -- go ahead.

20 A I do not have any reason to believe that is
21 not accurate.

22 Q All right. Thank you.

23 In the -- I believe it's the fourth paragraph
24 down, in the middle of that paragraph it says, "I
25 asked her what her opinion was as to why S/Fernandez

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1 considerable seizure, I began looking through the
2 extensive collection."

3 Do you see that? It's the first sentence of
4 the last paragraph on page 1.

5 A The first -- yes. Yes, I do.

6 Q So it says on the 14th of June. Is that the
7 same day as the first LASD search of Caprock?

8 A That would be -- I believe that is it.

9 Q And do you recall where you began, quote,
10 "looking through the extensive collection," where that
11 happened?

12 A That would have been at the station.

13 Q At the station after the transport from
14 Caprock to Palmdale?

15 A Yes.

16 Q Okay. Did you notice anything -- or what, if
17 anything, did you notice about the condition of the
18 firearms that you were looking through at that time?

19 A I noticed that the firearms kind of had a --
20 there was a theme amongst them. And the theme for a
21 large body of them were military-style rifles, middle
22 of the 19th Century. And they weren't pristine. They
23 weren't -- for the time period maybe a desirable
24 feature, but natural condition of the firearms, I
25 don't recall seeing any that I thought, wow, this is a

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1 amassed such a collection. She stated S/Fernandez was
2 a 'hoarder.'" And you have that in quotes there.

3 Do you recall that conversation at all?

4 A Ma'am, I do not. I apologize. Fragments,
5 but not --

6 Q Reviewing your report where you said that
7 Mrs. Fernandez stated that Mr. Fernandez was a
8 hoarder, what do you interpret that to mean?

9 A A hoarder is a person that collects items
10 without regard to his or their or others' well-being.
11 The manner of collection is on a scale so large that
12 the contents are incalculable. It's an uncontrolled
13 collection of selected items that's beyond the
14 rationale of the actual hoarder. I think of it as a
15 disorder.

16 Q Is it your opinion that Mr. Manny Fernandez
17 was a hoarder of firearms?

18 A I believe the term "hoarder" was
19 appropriately applied by Mrs. Fernandez in this
20 context based on everything that I saw. And firearms
21 was just one of the things that he had fixated on.

22 Q Thank you.

23 In the final paragraph on the bottom of
24 page 1, it states, "On the 14th of June, after
25 Palmdale deputies returned to the station with the

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1 well-cared-for firearm. A lot of them just appeared
2 to be old, haphazardly strewn about, and not cared for
3 in a manner that would be indicative of an antiquity
4 or a fine firearm collector, if that makes sense.

5 Q It does. Thank you.

6 Did you take any notes regarding the
7 condition of the firearms that you were -- that you
8 were looking at at the time?

9 A I would have taken, obviously, shorthand
10 notes on a legal pad or a legal-style paper or on a
11 clipboard, but I didn't keep or store any of that
12 stuff.

13 Q So they wouldn't have been part of an
14 official file for Mr. Fernandez or something?

15 A No, not at this -- no.

16 Q I just have one question. It says it was
17 approved by a Sergeant J. Vensel.

18 Could you identify that person for me,
19 please?

20 A Yes, Sergeant J. Vensel, John Vensel, was a
21 sergeant with Los Angeles County Sheriff's Department,
22 and he was one of the sergeants assigned to
23 detective -- the detective desks at Palmdale station.

24 Q Was he a supervisor of yours?

25 A Yes.

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1 Q Thank you.

2 Looking down now at the second page, the
3 fourth full paragraph down starting with, "No
4 residents were home," do you see that?

5 A Yes, I do.

6 Q So it says, "No residents were home at the
7 time of service and forced entry was not made," and
8 then it goes on to say, "upon search for electronic
9 devices."

10 Is this in reference to -- do you recall if
11 this is in reference to the second search of the
12 Caprock property?

13 A Yes, that was.

14 Q And if the residents were not at home at the
15 time of service and forced entry was not made, how
16 would you have obtained entry into the home for the
17 search?

18 A The residence was either unlocked or
19 Mrs. Fernandez had provided a key. I cannot recall at
20 this time.

21 Q Okay. Thank you.

22 Earlier you had testified there was one more
23 search that was related to Mr. Fernandez -- I'm sorry.
24 Let me say that again.

25 Earlier you testified that there was an

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1 additional search conducted by LASD aside from the one
2 the DOJ had something to do with that related to
3 Mr. Fernandez's firearms, a search at a Carey Moisan's
4 residence; is that right?

5 A There was.

6 Q Do you recall who applied for the search
7 warrant for Ms. Moisan's residence?

8 A From my recollection, that would have been
9 Wyatt Waldron with a co-affiant of Cesar Vilanova.

10 Q Vilanova?

11 A Yes.

12 Q Okay. Thank you.

13 Do you recall why LASD wanted to search the
14 Moisan residence?

15 A It was -- from my recollection, information
16 was provided on scene at the time of the first warrant
17 that Mr. Fernandez was a business partner with
18 Ms. Moisan, and he was storing additional firearms at
19 her residence.

20 Q Do you recall the scope of where the Moisan
21 search warrant was to be served?

22 A I do not. I did not respond to that location
23 or assist on that service, so I don't off the top of
24 my head recall.

25 Q Do you recall what items were being sought

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1 under the Moisan search warrant?

2 A Firearms, ma'am.

3 Q Do you know which date that the Moisan search
4 warrant was served?

5 A That would have been the 14th of June.

6 Q So the same day as the first service on the
7 Caprock residence?

8 A Yes.

9 Q And to clarify, you were not present at the
10 LASD search of Ms. Moisan's property?

11 A I was not.

12 Q So you did not witness the recovery of
13 firearms from Ms. Moisan's property?

14 A I did not.

15 Q And you did not witness how firearms were
16 stored on Ms. Moisan's property?

17 A I did not.

18 Q Do you know what types of firearms were
19 ultimately found and seized from Ms. Moisan's
20 property?

21 A I couldn't give you -- off of my
22 recollection, I could not give you a specific quantity
23 or value. Purely speculative, it would be similar to
24 the ones we found at the residence that second --

25 Q So was it -- firearms received, is that

Page 96

1 what --

2 A Yes, that's firearms.

3 Q But you don't have an idea of how many or the
4 condition or anything like that?

5 A No.

6 Q Do you know where within Ms. Moisan's
7 property those seized firearms were found?

8 You're breaking up a little bit.

9 A The Moisan residence was beyond my scope and
10 beyond what I was working on, so I didn't tend to that
11 location.

12 Q Have you ever taken any statements from
13 Ms. Moisan either during the search or otherwise?

14 A I did. I took Ms. Moisan in custody and I
15 did interview her, but I cannot recall the scope of
16 that conversation at this time.

17 Q You broke up just a little for me.

18 You spoke to Ms. Moisan when?

19 A When I detained her, when I arrested her
20 for -- based on the original police report naming her
21 as a suspect.

22 Q But you don't recall the particulars of that
23 conversation?

24 A No, I do not.

25 Q Do you have any idea what happened to the

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1 firearms that were seized as a result of the Moisan
2 search, where they were taken?
3 A They were taken to Palmdale Sheriff's Station
4 and booked into evidence.
5 Q So would all the firearms from the Moisan
6 search have been taken to the same location?
7 A They all would have been, yes, ma'am.
8 Q But you did not personally transport any of
9 the firearms from the Moisan property to Palmdale,
10 correct?
11 A No, I did not.
12 MS. BARVIR-BOONE: I'm going to reveal and
13 mark a photograph as [Exhibit 9](#).
14 ([Exhibit 9](#) was marked for identification
15 and is attached hereto.)
16 BY MS. BARVIR-BOONE:
17 Q Can you see that?
18 A I can.
19 Q Awesome. Have you ever seen this photograph
20 before?
21 A I have.
22 Q Do you know what this picture is of?
23 A Yes, ma'am. That is a picture of firearms
24 received under the search warrants at the Caprock and,
25 I believe, the Sweetwater locations as they were

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1 inventoried prior to booking into PRELIMS for the
2 station. They were laid out and organized and -- in a
3 manner for however the handling deputy decided to lay
4 them out and place so that they could be individually
5 picked up and individually booked.
6 Q Okay. I'm going to step back to a few
7 things.
8 You mentioned Sweetwater property. That's in
9 reference to Ms. Moisan's residence, correct?
10 A Yes.
11 Q So Caprock is Mr. and Mrs. Fernandez's
12 residence; Sweetwater is Ms. Moisan's residence, just
13 for the record, so we know what we're talking about.
14 Okay?
15 A Okay.
16 Q And so this photograph is of firearms that
17 were seized from both the Caprock and the Sweetwater
18 properties; is that correct?
19 A To the best of my recollection, those were
20 from both properties.
21 Q And do you know who laid the firearms out
22 like this as they're seen in the image?
23 A I do not, ma'am.
24 Q Were you present when the firearms were laid
25 out like this?

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1 A Yes, I did see the firearms laid out like
2 this. They were laid out like this upon my return to
3 the Palmdale station from the Caprock residence.
4 Q So you saw them and witnessed them laid out
5 like this, but you did not personally take part in
6 laying them out like this?
7 A No, not that I recall.
8 Q Can you tell where this image was taken?
9 A Yes, ma'am. This is photographed on the
10 patio from the Palmdale Sheriff's Station.
11 MS. BARVIR-BOONE: All right. I'm going to
12 reveal and mark as [Exhibit 10](#) another photograph.
13 ([Exhibit 10](#) was marked for identification
14 and is attached hereto.)
15 BY MS. BARVIR-BOONE:
16 Q Can you see it?
17 A I can.
18 Q All right. Have you seen this photograph
19 before?
20 A Not that I recall, but it looks familiar.
21 Q Does it appear to be the same firearms from
22 the Caprock and Sweetwater residence seizures?
23 A Yes, it does.
24 Q And where does this photograph appear to be
25 taken?

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1 A That is on the Palmdale Sheriff's Station
2 memorial patio.
3 Q So a picture like [Exhibit 9](#) just from a
4 different perspective, is that what that appears to be
5 to you?
6 A Yes, it is.
7 MS. BARVIR-BOONE: Okay. I'm going to reveal
8 and mark as [Exhibit 11](#) yet another photograph.
9 ([Exhibit 11](#) was marked for identification
10 and is attached hereto.)
11 BY MS. BARVIR-BOONE:
12 Q Can you see it?
13 A Yes, I can.
14 Q Have you seen this photograph before?
15 A It appears to be the same as Number 10, just
16 shot from a different angle or a different -- it's a
17 very similar photograph.
18 Q So the same firearms seized from the Caprock
19 and Sweetwater residences after the first day of
20 seizures and laid out on the patio of the Palmdale
21 Sheriff's Station Department, correct?
22 A Yes.
23 MS. BARVIR-BOONE: Thank you.
24 And then, finally, I'm marking an [Exhibit 12](#)
25 one last photograph.

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1 (Exhibit 12 was marked for identification
2 and is attached hereto.)
3 BY MS. BARVIR-BOONE:
4 Q Let me know when you can see it.
5 A Okay. I can see it.
6 Q All right. Have you ever seen this
7 photograph before?
8 A No, I have not.
9 Q Can you tell what this picture is depicting?
10 A It is Palmdale patio and firearms --
11 different angle of the picture we were looking at in
12 Number 11 and Number 10, and it looks like they are
13 logging firearms because it looks like he appears to
14 be reading a serial number in the foreground.
15 Q So, again, we have a picture of firearms
16 seized from the Caprock and Sweetwater residences
17 during the first day of LASD seizures, correct?
18 A Yes.
19 Q All right. Can you identify any of the folks
20 in this image?
21 A Yeah.
22 Q Can you point out any of these identities for
23 me?
24 A The gentleman in the white T-shirt holding a
25 rifle appears to be Murray Jacob, M-u-r-r-a-y; Jacob,

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1 J-a-c-o-b. The person in the top right corner walking
2 appears to be Wyatt Waldron. The person bent over
3 looks strikingly similar to myself.
4 Q Do you think that might be you?
5 A It probably is, ma'am. It was a long time
6 ago.
7 Q Okay.
8 A But it looks just like me, so I'll take
9 credit. If that is me, the gentleman right behind me
10 in the uniform with the bald head is Richie Leon;
11 R-i-c-h-i-e, L-e-o-n.
12 Q Anyone else?
13 A Not from what I can tell. They look
14 familiar, but I couldn't -- yeah, I'm not going to rat
15 people out.
16 Q Thank you so much.
17 All right. Do you know why these pictures
18 would have been taken, the Exhibits 9 through 12 that
19 we've just gone through?
20 A Oh, absolutely. Those would be photographed
21 as evidentiary records of the amount of firearms and
22 the type of firearms, the scope of the seizure.
23 (Reporter clarification.)
24 THE WITNESS: The scope and size of the
25 seizure for evidentiary purposes.

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1 BY MS. BARVIR-BOONE:
2 Q And I believe earlier you testified that
3 these pictures were taken after the first day of
4 seizures, before booking.
5 So would that have been June 14th when these
6 were taken? Would that be your understanding?
7 A Yes, that's my understanding.
8 Q And it was before booking?
9 A This would be before booking, yes. Once
10 booked, I don't see a reason why we would pull them
11 out. They would be tagged and -- so this is before
12 they went into the station.
13 Q Is it common practice in the LASD to lay out
14 seized property on the ground outside to photograph
15 it?
16 A Absolutely. Depending on the size of the
17 property, if the area required to display is greater
18 than what's available inside, yes, you use what is
19 available to you at the time.
20 Q And the size of the seizure up in the five-
21 or six hundreds, your opinion is that it would have
22 been too big to do this inside, so that's why it
23 happened outside on the patio?
24 A There's no way to have done this inside the
25 station.

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1 Q Can you say with any degree of certainty that
2 none of those seized firearms were damaged during the
3 display of these firearms outside on the ground for
4 pictures?
5 A In the photographs we can see how carefully
6 they were placed down. They're all uniform. They're
7 even. They were set down with care. They were not --
8 they were not tossed.
9 Q But they weren't placed on top of any
10 blankets or anything? They're right on concrete.
11 That's what I see.
12 Is that what you see?
13 A Yes.
14 Q How confident are you that no firearms were
15 damaged during the display of these firearms outside
16 on the ground?
17 A I don't know if that's my place to speak,
18 ma'am.
19 Q During your employment with LASD, have you
20 ever booked seized firearms?
21 A Oh, yes. I have seized numerous firearms in
22 the course and scope of my duty before this
23 occurrence.
24 Q Could you please explain for me the process
25 LASD officers go through when they're booking seized

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1 firearm property from start to finish? Like, what
2 steps does it take to book a seized firearm?
3 A Okay. Upon seizure of a firearm, a firearm
4 is immediately rendered safe, meaning any source of
5 ammunition or any ammunition is removed from the
6 firearm. Once that is done, the firearm is taken into
7 custody and is to be placed in an area for safekeeping
8 to transport to the station.

9 Now, depending on the firearm -- again,
10 depending on the firearm, if it's a small handgun or a
11 small short-barrel rifle, trigger-act shotgun, it
12 might fit in a small bag, paper bag, manila envelope,
13 then dropped in the car or --

14 MS. BARVIR-BOONE: I think we're losing you,
15 Deputy. Let's take a minute. Let's go off the record
16 and figure out what we can do here.

17 (Pause in proceedings.)

18 MS. BARVIR-BOONE: Let's go back on the
19 record.

20 Deputy Roth, can you please explain for me --
21 I think we were already talking about this.

22 I'm going to ask the court reporter to reread
23 the last question before we lost contact with Deputy
24 Roth.

25 (Record read.)

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1 BY MS. BARVIR-BOONE:

2 Q Could you start from the beginning so that we
3 can get a clear record on that?

4 A Upon seizure of a firearm, we need to keep
5 that firearm safe, meaning we sort the ammunition or
6 remove ammunition from the firearm and separate it
7 from the firearm. The ammunition --

8 MS. LOGAN: John, hang on a second. You're
9 freezing again.

10 (Discussion held off the record.)

11 MS. BARVIR-BOONE: Let's take a moment, then,
12 and try to figure this out.

13 (Pause in proceedings.)

14 BY MS. BARVIR-BOONE:

15 Q Back on the record.

16 Deputy Roth, I'm just going to ask the
17 question again. I'm going to ask you to please
18 explain for me the process LASD officers go through in
19 order to book seized firearm property, from start to
20 finish, the steps it takes to book a firearm.

21 A Seisure of the firearm, rendering the firearm
22 safe, removing ammunition and source of ammunition
23 from the firearm. Ammunition will be stored
24 separately from the firearm. The firearm, based on
25 the size of the firearm, will be placed in an

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1 envelope. If it's a handgun -- most of our arrests or
2 most of our seizures of firearms are handguns -- they
3 fit inside small envelopes or bags.

4 Once that is done, those are set aside inside
5 the secured area of the police -- of the car or
6 whatever the transport vehicle is. It gets back to
7 the station. If it's a long gun, it may be placed in
8 an area of the vehicle where it is not going to be
9 bounced around, it's not going to be susceptible to
10 damage or contamination, if you will. And then it
11 will be transported back to the station.

12 Once the evidence gets back to the station,
13 it's removed from the car and it's taken to the
14 evidence processing area, whether it's an evidence
15 room, evidence counter, or if it's in evidence --
16 whatever, it's taken there.

17 At that point, the evidence will be entered
18 into PRELIMS, which is our evidence-keeping system,
19 and it will be logged in as such. Then an AFS sheet
20 will be completed -- automated firearm search sheet
21 will be completed, and submitted with the firearm.

22 The firearm will be tagged with the evidence
23 tag and fixed in a safe condition. And once entered
24 into the prelim system, it will be placed in an area
25 for the records custodian or evidence custodian to do

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1 their part with PRELIMS and storage of the item.

2 Q You mentioned PRELIMS, yes?

3 A Yes, ma'am. PRELIMS is the evidence tracking
4 and keeping system for the sheriff's department.

5 Q And what does it take to enter a firearm into
6 PRELIMS?

7 A Glad you asked. It's going to need the
8 firearm make, country of origin, firearm description,
9 type of action, who the firearm was seized from, who
10 seized the firearm, caliber, condition. And off the
11 top of my head, that's about it. It's been about four
12 years since I've used PRELIMS, give or take maybe a
13 couple years since I used PRELIMS, but off the top of
14 my head, that's where I'm at.

15 Q Okay. About how much time would you estimate
16 it takes to enter a gun into PRELIMS?

17 A It is not fast. It takes a few minutes to do
18 one gun.

19 Q Can the process be set up when there are more
20 than one firearms seized from the same person, like if
21 you're having, like, dozens of firearms from the same
22 source?

23 A No. Interestingly enough, as the firearm's a
24 serialized piece of property, every serialized piece
25 of property will be booked into evidence as an

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1 individual piece. Whether it's a firearm, a cell
2 phone, or any item that has an individual serial
3 number, it will be booked as one item.

4 Now, if it was a stack of bricks, it could be
5 booked as a stack of bricks. But as firearms are all
6 unique, solely based on the serial number, they are
7 entered in one at a time.

8 Q Okay. I think that that misunderstands my
9 question a little bit. Since -- I do understand you
10 couldn't just enter the PRELIMS and say, "15 firearms
11 were seized from" --

12 THE SHORTHAND REPORTER: I'm sorry. Hang on.
13 (Reporter clarification.)

14 BY MS. BARVIR-BOONE:

15 Q I will try to start my question over.

16 I understand that you're unable to book
17 firearms -- for instance, you can't just book 15
18 firearms seized from the Caprock residence in one
19 entry as 15 firearms seized from the Caprock
20 residence.

21 But is there any information that, like,
22 carries over from one entry to the next to make the
23 process shorter if they're coming from the same
24 person?

25 A No. There will be information that will

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1 continue through, but nothing is -- everything still
2 has to be selected and still has to be put in as an
3 individual.

4 Q What information carries through from one
5 entry to the next?

6 A So there will be things in drop-downs, say
7 the name of the seizing officer, the name of the
8 person the items were seized from, and I believe the
9 address, if I'm not mistaken. But you're still going
10 to have to click and select that stuff. It doesn't --
11 from my recollection, it's not automatically populated
12 in entry fields.

13 Q Okay. Did you book any of the firearms
14 seized from the Fernandez residence?

15 A The first day, I did not. From the first
16 search warrant, I did not.

17 Q From the Moisan search warrant, did you book
18 any of the firearms?

19 A Not that I recall.

20 Q Did you book any of the firearms seized
21 during the second Caprock seizure?

22 A I did. And to expand on that, myself and my
23 partner booked those firearms. And then with the
24 assistance of Susan O'Leary Brown, who I believe
25 you're familiar with, we went through and we made

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1 modifications to some of the items that were placed
2 into evidence off the first day. We made adjustments
3 to those based on potential errors. Nothing like --
4 how do I -- I'm trying to find a way to say this.

5 There was some identified errors in the
6 booking process, and I think it had to do with the
7 quantity of the firearms. And maybe those booking the
8 firearms misinterpreted some of the functions of the
9 guns and they weren't entered the way they were
10 supposed to.

11 So myself and Detective Ames went through
12 and, with the assistance of Susan O'Leary Brown, had
13 to clean up some of that -- which is a bad term I
14 don't want to use, but we had to make -- we had to
15 make adjustments to the -- to the bookings on the
16 14th.

17 Q Okay. Do you recall about how much time you
18 spent booking firearms from the second Caprock
19 seizure?

20 A Off the top of my head, I don't recall. But
21 it was a long time. It was a lot of work.

22 Q More than a day?

23 A I don't recall. It was a long time. It was
24 a lot of work.

25 Q Generally speaking, after seized firearms are

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1 booked by LASD officers, where do they go? Where are
2 they stored?

3 A They will be stored inside the secured
4 storage area of the evidence room. So at the station,
5 we have an evidence room that is a secured room where
6 we have computers for PRELIMS. This is at the
7 Palmdale station. We have a secured room.

8 And then inside that secured room we have
9 lockers for processing where we place evidence. And
10 then there's another room inside there that the
11 property custodian works, and they will take, process,
12 and store there.

13 And then if they have excess items, there's
14 another area that they transport that stuff to from
15 long-term storage until central property picks it up
16 for long-term storage.

17 Q So let me understand this more. The property
18 is temporarily stored at the Palmdale station in each
19 room that you speak of and then will be moved to
20 central?

21 A Yes, ma'am.

22 Q Did the --

23 A Yes, ma'am.

24 Q Did the Fernandez firearms end up at central?

25 A Absolutely.

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1 Q Okay. Do you know how long they were at
2 central?

3 A No, ma'am, I do not.

4 Q Do you know when they went from Palmdale to
5 central?

6 A They would go down to central property as
7 soon as everything was entered, cleared in, and
8 approved for storage. That would be based on us
9 getting our steps done and getting booked and then
10 Ms. Brown getting it entered in and making the
11 requests for central property. And whenever central
12 property could come up and pick them up, they would
13 come and pick them up.

14 Q Okay. Do you think that it went to
15 central -- I'm sorry -- the Fernandez firearms were
16 transported to central within a week of the seizures?

17 A No. No, ma'am. I don't know what date, and
18 I could not speculate because that's beyond me, for
19 what I would be responsible for. So I'm not
20 indifferent to it; it's just -- it's not something I'm
21 concerned with. It didn't pertain to my job, so I
22 wasn't concerned about it.

23 Q So I probably want to ask -- Deputy O'Leary
24 Brown is a property custodian, right?

25 A That's right.

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1 Q Okay. Are you aware of any LASD policies
2 about the booking of seized property?

3 A We do have -- would do have policy. There's
4 a -- there's policy for -- for everything that we do,
5 there is policy. And, again, policy is followed to
6 the best of the ability, but there is -- there is
7 exceptions to certain things, especially when the
8 totality of circumstances are greater than what would
9 be a normal occurrence or even an extraordinary
10 occurrence, if that makes sense.

11 Q I think it does.

12 Are there specific LASD policies about the
13 booking of seized firearms?

14 A Yes.

15 Q Do you remember what those policies are?

16 A They -- not off the top of my head. To quote
17 the policy would be beyond my capacity of
18 memorization.

19 Q Do you believe the LASD policies for the
20 booking of seized firearms were followed in the
21 booking -- seizure and booking of the Fernandez
22 firearms?

23 A I believe they were, to the best of the
24 ability of the deputies and sergeants on scene.
25 Requests were made for central property, who would be

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1 the lead on this on any seizures of significant
2 importance or significant value or size. Central
3 property would be the person to request. However,
4 central property was unable to have complied by these
5 requests even though requests were made.

6 I made requests. Susan O'Leary Brown made
7 requests. The persons on scene on the 14th, I know
8 they made requests because I asked -- I believe I
9 asked the sergeant that was there. I believe it was
10 Sergeant Dollens. And central property declined to
11 assist. They said they did not have the available
12 resources to provide assistance for the seizure of the
13 property.

14 Q So you were making -- you and others were
15 making requests that central property assist with the
16 seizure and transport ostensibly?

17 A Absolutely. There's -- upon arrival on the
18 14th, now that we're establishing the 14th as the day
19 of the initial seizure, as soon as I showed up, I said
20 this is something central property needs to be for.
21 This is beyond -- this is beyond the capabilities of a
22 patrol station. This is beyond the capabilities of a
23 station detective as far as logistically managing this
24 much evidence and transporting it. And the requests
25 were made, but the requests were declined.

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1 Q So is it fair to say that any -- would it be
2 fair to say that deviations from official policies
3 might have happened in this case because of the
4 extraordinary nature and size of the seizure?

5 A For almost every policy, there are -- there
6 are -- for almost every policy, there is a reason
7 where the policy can be -- not negated, I'd say, but
8 adjusted. And that's on the totality of circumstance,
9 whether it's for policy or for not, but the totality
10 of the incidents, everything comes together. That's
11 going to be based on what is available, what is known
12 at the time of the incident, making your best decision
13 at that time and sticking with it, if you will.

14 Q So would you say, then, that adjustments, as
15 you called them, to the policy with regard to the
16 seizure and booking of firearms, LASD's policy, if
17 adjustments were made, it was based on the totality of
18 the circumstances, including the size of this large
19 seizure of firearms?

20 A Absolutely. I would say that the adjustments
21 were made in line with the circumstances, with the
22 absence of malice or absence of mistreatment.

23 Q Have you ever had any formal training on the
24 proper procedures for booking seized property?

25 A Yes, ma'am. We all go through PRELIMS

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1 training for the electronic booking of evidence.
2 Previous to that we had another method of
3 booking evidence. And during -- during our training
4 process, we were instructed on a method of booking,
5 and I believe the department's AOT training staff,
6 part of patrol school, they teach you the process for
7 booking property. So we are instructed on how to book
8 property.

9 MS. BARVIR-BOONE: Okay. Thank you.

10 I am going to reveal and mark as [Exhibit 13](#),

11 I believe -- yes, 13 -- a document.

12 ([Exhibit 13](#) was marked for identification
13 and is attached hereto.)

14 BY MS. BARVIR-BOONE:

15 Q Let me know when you see it.

16 A I see it, ma'am.

17 Q Do you know what this document is?

18 A Yes, I do.

19 Q Can you please describe it for me?

20 A This is an evidence sheet. This is the
21 supplementary evidence sheet that would be attached to
22 an incident report for the sheriff's department. And
23 this one is specifically with regards to the seized
24 firearms.

25 Q From the Fernandez property?

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1 A Yes, ma'am.

2 Q Do you know how this document gets generated?

3 A I think I know what you're asking. So is --
4 the person booking evidence is going about their
5 business and registering the items. If you start with
6 page 1, for instance, the first one would be to book
7 ammunition, 26 boxes containing --
8 (Reporter clarification.)

9 THE WITNESS: My apologies.

10 So if we look at evidence 1, that says it
11 all. Ammunition, 26 boxes containing miscellaneous
12 ammunition, that would be information provided into
13 the input screen of PRELIMS. As we go through the
14 input screen of PRELIMS, we select the location, the
15 date, the time, the quantity, the value, all the stuff
16 that's required in the prelim sheet as that all gets
17 submitted.

18 We press "next," and then we're able -- that
19 information is sent to a -- basically a queue as we
20 continue to add evidence, add evidence, add evidence.
21 And then at the completion of the evidence, whether
22 it's one piece of evidence or 200 pieces of evidence,
23 we can request this sheet printed, and this is a
24 supplement to the incident report.

25 So these were all entered individually. Not

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1 on this sheet, but they were entered into a PRELIMS
2 page, and then PRELIMS populated them into this page
3 or this paper so they could be printed out and
4 attached to a receipt -- or attached to a report.

5 BY MS. BARVIR-BOONE:

6 Q So after all the information about the booked
7 evidence is put into PRELIMS, you can -- you know, an
8 LASD personnel could go in and type in the case number
9 and ask for that evidence book sheet to create this
10 spreadsheet; is that correct?

11 A Yes.

12 Q Okay.

13 A Yes.

14 Q All right. I think -- I'm just curious. Do
15 you see the column marked -- titled "Value" in the
16 center there?

17 A Yes.

18 Q If you could, if you want to scroll down a
19 few pages, it appears to me that value was never
20 marked in this document or it doesn't indicate it so
21 here.

22 Is that what you see?

23 A Yes. I don't -- I don't see a value assessed
24 on -- as I'm scrolling through. I made it ten pages,
25 and I don't see -- I don't see an assessed value or a

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1 number put in the value column of the pages.

2 Q Is it common not to assess a value and put it
3 into PRELIMS?

4 A So to place a value on a firearm, there's
5 going to be numerous things that are going to take
6 place. The first thing, you would have to have access
7 to a current firearm value book. And they make them,
8 but things change pretty rapidly. Everything's on the
9 Internet now.

10 But you would have to individually assess the
11 firearm, identify it in the book, see the value, and
12 the value could range from one dollar to a million
13 dollars, whatever it is. And then you'd have to grade
14 the firearm.

15 So somewhere in that one dollar to a million
16 dollars, it would have to be graded. But the grading
17 process would have to occur by somebody that is
18 certified and trained, everything else, to fit inside
19 that -- to be perfectly honest, I wouldn't be
20 comfortable assessing a value that would be close
21 to -- I would take -- you could throw numbers out in
22 the air and say it looks like it would be about this
23 much money based on some of the stuff I've seen in the
24 store. But without actually delving into it and doing
25 a full estimate or a full -- I'm looking for the

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1 word --

2 Q Appraisal?

3 A -- appraisal -- appraisal that would -- it's
4 not going to be placed in there.5 Now, there is times when the value is put in
6 those, but that's a bit of something of a known value
7 or a -- a known value or an articulable value to be
8 placed in there.9 Q So for firearms, it's not uncommon for LASD
10 personnel to not assign a value in PRELIMS?11 A I don't recall a time where I've placed a
12 value on a firearm inside of PRELIMS. Not to say I
13 haven't, but I do not recall.

14 MS. BARVIR-BOONE: Okay. Thank you.

15 I'm going to mark as [Exhibit 14](#) a very
16 similar document. I just have a few questions about
17 it.18 ([Exhibit 14](#) was marked for identification
19 and is attached hereto.)

20 BY MS. BARVIR-BOONE:

21 Q Do you see it?

22 A I do.

23 Q Just scroll down to the bottom of page 1
24 there.

25 Do you see there's some -- looks like actual

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1 handwriting on the document?

2 A Yes.

3 Q It says "FCN number," and there's a bunch of
4 digits.

5 Can you explain to me what an FCN number is?

6 A My apologies, Counselor. I'm looking for
7 context, so I was looking at the --8 Q I'm just trying to put this into context for
9 me. I don't know what FCN means. So if you know,
10 that would be helpful.11 A So I know it is a tracking number. It is
12 going to have -- probably -- it has to do with the
13 individual firearm. And that -- I believe that has to
14 do with it being a firearm and the way that a firearm
15 is entered in. So if you look at the ones that don't
16 have an FCN, it's not a firearm; it's possibly -- it's
17 a firearm part or it's a firearm accessory.18 But the ones that are firearms have those,
19 and I believe that is for tracking and for another
20 database. But, you know -- and I know that some of
21 them were sent to NIBIN for testing, which is a
22 ballistics testing facility.23 So this is -- I believe this is stuff that's
24 pulled up when a firearm is entered in and part of
25 your AFS, your automated firearms search.

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1 Q So it's created -- is it your understanding
2 that it was created because these firearms were seized
3 and entered and then a number is generated, or were
4 these numbers that were like -- these were crime guns
5 and they already had these numbers attached in another
6 case?7 A These are crime guns in this incident. And
8 the person to ask on this is Susan O'Leary Brown
9 because this looks like her handwriting. Speculating,
10 but this looks like Susan O'Leary Brown's handwriting,
11 and this would be stuff that she would put in as a
12 custody -- custodian, property custodian.

13 MS. BARVIR-BOONE: Fabulous. Thank you.

14 I'm going to reveal and mark as [Exhibit 15](#)

15 couple of photographs.

16 ([Exhibit 15](#) was marked for identification
17 and is attached hereto.)

18 BY MS. BARVIR-BOONE:

19 Q Do you see them?

20 A I do.

21 Q Have you seen the photograph on the first
22 page before?

23 A No.

24 Q Okay. How about the photograph on the second
25 page, have you seen that photograph before?

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1 A No, I have not.

2 Q And the third page, have you seen that
3 photograph before?

4 A No, I have not.

5 Q Do you know what these pictures depict?

6 A Those photographs, they are depicting the
7 wear -- wear or damage to firearms.8 Q Do you know if these were firearms that were
9 seized from the Fernandez residences?10 A I can confidently say that they were seized
11 firearms, as there's an evidence tag attached to the
12 trigger guard on Photograph No. 1. But without seeing
13 the actual evidentiary tag, I couldn't lock myself
14 into that statement.

15 Q That's fair.

16 Do you know why these photographs would have
17 been taken?

18 A Documentation of condition.

19 Q Are you aware of any other photographs
20 depicting close up the condition of Mr. Fernandez's
21 seized firearms?22 A No, ma'am, not off the top of my head, I do
23 not.

24 Q Would -- excuse me.

25 Would it be common for LASD personnel to take

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1 only a few photographs of condition instead of
2 photographs of the condition of all the seized
3 property?

4 A So that goes -- that goes multiple
5 directions. It could be this one here, this was
6 noticed. So I'm taking a photograph because this
7 one's noticed, or it's the photographing of a select
8 few random firearms to show the general condition of
9 the firearms in question or firearms in seizure.

10 So, again, I did not take the photographs. I
11 don't recall these photographs. I haven't seen these.
12 So the reason behind them, what the reason is for --
13 and that could have been Ms. Brown; it could have been
14 anybody. And for what their reason is, that's beyond
15 me. I'm sorry.

16 Q Do you know if the condition of all the
17 firearms that were seized from Mr. Fernandez had been
18 photographed individually?

19 A No, I do not believe they were all
20 photographed individually. If there was, I would have
21 seen -- or I would have heard of a record of it.

22 Q Let's scroll down to page 4.

23 Have you seen this photograph before?

24 A No, but I can immediately recognize that
25 those are firearm -- or those are evidence envelopes

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1 sealed with evidence tape inside of a cardboard box.
2 And based on where we were going, I'm guessing those
3 are the handguns.

4 Q You believe those are probably the handguns
5 inside the envelopes inside the box?

6 A Yes.

7 Q And probably the Fernandez firearms, but you
8 can't be sure without being able to see the evidence
9 tags; is that right?

10 A That's it.

11 Q Back down to page 5, same thing. Are those
12 evidence -- evidence envelopes inside a box likely the
13 handguns or other property from Fernandez?

14 A With a clearer image I could see it, but it
15 looks like it says -- the file number I'm looking at
16 looks like the Caprock address, the Caprock file
17 number on the envelope. So those would be -- whatever
18 is in those would be from the Mr. Fernandez seizure.

19 Q But handguns are often -- we've talked about
20 handguns in envelopes, and this is an image of
21 handguns in envelopes --

22 A Yes.

23 Q -- and LASD does this when they seize
24 handguns?

25 A Yes. Yes.

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1 Q Is it a policy to place handguns inside of
2 envelopes or individual bags when seized?

3 A Without reviewing the policy, I can't make a
4 definitive statement on that.

5 Q Were you trained to place handguns inside of
6 bags or envelopes when seizing firearms?

7 A Yes. It's -- yes. Beyond common practice,
8 we are trained and I have trained to place firearms
9 inside of bags for the evidence -- for the safekeeping
10 of handguns in evidence.

11 Q Do you know if all of Mr. Fernandez's seized
12 handguns were stored or placed into envelopes or bags?

13 A I believe they were. I could not recall
14 seeing handguns booked outside of bags. I know that
15 they had tags attached to them, but they were also
16 placed inside of bags. And I believe even after --
17 they were placed in bags to the best of my
18 recollection.

19 Q Okay. Thank you.

20 Does LASD have any policies for the storage
21 and safekeeping of seized long guns?

22 A That is a question -- I will have to defer to
23 a subject matter expert on that, ma'am. I apologize.

24 Q No need to apologize to me. I'm only trying
25 to find out what you know. It's not a test.

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1 To the best of your knowledge, were
2 Mr. Fernandez's seized guns stored in compliance --
3 well, I'm going to strike that since you don't recall
4 whether there's a policy. Sorry about that.

5 Does LASD have a policy for the storage and
6 safekeeping of property with high values, like
7 valuable property?

8 A So I'm aware of -- I am aware of policies for
9 seizing -- or asset seizure in the field when there is
10 property of street value or there's cash value that's
11 significant, but we don't have the facility.

12 So if -- so if I -- if I'm in the field and I
13 come across a large sum of cash and it appears to be
14 in excess of several thousand dollars, I request a
15 supervisor to see. Depending if it looks like it
16 might be over \$10,000, I'll request a watch commander.

17 Now, that property or that money or if it's
18 gold or it's diamonds or it's jewels or Spanish
19 bullion for that matter, it is seized in an envelope,
20 sealed, and it is booked into PRELIMS under -- under
21 the description, and that stuff is placed in the safe
22 inside the watch commander's office until it is taken
23 by central property where it's counted, itemized,
24 valued, appraised, and all that stuff. But that,
25 again, is beyond what an investigator, what a

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1 detective, or a field deputy would be responsible for.
2 Now, when we deal with an asset seizure with
3 a value of Mr. Fernandez's collection, and granted, it
4 is a large value, but it is spread across 500-,
5 600-something items, the ability to store those in a
6 watch commander's safe is not feasible.

7 Now, the circumstances may have played if
8 this was a -- the items were stored in a manner of a
9 display like in a museum or gallery, then there's
10 different -- there may be -- I don't know -- that's
11 speculation.

12 The firearms we seized to the best of the
13 ability of the sheriff's department.

14 Q So the Fernandez firearms would not have been
15 seized and stored according to LASD policies for
16 high-value property like gold or jewels and stuff like
17 that?

18 A No, because I don't think it's -- it was
19 feasible. But, again, that would have to be a
20 question directed to somebody that can speak to it
21 with more expertise.

22 Q Let's go down to page 8. See if I can rotate
23 it to see better. Wow, this program is awesome.

24 Can you see it now horizontally?

25 A There we go.

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1 Q All right. Have you ever seen this
2 photograph before?

3 A No, but I saw them stored like that.

4 Q You saw them stored like that but not the
5 photograph. Okay.

6 What are you seeing depicted in this
7 photograph?

8 A Lots of guns stuffed into totes leaning
9 against a rack and leaning against a wall.

10 Q Is it your understanding that these are
11 firearms seized from Mr. Fernandez, either the Caprock
12 or Sweetwater residences?

13 A Yes.

14 Q Do you know who placed these firearms into
15 tubs and laundry baskets?

16 A I don't recall. I do not believe that it was
17 me. I recall seeing them there, but I don't recall
18 placing them in there.

19 Q So you don't recall doing it yourself. Would
20 it have been LASD personnel, other officers, for
21 instance?

22 A Yes.

23 Q And the white that we see scattered
24 throughout, are those property evidence tags?

25 A Those are.

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1 Q Okay. Thank you.

2 Those bins, did they come from the Fernandez
3 property where the firearms were seized?

4 A I do not know, ma'am.

5 Q Okay. Do they look like property of LASD?

6 A I don't know, ma'am. They could have come
7 from anywhere. I don't know. I apologize.

8 Q That's okay. Is it common practice for LASD
9 officers to store long guns together in plastic tubs
10 or laundry baskets?

11 A Everything in this photograph is uncommon,
12 ma'am.

13 Q Okay. Do you know how long Mr. Fernandez's
14 seized long guns remained in these plastic tubs?

15 A I do not.

16 MS. BARVIR-BOONE: Okay. I'm going to reveal
17 and mark as Exhibit -- what are we on -- 16, some
18 more -- I believe it's more photographs.

19 (Exhibit 16 was marked for identification
20 and is attached hereto.)

21 BY MS. BARVIR-BOONE:

22 Q Do you see the photos there?

23 A I do.

24 Q All right. Can you take a look at page 5?
25 Let's scroll down to one, two, three, four, five.

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1 A On it.

2 Q Awesome. Have you seen this photograph
3 before?

4 A No, but the image looks familiar.

5 Q Did you see what is photographed here in
6 person? Did you witness personally this setup here?

7 A Yes. Yes, that looks familiar.

8 Q Do you know what this depicts?

9 A Yes. That depicts firearms placed in a tote,
10 possibly awaiting long-term storage, waiting
11 organization. There is a Springfield XD case.
12 Potentially, it looks like it holds a firearm in it.
13 Yes. Lots of guns already booked in evidence.

14 Q I'm smiling because earlier you said you
15 didn't quite call yourself a gun guy, but I'm going to
16 have to agree with your acquaintances who suggest that
17 you are.

18 Anyway, so the types of firearms in this tote
19 that you see, handguns?

20 A Yes, ma'am.

21 Q And they don't appear to be placed into
22 individual envelopes or bags, do they?

23 A No, they do not.

24 Q Any reason why that might be?

25 A They may -- they may not have been able to

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1 put those guns in bags. They may have ran out of
2 bags. They may have determined that those guns were
3 going to be booked for another purpose. I do not
4 know. Or they were booked in this manner awaiting to
5 be placed in new evidence bags. That's the most I
6 could say to it.

7 Q You didn't place these handguns inside this
8 black tub, correct?

9 A No, I don't believe I did.

10 Q Okay. You testified that you believed all of
11 Mr. Fernandez's handguns were stored in individual
12 envelopes.

13 Having seen this photograph, [Exhibit 16](#)
14 that still your recollection?

15 A It's still my recollection, ma'am. I don't
16 recall placing guns loose. I don't recall -- I recall
17 seeing guns loose, but I don't -- I'm not trying to
18 conflict what I'm saying. I don't recall seeing them
19 booked like this. I recall this image. I recall
20 seeing this thing in person, but to the best of my
21 knowledge, the firearms were booked into envelopes.

22 Q Earlier you had testified that
23 Mr. Fernandez's firearms were eventually transferred
24 to central property.

25 Do you know who the custodian of property

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1 would have been at the time at central?

2 A I do not.

3 Q Okay. Were any charges ever filed against
4 Mr. Fernandez as it related to the searches and
5 seizures we discussed today?

6 A Charges were filed. The charges were filed,
7 and they were broke down into sections in lieu of --
8 when I presented the case to deputy district
9 attorney -- again, I apologize. It started out 600
10 charges of x, y, and z. It was charges of possession
11 of machine guns, possession of prohibited firearms
12 based off of Roberti-Roos, possession of ammunition.
13 It was broke down. And instead of, you know, 600
14 charges, just a handful of charges because everything
15 was kind of grouped together based on the court
16 filing. Obviously, that's -- I probably -- that was
17 all presented beforehand.

18 Q Do you know what the outcome of the filed
19 charges was?

20 A Mr. Fernandez passed away.

21 Q So the charges were dismissed after he
22 passed?

23 A Yes, ma'am.

24 Q Sorry. Sometimes you have to ask a silly
25 question just to make sure the record is clear.

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1 Okay. Once the charges were dismissed, do
2 you know what happened to the seized firearms?

3 A So the seized firearms would have stayed at
4 central property. And then from -- from there, they
5 would have been slated for destruction. Any
6 firearm -- again, that's going to be a property
7 handle. That's going to be something for the people
8 that deal specifically with evidence and long-term
9 storage of evidence. But they would ultimately be
10 slated for destruction.

11 Q Were Mr. Fernandez's firearms destroyed, the
12 bulk of the firearms destroyed?

13 A No, they were not. From my understanding,
14 Mrs. Fernandez petitioned the court -- as she was
15 the -- the widow of Mr. Fernandez, she petitioned the
16 court for transference of the firearms to be in her
17 name as she was not a prohibitive person to possess
18 firearms. And those firearms that were eligible to be
19 transferred into her possession, she sought transfer
20 of possession. And the County of Los Angeles did its
21 very best to see to that happening.

22 Q Okay. Thank you.

23 So Mrs. Fernandez made a claim of ownership
24 over the seized firearms.

25 Were the seized firearms, except for the ones

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1 that could not be released, you know, as stolen or,
2 you know, something like that, were the seized
3 firearms released to Mrs. Fernandez?

4 A To my knowledge, they were. The ones that
5 were -- she was eligible to receive, not the stolen,
6 not the machine guns, not the -- the no-nos. The
7 legal firearms were transferred to her, to the best of
8 my knowledge.

9 Q Did that happen immediately?

10 A No, it took a considerable amount of time,
11 from my understanding.

12 Q Do you know why the firearms were not
13 immediately returned or released to Mrs. Fernandez?

14 A A dispute over transference and fees. The
15 County has its procedures for transference of
16 firearms, returning firearms to owners or transferring
17 firearms to court-ordered persons. And the amount of
18 firearms seized, there was fees that were high.

19 Mrs. Fernandez -- again, this is from my
20 understanding. There was disagreements between
21 Mrs. Fernandez and the County on how much the fees
22 should be. The amount of firearms, they had to go
23 through FFLs. They had to go through specific legal
24 loopholes, and that took awhile. And from my
25 understanding, what became of them, I do not know what

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1 became of them.

2 Q Do you know if Mrs. Fernandez ever paid the
3 required county storage fees for the firearms?

4 A I do not know, ma'am.

5 Q Do you know whether the firearms were
6 released to Mrs. Fernandez or to an agent of hers?

7 A I believe they were, but I am not positive on
8 that.

9 Q Okay. Except for the payment of the County's
10 fees in that dispute, was there any other reason LASD
11 delayed the release of now Mrs. Fernandez's firearms?
12 I'm not talking, again, about illegal firearms or
13 reported stolen, just firearms that were returned to
14 Mrs. Fernandez.

15 Except for the payment of the required fees,
16 was there any other reason LASD delayed the release of
17 those guns?

18 A Not to my -- not to my knowledge. The court
19 made an order, and then the department had to
20 facilitate that order and abide by it. And whatever
21 time frame the County did it, I don't know. I didn't
22 run a calendar on it. It was beyond -- beyond me.

23 Q Okay. Were you present at the release of the
24 Fernandez firearms when they left the custody of LASD?

25 A I was not.

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1 MS. BARVIR-BOONE: All right. I am just
2 going to take one moment. I believe I've marked all
3 the exhibits I want to, and I also believe that I have
4 no more questions, Deputy Roth. That's right.

5 Ms. Logan, do you have any questions for your
6 witness?

7 MS. LOGAN: I do not.

8 MS. BARVIR-BOONE: Okay. With that, I think
9 that that will come to the end of that.

10 Should we go off the record for a moment?

11 MS. LOGAN: Sure.

12 (Discussion held off the record.)

13 MS. BARVIR-BOONE: As we finish up, I'm going
14 to propose that we relieve the court reporter of her
15 duties under the rules of civil procedure.

16 (Discussion held off the record.)

17 MS. BARVIR-BOONE: And we have talked about
18 ten business days we should receive a copy. Ms. Logan
19 will return her electronic copy to the witness that
20 I've deposed for review.

21 MS. LOGAN: Yes.

22 MS. BARVIR-BOONE: Okay. That means I am
23 finished here.

24 (Proceedings concluded at 2:41 p.m.)

25 * * *

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DECLARATION UNDER PENALTY OF PERJURY

1 I hereby declare under penalty of perjury under
2 the laws of the State of California, that the
3 foregoing is my deposition under oath; are the
4 questions asked of me and my answers thereto; that I
5 have read same and have made the necessary
6 corrections, additions or changes to my answers that I
7 deem necessary.

8 In witness thereof, I hereby subscribe my name
9 this ____ day of _____, 20____, at
10 _____, California.

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JOHN ROTH

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1 I, VICKI RENEE RESCH, RPR, CSR No. 6645,
2 certify: that the foregoing proceedings were taken
3 before me at the time and place herein set forth; at
4 which time the witness was duly sworn; and that the
5 transcript is a true record of the testimony so given.

6
7 Witness review, correction and signature was
8 (X) by Code. (X) requested.
9 () waived. () not requested.
10 () not handled by the deposition officer due to
11 party stipulation.

12
13 The dismantling, unsealing, or unbinding of the
14 original transcript will render the reporter's
15 certificate null and void.

16 I further certify that I am not financially
17 interested in the action, and I am not a relative or
18 employee of any attorney of the parties, nor of any of
19 the parties.

20 Dated this 10th day of October, 2023.

21
22
23
24
25
Vicki Resch
VICKI RESCH

LASD File #: 918-08710-2646-151

AN 1850010347
SW NO.STATE OF CALIFORNIA
County of Los Angeles

SEARCH WARRANT

AFFIDAVIT:

Detective John Roth swears under oath that the facts expressed by him in this **Search Warrant and Affidavit**, and in the attached and incorporated **Statement of Probable Cause** are true, and that based thereon, he has probable cause to believe, and does believe, that the article(s), property, and/or person(s) described below are lawfully seizable pursuant to Penal Code Section 1524, as indicated below, and are now located at the location(s) set forth below. Wherefore, Affiant requests that this **Search Warrant** be issued.

HOBBS SEALING REQUESTED: YES ☒ NONIGHT SEARCH REQUESTED: YES ☒ NO

(Signature of Affiant)

SEARCH WARRANT:

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY PEACE OFFICER IN THE COUNTY OF LOS ANGELES: proof by affidavit and having been sworn this day before me by Detective John Roth, that there is probable cause for believing that the article(s), property, and/or person(s) described herein may be found at the location(s) set forth herein and is/are lawfully seizable pursuant to Penal Code Section 1524, as indicated below, in that:

☒ it tends to show that a felony has been committed, or that a particular person has committed a felony [§1524(a)(4) Penal Code];

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUL 03 2018

SHERIFF CARTER, EXECUTIVE OFFICER/CLERK
BY DIANE SMITH, DEPUTY
DIANE SMITH

YOU ARE THEREFORE COMMANDED TO SEARCH:

34710 Caprock Rd, Agua Dulce, CA 93550

FOR THE FOLLOWING ARTICLE(S), PROPERTY, AND/OR PERSON(S):

The articles and property as indicated in the attached pages.

AND TO SEIZE ALL, IF FOUND, and bring all forthwith before me, or this Court, at the courthouse of this Court. This **Search Warrant** incorporates the **Affidavit** upon which it is based. Wherefore, I find that probable cause for the issuance of this Search Warrant exists, and that the attached and incorporated **Statement of Probable Cause** were sworn to as true and subscribed before me, and I do issue this warrant on this 15 day of June, 2018, at 4:00 AM/PM.

(Signature of Magistrate)

Lisa Chung
(Magistrate's Printed Name)SEALING ORDER APPROVED: YES ☒ NONIGHT SEARCH APPROVED: YES ☒ NO

Judge of the Superior Court of California, County of Los Angeles, North Court, Dept / Div A 79.

A.V. Judicial District.

FOR THE FOLLOWING:

Items:

All personal computing devices, including all desktop, laptop, tablet devices, mobile phones, operating with Windows OS, MAC OS, or any other operating system, owned and possessed by Manuel Fernandez (M/011858, CA/N4341279), as appropriate and reasonable to show digital transactions and communications records or data involving the prohibited purchase, sale, and/or transfer of firearms, firearms components, and/or ammunition, through any means of exchange or agreement.

Digital Data:

To search those devices for digital data contained on the seized devices, to include: Text documents, emails, text messages, photos, receipts, and records, related to digital transactions and communications involving the prohibited purchase, sale, and/or transfer of firearms, firearms components, and/or ammunition. The scope of this warrant covers the search for this specific data, whether visible, hidden, encrypted, or deleted.

Time Period:

Because digital date and time stamp data can be inaccurate or altered to hide true dates and times, and deleted data may have the date and time stamp information removed, the scope of this warrant, pertaining to the search for this specific data, covers the life of each device.

Unrelated Data:

Pursuant to Penal Code Section 1546, any information that is unrelated to the objective of this warrant shall be sealed and separated and not subject to further review, use, or disclosure without a court order, except as required to comply with discovery pursuant to PC 1054.1/1054.7.

AFFIANT STATEMENT:

I, **Detective John Roth #514758**, being duly sworn, do hereby state:

I have been employed as a Deputy Sheriff for 11 years. I have worked a patrol station as a deputy generalist and as a Field Training Officer. During my patrol time I investigated numerous crimes related to firearms and firearm related offenses resulting in numerous arrests. I worked the Gang Enforcement Team for approximately four years where I assisted in investigating gang crimes involving firearms and the use of in the commission of criminal offenses. I am currently assigned to Palmdale Sheriff Station as a Detective assigned to handle general assignment crimes.

STATEMENT OF PROBABLE CAUSE

The affiant (hereafter referred to as I) was assigned a case of Felon in Possession of a Firearm, a violation of 29800(a)(1) PC, LASD# 918-08710-2646-151.

On the 14th of June 2018 at approximately 0800 hrs. Los Angeles County Sheriff Deputies from the Palmdale Sheriff Station Partners against Crime (PAC) Team served a search warrant at 34710 Caprock Rd in the unincorporated city of Agua Dulce. The warrant was based on information provided via informant that the suspect, Manuel Fernandez (CII # A05128956) was a convicted felon and was in possession of firearms. The warrant, written by Deputy Wyatt Waldron (#521031) was granted via the Honorable Lisa Chung, North Court District, Antelope Valley Superior Court of Los Angeles County Division A-19. Upon service of the warrant over 400 firearms were found and seized. The seizure included pistols, rifles, shotguns and modern sporting rifles (assault weapons), along with thousands of rounds of ammunition and firearm manufacturing components. The warrant scope did not include electronic devices (cell phone, computers, tablets or other modern means of communication. Upon looking at the gravity of the seizure and quantity of modern firearm components it appeared as if S/Fernandez is/was involved in the illegal trafficking, manufacturing and distribution of firearms. S/Fernandez refused to answer questions regarding the firearms inside the residence. I spoke to his wife, Anna Patricia Fernandez (FW/02-29-60) who advised me S/Fernandez is active on his computer at all hours yet she is unsure what he is involved in as she does not use or access his computer. I believe S/Fernandez is actively and knowingly using his computer to search, buy and facilitate the illegal purchase and transfer of firearms via the internet and or third party applications.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

SUPPLEMENTAL REPORT

DATE: 06-20-18 FILE: 918-08710-2646-151 ACTION: Active Additional
C: Felon in Possession of Firearm 29800(a)(1) PC / F / 151
S: Fernandez, Manuel BKG#5340090

NARRATIVE

The purpose of this supplemental report is to provide active, additional information in regards to the arrest and investigation of S/Fernandez.

On the 14th of June Palmdale Deputies served a search warrant at S/Fernandez' home. In regards to that warrant service 488 illegal firearms were seized from the suspect's location. I spoke to S/Fernandez' wife (Anna Patricia Fernandez "Patty" FH/02-29-60 (818) 809-9689) during the search of the residence, she told me the following;

S/Fernandez has been collecting firearms as long as she has known him. S/Fernandez has held a seat on the NRA (National Rifle Association) national board and has been involved with firearms all over the United States. I asked what purpose such a large collection served, she stated they (the guns) were S/Fernandez' retirement plans. I asked what plan, she stated S/Fernandez planned to sell or trade the firearms upon retirement.

I advised Patty that S/Fernandez was a convicted felon and his mere possession of the firearms was illegal let alone the further crime of illicit sales as he possessed no FFL (Federal Firearms License). Patty stated, as far as she knew S/Fernandez' felony had been cleared as a misunderstanding, however she ultimately had no control over S/Fernandez and his actions. I asked her what her opinion was as to why S/Fernandez amassed such a collection, she stated S/Fernandez was a "hoarder" as evidenced by the masses of random items (books, knives, watches, scopes) S/Fernandez had stacked up to several feet high in his office, garage and storage container. I asked if S/Fernandez was selling any firearms, she stated she did not know if he sold but packages containing firearm "items" arrived almost every day via FEDEX and UPS. I asked Patty if S/Fernandez was active on-line, social media or on-line forums for the sales of firearms, she stated she did not know but he used his computer quite frequently.

I spoke to the Search Warrant Affiant, (Deputy Wyatt Waldron) and asked him about the firearms and if they had seen any evidence of sales, trafficking or illegal sales. He advised me their warrant covered the seizure of firearms only. He was unaware of any illicit sales.

On the 14th of June, after Palmdale deputies returned to the station with the considerable seizure I began looking through the extensive collection. I found he had several "multiples" of the same firearm. Most firearms appeared to be mid century military arms that could be easily bought, sold or traded across the United States without drawing

BY: Det. John Roth #514758 DATE: 06-20-18 TIME: 0700
APPROVED: SGT J. VENSEL #428411 7.6.18 1255
ASSIGNED: PLM DB
SECRETARY:

SCANNED / LARCIS

JUL 09

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COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT - SUPPLEMENTAL REPORT

NARRATIVE CONTINUATION

DATE: 06-20-18 FILE: 918-08710-2646-151 ACTION: Active Additional

attention to the seller from the DOJ, ATF or local police as the firearms were not the more modern sporting style rifles (commonly called assault rifles ie: AR-15 and AK-47 variants).

Based on the above I believed, S/Fernandez' firearms were purchased as an investment prior to and after his felony conviction. S/Fernandez knowingly kept possession of firearms after his felony conviction and the style of firearm he accumulated could be easily sold without drawing the attention of law enforcement. I believed there was records of his purchasing and sales of firearms most likely conducted via electronic communications on his electronic devices.

I sought a second search warrant for the home on June 15th 2018. I requested to search for electronic devices owned or possessed by the suspect and the data, communications, information stored therein. I was granted the warrant, signed via the Honorable Lisa Chung Los Angeles County Superior Court, North District, Div A-19.

With the assistance of Sgt Eitner #432022, Detective Ames #478581 and the following Palmdale Summer Crime Suppression Team Deputies: Sgt Grimes #468754, Deputy Morris #527190 Deputy Nemeth #531796, Deputy Bowes #602442, Deputy Thompson #600320, Deputy Mejia #46248 I served the obtained warrant at 34710 Caprock Dr in search of electronic devices.

No residents were home at the time of service and forced entry was not made. Upon search for electronic devices, the following items were located, 17 electronic devices, obtained from the home. Evidence items (electronics) 494, 495, 499, 501, 502, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513 were located in S/Fernandez' office. Item 500 was located in a bedroom upstairs (southwest corner) and 503 was located in Patty's office.

While searching the residence 91 more firearms were recovered from the location. 21 firearms were recovered from the foyer closet, 2 on the upstairs landing 67 in S/Fernandez' office and one in the garage. The office, closet and garage were filled from floor to approximately 5 feet off the ground of hoarded property, it was very difficult to search and sift through.

All items were seized and booked into evidence at Palmdale Sheriff's Station. Upon completion of evidence entry the following count from both warrants served at S/Fernandez' residence was established by myself;

2 machine guns (rifles capable of firing in an automatic capacity)
11 rifles listed on the "Roberti-Roos Assault Weapons Control Act of 1989" and banned specifically by name.
15 rifles that are not banned by name, however, banned via the "Roberti-Roos Assault Weapons Control Act of 1989" via features on the weapons (pistol grip, detachable magazine, bayonet lug, etc.)
2 handguns were reported as stolen, evidence items 152 and 346.
458 other pistols and rifles that are not illegal in the state of California other than being in the possession of a convicted felon.

Attached is the evidence roster for items seized and the JDIC messages for the stolen handguns.

DATE: TIME:

BY: Det. John Roth #514758